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Legislative Journal.

Session 1939.

133d of the General Assembly.

Vol. 23

HARRISBURG, PA., TUESDAY, JANUARY 3, 1939.

No. 1.

SENATE

January 3, 1939, 12 O'Clock Noon.

This being the day and hour fixed by the Constitution for the meeting of the General Assembly, the members of the Senate together with the Senators-elect chosen at the last general election held on November 8, 1938, assembled in the Senate Chamber.

The PRESIDENT. (Lieutenant-Governor Thomas Kennedy) called the Senate to order at 12 o'clock noon.

PRAYER

The Chaplain, Rev. GEORGE WALKER BUCKNER, LL.D., offered the following prayer:

Our Father-God, we look backward today with mingled emotions of humility and thankfulness; yet while Thy New Year of Grace is young, we haste to invoke Thy blessing, and to seek Thy counsel.

Conscious of neither sin nor fault in so doing, we rejoice in the peculiar glory of our institutions in the triumphs of democracy, in which we think not of personal victories or defeats; but rather, of the wholesome acquiescence in the democratic process. Help us to be insistently faithful to its orderly ways.

May Thy blessing rest upon the new personalities of this group; upon those no longer to be associated in the collaborations of this body; upon the memory of those choice spirits, the late Senators Homsher and Huffman, who have gone to their rewards, leaving to us the rich legacy of their example.

Bless him who has presided with such wisdom and skill over the sessions of the Senate, and those who have served efficiently in varied ministries on this floor.

May Thy Grace rest upon him who is soon to speak to us in review of the labors and achievements of the quadrennium drawing to its close, and upon those who have labored with him through the years. We thank Thee for the Epic of his idealism, his courage and devotion—a bright page to be, in the history of our Commonwealth.

And may a double portion of Thy Spirit be upon him, who, as the choice of a sovereign people, is soon to become the Governor of us all. As he brings to his high office a wealth of native gifts, a wide and varied experience in the service of the State, may we bring to him a just and honest support; and under Thy guidance may there come to our people an era of happiness and peace.

May the Grace of our God be upon us all. Amen.

The PRESIDENT. May the Chair say that at my left is the Sheriff of Philadelphia County, about to serve a

paper on the presiding officer. May I say to him and to all others that I have charge of police matters in this room and I am immune from the service of papers, so you can take your paper, please and —

The PRESIDENT. Let us have order, please!

Mr. OWLETT. Mr. President,—

Mr. SHAPIRO. There is nothing before the Senate at this time.

Mr. OWLETT. Mr. President, there will be in a moment—

The PRESIDENT. The Chair is competent to handle the affairs of the Senate.

Mr. OWLETT. Mr. President, I—

The PRESIDENT. For what purpose does the Senator rise?

Mr. OWLETT. Mr. President, for the purpose of making a motion. I appeal from the decision of the Chair and file the following appeal.

The PRESIDENT. The only thing in order is the recognition of the Sergeant-at-Arms of the Senate.

Mr. OWLETT. Mr. President, I file the following appeal from the decision of the Chair in which the Chair rules nothing was now in order but the recognition of the Sergeant-at-Arms of the Senate. I ask for a roll call on the appeal.

The PRESIDENT. The Chair rules that the appeal is not in order. There is nothing before the Senate except the recognition of the Sergeant-at-Arms.

Mr. OWLETT. Mr. President, I insist upon the allowance of an appeal being considered by the Senate and ask that the roll be called, and I further state that I propose to make the following motion: I move that the papers just served on the President of the Senate by the Marshall of the Supreme Court be read at length for the information of the Senate and spread on the record.

The PRESIDENT. The motion is out of order and the Chair rules that the appeal is not allowable at this time.

Mr. OWLETT. Mr. President, I make the following motion: I move, Mr. President, that the paper just served upon the President of the Senate by the Marshall of the Supreme Court, which reads as follows,—

"To the Senate of Pennsylvania, The Honorable Thomas Kennedy"—

POINT OF ORDER

Mr. SHAPIRO. Mr. President, I rise to a point of order.

The PRESIDENT. The Senator from Philadelphia, Mr. Shapiro, will state his point of order.

Mr. SHAPIRO. Mr. President, the Senator from Tioga is out of order. There is nothing before the Senate except the receiving of the message from the Secretary of the Commonwealth. This is an organization meeting.

The PRESIDENT. The point of order is well taken.

Mr. SHAPIRO. Mr. President, I want to say in making that point of order that it is rather surprising to the members of the Senate that the Republican organization is so well informed upon the activities of the Supreme Court before anyone knows anything about it.

Mr. OWLETT. Mr. President, I appeal from the ruling of the Chair in sustaining the Senator from Philadelphia, Mr. Shapiro, in his point of order that this motion I was about to make is out of order, and I will file an appeal immediately.

The PRESIDENT. The Chair is of the opinion that the appeal is out of order. There is nothing before the Senate except the orderly procedure of this body.

Mr. OWLETT. Mr. President, for the purpose of the record, Mr. President, I desire to complete my motion—

Mr. SHAPIRO. Mr. President, I object to the Senator making further motion to the Senate or reading his motion, because there is nothing before the Senate except the organization procedure.

QUESTION OF PERSONAL PRIVILEGE

Mr. OWLETT. Mr. President, I rise to a question of personal privilege.

The PRESIDENT. There is nothing in order; the Chair will again rule—

Mr. OWLETT. Mr. President, I appeal from the decision of the Chair holding that a question of personal privilege is out of order.

The PRESIDENT. The Chair recognizes the Sergeant-at-Arms of the Senate.

Mr. OWLETT. Mr. President, I ask if the President will permit me to file an appeal from the decision just made.

The PRESIDENT. The Chair rules that no appeals are in order at this time. The only business before the Senate is to recognize the Sergeant-at-Arms. The Chair recognizes the Sergeant-at-Arms of the Senate.

The Sergeant-at-Arms presented the Deputy Secretary of the Commonwealth, Isaac Keim.

PRESENTATION OF ELECTION RETURNS

Mr. KEIM. Mr. President, I hereby present to you the votes cast for the offices of Governor, Lieutenant Governor, Secretary of Internal Affairs, and Senators in the General Assembly, at the election of November 3, 1938.

The PRESIDENT. May the Chair inquire if these returns are complete?

Mr. KEIM. Mr. President, no, sir.

The PRESIDENT. What ones are missing?

Mr. KEIM. Mr. President, the Second Senatorial District; I am unable to bring the returns of that District because the Secretary of the Commonwealth was restrained by the Dauphin County Court from bringing those returns into the Senate at this time.

The PRESIDENT. The Chair is of the opinion that the Senate, being the judge of the qualifications of its own members, in order to arrive at the conclusion of that matter intelligently it is necessary that the full and complete returns covering every Senatorial election be supplied to the Senate, and the Chair instructs the Sergeant-at-Arms of the Senate to proceed to the Bureau of Elections and secure the returns from the Second Senatorial District in order that the Senate may have the complete returns of the elections.

There is nothing in order until the Sergeant-at-Arms returns with the complete returns.

Mr. OWLETT. Mr. President—

The PRESIDENT. For what purpose does the Senator rise?

Mr. OWLETT. Mr. President, I move that the returns from the Second Senatorial District be not presented to the Senate for the reason that the Court of Dauphin County, sustained by the Supreme Court, has issued the following decree—

POINT OF ORDER

Mr. SHAPIRO. Mr. President, I rise to a point of order.

The PRESIDENT. The Senator from Philadelphia, Mr. Shapiro will state his point of order.

Mr. SHAPIRO. Mr. President, the Senator from Tioga is out of order. The Senate is at ease and there is nothing before the Senate except awaiting the return of the Sergeant-at-Arms.

Mr. OWLETT. Mr. President, the Senate is in session.

The PRESIDENT. The Point of order is well taken. The Chair previously ruled to that effect.

Mr. OWLETT. Mr. President, I appeal from the decision of the Chair and ask leave to file the following appeal.

The PRESIDENT. The appeal is too absurd. It is out of order of its own motion.

Mr. OWLETT. Mr. President, am I to understand that the appeal will not be received?

The PRESIDENT. The appeal will not be received.

POINT OF LEGISLATIVE INQUIRY

Mr. OWLETT. Mr. President, I rise to a point of legislative inquiry.

The PRESIDENT. The Senator from Tioga, Mr. Owlett, will state his point of legislative inquiry.

Mr. OWLETT. Mr. President, I desire to inquire whether the papers just served on the Lieutenant Governor as the President of this Senate affect the whole body of the Senate.

Mr. SHAPIRO. Mr. President, I object. There is nothing before the Senate except the reading of the returns, and there are no papers before the Senate.

The PRESIDENT. As far as the President is concerned he knows of no papers before this Senate except the official papers having to do with the business of this Senate.

Mr. OWLETT. Mr. President, as a Senator in his seat in the body of this Senate I observed certain papers being served upon the Lieutenant Governor as President of this Senate, and my legislative inquiry is directed to the question as to whether they contain information which the members of this Senate should have. May I request that the presiding officer of this body inform the Senate as to that inquiry?

The PRESIDENT. I do not know the answer to your inquiry. The Chair recognizes the Sergeant-at-Arms of the Senate.

The SERGEANT-AT-ARMS. Mr. President I herewith present the election returns from the Second Senatorial District of Philadelphia.

The PRESIDENT. The returns will be received.

MOTION TO HAVE RETURNS OPENED AND READ

Mr. SHAPIRO. Mr. President, I move that all the returns from the Districts of the Commonwealth of Pennsylvania be opened and read by the Clerk.

Mr. RICE. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

Mr. OWLETT. Mr. President, I offer the following amendment to the motion just made: I move that the motion be amended to read that all the returns now submitted to the Senate, with the exception of the returns of the Second Senatorial District, be read to the Senate, and that that be set aside for the present.

POINT OF ORDER

Mr. SHAPIRO. Mr. President, I rise to a point of order.

The PRESIDENT. The Senator from Philadelphia, Mr. Shapiro, will state his point of order.

Mr. SHAPIRO. Mr. President, the obligation of the Secretary of the Commonwealth under the law is to present the returns of all the Districts to the Senate. The duty of the Clerk of the Senate is to read all of the returns. There can be no separation of returns according to the Constitution and the law.

The PRESIDENT. The Chair is of the opinion that the amendment kills the very purpose of the original motion. It is therefore not in order.

Mr. OWLETT. Mr. President, I appeal from the decision of the Chair and ask leave to file the following appeal.

POINT OF ORDER

Mr. SHAPIRO. Mr. President, I rise to a point of order.

The PRESIDENT. The Senator from Philadelphia, Mr. Shapiro, will state his point of order.

Mr. SHAPIRO. Mr. President, if the appeal were to carry, the Senate would be in the position of violating the laws of the Commonwealth and the Constitution of the State by reading only a portion of the returns. Therefore an appeal which is ineffectual certainly cannot be permitted, and I ask that the Chair declare the appeal out of order.

Mr. OWLETT. Mr. President, in answer to my colleague from Philadelphia, Senator Shapiro, may I call the President's attention—

Mr. SHAPIRO. I object. An appeal to the Chair is not debatable.

The PRESIDENT. Only within narrow limits. The Senator from Tioga, Mr. Owlett, may offer his explanation.

Mr. OWLETT. Mr. President, I desire to call the Senate's attention to the fact that on December 22nd, the Court of Dauphin County issued an injunction enjoining the Secretary of the Commonwealth, his agents and employees, from issuing an election certificate to the office of Senator in the General Assembly from the Second District of the Commonwealth of Pennsylvania to Mr. Herbert S. Levin, and from presenting to the Senate of the Commonwealth of Pennsylvania after it shall have been convened, the returns of the election for the office of Senator in the General Assembly from the Second Senatorial District.

And I call the President's attention further to the fact that on December 31, by a per curiam opinion, the Supreme Court of Pennsylvania refused to set aside that injunction. And may I further call the President's at-

tention, and the Senators' attention to the fact that this amendment which I have now offered would merely carry out the mandate of the Court, and would submit to this body the returns from all the Districts save the one concerning which the Secretary of the Commonwealth has been enjoined from presenting the returns.

I therefore believe that my amendment is in order, and I move that the roll be called on the amendment.

Mr. MALLERY. Mr. President, I second the motion.

The PRESIDENT. The Chair is of the opinion, and he wants to state it, that this is a coordinate branch of government. There is no injunction issued against the Senate of Pennsylvania. The Senate has a right to determine the qualifications of its own members, and in exercising that right is entitled to full and complete knowledge with respect to the election returns from every District in the Commonwealth. That material is now before us. These other matters are not germane to the subject.

Mr. SHAPIRO. Mr. President, I ask that the Chair rule on my point of order.

Mr. OWLETT. Mr. President, may I call the President's attention to the fact that my motion would result in the members of the Senate themselves determining the qualifications of their own members rather than the presiding officer of the Senate doing so?

The PRESIDENT. Well, they will do that when the returns are read. The Chair doesn't wish to decide the qualifications of any member. He believes that the Senate is entitled to full and complete information, and then the Senate will decide as to who is eligible to sit in this body—not the chairman.

The point of order raised by the Senator from Philadelphia, Mr. Shapiro, has been sustained. The Clerk will proceed with the reading of the returns.

The election returns were accordingly read by the Clerk, and were as follows:

SENATORS IN THE GENERAL ASSEMBLY

SECOND SENATORIAL DISTRICT

	Herbert S. Levin, D.	Samuel W. Salus, R.
Philadelphia (part), -----	23,487	23,449

Levin's plurality, 47.

FOURTH SENATORIAL DISTRICT

	John J. McCreesh, D.	William H. Markward, R.	Bernardine Kazurka, R. Oak.	Scattering
Philadelphia (part), -	87,574	83,672	530	2

McCreesh's majority, 4,880.

SIXTH SENATORIAL DISTRICT

	Herbert M. Stoffet, D.	George Woodward, R.	Michael Cassidy, R. Oak.
Philadelphia (part), -----	72,623	99,307	776

Woodward's majority, 25,911.

EIGHTH SENATORIAL DISTRICT

	Walter S. Pytko, D.	Louis H. Farrell, R.	Louis H. Farrell, R. Oak.	Scattering
Philadelphia (part),	71,435	79,691	598	6

Farrell's majority, 8,843.

TENTH SENATORIAL DISTRICT

	Roger O. Mason, D.	Howard I. James, R.	Edna C. Search, Pro.
Bucks county,	16,374	25,378	292

James' majority, 8,712.

TWELFTH SENATORIAL DISTRICT

	Francis R. Taylor, D.	Franklin Spencer Edmonds, R.
Montgomery county,	32,925	72,405

Edmonds' plurality, 39,480.

FOURTEENTH SENATORIAL DISTRICT

	Harvey Huffman, D.	Montgomery F. Crowe, R.	Scattering
Carbon county,	11,528	12,586	-----
Monroe county,	5,087	6,212	2
Pike county,	2,178	2,269	-----
Wayne county,	3,999	9,211	-----
Totals,	22,787	30,278	2

Crowe's plurality, 7,491.

SIXTEENTH SENATORIAL DISTRICT

	Frank F. Hausman, D.	Oscar Jacob Tallman, R.	Harold Bassett, R. Oak.
Lehigh county	25,494	31,902	68

Tallman's majority, 6,340.

EIGHTEENTH SENATORIAL DISTRICT

	Edwin D. Mill, D.	Charles A. P. Bartlett, R.	Scattering
Northampton county,	24,525	25,497	1

Bartlett's plurality, 971.

TWENTIETH SENATORIAL DISTRICT

	Frank Correale, D.	Robert M. Miller, R.
Luzerne county,	39,507	48,148

Miller's plurality, 4,641.

TWENTY-SECOND SENATORIAL DISTRICT

	Edward J. Coleman, D.	Stanley J. Davis, R.
Lackawanna county,	69,504	56,892

Coleman's plurality, 12,612.

The PRESIDENT. According to the signed writ which shows Frederick L. Lord received 11,155 votes and John G. Snowden 10,832. That evidently is an error. The lead pencil markings up here show Snowden's majority was 7,593.

Mr. OWLETT. Mr. President, may I interrogate the Senator from Lycoming, Mr. Snowden?

Mr. SHAPIRO. Mr. President, I object. He is not a member of the Senate.

Mr. OWLETT. Mr. President, may I interrogate the Senator-elect from Lycoming, Mr. Snowden to find out whether he has received his Certificate of Election?

The PRESIDENT. I do not think there is any question about his election except the return board of the county board of elections has evidently put the figures in the wrong column.

QUESTION OF PARLIAMENTARY INQUIRY

Mr. SHAPIRO. Mr. President, I rise to a question of parliamentary inquiry.

The PRESIDENT. The Senator from Philadelphia, Mr. Shapiro will state his question of parliamentary inquiry.

Mr. SHAPIRO. The Clerk has not read the correct returns from the Twenty-fourth Senatorial District.

The PRESIDENT. The Chair suggests that the Clerk read the returns from each county in the Senatorial District.

TWENTY-FOURTH SENATORIAL DISTRICT

	Frederick Edward Lord, D.	John G. Snowden, R.	R. Oak.	Eric Anderson, R. Oak.	T. D. S. Bordner, Pro.	Charles W. Sones, Pro.	Charles W. Sones,
Columbia county,	11,155	10,892	-----	-----	87	-----	-----
Lycoming county,	15,213	22,947	1	-----	342	8	13
Montour county,	2,930	2,752	-----	-----	9	-----	-----
Sullivan county,	1,469	2,254	-----	1	13	4	-----
Total,	30,767	38,845	1	1	451	12	13

Snowden's majority, 7,593.

Scattering 9.

TWENTY-SIXTH SENATORIAL DISTRICT

	I. Dana Kahle, D.	George B. Stevenson, R.	I. Dana Kahle, R. Oak.	Rollin A. Reed, Pro.	I. Dana Kahle, Pro.	Scattering
Cameron county,	1,101	1,910	15	20	-----	-----
Clarion county,	6,477	8,373	141	177	2	7
Clinton county,	6,235	8,267	14	56	-----	-----
Elk county,	6,545	6,543	75	121	-----	-----
Forest county,	1,124	1,746	6	30	-----	-----
Total,	21,482	26,839	251	404	2	7

Stevenson's majority, 4,693.

TWENTY-EIGHTH SENATORIAL DISTRICT

	Henry E. Lanus, D.	Scattering
York county, -----	36,409	41

THIRTIETH SENATORIAL DISTRICT

	J. Elmer Young, D.	Charles R. Mallery, R.	Sarah E. Streighttiff, Pro.
Blair county, -----	20,927	29,579	167
Huntingdon county, -----	5,448	10,082	112
Total, -----	26,375	39,661	279

Mallery's majority, 13,007.

THIRTY-SECOND SENATORIAL DISTRICT

	Anthony Cavalcante, D.	Joseph J. Baer, R.	Asia B. Dillisher, Pro.
Fayette county, -----	33,836	25,136	321

Cavalcante's majority, 8,379.

THIRTY-FOURTH SENATORIAL DISTRICT

	Edward Jackson Thompson, D.	A. H. Letzler	Eva B. Roan Pro.
		R.	R. Oak.
Centre county, -----	9,890	11,324	18
Clearfield county, -----	16,662	17,969	72
Total, -----	26,552	29,293	90

Letzler's majority, 2,396.

THIRTY-SIXTH SENATORIAL DISTRICT

	Ernest O. Kooser, D.	Charles H. Ealy, R.	H. B. Mansell, Pro.	Scattering
Bedford county, -----	7,856	9,250	74	-----
Fulton county, -----	2,042	2,331	19	-----
Somerset county, -----	13,428	18,555	133	1
Total, -----	23,326	30,136	226	1

Ealy's majority, 6,583.

THIRTY-EIGHTH SENATORIAL DISTRICT

	Edward R. Frey, D.	Andrew M. Maloney, R.	Edward R. Frey, R. Oak.
Allegheny (part), -----	34,078	21,051	241

Frey's plurality, 13,268.

FORTIETH SENATORIAL DISTRICT

	William B. Rodgers, D.	James A. Geltz, R.	William B. Rodgers, R. Oak.	Non-Part.	Scattering
Allegheny (part), -----	39,259	44,263	331	9	7

Geltz's majority, 4,657.

FORTY-SECOND SENATORIAL DISTRICT

	Bernard B. McGinnis, D.	Calvin L. Bolster, R.	Bernard B. McGinnis, R. Oak.
Allegheny (part), -----	28,882	22,877	219

McGinnis' plurality, 6,724.

FORTY-FOURTH SENATORIAL DISTRICT

	Samuel A. Weiss, D.	John M. Walker	Lavinia J. Pollard Pro.	John M. Walker, Non-Par.
		R.	R. Oak.	
Allegheny (part), -----	64,761	64,462	457	340

Walker's plurality, 166.

Scattering 4.

FORTY-SIXTH SENATORIAL DISTRICT

	J. Albert Reed, D.	George I. Bloom, R.	Scattering
Greene county, -----	8,558	7,474	-----
Washington county, -----	35,061	31,099	2
Total, -----	43,619	38,573	2

Reed's plurality, 5,044.

FORTY-EIGHTH SENATORIAL DISTRICT

	John F. Pudke, D.	Leroy E. Chapman, R.	Daniel E. Mohnkern, Pro.
Venango county, -----	6,511	17,519	557
Warren county, -----	5,472	11,182	159
Total, -----	11,983	28,701	716

Chapman's majority, 16,002.

FIFTIETH SENATORIAL DISTRICT

	Glen R. Law, D.	J. Fred Thomas, R.	Lee J. Rowe, Pro.
Crawford county, -----	8,505	14,007	294
Mercer county, -----	14,519	19,628	280
Total, -----	23,024	34,235	574

Thomas' majority, 10,637.

The PRESIDENT. In respect to the returns of the Second Senatorial District the President of the Senate has received the following petition, from Herbert S. Levin which was referred to the Attorney General for an opinion, and the opinion of the Attorney General, all of which will be read by the Clerk.

PETITION

Honorable Thomas Kennedy,
Lieutenant Governor and President of the Senate,
Commonwealth of Pennsylvania.

Herbert S. Levin, the petitioner, is a citizen of the City of Philadelphia and Commonwealth of Pennsylvania, and also a candidate for election to the Senate of Pennsylvania

at the last general election, November 8, 1938, in the II Senatorial District of the Commonwealth.

Your petitioner avers in said election the votes cast were as follows:

Herbert S. Levin	23,487
Samuel W. Salus	23,440

Your petitioner was therefore elected by a majority of forty-seven (47) votes.

Following the said election the said vote was re-canvassed by the Court of Common Pleas No. 4 upon the petition of electors in the District in behalf of Samuel W. Salus.

The said re-canvass was made under the direction of the Court and the recount was thereafter certified by Honorable Thomas D. Finletter, President Judge of the Court of Common Pleas No. 4 for the City and County of Philadelphia, and as certified by the Honorable Thomas D. Finletter the total figures in said election district were as follows:

Herbert S. Levin	23,487
Samuel W. Salus	23,440

Thereafter, the County Election Board, according to law, certified to the Secretary of the Commonwealth, and filed with said Secretary of the Commonwealth, the aforesaid election returns as certified to by the said Judge of the Court of Common Pleas No. 4, and the County Board of Elections.

Subsequently thereto, and on or about the seventh day of December, 1938, the Court of Dauphin County issued an injunction restraining the Secretary of the Commonwealth from issuing a certificate of election to your Petitioner and further restraining the Secretary of the Commonwealth from presenting the election returns of said Senatorial District to the Senate of Pennsylvania at the hour fixed by law for the convention of the Senate.

At the same time the Dauphin County Court issued an injunction restraining the said Herbert S. Levin from taking or occupying his seat in the said Senate as a Senator.

Subsequently, upon application of the Counsel of the said Herbert S. Levin, Petitioner herein, the Dauphin County Court, dissolved the aforesaid injunction against Herbert S. Levin.

The matter was appealed to the Supreme Court of the Commonwealth of Pennsylvania, and the Supreme Court of the Commonwealth of Pennsylvania affirmed the action of the lower court in dismissing the injunction against the said Herbert S. Levin from taking his seat and exercising his function as Senator and at the same time decreed that there was reasonable grounds for the action of the Dauphin County Court in continuing the injunction against David L. Lawrence, Secretary of the Commonwealth, as aforesaid.

Your petitioner avers that subsequently to his election and prior to the entry of the aforesaid injunction, your petitioner has exercised the duties and prerogatives of his office since December 1, 1938, the time fixed by the Constitution of Pennsylvania as the beginning of his term of office.

Your petitioner avers that the Constitution of the Commonwealth of Pennsylvania provides as follows; in Article II, Section 9:

"Each House shall choose its other officers and shall be sole judge of the election and qualifications of its members."

Your petitioner avers that uniformly the Supreme Court of the Commonwealth of Pennsylvania has held that notwithstanding decisions of any election court each House is the sole judge of the qualifications and election of its members, and the Senate may seat an elected candidate notwithstanding a contest be pending.

Therefore, your petitioner prays that appropriate action be taken immediately by the members of your august body to seat your petitioner and administer the oath of office and permit him to exercise the rights and functions thereof.

HERBERT S. LEVIN.

January 3, 1939.

Hon. Guy K. Bard,
Attorney General,
Harrisburg, Pennsylvania.
My dear Mr. Bard:

Enclosed herewith you will find a petition of Herbert S. Levin directed to me and the Senate of Pennsylvania, requesting that he be seated as the duly elected Senator from the Second Senatorial District. The petition sets forth the facts in detail.

Will you kindly furnish me with your legal opinion as to whether or not this Senate can seat Mr. Levin and administer to him the oath of office so that he may participate in the functions of the Senate.

Very truly yours,

THOMAS KENNEDY,
Lieutenant-Governor and President of the Senate.

Commonwealth of Pennsylvania,
Department of Justice, Harrisburg, January 3, 1939.

Hon. Thomas Kennedy,
Lieutenant Governor,
Harrisburg, Pennsylvania.
Dear Governor Kennedy:

This acknowledges receipt of your letter of this date in which you ask whether the decree of the Dauphin County Court and the order of the Supreme Court in the case of Samuel W. Salus, Patrick F. DeWarle, John Hannan, John J. O'Connor, Charles W. Fitzpatrick and Louis Gabler vs. David L. Lawrence, Secretary of the Commonwealth and Herbert S. Levin will prevent the Senate of Pennsylvania from seating Herbert S. Levin as a member.

The decree of the Dauphin County Court ordered that an injunction issue, enjoining David L. Lawrence, Secretary of the Commonwealth, his agents, servants and employees, from issuing a certificate of election to the office of Senator in the General Assembly from the Second Senatorial District of the Commonwealth of Pennsylvania to the defendant Herbert S. Levin and from presenting before the Senate of the Commonwealth of Pennsylvania, after it shall have been convened, the returns of the election for the office of Senator in the General Assembly from the Second Senatorial District, which have been forwarded to him by the County Board of Elections of Philadelphia.

A preliminary injunction had also been issued enjoining Herbert S. Levin from taking the oath of the said office and entering upon the duties and exercising the functions thereof. This part of the decree enjoining Herbert S. Levin has since been dismissed. There is, therefore, nothing in the Court's decree enjoining Herbert S. Levin

from taking the oath of office if the Senate of Pennsylvania will seat him.

The County Board of Elections of Philadelphia certified the election of Herbert S. Levin to the Secretary of the Commonwealth, stating that he had been elected at the election on November 8, 1938. The laws of the Commonwealth state that the term of service of members of the General Assembly "shall begin on the 1st day of December next after the election." As a matter of fact Herbert S. Levin since December 1st, the time his term of service as a Senator began, has been performing certain senatorial duties. He has endorsed several applications for notary public and forwarded them to the office of the Governor of the Commonwealth.

Under these circumstances you ask whether there is anything in the decree of the Dauphin County Court or the order of the Supreme Court affirming the decree of the lower Court, to prevent the Senate of Pennsylvania from seating Herbert S. Levin in the Senate of Pennsylvania. My answer is no.

The Senate is the sole judge of the election and qualification of its members. The Supreme Court of Pennsylvania has decided this in "Re Contested Election of Hugh McNeill as Senator" 111 Pa. 235. The Supreme Court declared in election contests courts merely determine which candidate received the greatest number of legal votes. It further holds that each House of the General Assembly has the power to judge and determine who shall be seated as members. According to the Supreme Court, the decision of the Senate expressed by its vote is final and conclusive as to who is entitled to membership in its own body.

Very truly yours,

GUY K. BARD,
Attorney General.

MOTION TO ADMINISTER OATH OF OFFICE

Mr. SHAPIRO. Mr. President, I now move that the oath of office be administered to the Senator from the Second Senatorial District, and that he be permitted to take his seat.

Mr. DiSILVESTRO. Mr. President, I second the motion. On the question,

Will the Senate agree to the motion?

Mr. OWLETT. Mr. President, I offer the following amendment to the resolution just offered, and I move that said resolution be amended to read that the Senate exercise its constitutional prerogative by having the said Herbert S. Levin not receive and take his oath or be seated as a member of the Senate of Pennsylvania, pending the decision of the courts relating to his election, and in support of said amendment, Mr. President, I desire for the information of the Senate to state as follows:—

The PRESIDENT. Now, we have an affirmative motion here. Isn't it clear and obvious that your amendment kills that motion and is therefore not in order?

Mr. OWLETT. Mr. President, it is my understanding that my motion does not kill it, but merely postpones the taking of the oath of office until the Senator for the Second Senatorial District contest is determined.

The PRESIDENT. If that does not kill the affirmative motion, then I do not know anything about parliamentary law.

Mr. OWLETT. On the question now before the Senate,

the Republicans agree that this body, by a proper vote may judge whether a particular Senator has been duly elected to the Senate. No one can deny this conclusion, since the Constitution covers that power in clear language. These decisions of the Dauphin County Court, of the Supreme Court, affirm this power.

POINT OF ORDER

Mr. SHAPIRO. Mr. President, I rise to a point of order. The PRESIDENT. The Senator from Philadelphia, Mr. Shapiro, will state his point of order.

Mr. SHAPIRO. Mr. President, this amendment offered is certainly not debatable until it has been accepted and the amendment has not been accepted. I understood that you ruled that the amendment destroys the original purpose of the motion, and cannot be accepted. Therefore, there is nothing to be debated here.

Mr. OWLETT. Mr. President, do I understand that the President so ruled?

The PRESIDENT. The President did rule that your amendment destroys the purpose and intent of the original motion, and therefore it could not be accepted by the Chair.

Mr. OWLETT. Mr. President, may I inquire whether the President will entertain an appeal from that decision?

The PRESIDENT. The Chair is of the opinion that on this affirmative motion the qualified members of the Senate can determine the matter by voting on the motion.

Mr. OWLETT. Mr. President, do I understand that that answer means that the President will not entertain an appeal from his decision holding my amendment to be out of order?

The PRESIDENT. That is obvious.

Mr. OWLETT. Mr. President, may I then ask that the Senate vote down this resolution just offered and state for the information of the Senate that if this motion is voted down I propose to offer a resolution to the effect that Herbert S. Levin of the Second Senatorial District, claiming to be entitled to receive his oath of office and be received as a member of the Senate of Pennsylvania, be denied the oath of office of a Senator of the Commonwealth of Pennsylvania until the election contest pending in the Courts of Philadelphia County has been finally determined.

Now, for the further information of the Senate I wish to make this position clear. On the question now before the Senate, the Republicans agree that this body by a proper vote may judge whether a particular Senator has been duly elected to the Senate. No one can deny this conclusion since the Constitution covers that power in clear language. The recent decision of the Dauphin County Court and the Supreme Court affirmed this power. However, this is not the issue which is before the Senate as I see it. An attack has been made against the validity of the election of the person now in question. The courts have held that under the plain terms of the statute written and enacted by Democratic majority, the returns of election may not be certified by the County Election Board and that no certificate of election can be issued by the Secretary of the Commonwealth, nor may election returns in this case be laid before the Senate because they have been illegally filed at the office of the Secretary of the Commonwealth, pending the determination of this contest.

The Election Code in section 1414 clearly provides that

a certificate of election may be issued to a Senator and that election returns may be presented to the Senate. If this body desires to disregard this section of the law, if this body desires to dispose of an election contest before it is in possession of the findings of the Court, and without making any investigation on its own initiative to ascertain whether fraud was committed or voters bribed, it probably has the constitutional power to do so. This is seemingly a matter which rests in the consciences of the members of this Senate. Each must judge for himself how he will cast his vote on this issue.

One other matter should be called to the attention of the Senate. It is that in an election contest involving a seat in the Senate the Court hearing the contest does not decide that contest. It decides which of the candidates received the greatest number of votes and is entitled to the election. This decision is sent to the Secretary of the Commonwealth who upon its receipt presents the returns if the Senate is in session to the presiding officer of the Senate. The party aggrieved by the decision then has an appeal to the Senate. The appeal is referred to a standing committee which hears the claims of the contestants and makes a report. On this report the Senate makes its final decision as to who is entitled to the seat. Here is the procedure by which a contest is decided. There is nothing in this procedure which denies the constitutional power of this body.

Before the Election Code of 1937 was enacted, the returns of the election were laid before the body before the contest was decided. That body could decide whether it wished to seat a person having the largest vote pending the decision of the Court in the contest or whether he should stand aside pending that decision. That law was changed by the Election Code of 1937. The Court so found, that as a result no certificate of election may issue and the vote cast may not lay before the Senate pending the decision of the contest.

If this Senate without any record whatever before it desires to seat a Senator, it probably has the power to do so but such an action by this body may justly be viewed as revolutionary. It means that a majority in control of this body can arbitrarily seat anyone even though he was clearly defeated and no contest is pending. For this body to make up its own returns and disregard that procedure is not government under law, it is revolution. I therefore ask the members of this body to vote down the motion just made by the Senator from Philadelphia, Mr. Shapiro.

Mr. SHAPIRO. Mr. President, I will not undertake to answer the gentleman's arguments, because I think the Constitution answers those arguments and there is no need for going into a long technical discussion which no one will understand.

QUESTION OF PARLIAMENTARY INQUIRY

Mr. SHAPIRO. Mr. President, I rise to a question of parliamentary inquiry.

The PRESIDENT. Will the Senator from Philadelphia, Mr. Shapiro, state his question of parliamentary inquiry.

Mr. SHAPIRO. Mr. President, I rise to inquire as to whether or not the vote on this question will be restricted to those members of the Senate who are already sworn.

The PRESIDENT. The vote would apply to those who have been qualified and sworn as members of the Senate.

POINT OF ORDER

Mr. OWLETT. Mr. President, I rise to a point of order.

The PRESIDENT. The Senator from Tioga, Mr. Owlett, will state his point of order.

Mr. OWLETT. Mr. President, the Senate of Pennsylvania at this moment consists of the twenty-four Senators whose terms did not expire, and twenty-five Senators-elect. In all matters of organization the twenty-five Senators-elect have the right to vote. If that right is denied them by this Senate, and the votes received of only those Senators whose terms of office did not expire and who are now members, then it follows that there is not a constitutional majority of twenty-six members here present who can vote or do any business. I therefore call the President's attention to the fact that on a motion such as this it is our opinion that all the members-elect who have presented themselves here have the right to vote and I ask the Chair to so rule on that point of order.

The PRESIDENT. May the Chair amplify his ruling by this statement: the Senate of Pennsylvania at this moment legally constituted, is composed of twenty-five members who have been qualified and sworn in. In the organization of the Senate, especially with regard to this particular subject, or rather in the preliminaries to the organization of the Senate, these men qualified and sworn are the only persons competent to cast a vote on this particular question.

Let me cite from Jefferson's Manual of Parliamentary Practice and usage, as determined in the Senate of the United States. "Out of conditions arising between 1861 and 1891, the rule was established that a majority of the members chosen and living constituted the quorum required by the Constitution but later examination has resulted in a decision confirming in the House of Representatives the construction established in the Senate, that a quorum consists of a majority of Senators actually chosen and sworn."

Mr. EALY. Mr. President, as representing one of the Senators—

Mr. SHAPIRO. Mr. President, I hope the gentleman will not think I am rude, and am not doing it for the purpose of being rude, but he is raising the very question I am asking you to decide. He is not a sworn member of the Senate yet and therefore out of order.

The PRESIDENT. May the Chair point out that in the real organization of the Senate, which after all is constituted by the election of the President Pro Tempore and other officers and by the creation and establishment of the rules, that all Senators who will then be sworn in and qualified will be and are required to vote on that organization. These are the preliminaries leading up to the organization of the Senate.

Mr. EALY. Mr. President, I want to state the position that I take and that of the other Senators, and I certainly have a right to state that position here before the Senate.

The PRESIDENT. I doubt that. You are not a Senator qualified and sworn.

Mr. EALY. Mr. President, let me point out this to you. You had an opinion from the Attorney General of this Commonwealth. That opinion is merely advisory. But in that opinion the Attorney General points out that Mr. Levin has been a Senator since the first of December, that

he has performed certain duties as a Senator. I am a Senator. I was elected at the November election and I have been performing duties also. I want to point out this—

The PRESIDENT. Well, if that is the case Senator then technically Mr. Levin has been a member of this Senate since the first of December, and then how could the Supreme Court unseat him as a member.

Mr. EALY. Mr. President, well I am not going into that question but let me state that I do not know whether the Supreme Court can unseat him. I am not attempting to decide that question. I wish to point out that the organization of the Senate of the United States is very much different from the organization of this Senate. There it is a continuing body. Only one third of the members are elected in each two years and two thirds of the members of the Senate are always members, and therefore it is a continuing body and there is always a majority to rule. Now, here we can never affect an organization under your ruling Mr. President. Certainly in all these matters we have a right to be heard.

The PRESIDENT. May the Chair point out that you require no constitutional majority in the organization of a House. That has been decided many, many years ago—in fact, at one time in the House of Representatives new members were sworn in in the absence of : quorum.

Mr. EALY. Mr. President, that is all right and would have been proper here if we could have been sworn in, but we want to proceed according to the orderly procedure and heretofore it has always been the custom in this Senate for anyone, new or old, to get up and move that the returns be received and opened.

The PRESIDENT. Of course, heretofore you did not have the trouble of the controversy that we have here today, and it would be unfair to expect men to cast a vote who have not been sworn in yet as members of the Senate.

Mr. EALY. Mr. President, if the ruling of the Chair is correct, then certainly the point of the Senator from Tioga that we have not a constitutional quorum here to act is correct. The proper procedure would have been to have—

The PRESIDENT. There have been decisions in parliamentary law and usage that new members although not voting could be taken into consideration in determining a question of a quorum.

Mr. EALY. Mr. President, if I am not a member here having a right to speak on this floor, then I am not a member for any purpose.

The PRESIDENT. The Chair wants to again point out that this is preliminary to the organization of the Senate. Constitutional majorities are not required. When the Senate does organize by the creation and establishment of its rules, and the election of its officers, then those sworn among the new members will be entitled of course to vote.

Mr. EALY. Mr. President, well there has been no question whatever about my election. The returns have been submitted and I ask that I be sworn before this question is decided.

The PRESIDENT. The point of order is not well taken, the parliamentary inquiry has been answered. The roll will be called.

Mr. OWLETT. Mr. President, I appeal from the decision of the Chair holding that only votes of those to

hold over can be received at this time on this question and I file my appeal.

QUESTION OF PARLIAMENTARY INQUIRY

Mr. SHAPIRO. Mr. President, I rise to a question of parliamentary inquiry.

The PRESIDENT. The Senator from Philadelphia, Mr. Shapiro, will state his question of parliamentary inquiry.

Mr. SHAPIRO. Mr. President, I ask that the Senate be informed as to whether or not members who have not been sworn in will be privileged to vote on the appeal.

The PRESIDENT. They are not privileged to vote on the appeal.

Mr. OWLETT. Mr. President, I request on behalf of the members-elect who are here and who have received certificates of election and whose returns have already been presented, that their names be called and they indicate how they would vote should the Chair permit them so to vote.

The PRESIDENT. Let the Chair say this, that the Chair has stated the point in his answer to the parliamentary question. The opinion that I have given is substantiated by parliamentary law and parliamentary usage, and after all in the absence of rules parliamentary law governs. That has been well known and determined for many many years. Consequently the only persons entitled to vote on the motion are the duly qualified and sworn members of this Senate.

Mr. OWLETT. Mr. President, do I understand that that ruling applies to the appeal just taken from the decision of the Chair?

The PRESIDENT. As far as voting on the appeal is concerned, yes. It would be restricted to the men authorized to vote.

Mr. OWLETT. Mr. President, I desire to interrogate the newly elected Senators to ascertain for the purpose of the record how they would vote if permitted.

The PRESIDENT. Senator, that interrogation is clearly out of order and you know that.

Mr. OWLETT. Mr. President, I appeal from that decision that that interrogation is out of order.

POINT OF ORDER

Mr. SHAPIRO. Mr. President, I rise to a point of order.

The PRESIDENT. The Senator from Philadelphia, Mr. Shapiro, will state his point of order.

Mr. SHAPIRO. Mr. President, if one appeal is pending any other appeal is out of order. I ask for a roll call on the question.

The PRESIDENT. The question is the one raised by Mr. Shapiro that Herbert S. Levin be seated as a member of the Senate.

Mr. OWLETT. Mr. President, the question is on the appeal taken from the ruling of the Chair holding that only those who are holdovers may vote.

The PRESIDENT. The vote will be confined to those qualified to vote.

Mr. OWLETT. Mr. President, I ask for a roll call on the appeal.

Mr. DENT. Mr. President, will the Chair state the appeal in order that we may know what an 'aye' vote and a 'nay' vote means.

QUESTION OF PARLIAMENTARY INQUIRY

Mr. SHAPIRO. Mr. President, I rise to a question of parliamentary inquiry.

The PRESIDENT. The Senator from Philadelphia, Mr. Shapiro, will state his question of parliamentary inquiry.

Mr. SHAPIRO. Mr. President, I take it that a vote on this appeal will carry the main question. In other words, if the Chair is sustained then the Senator from the Second District is seated.

The PRESIDENT. The Chair is in doubt about that.

Mr. SHAPIRO. Mr. President, then the question is shall the decision of the Chair be overruled and a vote "no" is a vote to sustain the President.

The PRESIDENT. The decision of the Chair is that only those duly qualified members can vote and the question now is, "shall the Chair be overruled," and a vote "no" means that the Chair is sustained.

The yeas and nays were taken and were as follows, viz:

YEAS—8

Deitrick,	Heyburn,	Owlett,	Scarlett,
Gelder,	Homsher,	Pierson,	Wolfenden,

NAYS—14

Dent,	Jacobs,	Mundy,	Shapiro,
DiSilvestro,	Jaspan,	Rice,	Sipe,
Gileon,	Kilgallen,	Ruth,	Stiefel,
Haluska,	Kunkel,		

So the question was determined in the negative.

Mr. SHAPIRO. Mr. President, I call for action on the motion.

Mr. OWLETT. Mr. President, the names of all of the Senators elected were not called, and the majority of the Senate, not being polled there is no quorum.

The PRESIDENT. The majority of Senators duly qualified to vote have been called and a majority has sustained the Chair.

We will now proceed to vote on the motion of the Senator from Philadelphia, Mr. Shapiro. Shall the Senator from the Second District of Philadelphia, Mr. Herbert S. Levin, be administered his oath of office and permitted to take his seat?

And the question recurring,

Will the Senate agree to the motion?

The yeas and nays were required by Mr. OWLETT, and were as follows, viz:

YEAS—14

Dent,	Jacobs,	Mundy,	Shapiro,
DiSilvestro,	Jaspan,	Rice,	Sipe,
Gileon,	Kilgallen,	Ruth,	Stiefel,
Haluska,	Kunkel,		

NAYS—8

Deitrick,	Heyburn,	Owlett,	Scarlett,
Gelder,	Homsher,	Pierson,	Wolfenden,

So the question was determined in the affirmative.

Mr. OWLETT. Mr. President, I object to the receipt of this vote because a majority of the Senators have not voted.

The PRESIDENT. The Chair again repeats that a majority of those qualified have participated in this vote and the motion has been agreed to.

Mr. SHAPIRO. Mr. President, I move that the oath of office be administered to the Senator-elect from the Second District.

Mr. OWLETT. Mr. President, I offer the following resolution and ask its immediate adoption.

The PRESIDENT. The purpose of the motion just agreed to will be carried out and the Senator-elect from the Second District is directed to appear at the bar to take the oath of office.

Mr. OWLETT. Mr. President, the resolution just offered affects this matter.

The PRESIDENT. It cannot affect this matter which was determined by the votes of duly qualified and sworn members of this Senate. I am carrying out instructions. The Senator from the Second District is directed to appear at the bar to be sworn in as a member of this body.

Mr. OWLETT. Mr. President, do I understand that the Chair refuses to swear in the other Senators-elect?

The PRESIDENT. No, the Chair is carrying out the motion just passed.

Mr. OWLETT. Mr. President, I now ask the Chair whether or not he refuses to swear in the other Senators-elect?

The PRESIDENT. That can be provided for in a subsequent motion.

Mr. OWLETT. Mr. President, do I understand that the President refuses to swear in these Senators-elect?

The PRESIDENT. The Chair does not refuse that at all. The Chair is carrying out a motion.

The oath of office was accordingly administered to Senator-Elect Herbert S. Levin.

Mr. OWLETT. Mr. President, the Senator from Somerset Mr. Ealy, and the others whose returns have been filed, at this time ask the Chair whether the Chair will permit the newly-elected Senators to take their oath of office.

The PRESIDENT. That is not in conformity with the motion. A subsequent motion may be made when this has been complied with.

Mr. OWLETT. Mr. President, do I understand from the reply of the President that the President refuses to let the other Senators-elect take their oaths of office?

The PRESIDENT. The Chair is complying with the instructions contained in the motion made by the Senator from Philadelphia Mr. Shapiro.

Mr. OWLETT. Mr. President, is that the Chair's ruling?

The PRESIDENT. At this time, yes!

Mr. SHAPIRO. Mr. President, I offer the three following resolutions and ask their immediate adoption.

POINT OF ORDER

Mr. OWLETT. Mr. President, I rise to a point of order.

The PRESIDENT. The Senator from Tioga, Mr. Owlett, will state his point of order.

Mr. OWLETT. Mr. President, I have presented a resolution and we cannot proceed to another until my resolution is disposed of.

The PRESIDENT. The Chair has no knowledge of a resolution. Let us have order, or this room is going to be cleared.

Mr. OWLETT. Mr. President, may I respectfully call the Chair's attention to the fact that before Mr. Levin was sworn in I presented the following motion:

"RESOLVED, That the following persons be declared duly elected—"

The PRESIDENT. The Chair has no knowledge of the receipt of that motion.

Mr. OWLETT. Mr. President, that resolution was submitted to the Chair and received by the clerks at the desk and the clerks at the desk now have that motion and it was there before Mr. Shapiro's motion.

The PRESIDENT. The Chair has no knowledge of such a resolution. The Secretary will read the resolutions.

The resolutions were twice read as follows:

RESOLUTION RELATIVE TO WHETHER OR NOT A. H. LETZLER SHALL BE SEATED AS A MEMBER OF THE SENATE

In the Senate, January 3, 1939.

Whereas, A. H. Letzler has received the majority of votes for Senator in the Thirty-fourth Senatorial District, and

Whereas, It was charged in the Extraordinary Session of 1938 on the floor of this Senate that said election was obtained by means of fraud, bribe and other shameful and corrupt practices, and

Whereas, Under the Constitution the Senate is the sole judge of the election and qualification of its own members, now therefore, be it

Resolved, That the question of seating the said A. H. Letzler be referred to the Standing Committee on Elections of this Senate as soon as said Committee is appointed for its consideration and recommendation as to whether the said A. H. Letzler shall be seated as a member of this Senate and the oath of office administered to him.

RESOLUTION RELATIVE TO WHETHER OR NOT JOHN G. SNOWDEN SHALL BE SEATED AS A MEMBER OF THE SENATE

In the Senate, January 3, 1939.

Whereas, John G. Snowden has received the majority of votes cast for Senator in the Twenty-fourth Senatorial District, and

Whereas, The said John G. Snowden filed an account of his expenses which was in violation of the election laws of this Commonwealth, and

Whereas, Upon an audit of said account the costs thereof were imposed upon him by the court of Lycoming County, and

Whereas, Under the election laws of this Commonwealth it is unlawful to administer an oath of office to any candidate elected to any public office and it is unlawful for any such person to enter upon the duties of his office until such account be properly filed, now, therefore, be it

Resolved, That the question of seating the said John G. Snowden be referred to the Standing Committee on Elections of this Senate as soon as said Committee is appointed for its consideration and recommendation as to whether the said John G. Snowden shall be seated as a member of this Senate and the oath of office administered to him.

RESOLUTION RELATIVE TO WHETHER OR NOT J. FRED THOMAS SHALL BE SEATED AS A MEMBER OF THE SENATE

In the Senate, January 3, 1939.

Whereas, J. Fred Thomas has received a majority of votes cast for Senator in the 50th Senatorial District, and

Whereas, the said J. Fred Thomas was at that time and is now occupying the office of Mayor of the City of Sharon, and

Whereas, The office of Mayor is one carrying with it state-wide powers and authority, and

Whereas, The Supreme Court has recently indicated that an office carrying with it state-wide powers and authority is incompatible with that of Senator, now be it

Resolved, That the question of seating the said J. Fred Thomas be referred to the Standing Committee on Elections of this Senate as soon as said Committee is appointed for its consideration and recommendation as to whether the said J. Fred Thomas shall be seated as a member of this Senate and the oath of office administered to him.

POINT OF ORDER

Mr. OWLETT. Mr. President, I rise to a point of order. The PRESIDENT. The Senator will state his point of order.

Mr. OWLETT. Mr. President, three resolutions cannot be considered together.

The PRESIDENT. I will agree with your point.

Mr. SHAPIRO. Mr. President, I ask that the resolution regarding Mr. Letzler of the Thirty-fourth District be considered first.

On the question,

Will the Senate agree to the resolution?

Mr. OWLETT. Mr. President, I desire to ascertain whether the President proposes to receive all of the votes of the members elected as well as those who are hold-overs?

The PRESIDENT. The names will be called of those Senators who voted on the other motion.

Mr. OWLETT. Mr. President, the vote of the Senators just sworn in by Judge Millar of Philadelphia and who have signed the oath of office should be called.

The PRESIDENT. The Chair has no knowledge of any Senators with the exception of Mr. Levin having been sworn in.

Mr. OWLETT. Mr. President, I desire to interrogate the Senator from Philadelphia, Mr. Shapiro.

The PRESIDENT. Will the Senator from Philadelphia, Mr. Shapiro, permit himself to be interrogated?

Mr. SHAPIRO. Mr. President, I will.

Mr. OWLETT. Mr. President, I desire to inquire if this resolution is adopted he proposes to follow it with the resolution concerning Mr. Thomas or Mr. Snowden.

Mr. SHAPIRO. Mr. President, I suggest that there is nothing before the Senate except the calling of the roll on this resolution.

Mr. OWLETT. Mr. President, That is not an answer to my inquiry.

Mr. SHAPIRO. Mr. President, I repeat that there is nothing before this Senate but the calling of the roll.

Mr. OWLETT. Mr. President, I want to know if the clerks at the desk are recording the remarks of all Senators present.

The PRESIDENT. They have not and will not until all members are sworn in.

The Chair has ruled previously that only those Senators who are qualified and sworn can vote. The Clerk will call the roll.

And the question recurring.

Will the Senate agree to the resolution?

The yeas and nays were required by Mr. OWLETT and were as follows, viz:

YEAS—14.

Dent,	Jacobs,	Mundy,	Shapiro,
DiSilvestro,	Jaspan,	Rice,	Sipe,
Glison,	Kilgallen,	Ruth,	Stiefel,
Haluska,	Kunkel,		

NAYS—8.

Deltrick,	Heyburn,	Owlett,	Scarlett,
Gelder,	Homsher,	Pierson,	Wolfenden,

So the question was determined in the affirmative.

Mr. SHAPIRO. Mr. President, I now call up for consideration the resolution concerning Mr. Snowden.

The resolution was read as follows:

In the Senate, January 3, 1939.

Whereas, John G. Snowden has received the majority of votes cast for Senator in the Twenty-fourth Senatorial District, and

Whereas, the said John G. Snowden filed an account of his expenses which was in violation of the election laws of this Commonwealth, and

Whereas, Upon an audit of said account the costs thereof were imposed upon him by the court of Lycoming County, and

Whereas, Under the election laws of this Commonwealth it is unlawful to administer an oath of office to any candidate elected to any public office and it is unlawful for any such person to enter upon the duties of his office until such account be properly filed, now, therefore, be it

Resolved, That the question of seating the said John G. Snowden be referred to the Standing Committee on Elections of this Senate as soon as said Committee is appointed for its consideration and recommendation as to whether the said John G. Snowden shall be seated as a member of this Senate and the oath of office administered to him.

On the question,

Will the Senate agree to the resolution?

QUESTION OF PARLIAMENTARY INQUIRY

Mr. OWLETT. Mr. President, I rise to a question of parliamentary inquiry.

The PRESIDENT. The Senator will state his question of parliamentary inquiry.

Mr. OWLETT. Mr. President, I desire to inquire whether the President proposes to receive the votes of the Senators just sworn in by Judge Millar and who have signed the oath of office.

The PRESIDENT. The Chair has no knowledge that such members have been sworn in.

Mr. OWLETT. Mr. President, may I point out that the Chair has been given such knowledge by the presentation of their oaths of office, duly signed by each, and they were sworn in the presence of everybody in this room.

The PRESIDENT. The Chair has no knowledge of the matter.

Mr. OWLETT. Mr. President, I respectfully ask if the Chair will receive the votes of these Senators on this question.

The PRESIDENT. Those who are qualified and properly sworn are entitled to vote.

Mr. OWLETT. Mr. President, I desire to know whether the names of the Senators sworn in by Judge Millar will be called.

The PRESIDENT. The Chair has no knowledge that any Senators were sworn with the exception of Mr. Levin.

Mr. OWLETT. Then the Chair will not receive the votes of these men.

The PRESIDENT. When the Senate directs the Chair to swear in these men, they will be sworn in.

And the question recurring,

Will the Senate agree to the resolution?

The yeas and nays were required by Mr. OWLETT and were as follows, viz:

YEAS—14.

Dent,
DiSilvestro,
Gilsen,
Haluska,

Jacobs,
Jaspan,
Kilgallen,
Kunkel,

Mundy,
Rice,
Ruth,

Shapiro,
Sipe,
Stiefel,

NAYS—8.

Deitrick,
Gelder,

Heyburn,
Homsher,

Owlett,
Pierson,

Scarlett,
Wolfenden,

So the question was determined in the affirmative.

Mr. SHAPIRO. Mr. President, I now call up for consideration the resolution concerning Mr. Thomas.

The resolution was read as follows:

In the Senate, January 3, 1939.

Whereas, J. Fred Thomas has received a majority of votes cast for Senator in the 50th Senatorial District, and

Whereas, The said J. Fred Thomas was at that time and is now occupying the office of Mayor of the City of Sharon, and

Whereas, the office of Mayor is one carrying with it state-wide powers and authority, and

Whereas, The Supreme Court has recently indicated that an office carrying with it state-wide powers and authority is incompatible with that of Senator, now be it

Resolved, That the question of seating the said J. Fred Thomas be referred to the Standing Committee on Elections of this Senate as soon as said Committee is appointed for its consideration and recommendation as to whether the said J. Fred Thomas shall be seated as a member of this Senate and the oath of office administered to him.

On the question,

Will the Senate agree to the resolution?

QUESTION OF PARLIAMENTARY INQUIRY

Mr. OWLETT. Mr. President, I rise to a question of parliamentary inquiry.

The PRESIDENT. The Senator will state his question of parliamentary inquiry.

Mr. OWLETT. Mr. President, I would like to inquire whether the Chair proposes to receive the votes of those Senators whose returns have been presented to the Senate, whose certificates of election have been issued by the Secretary of the Commonwealth, and who have been sworn by Judge Millar and their signed oaths of office presented to the Chair.

The PRESIDENT. It is useless to again repeat the ruling of the Chair. The same Senators who voted on previous questions will vote on this one.

Mr. OWLETT. Mr. President, may I repeat my question of parliamentary inquiry.

The PRESIDENT. I might state that the resolution in question simply refers the matter of the seating of Mr. Thomas to the Election Committee when appointed.

And the question recurring,

Will the Senate agree to the resolution?

The yeas and nays were required by Mr. OWLETT and were as follows, viz:

YEAS—14.

Dent,
DiSilvestro,
Gilsen,
Haluska

Jacobs,
Jaspan,
Kilgallen,
Kunkel,

Mundy,
Rice,
Ruth,

Shapiro,
Sipe,
Stiefel,

NAYS—8.

Deitrick,
Gelder,

Heyburn,
Homsher,

Owlett,
Pierson,

Scarlett,
Wolfenden,

So the question was determined in the affirmative.

MOTION TO ADMINISTER OATH OF OFFICE

Mr. SHAPIRO. Mr. President, I move that the oath of office be administered to the Senators-elect from the Fourth, Sixth, Eighth, Tenth, Twelfth, Fourteenth, Sixteenth, Eighteenth, Twentieth, Twenty-second, Twenty-sixth, Twenty-eighth, Thirtieth, Thirty-second, Thirty-sixth, Thirty-eighth, fortieth, Forty-second, Forty-fourth, Forty-sixth and Forty-eighth districts.

Mr. RICE. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

The PRESIDENT. The oath of office will be administered to all Senators-elect except those from the Fiftieth, Thirty-fourth, Twenty-fourth and Second districts.

Mr. OWLETT. Mr. President, I presented to the Chair a motion and ask that it be acted upon.

The PRESIDENT. The motion was not received by the Chair.

Mr. OWLETT. Mr. President, I offer the following amendment to the motion of the Senator from Philadelphia, Mr. Shapiro: I move that the Senators-elect from the following named districts be sworn: Fourth, Sixth, Eighth, Tenth, Twelfth, Fourteenth, Sixteenth, Eighteenth, Twentieth, Twenty-second, Twenty-fourth, Twenty-sixth, Twenty-eighth, Thirtieth, Thirty-second, Thirty-fourth, Thirty-sixth, Thirty-eighth, Fortieth, Forty-second, Forty-fourth, Forty-sixth, Forty-eighth, Fiftieth.

Mr. GELDER. Mr. President, I second the motion.

On the question,

Will the Senate agree to the amendment?

Mr. SHAPIRO. Mr. President, I accept the amendment and ask my colleagues to vote "no."

Mr. OWLETT. Mr. President, what are we voting on?

The PRESIDENT. On your amendment.

And the question recurring,

Will the Senate agree to the amendment?

The Clerk proceeded to call the roll.

Mr. GELDER. Mr. President, the roll is not being called properly. Some of the members names are being omitted.

The PRESIDENT. The roll is being called in pursuance to previous decisions of the Chair. Those Senators who are qualified and sworn are qualified to vote.

The Clerk resumed the calling of the roll, which was as follows:

YEAS—8.

Deitrick, Gelder,	Heyburn, Homsher,	Owlett, Pierson,	Scarlett, Wolfenden,
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NAYS—14.

Dent, DiSilvestro, Gilson, Haluska.	Jacobs, Jaspan, Kilgallen, Kunkel,	Mundy, Rice, Ruth,	Shapiro, Sipe, Stiefel,
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So the question was determined in the negative.

And the question recurring,

Will the Senate agree to the motion?

Mr. OWLETT. This is a matter directly affecting the organization of the Senate and certainly those whose writs have been presented here should have the right to vote.

The PRESIDENT. The organization of the Senate is represented in the election of its officers, establishment of its rules, et cetera. The Senators duly elected and qualified will vote.

Mr. OWLETT. Mr. President, am I to understand that only the Senators already sworn can vote on this.

The PRESIDENT. The motion now before the Senate provides for that very thing to be done. The motion has been made providing for the swearing in of Senators with the exception of the three districts.

Mr. OWLETT. Yes, Mr. President, but we are the ones who are concerned with this. You are preventing us from taking part in the organization.

The PRESIDENT. The Chair simply repeats his previous ruling. Those Senators qualified and sworn are entitled to vote.

On the question of the adoption of the amendment

"Ayes" were eight and the "Nays" were fourteen.

The vote will now occur upon the original motion. The Clerk will call the roll.

Mr. OWLETT. Mr. President, I want to state that the

Mr. SHAPIRO. Mr. President. The gentleman from Tioga submitted an amendment to my motion that the three Senators be sworn in by this body and now tell us that these men have already been sworn in by this body.

Mr. OWLETT. Mr. President, I want to state that the men are willing to be sworn in the second time if all of them can be sworn. I want to state for the information of the Senate, however, that if this body continues to arbitrarily limit voting and intends to arbitrarily exclude three of the members in the face of the fact that they have already accepted a member from Philadelphia in which there is a contest pending, I want to state for the information of this Senate that the Republican members of this Senate-elect will not vote for this resolution and will not again present themselves to the body of the Senate for any other oath.

The PRESIDENT. On the question of the adoption of this resolution the Clerk will call the roll.

Mr. OWLETT. Mr. President, I ask that this resolution be voted down.

The yeas and nays were taken and were as follows:

YEAS—14

Dent, DiSilvestro, Gilson, Haluska,	Jacobs, Jaspan, Kilgallen, Kunkel,	Mundy, Rice, Ruth,	Shapiro, Sipe, Stiefel,
----------------------------------------------	---------------------------------------------	--------------------------	-------------------------------

NAYS—8

Deitrick, Gelder,	Heyburn, Homsher,	Owlett, Pierson,	Scarlett, Wolfenden,
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So the question was determined in the affirmative.

The PRESIDENT. All the Senators-elect, with exception of the Senators-elect from the Fiftieth, Thirty-fourth, Twenty-fourth and Second Districts will appear at the bar of the Senate where the oath of office will be administered to them.

The Clerk will call the names of the Senators to be sworn. Those who swear by the Bible will present themselves first and those with uplifted hand second and those who affirm last.

Mr. OWLETT. Mr. President, I ask that those named by me in my motion be called.

The PRESIDENT. The names of those to be sworn in will be called by the Clerk.

The roll was called and was as follows:

Mr. McCREESH.

Mr. McCREESH. Mr. President, here.

Mr. WOODWARD.

Mr. WOODWARD. Mr. President, I am not prepared to be sworn; I have already been sworn.

Mr. FARRELL.

Mr. FARRELL. Mr. President, I have already been sworn.

Mr. JAMES.

Mr. JAMES. Mr. President, I have already been sworn.

Mr. EDMONDS.

Mr. EDMONDS. Mr. President, I have already been sworn and signed the oath.

Mr. CROWE.

Mr. CROWE. Mr. President, I have already been sworn.

Mr. TALLMAN.

Mr. TALLMAN. Mr. President, I have already been sworn.

Mr. BARTLETT.

Mr. BARTLETT. Mr. President, I have already been sworn.

Mr. MILLER.

Mr. MILLER. Mr. President, I have already been sworn.

Mr. COLEMAN.

Mr. COLEMAN. Mr. President, here.

Mr. STEVENSON.

Mr. STEVENSON. Mr. President, I have already been sworn.

Mr. LANIUS.

Mr. LANIUS. Mr. President, here.

Mr. MALLERY.

Mr. MALLERY. Mr. President, I have already been sworn.

Mr. CAVALCANTE.

Mr. CAVALCANTE. Mr. President, here.

Mr. EALY.

Mr. EALY. Mr. President, I have already been sworn by Judge Millar of Philadelphia.

Mr. FREY.

Mr. FREY. Mr. President, here.

Mr. GELTZ.

Mr. GELTZ. Mr. President, I have already been sworn by Judge Millar.

Mr. MCGINNIS.

Mr. MCGINNIS. Mr. President, here.

Mr. WALKER.

Mr. WALKER. Mr. President, I have already been sworn.

Mr. REED.

Mr. REED. Mr. President, here.

Mr. CHAPMAN.

Mr. CHAPMAN. Mr. President, I have already been sworn.

The PRESIDENT. Judge Sheely of Adams County will administer the oath of office.

The oath was then administered by Judge Sheely of Adams County to the following Senators-elect.

Anthony Cavalcante,

John J. McCreesh,

Edward J. Coleman,

Bernard B. McGinnis,

Edward R. Frey,

J. Albert Reed.

Henry E. Lanius,

QUESTION OF PARLIAMENTARY INQUIRY

Mr. OWLETT. Mr. President, I rise to a question of parliamentary inquiry.

The PRESIDENT. The Senator will state his question of parliamentary inquiry.

Mr. OWLETT. Mr. President, I desire to inquire whether the Chair will now receive the votes of those Senators who were included in the resolution just adopted and who have been sworn in by Judge Millar.

The PRESIDENT. You mean the Senators with the exception of Messrs. Thomas, Letzler and Snowden?

Mr. OWLETT. Mr. President, will the Chair receive the votes of the Senators covered by the resolution?

The PRESIDENT. In the first place the Chair is of the opinion that he has no knowledge of the swearing in and the Chair questions whether Judge Millar had the right to invade the floor of this Senate and attempt to administer oaths of office without the consent of the officers of the Senate. Under the motion or the resolution, all the Senators were to be sworn with the exception of Messrs. Thomas, Letzler and Snowden, who were ordered to stand aside. The Chair would suggest that all of the Senators with the exception of those three come to the desk to be sworn and if they wish to be sworn by Judge Millar, the Chair has no objection.

Mr. OWLETT. Mr. President, I ask that the Senate be at ease for a few moments.

The PRESIDENT. The Senate will be at ease for a few moments.

Mr. OWLETT. Mr. President, pursuant to the suggestion of the presiding officer that the men who have been duly elected should be sworn again at the bar of the Senate and without conceding the necessity of having such swearing again, I want to state to the presiding officer that the men are ready.

The PRESIDENT. The Chair suggests that they present themselves at the bar to be sworn. Judge Albert S. C. Millar administered the oath of office to the following Senators elect:

Charles A. P. Bartlett

James A. Geltz

Leroy E. Chapman

Howard I. James

Montgomery F. Crowe

Robert M. Miller

Charles H. Ealy

George B. Stevenson

Franklin Spencer Edmonds

Oscar Jacob Tallman

Louis H. Farrell

John M. Walker

George Woodward

ELECTION OF PRESIDENT PRO TEMPORE

Mr. SHAPIRO. Mr. President, I move that the Senate proceed to the election of the President Pro Tempore.

Mr. RUTH. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

It was agreed to.

Mr. SIPE. Mr. President and members of the Pennsyl-

vania Senate, I rise to place in nomination for the office of President Pro Tempore of the Pennsylvania Senate that Honored member of this Senate, the Honorable John S. Rice of Adams County.

Mr. Rice is an honor to the Pennsylvania Senate, he is an honor to the people of his district and to the Democratic Party. That means something, for there are lots of people who look upon a Democrat as a sort of inferior person, who look upon him with contempt; but I here repeat that it is an honor to be an intelligent and conscientious member of the great Democratic Party, the party that was founded by the man who wrote the Declaration of Independence, the party that has seen more than a dozen other political parties in America come forth and disappear. Yes, the Democratic Party has seen more than a dozen other political parties come forth upon the political arena of the United States. It has seen them rise; it has seen them flourish; it has seen them fall. It has been at their births; it has been at their deaths. And it has produced as many presidents of the United States as all political parties put together. So that is no mean distinction to be a member of the Democratic Party.

Mr. President and members of the Senate, on the fifteenth of November 1938, I, with twenty-four other Democratic members of this Senate, signed an agreement which I will read:

"We the undersigned, agree one with the other to abide by the decision of the Democratic Caucus for the Session of 1939 in the matter of the election of a President Pro Tempore and all other matters pertaining to the organization of the Senate, and that we all agree to be present and vote accordingly at the organization session of the Assembly."

Here are the signers—Anthony Cavalcante, Leo C. Mundy, John S. Dent, Frank W. Ruth, Joseph P. Dando, Thomas E. Kilgallen, W. J. Eroo, Jr., Edward J. Coleman, P. B. McGinnis, Harry Shapiro, Herman S. Levin, Israel Stiefel, P. J. Henney, John J. Haluska, Edward R. Frey, H. Jerome Jaspan, Anthony J. DiSilvestro, John S. Rice, S. L. Gilson, C. Hale Sipe, George Kunkel, John J. McCreesh, Robert Lee Jacobs.

Mr. President, I am here in agreement with this declaration which I have read, to put in place the nomination of John S. Rice for the office of President Pro Tempore. Let me take you into my confidence a moment, let me tell you a secret. A great deal of pressure has been brought upon me not to keep that agreement. A great deal of pressure has been brought upon me to desert the Democratic Party, to join with the Republicans in the organization of this Senate and to reap the rewards of such perfidy. Let me be specific. A story is always better when you mention names. In the saintly county of Butler, one of the counties in my district, is a Republican County Chairman who has hitherto been my personal friend. He is a fellow member of the Butler Bar; he is the president of the second largest bank in Butler County. I say that hitherto I esteemed him as one of my cherished friends. But for the last month this Republican County Chairman of the saintly county of Butler has been sending me invitations to come to see him. I suspected that he had politics in his mind and I paid no attention to the invitations. But you know Mahomet had the experience that if the mountain could not come to him he would go to the mountain; and so William B. Purvis, member of the Butler Bar, president

of our second largest bank, Republican County Chairman of Butler County, came to me. He met me in the office of a very reputable member of the Armstrong County Bar, Harry A. Heilman. I was there on a little business and Mr. Purvis knew where I was. So, he asked me to come back into Mr. Heilman's library. I did not know whether he wanted to look up the law or not; I suspected that his mission was otherwise and I soon found it to be otherwise. William B. Purvis stated there, about ten days ago in the library of Harry A. Heilman, Esquire, of the Kittanning Bar, his reason for asking me to come into the library. He put this proposition to me. He said to me, "If you will join with the Republicans, help to organize the Senate Republican and go along with the James program" (of course, by the way, he did not know what the James program will be and I dare any of you gentlemen to state it), "if you will help to organize the Senate Republican, if you go along with the James program, then you can resign at the end of this general session to become the recipient of a mighty good job at the hands of the James Administration." "Now," he said, "I know what I am telling you has the approval of Jim Torrance"—and of course we all know who Jim Torrance is.

In other words, Mr. Purvis did not directly offer me a sum of money in the amount of \$20,000 or \$25,000 as the emissary of the Republican State Chairman of Pennsylvania; but he offered its equivalent in cash and of course having a little respect for myself, I told him that I was not interested in his proposition, that I have to live the remainder of my life with myself, which includes living with my conscience. Now, gentlemen, then and there the friendship ceased. I do not consider any person who considers me so low as to make a proposition of this kind to me to be worthy of my friendship. I have many friends in the Republican Party and I always respect a man of conviction whether his convictions are the same as mine or not, and I demand the same respect for me. And in addition to the enormity I have mentioned, it was mighty poor legal ethics for one member of the Bar to put such a proposition to another member of the Bar. Now I am not telling you any secret now, when I say to the members of this Senate that today is not a day of very lofty legal ethics in Pennsylvania, is it? We had a sample of it here this afternoon when the sapient judge from Philadelphia intruded himself into this Senate and of course you and I know that we had a very much more flagrant sample of the same lack of legal ethics during the last campaign when the Governor-elect went chasing and ranting over Pennsylvania, thumbing his nose at the ethics and cannons of the American Bar Association. Mr. President, I place in nomination the name of John S. Rice.

Mr. GILSON. Mr. President, and members of the Senate of Pennsylvania, I rise this evening to second the nomination of the Honorable John S. Rice of Adams for the office of President Pro Tempore of the Senate. I share with Senator Sipe and I believe with all the members of this Senate who have served with Senator Rice, the conviction that from the point of view of character, ability and appearance, Senator Rice is ideally equipped, and most seriously qualified for the confidence of this body. It has been after a great deal of reflection that I have taken this position. I have tried in my brief incumbency of the office of State Senator to look beyond the veil of party organization and try and pierce if I could the maze that personal passion, party loyalty, etc., raised against the vision and

discernment of one who is trying patriotically to serve his State first and his Party second.

I felt that this fall in the November election, the people of the Commonwealth of Pennsylvania had spoken. Their answer was that the public affairs of the Commonwealth of Pennsylvania were to be entrusted to the Republican Administration. They have placed upon that party its leadership as represented by the Governor-elect, the responsibility of fulfilling the pledges of the Republican platform and I for one felt that that responsibility should be accepted and that we of the Democratic party should see to it that the Republican Administration and the Republican party accepted that responsibility whether they cared to do so or not. And in that line I have very carefully considered whether or not it was my duty to further the efforts of the Republican Administration to organize the Senate of Pennsylvania on this the third day of January. Were it not, Mr. President, for certain very definite reasons furnished to me by the responsible spokesman of the Republican Administration I would have adhered to that conviction. I regret to say that my mind has been changed from that conviction by the actions of a responsible spokesman of the Republican Administration. I have been inevitably brought to this conclusion—that when it is demonstrated beyond any reasonable doubt that the effort to organize the Senate of Pennsylvania is worth to the Republican Administration the inducement which was offered to me to further that organization, that it then becomes my duty to say no. I was one of those who signed a round robin pledging myself to stay with the Democratic Caucus. I did so after it was made apparent to me what it was worth to me not to do that very thing. It is a matter of grave concern and regret to me to return here to Harrisburg today and see this Senate, who should be first charged with the welfare of the people of the Commonwealth of Pennsylvania, engaging in something which is no more dignified than a cat fight, to see who will control the election of the officers of this Senate, to see who will appoint the Committees of this Senate.

I cannot conceive of how this session today can go down in history as rising above the dignity of a common brawl. I realize that at this time there is left to some of us the self-respect which their record throughout their term of office in this Senate has shown them to be entirely above the dictates of any party manipulations. I wish that it might have been otherwise, but when the people on November the eighth returned their verdict as to who should control the affairs of the State of Pennsylvania for the next two or four years that that verdict might have been accepted in real American sportsmanship. I wish to adjust one thing, and I do this in fairness to any suspicion that may be cast upon any of the Republican members of the Senate of Pennsylvania. My mind was not changed and my decision was not made because of any of the overtures of any Republican in this Senate with whom I have been associated. I say to them that I regret that we can not continue to meet with the full confidence and accord from them to me and me to them; that their motives are open, above board and for the welfare of the people of Pennsylvania.

I wish to make it clear to them that it would be idle for anyone to place upon any Republican member of this Senate the identity of being the emissary who approached me and accomplished the opposite of the object of his approach. To the Republican members of the Senate let

me say that I appreciate the confidence which they have bestowed upon me by not having made that effort and I regret that it was made by others.

Mr. President, I believe that this action today goes beyond the mere details of the mechanics of what legislation is going to be brought before this body in the session of 1939. I consider it an honor, I consider it a duty to second the nomination of the Honorable John S. Rice of Adams County for the position of President Pro Tempore of the Senate.

Mr. CAVALCANTE. Mr. President, I too like the Senator from Armstrong, feel a great degree of pride that I am a member of the party that was started by Thomas Jefferson, the gentleman whose hand struck the Declaration of Independence. I also feel a slight degree of pride that the document from which he read and to which was appended my signature and that of 24 other colleagues was struck by my hand and by me signed first. There was no compulsion upon me, there was no inducement at that time. The election was over and the only thing that pervaded me was an honest and sincere desire to carry out what my conscience dictated to be the will and desire of the people of this Commonwealth. At that time that will and desire was manifested to me as being a will and desire that the State Government or the executive branch of this State should be in the hands of a Republican Governor, and that will and desire also manifested to me that it was the desire of the people that the House of Representatives should be controlled by a Republican party, and it was also manifested to me by the same channels that the people of this Commonwealth wanted the Senate of Pennsylvania to have a complexion of twenty-six Democrats and twenty-four Republicans.

There was no compulsion, no inducement of any reward whatsoever when I wrote this document and signed my name in the presence of twenty-four other Democratic colleagues. I feel positive that at that meeting at which the document was written and signed that there was present among all of us who signed that document the same spirit of patriotism and desire to do what was honorable and just as was present when those patriots appended their signatures to that Declaration of Independence. The last sentence of that declaration is this, "and for the support of this declaration, with a firm reliance on the protection of the Divine providence, we mutually pledge to each other our lives, our fortunes and our sacred honor." Nothing has happened to disturb that feeling within me up to this time. That spirit is still present and I trust that that spirit still prevails within the hearts and minds of those other twenty-four colleagues. I rise to second also the nomination of my colleague from Adams, Mr. Rice, because today I have been aggrieved by the accusations that those men who appended their names to this document were robbers. That accusation has come to me through a newspaper called the "Philadelphia Inquirer" which I have definitely known is the mouthpiece not of the honest and decent Republican citizens of this Commonwealth, but is the mouthpiece of that Tory reactionary and corrupt leadership of the Republican party, and that paper this afternoon in bold headlines across its front page says "Democrats in Senate steal."

Gentlemen, the Democrats are not in any Senate steal, the steal was already perpetrated by the Supreme Court and other Courts of this Commonwealth before this Senate convened this noon, and I was proud and I am proud

with the Republican colleagues of this Senate that today the members of this Senate had the integrity, the honor, and the spirit to tell to that Supreme Court and other Courts that the Senate of Pennsylvania is a coordinate branch of this government and that they who are elected to that body will judge of its own organization and of its own members as they have the sovereign prerogative under the Constitution written and adopted by the people. To me, my Republican colleagues and Democratic colleagues, whether the Republican members of this Senate organize the machinery of this Senate or whether the Democratic members organize it, is an insignificant matter. The greatest principle decided here today and for which each and every one of us ought to be eternally proud and happy is that we have had the popular guts, the internal fortitude, to demonstrate that we are the elected members of the Senate and not the Judiciary.

Yet this Philadelphia Inquirer, as I understand it, is edited by a man by the name of Moe Annenburg, a man that the records of this Senate show was a gangster in Chicago vying with an Al Capone, that he is the king of the race track booky rackets throughout this State and this nation, a newspaper edited by a man of that type has the gaul, the temerity, to publish across its front page that the Democrats elected to this body are in a Senate steal.

I have resented and will continue to resent the intrusion of that Judge of the Courts of Philadelphia who invaded the floor of this Senate today in contempt of the Chair to administer an oath to my colleagues here on the Republican side. I have resented and will continue to resent the interference of the Supreme Court or any other court of this State in the exercise of the prerogatives of this Senate and they will hear from me further from the floor of this Senate some time later. I resent and any other honorable gentleman from the other side of this floor will resent the accusation by a scoundrel and a rascal like Moe Annenburg that the twenty-six elected Democratic Senators of this State are engaged in a Senate steal and I have risen to second the nomination of my colleague John S. Rice, because I regard honorable the signature that I appended to that document in which I pledged with him and the others and to each other our sacred honor that we would vote as the people have directed us, Democratic for a President Pro Tempore and other matters touching upon the organization of the Senate.

So therefore, Mr. President, I too second the nomination of my colleague, Senator John S. Rice.

Mr. DENT. Mr. President, before I add my seconding motion to those already given by my Democratic colleagues, I would like to call attention to the visitors here and to my colleagues of the various feats of mysticism that have been shown to us today. First of all, I saw a little huddle on my right. I thought perhaps they were getting into a signal calling formation and out of it a little tiny judge walks with some sort of a book in his hand which I hope was a Bible and said that these men had been duly sworn because he, a judge, had said so.

Then later we find that they themselves were not sure of having been sworn in and made a motion that they be duly sworn in. Then I attempted to go through the barber shop in the rear. The door was locked and finally after much persuasion and a little fussing, the door opened and a great big fellow about a foot and a half taller than I was came out and I said "what were you doing in

there?" he said, "I was not in there." Well things have been moving so fast that probably he was not. Maybe the door was not even locked. I know that I let the barber run me out of there—I do not know why.

But then I look around me and I see that two of our Democratic Senators are missing. One I understand has gone to Oklahoma—they said he struck oil. The other one I am glad to see is here. I want to make this position clear to all. I do not intend to be during this session an obstacle in the way of any legislation that will bring to Pennsylvania that prosperity promised by the successful party in the State. I am first an American, second a Democrat. Any piece of legislation that comes before this body designed to give to the people of Pennsylvania a more prosperous life will get my vote even though at times I have to stretch my imagination a little to see where the prosperity is coming from. I fully intend to support at all times legislation that will reduce the taxes on industry, legislation that will give to the working men a square deal, legislation that will reduce the taxes on the home-owners of Pennsylvania. However, I serve notice that those pieces of legislation that we succeeded in passing in the last two years of our administration shall not be burned. I will not attend the bonfire and sit idly by without doing my best to put the fire out especially in the matter of legislation that has tried to give to the working men and women of Pennsylvania the fair, square deal that they should have had many many years ago.

But aside from all the mystery, I think the mystery is being cleared up before my eyes, I think perhaps I may know some of the reasons certain things are done but not being positive, I cannot of course state them. However, when I second this nomination for John Rice I do so not only because my name is on that round robin but also because I believe that he is the type of man that exemplifies Americanism, whether it is in this party or the other party.

Mr. SHAPIRO. Mr. President, in making any motion or in voting upon any legislation in this body I think each Senator owes it to himself and his constituents to consider the seriousness of the action. In nominating a man to be the President Pro Tempore of the Senate, with all the powers, obligations and duties that go with that office, there ought to be a clear understanding of the reason why a vote is cast against one or the other or for one or the other. I am sure that in the minds of many of the Senators here in this room tonight there is running through their brains the thought, "well now why all these speeches to second the nomination of Senator Rice? You know very well that you do not have enough votes to elect him. You know very well that when you came here to the Senate you were twenty-five Republicans or rather twenty-four Republicans and twenty-six Democrats. You know very well that the reason for signing the round robin was not because you did not trust your colleagues but because it had been brought to your attention that many of your colleagues were being annoyed and insulted by the propositions that were put to them to desert the party which elected them and the people who expect them to carry out the policies for which they were elected."

As evidence of that fact I should like to take advantage of this opportunity to correct the mistake that has been made by some of my colleagues by calling attention to the fact that the so called round robin is only signed by

twenty-four Democratic Senators. My colleague Senator Reed who was not present at the time, did not then and has not since then signed the round robin, but you gentlemen here will find that the written word is worth no more than the character of the man, and you will find that in spite of the absence of the signature of Senator Reed from this document, his vote will be according to his conscience and constituency. You will find that the document means nothing, not only is a man's word his bond but a man's bond is worthless unless his word means something. You would also say to me, "you know very well or you knew last night when you came here that from the twenty-six Democratic Senators who were elected one of the gentlemen in all honesty chose to join with the Republicans because he has the proper and reasonable excuse if he sees fit to take it that when he was elected he was elected with the support of the Republican vote and I find no quarrel with that position. But you would say to me also, "you knew last night that one of the Senators who had signed this document was on his way to Oklahoma." And right in passing on that point I want to say that it is high time that we feel and understand that there is nothing funny about a man who is sworn and elected to perform a duty in that man's failing to do his duty. It is because of that kind of light way of taking responsibility by elected officials that government by Democracy fails and I want to raise my voice in protest against the laughter that arose because reference was made to the fact that a man who has been elected and was sworn to perform a duty sees fit for whatever reason it may be to come to his place of duty and then surreptitiously leave that place and fail to perform that duty. I would have had more respect for the man if he came here and had the courage of his convictions or his agreements to come in and vote accordingly. You might also say to me, "you know very well that last night one of your other members whom you were trying to get to the caucus to find out whether he too would carry out his obligations and his sworn duty could not be found and that you knew this morning that when you went to his room in the hotel to find him he was transferred to another room and you saw with your own eyes what occurred, when the barber of the Senate arranged for the meeting places of members of the other side. You know all those things and you know them now and why do you make a speech to second the nomination of your colleague Senator Rice?"

I make this speech because I feel that the only way that the real Democratic Government can exist and continue to exist is by pointing out whenever the occasion arises the corrupt practices of either party, the corrupt methods and the corrupt attempts to interfere with the honest administration of government. I raise my voice in behalf of my colleagues because I realize that the cost of government in Pennsylvania has gone up from one hundred and fifty-five million dollars in 1931, to three hundred and ten million dollars in 1937. I raise my voice here and now in behalf of this man, my colleague, because I realize that we have a problem confronting us. Out of a population of ten millions of people, almost two millions are unemployed, and it is our duty to provide ways and means to see to it that those people's interest shall be protected, and that the men and the party they represent shall be representative of the people and shall perform their duty according to their con-

science. I raise my voice in this case because I want it understood that I realize the responsibility that is mine as one man of fifty—a handful of men that control the destiny of ten millions of people. I want it understood that I appreciate the privileges of a Democratic Country. I have heard it said that some of those that come here from a foreign land should be criticized for certain things they do, and that they don't know what this Country means. Let me say to you that unless you have suffered the oppressions of foreign lands, you are in no position to make comparisons. Most of us are without imaginations, most of us read in the papers what goes on in countries that are not Democratic, and most of us say for the moment, "Well, that is awful," but none of us have enough imagination to realize what that means and what it portends. Some of us are so built that we don't believe that there is suffering unless we see the blood run. Some of us are absolutely without imaginations and to my mind the likeness with which the benefits of the Democratic Party are understood and appreciated show to me the danger that lies in every Democracy. This Democratic Party has levied taxes to halt relief and we have complained and heard complaints about taxes. I want to say to you that one of the greatest Justices this Country has ever known, the late Justice Holmes of the Supreme Court of the United States, said, "I like to pay taxes because with taxes I buy civilization." I like to see taxes levied if they are levied for a proper cause—that is my own statement. I have no fear of taxes if they are imposed properly and reasonably and if they are imposed for the benefit of the taxed, and if they are imposed upon those best able to pay the burden.

And so I must rise and second the nomination of my colleague, Senator Rice, because I feel that a large State with its troubles of this kind, that a State which has problems which will be severe and trying should have in the Senate representation and leadership that speaks of honesty and decency and I am making these statements because I want the light of day to be thrown upon the actions and the attitude of those who are responsible for the advances that have been recited by my colleague, and that we ourselves, and some of the other members of this Senate have seen. I have no allusions about the results of today or tomorrow. We knew, certainly I did, what the final result would be, but we had a purpose and we wanted to make a showing to the public of what this kind of activity on the part of any party means. I say to you, gentlemen, very frankly, I am somewhat responsible for the delay in reconvening and I apologize for it, but it was a grave problem and we had to decide and we took time in deciding it. And you will see and have seen that instead of disorganizing the party that was defeated in the last election by the conduct that has been detailed here to you members and in the presence of my voice, you have seen that you have solidified that party. You have seen that they have been as one voice in their actions today. Not because any of them had any belief that they would have the strength or the financial responsibility or the available finances to beat the picture that was set up, but because we all felt that it was high time that these things were exposed to the public and that the candidates that we present should be presented properly before this body and before the public so that they might know, even if he goes down to defeat what

he stands for. I want to repeat to you and say that one of the most serious conditions that can arise in a Democracy has arisen here today. I have said and I repeat here, I believe that the Courts are the last bulwark of any Democracy and I have refrained and will refrain from making criticisms of any court or any judge. I will not accept and use the prerogative which I have, but without making any reflections upon them, I say referring to the statement of my colleague, Senator Cavalcante that there is a general impression attempted to be created that we are trying to steal something which we own and which we enjoy by virtue of the voice of the people. The people left us with a majority in this Senate and if we leave here today with a minority it is because it has been stolen from us. Not because we stole or attempted to steal anything from anyone else. That is what I want to make plain. If there has been any stealing here, it has not been by us. I have enough respect for my colleague to say that although I have been elected floor leader by my colleagues, if he is not elected as President Pro Tempore, I shall be very glad to turn back to him the floor leadership of this Senate which he so ably handled during the last Session. I'm not anxious to be a floor leader. I am not anxious to accept responsibility other than I need, but I am anxious and proud of the opportunity to repay to a great Commonwealth, and a great Country, something for the privileges that I have enjoyed, for the privilege of raising a family, for the privilege of educating them, for the privilege of speaking my mind, for the privilege of being permitted to act for and on behalf of ten millions of people.

The time has come when we must stop and take stock of what we are doing. We must not by our actions destroy the confidence of the people in the legislature and in the courts which are the fundamentals of Democracy. Hovering over us is a sceptre, and whether it falls or not depends upon what we do as publicly elected officials, and I say to you and my colleagues, not of resentment but of appeal to save a great Country from destruction, that there should be a secession of this kind of conduct and that because of that and because I believe that my colleague, Senator Rice stands for all those things and feels about those things as I do, that I take great pleasure and pride in seconding his nomination.

Mr. WOODWARD. Mr. President, I am directed by the Caucus of Republican Senators to place in nomination for the office of President Pro Tempore of the Senate the name of the Honorable Frederick T. Gelder, of Susquehanna County.

Mr. MALLERY. Mr. President, I have the honor to second the nomination of my colleague from Susquehanna County, the Honorable Frederick T. Gelder.

Mr. OWLETT. Mr. President, I rise and consider it a great pleasure to second the nomination of the Honorable Frederick T. Gelder, as President Pro Tempore of this Senate, and in that connection I would like to remark that as I sat here and listened to these speeches of my colleagues from the Democratic side, I listened with some amusement. After witnessing in this Senate today the spectacle of by strong armed methods of preventing the swearing in of three duly elected members of this Senate, one of them because he was alleged to be the mayor of Sharon, when it was discovered that he had already resigned, I say that the speeches that I have heard in seconding the nomination of my esteemed colleague, Mr.

Rice, came to me with some amusement, especially after the seating of a Mr. Levin. And I want to say to the members of this Senate that I believe that this spectacle today that we witnessed here in this Senate justified any member from the Democratic side in disregarding any paper he may have signed. When this body met at twelve o'clock noon under the Constitution of Pennsylvania and these colleagues of ours presented themselves with their election returns with certificates in their hands, and by arbitrary, unlawful unheard of methods, we denied these men their seats today, I say to you in all sincerity, I don't think any single member of this Senate is bound by any commitment he has made before, and I with great pleasure second the nomination of Senator Gelder.

The PRESIDENT. The Chair suggests a motion that the nomination be closed.

Mr. OWLETT. Mr. President, I move that the nomination be closed.

Mr. FREY. Mr. President, I second the motion.

It was agreed to.

The PRESIDENT. On the election of the President Pro Tempore the Chief Clerk will call the roll, and the clerks of the Senate will act as tellers. The candidates are the Honorable John S. Rice of Adams County and the Honorable Frederick T. Gelder of Susquehanna County.

The roll was called and resulted as follows:

FOR MR. GELDER

Bartlett,	Eroe,	Mallery,	Stevenson,
Chapman,	Farrell,	Miller,	Tallman,
Crowe,	Geltz,	Owlett,	Walker,
Detrick,	Heyburn,	Pierson,	Wolfenden,
Ealy,	Homsher,	Rice,	Woodward,
Edmonds	James,	Scarlett,	

FOR MR. RICE

Cavalcante,	Gilson,	Lanins,	Reed,
Coleman,	Haluska,	Levin,	Ruth,
Dent,	Jacobs,	McCreesh,	Shapiro,
DiSilvestro,	Jaspan,	McGinnis,	Sipe,
Frey,	Kilgallen,	Mundy,	Stiefel,
Gelder,	Kunkel,		

The PRESIDENT. The Clerks agree in their tally, and the results show that the Honorable Frederick T. Gelder received 23 votes, and the Honorable John S. Rice received 22 votes. The Chair declares the Honorable Frederick T. Gelder elected President Pro Tempore of the Senate of Pennsylvania. The Chair appoints the Senator from Adams, Mr. Rice and the Senator from Tioga, Mr. Owlett, to escort the Honorable President Pro Tempore elect to the rostrum to take the oath of office.

ADMINISTRATION OF OATH TO THE PRESIDENT PRO TEMPORE

The PRESIDENT. The oath of office will be administered to the newly elected President Pro Tempore by the Honorable W. C. Sheely of Adams County.

The oath of office was accordingly administered.

The PRESIDENT. We now have the honor of presenting to the Senate the President Pro Tempore elect the Honorable Frederick T. Gelder of Susquehanna County.

Mr. GELDER. Mr. President, and fellow members of the Senate, may I extend to my colleagues my appreciation in your confidence in voting for me for President Pro Tempore of the Senate, and asking your cooperation and advice that I may carry on the impending duties to the satisfaction of all of the Members of the Senate. We are

faced with grave responsibilities. The ten million people of Pennsylvania whose representatives we are, will expect of each and everyone of us that we face the problems which may arise with careful consideration, candor and courage.

The best interests of these people must be our concern. The financial condition of the Commonwealth will require immediate attention. The costs of Government has been mounting by leaps and bounds. Heavy tax burdens resulted. There will be still further demands for the expansion in Government. Counter demands equally insistent will be made for drastic reductions in the costs of government and taxation. This Session will be no different from other sessions that have preceded it in the demands made for changes and additions to existing laws. We must remember that proposals are not necessarily either radical or reactionary because so named by groups interested in their passage. It will take our best judgment to reject the faults and accept the truth. A problem of tremendous size and the utmost importance confronts us as we organize this Session. There is immediate need of providing funds to carry on the work of assisting the citizens of this Commonwealth who due to the conditions of the past few years are in need of public assistance. I know I can assure the Senate of Pennsylvania will cooperate in the full with the House of Representatives and with the Governor in providing the necessary funds and carrying on this work. At the same time I am impelled to point out that the cooperation of all citizens is needed to reduce the relief role, quicken private industry, agriculture and business, so that there will be a greater spread of employment and the man seeking a job can find one.

We have come through a stormy organization meeting but fortunately after storms the sun shines again and the sky clears. Knowing this Senate in its tradition I am confident its membership will work unitedly for the up-building of our Commonwealth and the happiness and prosperity of our people. Pennsylvania has a proud heritage of progress and stands among the first of American States. Economy and efficiency in government should be joined with consistent and common sense progress in this Session of the General Assembly for the welfare of the people of Pennsylvania. I was very glad in the remarks that were made in the seconding of the nomination of my esteemed colleague Senator Rice that no attack was made upon the members of the Senate of Pennsylvania and I would suggest to my Democratic colleagues, "To thine own self be true and it must follow as the night the day, thou cannot be false to any man." I would suggest that we make that the motto of this Session of the Legislature.

I earnestly ask your cooperation that we may have a session this year that will be of real benefit to the people of Pennsylvania. I promise you my own heartiest cooperation. I ask your assistance and advice and if I retain your esteem at the end of this Session of the Legislature I assure you it will be a great gratification to me. I thank you.

The PRESIDENT. The Chair expresses the thanks of the Senate to Senator Gelder for the splendid address delivered to us this evening.

ELECTION OF SECRETARY

Mr. SHAPIRO. Mr. President, I move that the Senate

now proceed to the election of a Secretary of the Senate.

Mr. FREY. Mr. President, I second the motion.

It was agreed to.

Mr. EALY. Mr. President, in order to save time, we can elect the three officers at one time.

The PRESIDENT. The custom and tradition of the Senate has been to elect these officers individually. First the Secretary, then the Chief Clerk and then the Senate Librarian. They must be elected individually.

Mr. WOODWARD. Mr. President, in 1935, the three officers were included in one motion at that time.

Mr. SHAPIRO. Mr. President, I place in nomination the name of John C. Morlock for Secretary of the Senate.

Mr. RICE. Mr. President, I second the nomination.

Mr. EALY. Mr. President, I am directed by the caucus of the Republican Senators to place in nomination the name of George F. Holmes.

Mr. MALLERY. Mr. President, I second the nomination.

The PRESIDENT. If there are no other nominations, the nominations will close.

The Clerk will call the roll.

The roll was called and was as follows:

FOR MR. MORLOCK

Cavalcante,	Gilson,	Lanlus,	Rice,
Coleman,	Haluska,	Levin,	Ruth,
Dent,	Jacobs,	McCreesh,	Shapiro,
DiSilvestro,	Jaspan,	McGinnis,	Sipe,
Eroe,	Kilgallen,	Mundy,	Stiefel,
Frey,	Kunkel,	Reed,	

FOR MR. HOLMES

Bartlett,	Farrell,	Mallery,	Stevenson,
Chapman,	Gelder,	Miller,	Tallman,
Crowe,	Geltz,	Owlett,	Walker,
Detrick,	Heyburn,	Pierson,	Wolfenden,
Ealy,	Homsher,	Scarlett,	Woodward,
Edmonds,	James,		

Mr. OWLETT. Mr. President, I did not hear the names of Mr. Letzler, Mr. Thomas or Mr. Snowden called on the roll call. They have been duly elected and their election returns certified to this body and election certificates issued by the Secretary of the Commonwealth and they have been sworn and I therefore ask that their names be called.

The PRESIDENT. They were not sworn.

Mr. OWLETT. Mr. President, I now ask that their names be called.

The PRESIDENT. The Chair is unable to comply with your request.

Mr. OWLETT. Mr. President, their returns have been certified to this Senate and election certificates have been issued to them by the Secretary of the Commonwealth and they have been sworn.

The PRESIDENT. The Chair disagrees with the Senator from Tioga, Mr. Owlett. There is nothing in order but the announcement of the vote.

Mr. OWLETT. Mr. President, I appeal from the ruling of the Chair.

The PRESIDENT. There is nothing in order but the announcement of the vote. John C. Morlock having received 23 votes, and George F. Holmes 22 votes, I therefore declare John C. Morlock, of Philadelphia, duly elected Secretary of the Senate.

ELECTION OF CHIEF CLERK

Mr. SHAPIRO. Mr. President, I now move that the Senate proceed to the election of Chief Clerk of the Senate.

Mr. FREY. Mr. President, I second the motion.

The motion was agreed to.

Mr. McGINNIS. Mr. President, I place in nomination the name of Dennis J. Mulvihill of Pittsburgh for Chief Clerk of the Senate.

Mr. FREY. Mr. President, I second the nomination.

Mr. EALY. Mr. President, I am directed by the caucus of Republican Senators to place in nomination for the office of Chief Clerk of the Senate, the name of William J. Ridge.

Mr. EDMONDS. Mr. President, I second the nomination.

The PRESIDENT. If there are no other nominations, I declare the nominations closed. The Clerk will call the roll.

The roll was called and was as follows:

FOR MR. MULVIHILL

Cavalcante.	Gilson.	Lanius.	Rice.
Coleman.	Haluska.	Levin.	Ruth.
Dent.	Jacobs.	McCreesh.	Shapiro.
DiSilvestro.	Jaspan.	McGinnis.	Sipe.
Eroe.	Kilgallen.	Mundy.	Stiefel.
Frey.	Kunkel.	Reed.	

FOR MR. RIDGE

Bartlett.	Farrell.	Mallery.	Stevenson.
Chapman.	Gelder.	Miller.	Tallman.
Crowe.	Geltz.	Owlett.	Walker.
Deitrick.	Heyburn.	Pierson.	Wolfenden.
Ealy.	Homsher.	Scarlett.	Woodward.
Edmonds.	James.		

Mr. OWLETT. Mr. President, I failed to hear the names of Messrs. Letzler, Snowden and Thomas when the roll was called and they have been duly elected, their election returns certified to this Senate, their election certificates issued by the Secretary of the Commonwealth and they have been sworn. I ask that their names be called.

The PRESIDENT. The Chair records the same answer as before on this matter.

The Chair will announce the results of the election of Chief Clerk: Dennis J. Mulvihill—23 votes; William J. Ridge—22 votes.

The Chair declares Dennis J. Mulvihill elected Chief Clerk of the Senate of Pennsylvania.

ELECTION OF LIBRARIAN

Mr. SHAPIRO. Mr. President, I now move that we proceed to the election of Librarian of the Senate.

Mr. FREY. Mr. President, I second the motion.

The motion was agreed to.

Mr. SHAPIRO. Mr. President, I place in nomination the name of Thomas J. Callahan for the office of Librarian of the Senate.

Mr. FREY. Mr. President, I second the nomination.

Mr. EALY. Mr. President, I am directed by the caucus of Republican Senators to place in nomination for the office of Librarian of the Senate the name of Alex S. Cooper.

Mr. WOODWARD. Mr. President, I second the nomination.

The PRESIDENT. If there are no other nominations, I declare the nominations closed. The Clerk will call the roll.

The roll was called and was as follows:

FOR MR. CALLAHAN

Cavalcante.	Gilson.	Lanius.	Rice.
Coleman.	Haluska.	Levin.	Ruth.
Dent.	Jacobs.	McCreesh.	Shapiro.
DiSilvestro.	Jaspan.	McGinnis.	Sipe.
Eroe.	Kilgallen.	Mundy.	Stiefel.
Frey.	Kunkel.	Reed.	

FOR MR. COOPER

Bartlett.	Farrell.	Mallery.	Stevenson.
Chapman.	Gelder.	Miller.	Tallman.
Crowe.	Geltz.	Owlett.	Walker.
Deitrick.	Heyburn.	Pierson.	Wolfenden.
Ealy.	Homsher.	Scarlett.	Woodward.
Edmonds.	James.		

The PRESIDENT. The Chair will announce the results of the election of Librarian: Thomas J. Callahan—23 votes; Alex S. Cooper—22 votes. The Chair declares Thomas J. Callahan elected Librarian of the Senate of Pennsylvania.

QUESTION OF PARLIAMENTARY INQUIRY

Mr. OWLETT. Mr. President, I rise to a question of parliamentary inquiry.

The PRESIDENT. The Senator from Tioga, Mr. Owlett, will state his question of parliamentary inquiry.

Mr. OWLETT. Mr. President, when the roll was called, I did not hear the names of Messrs. Snowden, Thomas and Letzler called. I now ask that their names be now called, they having been duly elected, their election returns certified to this body, their election certificates issued by the Secretary of the Commonwealth and they have been sworn.

The PRESIDENT. The Chair records the same answer.

The PRESIDENT. The oath will be administered to these officers in the office of the Secretary of the Senate.

RECESS

Mr. SHAPIRO. Mr. President, I move that the Senate now recess for twenty minutes.

Mr. RICE. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

The yeas and nays were required by Mr. OWLETT and were as follows, viz:

YEAS—23

Cavalcante.	Gilson.	Lanius.	Rice.
Coleman.	Haluska.	Levin.	Ruth.
Dent.	Jacobs.	McCreesh.	Shapiro.
DiSilvestro.	Jaspan.	McGinnis.	Sipe.
Eroe.	Kilgallen.	Mundy.	Stiefel.
Frey.	Kunkel.	Reed.	

NAYS—22

Bartlett.	Farrell.	Mallery.	Stevenson.
Chapman.	Gelder.	Miller.	Tallman.
Crowe.	Geltz.	Owlett.	Walker.
Deitrick.	Heyburn.	Pierson.	Wolfenden.
Ealy.	Homsher.	Scarlett.	Woodward.
Edmonds.	James.		

So the question was determined in the affirmative.

AFTER RECESS

The PRESIDENT. The time of recess having elapsed, the Senate will be in order.

ELECTION OF EMPLOYES

Mr. SHAPIRO. Mr. President, I move that the Senate

proceed to the election of officers and employes of the Senate.

Mr. RICE. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

MOTION TO LAY ON THE TABLE

Mr. OWLETT. Mr. President, I move that the motion just made be laid on the table.

Mr. MALLERY. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

QUESTION OF PARLIAMENTARY INQUIRY

Mr. SHAPIRO. Mr. President, I rise to a question of parliamentary inquiry.

The PRESIDENT. The Senator will state his question of parliamentary inquiry.

Mr. SHAPIRO. Mr. President, I desire to inquire whether or not a vote "no" defeats the motion to lay the motion on the table.

The PRESIDENT. Those who vote "aye" will vote to lay on the table and vote to defeat the motion of the Senator from Philadelphia, Mr. Shapiro.

QUESTION OF PARLIAMENTARY INQUIRY

Mr. OWLETT. Mr. President, I rise to a further question of Parliamentary Inquiry.

The PRESIDENT. The Senator from Tioga, Mr. Owlett will state his question of Parliamentary Inquiry.

Mr. OWLETT. Mr. President, as this motion is to lay the former motion on the table, the former motion can be called up from the table at any time. I ask the Senators to vote "aye" on the motion.

And the question recurring,

Will the Senate agree to the motion?

The yeas and nays were required by Mr. OWLETT and were as follows, viz:

YEAS—22

Bartlett.	Farrell.	Mallery.	Stevenson.
Chapman.	Gelder.	Miller.	Tallman.
Crowe.	Geltz.	Owlett.	Walker.
Detrick.	Heyburn.	Pierson.	Wolfenden.
Faly.	Hornsher.	Scarlett.	Woodward.
Edmonds.	James.		

NAYS—23

Caralcante.	Gilson.	Lanius.	Rice.
Coleman.	Haluska.	Levin.	Ruth.
Dent.	Jacobs.	McCreesh.	Shapiro.
DiSilvestro.	Jaspan.	McGinnis.	Sipe.
Eroe.	Kilgallen.	Mundy.	Stiefel.
Frev.	Kunkel.	Reed.	

So the question was determined in the negative.

QUESTION OF PARLIAMENTARY INQUIRY

Mr. OWLETT. Mr. President, I rise to a question of parliamentary inquiry.

The PRESIDENT. The Senator will state his question of parliamentary inquiry.

Mr. OWLETT. Mr. President, I wish to inquire as to why the names of Messrs. Snowden, Letzler and Thomas were not called when the roll was called, they having been sworn and their election certified to this body; certificates of election have been issued by the Secretary of the Commonwealth to these three men.

The PRESIDENT. The Chair records the same answer.

And the question recurring,

Will the Senate agree to proceed to the election of officers and employes of the Senate?

It was agreed to.

OFFICERS AND EMPLOYES OF THE SENATE

Mr. SHAPIRO offered the following resolution which was twice read:

In the Senate, January 3, 1939.

Resolved, That the following persons be elected officers and employes of the Senate, as is provided for by Act of Assembly.

ASSISTANT CLERK

Marcus C. Lanius, Spring Grove, York County.

JOURNAL CLERK

Leo J. Spaeder, Erie County.

ASSISTANT JOURNAL CLERK

James G. Seely, Lycoming County.

EXECUTIVE CLERK

John R. Philbin, Allegheny County.

MESSAGE CLERK

Walter Schoenberger, Allegheny County.

TRANSCRIBING CLERKS

Michael Cavalcante, Fayette County.

James P. Murtha, Pittsburgh, Allegheny County.

L. A. Bowden, Philadelphia County.

William Manfredo, Jr., Westmoreland County.

SERGEANT-AT-ARMS

Robert J. Glennon, Freeland, Luzerne County.

CHIEF ASSISTANT SERGEANT-AT-ARMS

Hugh V. Coll, Hazleton, Luzerne County.

ASSISTANT SERGEANTS-AT-ARMS

Adam Keller, Cumberland County.

Louis Collins, Cambria County.

Michael J. Reynolds, Allegheny County.

Edward E. Stambaugh, York County.

Harold Deibler, Armstrong County.

Martin McNulty, Lackawanna County.

Harry A. Cohen, Philadelphia County

James J. Snee, Luzerne County.

POSTMASTER

Edward Walsh, Lackawanna County.

ASSISTANT POSTMASTER

Anthony F. Varine, Westmoreland County.

MESSENGER (POST OFFICE)

Edward Reilley, Allegheny County.

ASSISTANT MESSENGER

Abraham Salis, Philadelphia County.

SUPERINTENDENT SENATE FOLDING ROOM

Robert Riley, Lackawanna County.

PASTERS AND FOLDERS

John A. Walters, Allegheny County.

Tad E. Shields, Lawrence County.

Maurice Lee, Berks County.

John Richards, Allegheny County.

CHAPLAIN

Rev. George Walker Buckner, LL.D., Washington County.

CLERKS TO COMMITTEES

James Iannucci, Philadelphia County.
John Fitzgerald, Philadelphia County.
George Conger, Washington County.
Edward J. Haluska, Cambria County.
William J. Brenfleck, Allegheny County.
Pollores Weaver, Allegheny County.
T. S. Nawrocki, Beaver County.
Pearl E. Showers, Berks County.
Emanuel Wolfson, Philadelphia County.
Loretta Zeigler, Monroe County.
James E. Condren, Erie County.

CUSTODIAN, SENATE CHAMBER

Joseph Weaver, Adams County.

CUSTODIAN, BASEMENT

Harvey E. Enders, Dauphin County.

CUSTODIAN OF WASHROOM

Price L. Byerly, Dauphin County.

CUSTODIAN OF COMMITTEE ROOMS

Christy Bell, Philadelphia County.

DAY WATCHMAN

Robert Lawson, Philadelphia County.

NIGHT WATCHMAN

Paul I. Clifford, Cumberland County.

CHIEF PAGE

Wilford Geiling, Dauphin County.

PAGES

James Powers, Dauphin County.
John Charles Thomas, Dauphin County.
Leon DeGroot, Dauphin County.
Lee Esslinger, Dauphin County.
Leroy Reisser, Dauphin County.
Frank P. McQuade, Jr., Dauphin County.
Budd Beistel, Dauphin County.
Cloyd E. Zeiders, Perry County.
John W. Lightner, Perry County.
Robert Coffey, Cumberland County.
Wadsworth S. Stutts, Juniata County.
Robert W. Crimmel, Juniata County.
Robert Moose, Perry County.
Woodrow W. Warfield, Cumberland County.

On the question,

Shall the Senate agree to the resolution?

Mr. EDMONDS. Mr. President, may I interrogate the Senator from Philadelphia, Mr. Shapiro?

The PRESIDENT. Will the Senator from Philadelphia, Mr. Shapiro, permit himself to be interrogated?

Mr. SHAPIRO. Mr. President, with pleasure.

Mr. EDMONDS. Mr. President, I desire to ask the Senator how many names of attaches were on that list just read.

Mr. SHAPIRO. Mr. President, I have not counted them.

Mr. EDMONDS. Mr. President, The Act of 1919 sets forth the number of employes of the Senate. May I ask that that Act of 1919 be brought here?

The PRESIDENT. The Senator might have brought it.

Mr. SHAPIRO. Mr. President, I am sure if the gentleman will look in the Manual, that he will find that these appointments conform with the Act.

Mr. EDMONDS. Mr. President, I would like to have the Act brought here * * *.

Mr. SHAPIRO. Mr. President, we have not been working under the rules of twenty years ago for the past ten years. These appointments are in conformity with the provisions of law as to the number of employes.

Mr. EDMONDS. Mr. President, is the Senator sure they conform with the Act?

Mr. SHAPIRO. Mr. President, I assume they are unless the Supreme Court rules otherwise.

Mr. EDMONDS. Mr. President, I ask that the Act be produced.

The PRESIDENT. The Auditor General will not honor vouchers if they are not in conformity with the law.

Mr. EDMONDS. Mr. President, if there is an illegal list of employes or appointments, the Senate ought to know it before it votes.

POINT OF ORDER

Mr. SHAPIRO. Mr. President, I rise to a point of order.

The PRESIDENT. The Senator will state his point of order.

Mr. SHAPIRO. Mr. President, there is nothing but my motion before this Senate.

Mr. EDMONDS. Mr. President, I think the assumption of the Senator ought to be verified as there is an Act of the Commonwealth that fixes the number of attaches which this Senate has and it ought to know what that number is.

Mr. SHAPIRO. Mr. President, the Senator may want to question me upon my remarks and the gentleman can look up the Act even now and then he can raise the question. I have answered the gentleman that the appointments suggested in my motion are all made under Act of Assembly, not in the last four years, but under the Republican Administration.

Mr. EDMONDS. Mr. President, would the gentleman from Philadelphia use his influence with the Chair and try to get me a copy of this Act now?

Mr. SHAPIRO. Mr. President, the Democratic and Republican members of this Senate know that if they wish a copy of an Act all they have to do is to clap their hands for a page boy.

Mr. EDMONDS. Mr. President, I now ask for a page boy or whatever comes.

The PRESIDENT. The Chair is willing to accept the statement of the gentleman from Philadelphia that the appointments are within the law.

May the Chair point out that we have got to meet in Joint Session to receive and open the election returns and whatever other duties are necessary in connection with the opening of the General Assembly?

Mr. GELDER. Mr. President, I desire to interrogate the gentleman from Philadelphia, Mr. Shapiro.

The PRESIDENT. Will the Senator allow himself to be interrogated?

Mr. SHAPIRO. Mr. President, I will.

Mr. GELDER. Mr. President, I desire to inquire if his list of employes corresponds with the list in 1933?

Mr. SHAPIRO. Mr. President, I would rather say "no" to that because some of the positions were not filled in 1933 and in 1935. We did not fill some of the appointments this time; the office of assistant librarian was not filled.

Mr. GELDER. Mr. President, may I inquire how many postmasters and assistant postmasters are on the list?

Mr. SHAPIRO. Mr. President, one postmaster and one assistant postmaster.

Mr. GELDER. Mr. President, in 1933 the Senate of Pennsylvania made an effort to economize on expenditures around the capitol and curtailed the number of employes. In 1937, the list was greatly augmented and we have not noticed that the service has been improved. It seems to me that at this time it is necessary for curtailment because between now and the First of June there will be forty million dollars more needed than is now in sight. It would be a fine gesture on the part of the Senate to start with a small number of employes and add them as needed.

Mr. SHAPIRO. Mr. President, the 1935 Session was controlled by the Republicans. Any increase was made by the Republicans. In the House, the Democratic majority cut out a number of positions and the Republican House showed haste in just electing an assistant clerk and filled every position not filled by the Democrats last year. We have not filed any appointments of the President Pro Tempore or of the President of the Senate, because we think that they should have their own appointees.

And the question recurring,

Will the Senate agree to the resolution?

The yeas and nays were required by Mr. OWLETT and were as follows, viz.:

YEAS—23

Cavalcante,	Gilson,	Lanius,	Rice,
Coleman,	Haluska,	Levin,	Ruth,
Dent,	Jacobs,	McGreesh,	Shapiro,
DISilvestro,	Jaspan,	McGinnis,	Sipe,
Eroe,	Kilgallen,	Mundy,	Stiefel,
Frey,	Kunkel,	Reed,	

NAYS—22

Bartlett,	Farrell,	Mallery,	Stevenson,
Chapman,	Gelder,	Miller,	Tallman,
Crowe,	Geitz,	Owlett,	Walker,
Detrich,	Heyburn,	Pierson,	Wolfenden,
Ealy,	Homsher,	Scarlett,	Woodward,
Edmonds,	James,		

So the question was determined in the affirmative.

Mr. OWLETT. Mr. President, not having heard the names of Messrs. Letzler, Snowden and Thomas called when the roll was called, they having been duly elected, their elections certified to this Senate, certificates of election issued by the Secretary of the Commonwealth and they having been sworn, I now ask that their names be called.

The PRESIDENT. The Chair records the same answer as before to this question.

On the question of the election of employes of the Senate, the "ayes" have 23 and the "nays" have 22, and

the employes whose names were read are elected to their respective positions.

Mr. OWLETT. Mr. President, I present the following resolution and ask its immediate adoption.

Mr. MALLERY. Mr. President, I second the motion.

ADOPTION OF RULES

Mr. SHAPIRO. Mr. President, I desire to offer the rules at this time and move their adoption.

Mr. RICE. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

The PRESIDENT. As Mr. Shapiro has made a motion to adopt the rules of the Senate at this time, I will accept his motion. The organization of the Senate has not as yet been completed.

Mr. OWLETT. Mr. President, there is a resolution pending before the Senate at this time.

The PRESIDENT. There is no resolution pending before this body that I know of.

Mr. OWLETT. Mr. President, I presented a resolution.

The PRESIDENT. The resolution has not been recognized.

Mr. OWLETT. Mr. President, I appeal from the ruling of the Chair and file the following appeal and ask that the President Pro Tempore take the Chair, I file the written appeal signed by four Senators.

Mr. SHAPIRO. Mr. President, I desire to interrogate the Senator from Tioga, Mr. Owlett.

The PRESIDENT. Will the Senator permit himself to be interrogated?

Mr. OWLETT. Mr. President, I will.

Mr. SHAPIRO. Mr. President, I notice the Senator presented an appeal signed by Messrs. Scarlett, Wolfenden, Pierson and Owlett. It does not state an appeal from what, but just from the ruling just made. I desire to inquire if those signatures were on that paper before the appeal was made.

Mr. OWLETT. Mr. President, they were, of course.

Mr. SHAPIRO. Mr. President, I inquire if he thinks the appeal is in proper form.

Mr. OWLETT. Mr. President, I will be glad to have another one prepared.

Mr. SHAPIRO. Mr. President, the appeal is not in proper form. This paper presented was prepared and signed before the question of an appeal on this question was raised and I ask that it be disregarded.

The PRESIDENT. The appeal is not in order.

Mr. OWLETT. Mr. President, does the Chair rule that we cannot appeal from the ruling of the Chair?

The PRESIDENT. Yes, you can appeal if the appeal is in proper form.

Mr. OWLETT. Mr. President, I have appealed from the ruling of the Chair and ask that the President Pro Tempore take the Chair for the purpose of voting on the appeal.

The PRESIDENT. The appeal is not in proper form.

Mr. OWLETT. Mr. President, where is it improper?

The PRESIDENT. It is not in proper form because the names were signed on it before the appeal was made and before the nature of the appeal was written in the body of the appeal in ink.

Mr. SHAPIRO. Mr. President, the Chair is not acting in an advisory capacity. I know a number of good

lawyers who can advise the Senator if he wants proper advice.

The PRESIDENT. The Senate is the governing body of this branch of the Legislature.

Mr. EALY. Mr. President, I desire to make an inquiry here. Has it not always been the custom of this body as well as other legislative bodies to allow appeals after the Chair has ruled on a question?

The PRESIDENT. May the Chair state that the Senate is not yet organized.

Mr. EALY. Mr. President, we certainly have the right to present appeals.

The PRESIDENT. We are proceeding under parliamentary law,—Jefferson's Manual, until this Senate is duly organized.

Mr. EALY. Mr. President, this Senate is our Senate. You are merely the presiding officer and if any ruling which you make is not agreed to by a majority of the members of this Senate, we have the right to overrule you.

The PRESIDENT. Yes, if the appeal is in proper form.

Mr. EALY. Mr. President, if the appeal is not in proper form, then we will take a few minutes and put it in proper form.

Mr. OWLETT. Mr. President, May the Senate be at ease for a few moments?

Mr. SHAPIRO. Mr. President, I object.

The PRESIDENT. Objection is made.

Mr. OWLETT. Mr. President, I ask that four Senators be permitted to approach the bar of the Senate and sign this appeal.

Mr. SHAPIRO. Mr. President, I ask that the previous question be called.

The PRESIDENT. The previous question has been called for.

Mr. OWLETT. Mr. President, may I inquire whether the appeal has been spread at length in the records of the Senate? May I inquire whether it is placed in the records of the Senate?

The PRESIDENT. The statement is made a matter of record. The appeal was not received because it was improperly drawn.

Mr. OWLETT. Mr. President, I desire to read the appeal and ask that it become a part of the record.

January 3, 1939.

We, the undersigned, hereby appeal from your decision wherein you ruled as follows:

From ruling just made.

G. MASON OWLETT
GEORGE B. SCARLETT
H. J. PIERSON
C. GILBERT WOLFENDEN."

The PRESIDENT. The Chair has no objection to it becoming a part of the record.

READING OF THE RULES

The PRESIDENT. The Clerk will read the Rules.

RULES OF THE SENATE OF PENNSYLVANIA

DUTIES OF THE PRESIDENT—TAKING THE CHAIR

1. The President shall take the chair, each day, at the hour to which the Senate stands adjourned, when he shall call the members to order, and on the appearance of a

quorum, shall cause the Journal of the preceding day to be read, which the Senate shall have the power then to correct.

ORDER OF BUSINESS

2. The order to be observed in taking up business shall be as follows:

First—The asking leave of absence.

Second—The receiving of reports of committees, which shall be called for by the President, according to the order of the committees.

Third—The reading of bills in place. The President commencing on his left and recognizing all in their order from left to right, and all bills read in place shall be accompanied by two copies of the same.

Fourth—The offering of original resolutions.

Fifth—The consideration of executive nominations.

Sixth—The reading of bills the third time.

Seventh—The reading of bills the second time.

Eighth—The reading of bills the first time, and in that state shall not be subject to amendment or a vote thereon.

ORDER AND DECORUM—PRESIDENT TO PRESERVE

3. It shall be the duty of the President to preserve order, prevent personal reflections, confine members in debate to the question and when two or more members rise at the same time, decide who shall be the first heard; but an appeal in all such cases shall lie to the Senate, and a member called to order may extenuate or justify.

BUSINESS AND DEBATES

4. Members speaking shall address the President, and when presenting a paper shall first state its import. Members shall not speak more than twice on any question without permission of the Senate, nor be interrupted when speaking, except by a call to order by the President, or by a member through the President, or by a member to explain, or by a call for the previous question.

MOTIONS

5. When a motion is made and seconded, it shall, before debate, be stated by the President. Every motion shall be reduced to writing, if the President or any member require it; but a motion may be withdrawn by the member making it before amendment, postponement, an order to lie on the table, or decision.

TO BE ENTERED ON JOURNAL

6. Every motion shall be entered on the Journal together with the name of the member making it unless it should be subsequently withdrawn.

HOW INTERRUPTED

7. A question regularly before the Senate can be interrupted only by a call for the previous question for amendment, postponement, commitment, or adjournment.

MOTION TO ADJOURN—WHEN IN ORDER

8. A motion to adjourn shall always be in order, excepting when on the call for the previous question, the main question shall have been ordered to be now put, or when a member has the floor and shall be decided without debate.

ORDER OF MOTIONS—DEBATES ON THE PREVIOUS QUESTION

9. The motion for the previous question, for postponement, for commitment and for amendment shall take precedence in the order mentioned and a motion for the previous question shall preclude any of the other motions from being made; a motion to postpone shall preclude a motion to commit;

or to amend a motion to commit shall preclude a motion to amend. The motion for the previous question, postponement (other than indefinite postponement) or commitment, shall preclude debate on the original subject. The previous question shall not be moved by less than four members.

QUESTIONS FOLLOWING

10. When a call for the previous question has been made and sustained, the question shall be upon pending amendments and the main question, in their regular order, and all incidental questions of order arising after a motion for the previous question has been made, and pending such motion shall be decided, whether on appeal or otherwise, without debate.

DEBATE ON QUESTIONS OF ORDER

11. No debate shall be allowed on questions of order, unless there be an appeal, or reference by the President of the Senate. And on such appeal or reference no member shall speak more than once, unless by leave of the Senate.

FILLING UP BLANKS

12. On filling up blanks, the question shall first be taken on the largest sum, greatest number, and most distant day.

POWERS AND DUTIES OF PRESIDENT PRO TEMPORE

13. In the absence of the President, the President pro tempore shall exercise all the powers and perform all the duties of President. On all questions, the President pro tempore shall vote last when occupying the chair.

SIGNING OF BILLS, ET CETERA BY THE PRESIDENT

14. Acts, orders, addresses, and joint resolutions shall be signed by the President in the presence of the Senate, after their titles have been publicly read, and the fact of signing shall be entered on the Journal; and writs, warrants, and subpoenas, issued by the Senate shall be signed by him and attested by the Clerk.

GENERAL DIRECTION OF HALL

15. The President shall have the general direction of the hall. He may name a member to perform the duties of the Chair but such substitutions shall not extend beyond four days.

RECONSIDERATION

16. When a question has been once made and carried in the affirmative or negative, it shall be in order for any two members of the majority to move the reconsideration thereof. When the Senate has been equally divided on a question, or a bill shall have failed to pass, by reason of not having a constitutional majority, it shall be in order for any two who voted in the negative to move the reconsideration thereof.

Provided, however, that no motion for the reconsideration of any vote shall be in order after a bill, resolution, report, amendment or motion upon which the vote was taken shall have gone out of the possession of the Senate.

Provided further that no motion for reconsideration shall be in order unless made on the same day on which the vote was taken, or within the next five days of actual session of the Senate thereafter.

Provided further, however, that a motion to remove the President pro tempore, or any other officer or employe of the Senate, or to reconsider the appointment or election of the President pro tempore, or any other officer or employe of the Senate, shall require the consent of two-thirds of all members elected to the Senate.

BILLS

17. Every bill shall be read at length on three different days in open Senate. All amendments thereto shall be printed and laid on the desks of Senators before the final vote is taken on the bill. The final vote shall be taken by yeas and nays and the names of the persons voting for and against the same be entered on the Journal. No bill shall be declared passed, or signed by the President unless a majority of all the Senators elected to the Senate shall be recorded as voting for the same.

AMENDMENTS

18. No amendment shall be received by the President

which destroys the general sense of the original section, clause, or paragraph. No amendment to bills by the House shall be concurred in by the Senate, except by the vote of a majority of the members elected thereto, taken by yeas and nays, and the names of those voting for and against recorded upon the Journal thereof.

COMMITTEE OF THE WHOLE

19. All bills shall be considered by a Committee of the Whole, unless the rule be dispensed with by unanimous consent. All amendments made in Committee of the Whole, shall be reported by the chairman to the Senate, and shall by him be moved to be inserted, and if adopted, shall then be entered on the Journal. Every bill shall be read at length in Committee of the Whole, and such reading shall be considered one of the readings required by the Constitution.

REPORT OF CONFERENCE COMMITTEE

20. Every report of a committee of conference shall be printed together with the bill as amended by the committee, before action shall be had on such report.

CONCURRENCE IN AMENDMENTS OF THE HOUSE

21. That the vote on concurring in bills amended by the House or on adopting reports of committees of conference, shall not be taken until said bills and reports have been placed on the files of Senators, and particularly referred to on their calendars.

APPROPRIATION BILLS FOR CHARITABLE PURPOSES

22. No bills appropriating money for charitable or benevolent purposes shall be considered until after the general appropriation bill shall have been reported from committee.

STANDING COMMITTEES

23. There shall be the following Standing Committees:

- A Committee on Aeronautics
- A Committee on Agriculture
- A Committee on Appropriations
- A Committee on Banking
- A Committee on Constitutional Changes
- A Committee on County Government
- A Committee on Education
- A Committee on Elections
- A Committee on Executive Nominations
- A Committee on Finances
- A Committee on Forests and Waters
- A Committee on Game and Fish
- A Committee on Highways
- A Committee on Insurance
- A Committee on Judiciary General
- A Committee on Labor and Industry
- A Committee on Military Affairs
- A Committee on Mines and Mining
- A Committee on Municipal Government
- A Committee on Pensions
- A Committee on Public Health
- A Committee on Public Utilities
- A Committee on Rules
- A Committee on State Government
- A Committee on Welfare

The members and the Chairmen of the said Standing Committees shall be appointed by the President pro tempore as soon after his election as possible. All vacancies occurring in said committees by resignation or otherwise shall be filled by the President pro tempore.

The President pro tempore shall be ex-officio a member of all standing Committees and included in the number of committee members herein provided and he shall be Chairman of the Committee on Rules.

The several above committees shall consist of the following: Rules, six (6) Senators; Agriculture, Executive Nominations, Seven (7) Senators each; Elections, eight (8) Senators; Aeronautics, Forests and Waters, Game and Fisheries, Pensions, nine (9) Senators each; Banking, In-

Insurance, Labor and Industry, Military Affairs, Mines and Mining, Municipal Government, Public Health, State Government, Welfare, eleven (11) Senators each; Constitutional Changes, County Government, Highways, Public Utilities, thirteen (13) Senators each; Education, fourteen (14) Senators; Finance, fifteen (15) Senators; Appropriations, seventeen (17) Senators; Judiciary General, eighteen (18) Senators.

DUTIES OF MEMBERS OF COMMITTEES

24. Every member of a committee shall attend the call of the chairman, who shall be the first-named person on such a committee and in case of his neglect to call the committee together or in case of his absence by sickness or other cause, the committee shall attend the call of the next person named on the committee.

RULES IN COMMITTEE OF THE WHOLE

25. The rules and proceedings of the Senate shall be observed, in the Committee of the Whole, excepting that a member may speak oftener than twice on the same subject. In Committee of the Whole, the previous question cannot be called, the yeas and nays required, nor can there be an appeal from the decision of the chairman.

ABSENCE

26. No member shall absent himself without leave of the Senate, first obtained, unless prevented from attending by sickness, or other sufficient cause.

FILES OF THE SENATE

27. The files of the Senate may be inspected by the members, but no paper shall be withdrawn therefrom without the consent of the Senate.

WHO PRIVILEGED TO THE FLOOR OF THE SENATE

28. No person shall be admitted within the Senate Chamber (galleries excepted) during its sessions, unless invited by a member of the Senate, except the members and officers of the two branches of the legislature, the Governor, heads of departments, ex-members of the Legislature, and stenographers to report proceedings of the Senate for publication under the direction of the President pro tempore. No person or persons shall be permitted to occupy the seats of Senators or pass across the floor of the Senate when the Senate is in session; nor shall any person or persons, at any time, be permitted to enter the room of the transcribing clerks or pass before the President. All obstructions in, and passing across the enclosed circle are prohibited.

SUSPENDING AND AMENDING RULES

29. The consent of two-thirds of the members present shall be necessary to suspend any rule.

The consent of two-thirds of all members elected to the Senate shall be necessary to alter, change, or amend these rules.

DIVISION OF A QUESTION

30. Any Senator may call for a division of a question, which shall be divided if it comprehends questions so distinct that one being taken away the rest may stand entire for the decision of the Senate. A motion to strike out and insert shall be deemed inadvisable; but a motion to strike out being lost, shall preclude neither amendment nor a motion to strike out and insert.

REFERENCE OF BILLS

31. Every bill and joint resolution which may be received from the House of Representatives, or which may be read by a Senator in his place, shall, immediately after being presented to the Chair, be referred by the President to the appropriate committee, unless otherwise ordered.

CHARACTER OF BILLS READ IN PLACE. ET CETERA

32. No member shall read in place, nor shall any committee, either standing or select, report any bill for the action of the Senate, granting corporate powers in any case, when the authority of granting such powers has been conferred upon any of the courts of this Commonwealth; or proposing to legislate upon any of the subjects prohibited by the seventh section of the third article of the Constitution; nor shall any bill be read in place, or reported from a committee, reviving, amending, or extending the provisions of any law, by reference to its title only, but the whole shall be re-enacted in words by such bill.

COMMITTEE OF THE WHOLE ON A BILL ON THIRD READING

33. When the Senate shall resolve to go into Committee of the Whole on a bill on third reading, except for special amendment, the question before the Senate, when the President shall have resumed the Chair and the chairman of the committee has made a report, shall be, "Will the Senate agree to the report of the Committee?"

JEFFERSON'S MANUAL TO GOVERN THE SENATE

34. The rules of parliamentary practice comprised in Jefferson's Manual shall govern the Senate in all cases to which they are applicable, and in which they are not inconsistent with the standing rules and orders of the Senate and the joint rules of the Senate and House of Representatives.

WHEN LESS THAN A QUORUM IS PRESENT

35. When, upon a call, which may be demanded by not less than four Senators, it is found that less than a quorum is present, it shall be the duty of the President to order the doors of the Senate to be closed, and to direct the Clerk to call the roll of the Senate and note the absentees after which the names of the absentees shall be again called, and those for whose absence no excuse, or an insufficient excuse is made, may, by order of a majority of the Senators present, be sent for and taken into custody by the sergeant-at-arms, or his assistants appointed for the purpose, and brought before the bar of the Senate, where, unless excused by a majority of the Senators present, they shall be reproved by the President for neglect of duty.

WHEN LESS THAN A QUORUM VOTE BUT PRESENT

36. When less than a quorum vote upon any subject under the consideration of the Senate, not less than four Senators may demand a call of the Senate, when it shall be the duty of the President forthwith to order the doors of the Senate to be closed, the roll of the Senators to be called, and if it is ascertained that a quorum is present, either by answering to their names, or by their presence in the Senate, the President shall again order the yeas and nays, and if any Senator or Senators present refuse to vote, the name or names of such Senator or Senators shall be entered on the Journal as "present but not voting," and such refusal to vote shall be deemed a contempt, and, unless purged, the President shall direct the sergeant-at-arms to bring such Senator or Senators before the bar of the Senate, where he or they shall be publicly reprimanded by the President.

PROHIBITED LEGISLATION

37. No law shall be passed except by bill, and no bill shall be so altered or amended on its passage through the Senate as to change its original purpose. No bill shall be considered unless referred to a committee, returned therefrom, and printed for the use of the members. No local or special bill shall be reported unless the same be accompanied by proof of the publication of the notice thereof, in accordance with law, and of section eight of article three of the Constitution; and proof of such pub-

lication shall be certified to by the President or secretary of the committee reporting the bill.

EXECUTIVE NOMINATIONS

38. When nominations shall be made by the Governor to the Senate they shall after being read by the Chief Clerk, without a motion be referred by the presiding officer to appropriate committee, and after having been reported by the committee, the final question on every nomination shall be: "Will the Senate advise and consent to this nomination?" Which question shall not be put on the day on which the nomination or nominations are reported from committee, unless by unanimous consent.

All information communicated or remarks made by a Senator when acting upon nominations in committee, concerning the character or qualifications of the person nominated, shall be kept secret. If, however, charges shall be made against a person nominated, the committee may, in its discretion, notify such nominee thereof, but the name of the person making such charges shall not be disclosed.

When the consideration of executive nominations is reached in the order of business, a Senator may make a motion to go into executive session for the purpose of confirming the nominations which have been reported from a committee at a previous session and, if unanimous consent be given, also those which may be reported on the day the motion is made; and on the motion being agreed to, such nomination or nominations shall be considered the first order of the day until finally disposed of, unless the same shall be postponed by a majority of the Senate; but such business when once commenced shall not be postponed for more than five days, except in case of an adjournment of the Senate for a longer period.

When in executive session, no message shall be received from the Governor, unless it be relative to the nomination under consideration, nor from the House of Representatives, nor shall any other business be considered, except executive business, and the executive session shall not adjourn pending the consideration of the nomination until a time fixed by a majority vote of those present for the next meeting of the exclusive session to resume the consideration thereof.

When a nomination is confirmed or rejected by the Senate, any two Senators, voting with the majority, may move for a reconsideration on the same day on which the vote was taken, or on either of the next two days of actual session of the Senate; but if a notification of the confirmation or rejection of a nomination shall have been sent to the Governor before the expiration of the time within which a motion to reconsider may be made, the motion to reconsider shall be accompanied by a motion to request the Governor to return such notification to the Senate. A motion to reconsider the vote on a nomination may be laid on the table without prejudice to the nomination, and shall be a final disposition of such motion.

RESOLUTIONS

39. The following resolutions after they have been twice read, shall be referred to an appropriate committee, without debate (unless by unanimous consent the Senate shall otherwise direct) and if favorably reported by the committee, shall lie over one day for consideration, after which they may be called up as, of course, under their appropriate order of business:

All Senate and House concurrent resolutions, excepting resolutions in reference to adjournments and those recalling bills from the Governor which shall be regarded as privileged;

Resolutions containing calls for information from the heads of departments, or to alter the rules;

Resolutions giving rise to debate, except such as relate to the disposition of matters immediately before the Senate, such as relate to the business of the day on which they were offered, and such as relate to adjournment or taking a recess.

LOUNGING IN SENATE PROHIBITED

40. That the Librarian of the Senate be directed to keep the doors of the Senate chamber closed on Sunday to all persons except persons who are entitled under the twenty-eighth rule of the Senate; and that he be directed to call on any officer of the Senate to aid him in enforcing this order; and that on other days when the Senate is not in Session, the officers are hereby required to strictly prohibit any lounging within the Senate chamber by any person not connected with the Legislature, and that henceforth no officer be permitted to occupy the seat of a Senator at any time; that it shall be the duty of the President to see that this rule is enforced, and a persistent disregard of it by any officer shall be cause of dismissal by the President.

BILLS REQUIRING A TWO-THIRDS VOTE

41. When bills which require a two-thirds vote are under consideration, the concurrence of two-thirds of all the Senators elected shall not be requisite to decide any question or amendment short of the final question; and on any other question short of the final one, a majority of Senators voting shall be sufficient to pass the same.

DISCHARGING COMMITTEES

42. No committee shall be discharged from consideration of any measure within ten calendar days of its reference without unanimous consent of the Senate or after such ten day period except by majority vote of all members elected to the Senate.

NEGATIVE BILLS

43. A majority of all the members elected to the Senate shall be required to place a negative bill upon the calendar.

DIRECTION OF OFFICERS AND EMPLOYEES

44. All officers and employees of the Senate shall be subject to the order and direction of the Chief Clerk, who shall obey the direction and orders of the President and President Pro Tempore respectively, relative to the conduct of all business of the Senate.

BILLS TO BE PRINTED WHEN INTRODUCED, AND WEEKLY CALENDAR PREPARED

45. All bills when introduced in the Senate shall be numbered consecutively and printed on pink paper. A weekly calendar showing the status of all bills shall be prepared for the use of the Senate.

Mr. SHAPIRO. Mr. President, I would like to advise the Senators that the only changes made in these Rules from the Rules adopted at the last Session are in Rules 16, 23, 25 and 29. Rule 43 of last year was abolished. It was the rule prohibiting smoking in the Senate. It was so badly violated that we eliminated it. The rest of the rules are the same as those adopted last Session.

Mr. OWLETT. Mr. President, I would like to interrogate the Senator from Philadelphia, Mr. Shapiro.

The PRESIDENT. Will the Senator from Philadelphia, Mr. Shapiro, permit himself to be interrogated?

Mr. SHAPIRO. Mr. President, I will.

Mr. OWLETT. Mr. President, what is the change in Rule 16?

Mr. SHAPIRO. Mr. President, the changes made in Rule 16, the first three paragraphs are clarifying changes as to what happens when a motion has been lost when there is an equal division. The last paragraph is an addition, it requires a vote of two-thirds of the members elected to change the election of the President Pro Tempore and the employees of the Senate.

Mr. OWLETT. Mr. President, that is with the hope of freezing the employees of the Senate.

Mr. SHAPIRO. Mr. President, I don't like the language the gentleman uses but, the hope was really to freeze the President Pro Tempore.

Mr. OWLETT. Mr. President, I wish to inquire, in Rule 23, does that change the number of committees?

Mr. SHAPIRO. Mr. President, in the set-up of the committees which the Democratic Senators had deemed proper under the circumstances I want to say to the Republican members of the Senate that we have agreed among ourselves if there are any changes which you would prefer to make we would join in the changes. If you want to add or subtract, we will go along with that because that is your prerogative now.

Mr. OWLETT. Mr. President, what about Rule 25?

Mr. SHAPIRO. Mr. President, this was a strike-out of the words "as far as practicable."

Mr. OWLETT. Mr. President, what about Rule 29?

Mr. SHAPIRO. Mr. President, this dealt with the suspension of rules. The word used was "dispense" and the consent of two-thirds of the members is necessary to suspend the rules. Two-thirds of all the members of the Senate will be necessary to alter or change these rules.

Mr. OWLETT. Mr. President, what about Rule 43?

Mr. SHAPIRO. Mr. President, Rule 43 was the only other rule changed. It prevents us all from being violators by eliminating the rule against smoking.

Mr. OWLETT. Mr. President, since, should these rules be adopted, they would affect the whole control of this body and since this body by the election of a Republican President Pro Tempore elected to turn the organization over to the Republican members, I move that the motion with reference to these rules be laid on the table.

Mr. MALLERY. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

Mr. SHAPIRO. Mr. President, I call for the previous question.

The PRESIDENT. It has been moved by Mr. Owlett and seconded by Mr. Mallery that the rules offered be laid on the table.

And the question recurring.

Will the Senate agree to the motion?

The yeas and nays were required by Mr. OWLETT and were as follows, viz:

YEAS—22.

Bartlett,	Farrell,	Mallery,	Stevenson,
Chapman,	Gelder,	Miller,	Tallman,
Crowe,	Geltz,	Owlett,	Walker,
Deitrich,	Heyburn,	Pierson,	Wolfenden,
Ealy,	Homsher,	Scarlett,	Woodward,
Edmonds,	James,		

NAYS—23.

Cavalcante,	Gilson,	Lanius,	Rice,
Coleman,	Haluska,	Levin,	Ruth,
Dent,	Jacobs,	McCreesh,	Shapiro,
DiSilvestro,	Jaspan,	McGinnis,	Sipe,
Eroe,	Kilgallen,	Mundy,	Stiefel,
Frey,	Kunkel,	Reed,	

So the question was determined in the negative.

And the question recurring,

Will the Senate agree to the motion to adopt the rules?

The yeas and nays were required by Mr. OWLETT and were as follows, viz:

YEAS—23

Cavalcante,	Gilson,	Lanius,	Rice,
Coleman,	Haluska,	Levin,	Ruth,
Dent,	Jacobs,	McCreesh,	Shapiro,
DiSilvestro,	Jaspan,	McGinnis,	Sipe,
Eroe,	Kilgallen,	Mundy,	Stiefel,
Frey,	Kunkel,	Reed,	

NAYS—22

Bartlett,	Farrell,	Mallery,	Stevenson,
Chapman,	Gelder,	Miller,	Tallman,
Crowe,	Geltz,	Owlett,	Walker,
Deitrich,	Heyburn,	Pierson,	Wolfenden,
Ealy,	Homsher,	Scarlett,	Woodward,
Edmonds,	James,		

So the question was determined in the affirmative.

Mr. OWLETT. Mr. President, not having heard the names of Messrs. Letzler, Snowden and Thomas called and they having been duly elected and their election returns certified to this body and their election certificates issued to them by the Secretary of the Commonwealth and they having been sworn, I therefore ask their names be called and their votes be recorded on this motion.

The PRESIDENT. The Chair records the same answer as before.

RESOLUTION RELATIVE TO SEATING OF JOHN G. SNOWDEN, A. H. LETZLER AND J. FRED THOMAS AS MEMBERS OF THE SENATE

Mr. OWLETT offered the following resolution which was twice read:

In the Senate of Pennsylvania, January 3, 1939.

Whereas, the returns of the election of John G. Snowden of the Twenty-fourth Senatorial District and A. R. Letzler of the Thirty-fourth Senatorial District and J. Fred Thomas of the Fiftieth Senatorial District have been duly presented to the Senate of Pennsylvania by the Secretary of the Commonwealth and have been opened and counted; and

Whereas, said returns show that said three named Senators were duly elected in their respective districts; and

Whereas, certificates of election have been issued to said three persons by the Secretary of the Commonwealth; therefore, be it

Resolved by the Senate of Pennsylvania that the said Senators be seated in due form forthwith and be declared members of this body.

A motion was made by Mr. OWLETT and Mr. GELDER, That Rule 39, which requires resolutions be referred to an appropriate committee be dispensed with and the Senate proceed to the consideration of the foregoing resolution.

Which was agreed to

On the question,

Will the Senate agree to the resolution?

POINT OF ORDER

Mr. SHAPIRO. Mr. President, I rise to a point of order.

The PRESIDENT. The Senator will state his point of order.

Mr. SHAPIRO. Mr. President, the Senate today adopted three resolutions on the same subject matter. It is out of order first because it has already been passed upon by the Senate and this is in effect a reconsidering motion.

The PRESIDENT. The Chair would say that the resolution is equivalent to a motion to reconsider. The resolutions passed this afternoon asked that these three men stand aside and referred their cases to a committee when appointed and this resolution will not be considered.

Mr. EALY. Mr. President, I second the resolution.

Mr. SHAPIRO. Mr. President, a resolution does not require a second.

Mr. OWLETT. Mr. President, as I understand the procedure this afternoon, three separate resolutions were introduced in this body raising questions which were in the nature of a contest on these seats. It merely set up a contest. When those resolutions were adopted, a resolution was made to seat these three men and this is not a reconsideration of any matter. I offered an amendment to their motion which included the swearing in of these three men and all others and that was voted down. These three men were ordered to stand aside and this is not a motion to reconsider. It is a motion that these three men be sworn in. This is the exact procedure under which Mr. Levin was sworn in. You permitted Mr. Levin to be sworn in and the three resolutions set up a contest over these three men. I am asking the Senate to take the same action for these three men as they did for Mr. Levin this afternoon.

Mr. SHAPIRO. Mr. President, I desire to interrogate the Senator from Tioga, Mr. Owlett.

The PRESIDENT. Will the Senator permit himself to be interrogated?

Mr. OWLETT. Mr. President, I will.

Mr. SHAPIRO. Mr. President, I would like to inquire if the Senator saw the resolution which was presented this afternoon. The resolution presented this afternoon by the Senator reads that the question of the seating of Messrs. Letzler, Snowden and Thomas be referred to a standing committee. Is this not the same as the one presented this afternoon?

Mr. OWLETT. Mr. President, there is no standing committee. If you consider this resolution in its worst light it is nothing but a contested election started in the Senate this afternoon on these three men. Mr. Levin was seated this afternoon and these three men denied seats, one of them because it was alleged he was Mayor of Sharon, another because of certain charges made against him in a swan song by Jack Thompson during the last Special Session and another because of payment of costs in a court action.

POINT OF ORDER

Mr. SHAPIRO. Mr. President, the question raised by this resolution having been referred to in a former resolution disposed of this afternoon, I therefore say that this resolution is out of order.

The PRESIDENT. The Chair is of the opinion that the point of order is well taken.

Mr. OWLETT. Mr. President, I now appeal from the ruling of the Chair and present an appeal signed by Messrs. Mallery, Edmonds, Ealy and myself, the appeal being in proper form, having been signed by four Senators after it had been written.

The PRESIDENT. The appeal is in order.

The PRESIDENT. In the disposition of the appeal from the decision of the Chair now pending before the Senate, in line with custom, tradition and rulings, the presiding officer who made the decision will turn the gavel over to the President Pro Tempore of the Senate.

The PRESIDENT PRO TEMPORE (Frederick T. Golder) in the Chair.

Mr. OWLETT. Mr. President, in connection with the

appeal from the decision of the decision of the Chair I desire to file the appeal in writing.

The appeal was read as follows:

January 3, 1939.

To the President of the Senate:

We the undersigned hereby appeal from your decision wherein you ruled as follows:

The motion to seat 3 Senators is out of order.

CHARLES R. MALLERY,
FRANKLIN S. EDMONDS,
CHARLES H. EALY,
G. MASON OWLETT.

The PRESIDENT PRO TEMPORE. The question is, shall the ruling of the Chair on the motion of Senator Owlett be sustained.

QUESTION OF PARLIAMENTARY INQUIRY

Mr. OWLETT. Mr. President, I rise to a question of parliamentary inquiry.

The PRESIDENT PRO TEMPORE. The Senator will state his question of parliamentary inquiry.

Mr. OWLETT. Mr. President, do I understand that a vote "aye" sustains the appeal and a vote "no" sustains the Chair?

The PRESIDENT PRO TEMPORE. A vote "aye" will sustain the appeal and a vote "no" will sustain the Lieutenant Governor.

The roll was called and was as follows:

AYE

Cavalcante,	Gilson,	Lanius,	Rice,
Coleman,	Haltuska,	Levin,	Ruth
Dent,	Jacobs,	McCreesh	Shapiro
DiSilvestro,	Jaspan,	McGinnis,	Sipe,
Eroc,	Kilgallen,	Mundy,	Stiefel,
Frey,	Kunkel,	Reed,	

NAY

Bartlett,	Farrell,	Mallery,	Stevenson,
Chapman,	Gelder,	Miller,	Tallman,
Crowe,	Geltz,	Owlett,	Walker,
Detrick,	Heyburn,	Pierson,	Wolfenden,
Ealy,	Homsher,	Scarlett,	Woodward,
Edmonds,	James,		

Mr. OWLETT. Mr. President, not having heard the names of Messrs. Letzler, Snowden and Thomas called and they having been duly elected, their election returns certified to this body, their election certificates issued to them by the Secretary of the Commonwealth and they having been sworn, I therefore ask that their names be called and their votes recorded on this motion.

Mr. SHAPIRO. Mr. President, there is nothing before this Senate except the calling of the roll and the roll has been called.

Mr. OWLETT. Mr. President, these men are members of this Senate.

Mr. SHAPIRO. Mr. President, certainly these three men could not vote on whether they should be seated or not: they cannot vote on their own seating.

Mr. OWLETT. Mr. President, this is a vote on an appeal from the ruling of the Chair in which the Chair held that my motion was out of order. I ask that their names be called.

Mr. SHAPIRO. Mr. President, the argument is no more logical than his previous motion was necessary; it is a

ridiculous proposition. These men cannot vote on it because they are not seated and have not been sworn.

Mr. MALLERY. Mr. President, it seems peculiar and ridiculous that today when Mr. Levin was seated, the argument was made that he was a Senator since December 1st. These three Senators were, as was contended in the case of Mr. Levin, duly elected as of December 1st. They were duly elected and do have a right to vote.

Mr. OWLETT. Mr. President, may I call attention to the fact that the President Pro Tempore was one of the Senators sworn in by Judge Millar at the same time these three men were sworn.

The PRESIDENT PRO TEMPORE. The Chair is of the opinion that these three men would not be entitled to vote on the question directly effecting whether or not we should seat them as members, but the Chair is of the opinion that their names should be called on this question and so orders the clerk to call the roll.

Mr. SHAPIRO. Mr. President, I do not appeal from the ruling of the Chair, assuming that you

The PRESIDENT PRO TEMPORE. On the direct question, if the President had allowed the motion to prevail then I would have ruled they could not vote.

Mr. SHAPIRO. Mr. President, I would suggest that we abide by the ruling.

Mr. EALY. Mr. President, I do not wish to agree with the President Pro Tempore entirely on whether or not these men are entitled to vote on the main question. The matter of organization here is one question every Senator who has received his certificate of election should note. This same question came up in a way before this very body. The question was raised that a Senator should not vote on a question effecting his vote in the Senate under the Constitution of 1838. The President ruled that he had a right to it and the Senate ruled otherwise. These men have not had any contest as to their election. They have been regularly elected and certified here, and I think that they ought to have a right to vote on all questions that go on in this Senate.

The PRESIDENT PRO TEMPORE. The Clerk will call the roll of the three Senators.

The roll was called as directed and was as follows:

YEA

Letzler, Snowden, Thomas,

The President Pro Tempore announced the vote as follows:

YEAS—25

NAYS—23

So the question was determined in the affirmative.

Mr. SHAPIRO. Mr. President, I call for the question on the motion.

Mr. OWLETT. Mr. President, for the information of the Senate, may the resolution be read?

Mr. PRESIDENT. The resolution will be read.

The Resolution was accordingly read.

Mr. OWLETT. Mr. President, I ask that the names of Messrs. Letzler, Snowden and Thomas be called.

Mr. SHAPIRO. Mr. President, I object to unanimous consent of the resolution at this time.

The PRESIDENT. The Chair is of the opinion that automatically the resolution was before the Senate for action.

The clerk will call the roll.

The yeas and nays were taken and were as follows:

YEAS—22

Bartlett,	Farrell,	Mallery,	Stevenson,
Chapman,	Gelder,	Miller,	Tallman,
Crowe,	Geltz,	Owlett,	Walker,
Deitrick,	Heyburn,	Pierson,	Wolfenden,
Ealy,	Homisher,	Scarlett,	Woodward,
Edmonds.	James,		

NAYS—23

Cavalcante,	Gilson,	Lanius,	Rice,
Coleman,	Haluska,	Levin,	Ruth,
Dent,	Jacobs,	McCreesh,	Shapiro,
DiSilvestro,	Jaspan,	McGinnis,	Sipe,
Eroe,	Kilgallen,	Mundy,	Stiefel,
Frey,	Kunkel,	Reed,	

So the question was determined in the negative.

Mr. OWLETT. Mr. President, I desire to raise the same question that the names of Messrs. Letzler, Snowden and Thomas were not called.

The PRESIDENT. The Chair records the same answer as before on this question.

The organization of the Senate has been completed.

The Chair understands that there is a committee here from the House.

The Chair recognizes the Sergeant-at-arms of the Senate.

NOTIFICATION FROM THE HOUSE

A Committee of the House of Representatives being introduced informed the Senate that the House has organized and is ready to proceed with the business of the Session.

The PRESIDENT. The Chair, on the part of the Senate, thanks the Committee of the House of Representatives.

The PRESIDENT. May the Chair advise the Senate that the writs of the Secretary of the Commonwealth of the election of the Governor, Lieutenant Governor and Secretary of Internal Affairs are now in the possession of the Senate and will be taken by the Senate to the meeting of the Joint Session of the General Assembly.

NOTIFICATION TO THE HOUSE

Mr. FREY offered the following resolution which was twice read, considered, and agreed to:

In the Senate, January 3, 1939.

Resolved, That a committee of two be appointed to notify the House of Representatives that the Senate is duly organized and ready to proceed with its business.

The PRESIDENT. The President Pro Tempore appoints as said Committee the Senator from Northumberland, Mr. Deitrick, and the Senator from Adams, Mr. Rice.

INAUGURAL COMMITTEE

Mr. PIERSON offered the following resolution which was twice read, considered and agreed to.

In the Senate, January 3, 1939.

Resolved, (if the House of Representatives concur), That the President Pro Tempore of the Senate be and is hereby authorized to appoint a committee of twelve Senators to act in conjunction with a committee of fifteen Members of the House of Representatives to be appointed by the Speaker of the House, to make necessary arrangements for the inauguration of the Governor-elect, to await upon His Excellency, and to conduct him in a suit-

able manner to the Capitol for the purpose of having the oath of office administered to him; and

Resolved, That the inaugural ceremonies take place at 12 o'clock on the third Tuesday of January, the 17th instant, on the West side of the Capitol, should the weather prove favorable, otherwise, in the Hall of the House of Representatives, and be it further

Resolved, That said Committee be and is hereby authorized to expend a sum not exceeding five thousand dollars in the making and carrying out of said arrangements, the same to be provided for in the Appropriation Bills.

Ordered, that the Clerk present the same to the House of Representatives for concurrence.

JOINT CONVENTION TO COMPUTE AND COUNT VOTE FOR GOVERNOR, LIEUTENANT-GOVERNOR AND SECRETARY OF INTERNAL AFFAIRS AND ELECT DIRECTOR OF LEGISLATIVE REFERENCE BUREAU AND HEAR ADDRESS OF THE GOVERNOR

Mr. MALLERY offered the following resolution which was twice read, considered, and agreed to:

In the Senate, January 3, 1939.

Resolved, (if the House of Representatives concur) That the Senate and House of Representatives will meet in joint convention Tuesday afternoon, January 3, 1939, for the purpose of witnessing the opening, computing and counting the vote for Governor, Lieutenant-Governor and Secretary of Internal Affairs; and to elect a Director of the Legislative Reference Bureau; also for the purpose of listening to the reading of a message of His Excellency the Governor of the Commonwealth.

Ordered, that the Clerk present the same to the House of Representatives for concurrence.

TELLER TO COMPUTE AND COUNT VOTE FOR GOVERNOR, LIEUTENANT-GOVERNOR AND SECRETARY OF INTERNAL AFFAIRS

Mr. HEYBURN offered the following resolution which was twice read, considered, and agreed to:

In the Senate, January 3, 1939.

Resolved, That the Senator from Blair County, Mr. Mallery be appointed Teller on the part of the Senate for the purpose of witnessing the opening, computing and counting the vote for Governor, Lieutenant-Governor and Secretary of Internal Affairs.

Ordered, That the Clerk inform the House of Representatives accordingly.

WHEN BILLS AND JOINT RESOLUTIONS MAY BE INTRODUCED

Mr. EDMONDS offered the following resolution which was twice read, considered, and agreed to:

In the Senate, January 3, 1939.

Resolved, That no bills shall be presented in the Senate until after the appointment of the standing committees of the Senate.

COMMITTEE TO NOTIFY THE GOVERNOR

Mr. WOLFENDEN offered the following resolution which was twice read, considered, and agreed to:

In the Senate, January 3, 1939.

Resolved, That a committee of three be appointed to act in conjunction with a similar committee on the part of the House of Representatives (if the House of Representatives shall appoint such committee) to await on his Excellency, the Governor, and inform him that the General Assembly

is organized and ready to receive any communications he may be pleased to make.

Ordered, that the Clerk present the same to the House of Representatives for concurrence.

COMMITTEE TO ESCORT THE GOVERNOR TO THE HALL OF THE HOUSE

Mr. SCARLETT offered the following resolution which was twice read, considered, and agreed to:

In the Senate, January 3, 1939.

Resolved, (if the House of Representatives concur), That a committee of three on the part of the Senate be appointed to act with a similar committee on the part of the House (if the House shall appoint such Committee), to escort the Governor to the Hall of the House to address the members of the General Assembly in Joint Session, Tuesday afternoon, January 3, 1939, pursuant to a concurrent resolution already adopted by the Senate and House of Representatives.

Ordered, that the Clerk present the same to the House of Representatives for concurrence.

POSTAGE ON LEGISLATIVE JOURNAL

Mr. CROWE offered the following resolution which was twice read, considered, and agreed to:

In the Senate, January 3, 1939.

Whereas, The Post Office Department has decided that the Legislative Journal must be third class matter and has so instructed the Postmaster at Harrisburg, therefore be it

Resolved, (if the House of Representatives concur), That the Chief Clerks of the Senate and House of Representatives be directed to make arrangements for the necessary postage so that the Legislative Journal may be mailed according to the requirements of the Post Office Department, and that the payment of the postage for the Legislative Journal, also for the Bills, Calendars and Histories be provided for in the Appropriation Bill.

Ordered, that the Clerk present the same to the House of Representatives for concurrence.

PRINTING OF GOVERNOR'S APPOINTMENTS

Mr. HOMSHER offered the following resolution which was twice read, considered, and agreed to:

In the Senate, January 3, 1939.

Resolved, That the list of appointments which may be sent to the Senate by the Governor, as having been made during the recess be printed for the use of the Senate under the direction of the Chief Clerk.

THANKING JUDGE SHEELY AND JUDGE MILLAR FOR ADMINISTERING OATHS

Mr. RICE offered the following resolution which was twice read, considered, and agreed to:

In the Senate, January 3, 1939.

Resolved, That the thanks of the Senate are hereby tendered to Honorable W. C. Sheely, Judge of the Court of Common Pleas of Adams and Fulton Counties, and Honorable Albert S. C. Millar, judge of the Court of Common Pleas (Court No. 3) of Philadelphia County, for their services in qualifying the newly elected Senators and President pro tempore.

REPORT OF COMMITTEE TO NOTIFY HOUSE

Mr. RICE. Mr. President, the Committee on the part of the Senate to inform the House of Representatives the

Senate is organized has reported to the House and the House is awaiting the Senate to meet in Joint Session.

The PRESIDENT. The Chair thanks the Committee on the part of the Senate.

SENATE PROCEEDS TO THE HALL OF THE HOUSE

The PRESIDENT. The members and officers of the Senate will form in the center aisle and proceed to the Assembly to hear the election writs, issue Certificates of Hall of the House for the Joint Session of the General Election and perform such other duties incident to the Joint General Assembly.

SENATE RETURNS FROM HOUSE

After some time the Senate returned from the House of Representatives.

TIME OF NEXT MEETING

Mr. OWLETT offered the following resolution which was twice read, considered, and agreed to:

In the Senate, January 3, 1939.

Resolved, (if the House of Representatives concur) That when the Senate adjourns this week it reconvene on Tuesday morning, January 7, 1939 at 10:30 A. M., and when the House adjourns this week it reconvene on Monday evening, January 16, 1939 at 8:00 P. M.

Ordered, That the Clerk present the same to the House of Representatives for concurrence.

QUESTION OF PERSONAL PRIVILEGE

Mr. RUTH. Mr. President, I rise to a question of personal privilege.

The PRESIDENT. The Senator from Berks, Dr. Ruth, will state his question of personal privilege.

Mr. RUTH. Mr. President and members of the Senate, I am going to speak more particularly to the presiding officer, our Lieutenant-Governor.

During the four years of your administration you have rendered a service to the people of Pennsylvania that would take a great deal to match in any other man. During the little more than two years that I have had the privilege of being a member of this Body I admired your decisions, your fairness and conscientiousness with which you carried out your duties. You are soon to retire from public life and we want you to feel that the members of this Senate appreciate the service you have rendered to this Body and to the Citizens of Pennsylvania. Not all the duties were pleasant. You had close decisions to make but we believe and we believe the people of Pennsylvania will agree that you rendered those decisions from the heart using your best judgment. All that I can say at this late hour would only be to reiterate that thought, but as a token of appreciation more tangible than words which are soon forgotten, the members of this Senate take the opportunity at this time to present you with a token of esteem and respect from this Senate that will last longer than words.

Mr. President, I have the privilege and the honor to present to you this token of respect and esteem for your splendid work as our presiding officer and I believe that when you go back to your home to become a part of your home it will recall to you the many pleasant memories of this Body. I would also like to ask Mrs. Kennedy to please come forward.

Mrs. Kennedy, this is also an expression of esteem from the Senate to you. This is a joint presentation to the Lieutenant-Governor and Mrs. Kennedy from the Senate.

The PRESIDENT. Speaking for myself and Mrs. Kennedy I want to thank the members of this Senate for this gift which exemplifies and typifies the respect the Senate holds for the presiding officer. It has been four years of trying service not only to the Senate but to the people of this Commonwealth and I have differed with members of the Senate with respect to rulings and other matters of policies, but I want you to know that those differences were not in any way taken in a personal sense but rather in the discharge of the duties and obligations of this office which I felt were proper and just under all of the circumstances. I believe that you will all agree with me that at least I have the respect and your confidence as a man and as an officer of this Senate. I look upon every member of this Senate as being my friend as I am their friend and I express the hope that the future will hold for every member of this Senate health, happiness and prosperity. I want to again thank the members of the Senate for the gift they have tendered myself and my wife this evening and it will be cherished always in fond remembrance of the many pleasant occasions in this Senate, and of the new friends made and of the old ones strengthened. Thank you.

INAUGURAL COMMITTEE

The Clerk of the House of Representatives being introduced informed the Senate that the House had concurred in resolution from the Senate as follows:

In the Senate, January 3, 1939.

Resolved, (if the House of Representatives concur), That the President of the Senate be and is hereby authorized to appoint a committee of twelve Senators to act in conjunction with a committee of fifteen Members of the House of Representatives to be appointed by the Speaker of the House, to make necessary arrangements for the Inauguration of the Governor-elect, to await upon His Excellency, and to conduct him in a suitable manner to the Capitol for the purpose of having the oath of office administered to him; and

Resolved, That the inaugural ceremonies take place at 12 o'clock on the third Tuesday of January, the 17th instant, on the West side of the Capitol, should the weather prove favorable, otherwise, in the Hall of the House of Representatives, and be it further

Resolved, That said Committee be and is hereby authorized to expend a sum not exceeding five thousand dollars in the making and carrying out of said arrangements, the same to be provided for in the Appropriation Bills.

And has appointed the following Inaugural Committee: Representatives: Habbyschaw, William E. (Chairman), Hummelstown, Dauphin County; Brown, Seth W., Hazleton, Luzerne County; Cadwalader, Lambert, Villanova, Montgomery County; Huntley, George W., Jr., Emporium, Cameron County; Leisey, Amos M., Suplee, Chester County; Royer, Baker, Ephrata, Lancaster County; Serrill, William W., Kellettville, Forest County; Terry, Charles L., Nicholson, Wyoming County; Imbrie, Wilbert D., Harrisville, Butler County; Sarge, H. David, Lebanon, Lebanon County; Shearer, William R., Carlisle, Cumberland County; Bards, Paul M., Oakmont, Berks County; Sweeney, Charles W., Philadelphia, Philadelphia County; Achterman, Leo A., Stroudsburg, Monroe County; Cohen, Herbert B., York, York County.

INAUGURAL COMMITTEE

The PRESIDENT. On behalf of the President Pro Tempore, the Chair announces the following Inaugural Committee: The Senator from Susquehanna, Mr. Gelder; the Senator from Warren, Mr. Chapman; the Senator from Northumberland, Mr. Deitrick; the Senator from Somerset, Mr. Ealy; the Senator from Delaware, Mr. Heyburn; the Senator from Blair, Mr. Mallery; the Senator from Tioga, Mr. Owlett; the Senator from Lancaster, Mr. Pierson; the Senator from Chester, Mr. Scarlett; the Senator from Indiana, Mr. Wolfenden; the Senator from Philadelphia, Mr. Woodward; and the Senator from Adams, Mr. Rice.

POSTAGE ON LEGISLATIVE JOURNAL

He also informed the Senate that the House has concurred in resolution from the Senate as follows:

In the Senate, January 3, 1939.

WHEREAS, The Post Office Department has decided that the Legislative Journal must be third class matter and has so instructed the Postmaster at Harrisburg, therefore be it

RESOLVED, (if the House of Representatives concur), That the Chief Clerks of the Senate and House of Representatives be directed to make arrangements for the necessary postage so that the Legislative Journal may be mailed according to the requirements of the Post Office Department, and that the payment of the postage for the Legislative Journal, also for the Bills, Calendars and Histories be provided for in the Appropriation Bill.

TIME OF NEXT MEETING

He also informed the Senate that the House has concurred in resolution from the Senate as follows:

In the Senate, January 3, 1939.

RESOLVED, (If the House of Representatives concur), That when the Senate adjourns this week it reconvene on Tuesday morning, January 17, 1939 at 10:30 A. M., and when the House adjourns this week it reconvene on Monday evening, January 16, 1939 at 8:00 P. M.

ADJOURNMENT

Mr. OWLETT. Mr. President, I move that the Senate do now adjourn until Tuesday, January 17, 1939, at 10:30 o'clock, A. M.

Mr. RICE. Mr. President, I second the motion. The motion was agreed to.

The Senate adjourned at 11:59 o'clock, P. M. until Tuesday, January 17, 1939, at 10:30 o'clock, A. M.

HOUSE OF REPRESENTATIVES

TUESDAY, January 3, 1939.

(At 11:45 a. m. Mr. Norman Wood made the following announcement in the Hall of the House.)

In accordance with the provisions of the Constitution, the Members-elect of this 133rd regular session of the House of Representatives will meet this day at twelve o'clock noon, in the Hall of the House, for the purpose of organization.

The hour of twelve o'clock having arrived, Honorable THOMAS J. CALLAHAN, Chief Clerk of the House of Representatives, called the members-elect to order and announced, that

This being the day and the hour fixed by Article II, Clause 4 of the Constitution of Pennsylvania for the meeting of the General Assembly, the House of Representatives will now come to order.

PRAYER

Lieut.-Colonel JAMES A. HARVEY, Divisional Commander of the South Eastern Pennsylvania, Southern New Jersey and Delaware Division of the Salvation Army headquarters in Philadelphia, Pennsylvania, offered the following prayer:

Gracious and Eternal God, our Heavenly Father, the Giver of every good and perfect gift, the One to whom we can look at all times and under all circumstances for grace and for guidance, we lift up our voices and our hearts unto Thee in gratitude and praise to Thee, O God, for Thou hast, in Thy loving kindness and tender mercy, blessed us with many material and spiritual blessings. We thank Thee, Almighty God, that Thou in Thy wisdom did guide the founders of this great nation in their deliberations, and by Thy Divine guidance, our government was established upon principles of righteousness and truth and justice, giving to all men liberty and the right to worship Thee, O God, according to the dictates of their own conscience. We thank Thee, gracious God, for this great country of ours and we thank Thee for the privilege of living in it. We thank Thee, Lord God Almighty, that we are a free people and as such we pray that Thou wilt grant to us wisdom from on high that we may show our gratitude to Thee by rendering unto Thee and unto our fellowmen that service which will make this nation a greater nation, this people a greater people. We thank Thee for this great state, beautiful for situation, rich in its natural resources, populated by a great people, and we thank Thee gracious God, that it in itself is the cradle of American liberty, and with all of these thanksgivings, Lord God Almighty, we implore Thy continued blessing upon us as a people, that we may be a tolerant people. We thank Thee, gracious God, that in this world, so full of unrest and war and depression, that we are a free people and we pray Thee, Lord God Almighty, that we may be able to maintain that liberty and that freedom, and that by the example of this great state and of this great nation we may prove to all the peoples of the world that to love Thee, O God, and to love our neighbor as ourselves, are the highest principles of living.

Bless this Assembly, those who have come here with the confidence of their neighbors and of their communities to enact laws and to direct the government of this state. In this great responsible position, we pray for them, each and all, that they shall unselfishly devote themselves to these high and noble principles of civic righteousness, giving God his rightful place as the Leader in all things. Bless, we pray Thee, the Chief Executive of our great nation. Be to him all that he needs and we believe that Thou wilt be to him all that he needs, with the great and grave responsibilities that are his. May he guide the nation aright. The Governor of our state, we pray Thee, Almighty God, that Thou shalt bless him and give unto him wisdom, and to him, who shall soon take the reins of government as the Chief Executive, we pray Thee, Almighty God that he may come with confidence and with trust in Thee, and discharge his duties fearlessly, seeking the highest benefits to all.

As we ask these things, we are mindful of Him who

taught us in His teachings, and He has given to all the world the highest principles of social justice, when He said, "Do unto others as you would have them do unto you." And may we thus be guided and directed we pray in His name and for His sake, Amen.

THE SECRETARY OF THE COMMONWEALTH PRESENTS RETURNS OF ELECTION OF MEMBERS

The Secretary of the Commonwealth being introduced, pursuant to the provisions of the Act of June 3, 1937, presented to the House of Representatives the returns of the election for members held on November 8, 1938.

RESOLUTION

OPENING OF ELECTION RETURNS

Mr. MARR, a member-elect, offered the following resolution which was twice read, considered and adopted.

In the House of Representatives, January 3, 1939.

Resolved, That the returns for the election of Members of the House of Representatives held Tuesday, November 8, 1938, be now opened and read.

The said returns were opened and read as follows:

ADAMS COUNTY

One Elected G. R. Thompson, R. 9,046
H. M. Hartman, D. 7,044

ALLEGHENY COUNTY

1st Dist.—

Two Elected
Homer S. Brown,
D. 14,516
Al Tronzo, D. 13,799
Curtis B. Haines,
R. 5,349
John Schneider, R. 5,621

2nd Dist.—

Two Elected
Thomas P.
Mooney, D. 15,695
Thomas P.
Mooney R.
O. 136
George J.
Sarraf, D. 15,808
George J.
Sarraf, R.
O. 172

John McVay, R. .. 7,994
Walter C. Mellor,
R. 7,993

3rd Dist.—

One Elected
Lawrence P.
Keenan, D. 13,459
James McFarland
R. 8,390

4th Dist.—

One Elected
James W. Patterson, D. 12,321
Harry B. Ackerman, R. 14,225

5th Dist.—

One Elected
Bradley McK.
Burns, D. 18,463
Charles M. Christler, R. 13,960

6th Dist.—

Three Elected
Elmer J. Holland, D. .. 27,766
Elmer J. Holland, R. O. 265
John J. Baker, D. 27,323
John J. Baker, R. O. .. 220
Thomas D. Malone, D. 27,668
Howard B. Allen, R. 20,798
James A. Kendrick, R. 20,799
Frank Brown, R. .. 20,711
George F. Schmitt, R. O. 307

Seventh Dist.—

Two Elected
Martin C.
Mihm, D. 15,167
Martin C.
Mihm R.
O. 116

John L. Powers, D. 15,059
John L. Powers, R. O. 108

Christian Mueller, R. 9,445
Marshall C. Riggs, R. 9,436
William J. Hamilton, 69

8th Dist.—

Two Elected

William A.
Shaw, D. .. 13,759
William A.
Shaw, R.
O. 124
13,883

John J.
O'Keefe, D. 13,786
John J.
O'Keefe, R.
O. 128
13,914

Shiras K. Holmes,
R. 12,977
Wilbert D. Pinkerton, R. 12,837
9th Dist.—

One Elected
John E. McElroy,
D. 3,688
John W. Montgomery, R. 10,318
10th Dist.—

Four Elected
J. P. Moran, D. .. 38,876
Joseph B. Baine, D. 37,925
John F. Nugent, D. 38,266
Edward F. McDonough, D. 38,062
Joseph R.
Dick, R. .. 39,254
Joseph R.
Dick, R. O. 440
Joseph R.
Dick, N. P. 18
39,712

Paul M. Barden, R. 38,985
Charles Lysle Seif, R. 38,453
Herbert S. Robertson, R. 38,421
Seward J. Gross, R. O. 1,085
Harold W. Ochs, R. O. 1,032
Samuel J. Leezer, R. O. 600

11th Dist.—

Two Elected
L. Kenneth Harkins, D. 19,389
L. Kenneth Harkins, R. O. 180
L. Kenneth Harkins, N. P. 22
19,591

David M.
Boies, D. 18,609
David M.
Boies R. O. 181
David M.
Boies, N.
P. 2
18,798

ARMSTRONG COUNTY

Two Elected

Ward McCullough,
D. 9,587
John R. Walker,
D. 9,000
Frank J. Aikins,
R. 14,887

Ederas D. Poada,
R. 14,178
S. N. Petraitis, R. 13,731

12th Dist.—

Four Elected

Anthony J.
Gerard, D. 37,711
Anthony J.
Gerard, R.
O. 555
Anthony J.
Gerard, N.
P. 1
38,267

Frank A.
Coolahan,
D. 37,041
Frank A.
Coolahan,
R. O. 560
37,601

Cyril F. Ruffenach, D. 37,024
Charles Harmuth, D. 36,695
George W.
Cooper, R. 40,968
George W.
Cooper, R.
O. 377
George W.
Cooper, N.
P. 4
41,349

Edwin C. Ewing, R. 41,321
John R. Haudenschield, R. 41,122
Walter W. McVay, R. 40,897
Jerome Gitzen, R. O. 648

13th Dist.—

Two Elected

Howard R.
Pearson, D. 29,370
Howard R.
Pearson, R.
O. 254
Howard R.
Pearson, N.
P. 16
29,640

Joseph F.
Piole, D. .. 27,231
Joseph F.
Piole, R.
O. 221
Joseph F.
Piole, N.
P. 15
27,467

Robert D. Fleming,
R. 37,777
Kenneth L. Leydic,
R. 36,147

BEAVER COUNTY

1st Dist.—	Peter P. Reising,	
One Elected	D.	14,354
Eugene A. Caputo,	Reuben A. Nagel,	
D.	D.	14,482
Floyd N. Marr, R. 10,002	Everett Y. Calvin,	
2nd Dist.—	R.	16,317
Two Elected	Harry E. Goll, R. 15,801	

BEDFORD COUNTY

One Elected	Albert F. Floor, R. 9,027	
Joseph H. Clapper,		
D.		8,334

BERKS COUNTY

1st Dist.—	David A. Moyer,	
Two Elected	Soc.	1,017
Albert S. Read-	3rd Dist.—	
inger, D.	One Elected	
Warren K. Hess,	Jacob L. Balthaser,	
D.	D.	4,842
George L. Roller,	Theo. G. Confer,	
R.	R.	3,963
G. Fred Steinrock,	Chas M. Deiss, Soc.	
R.		470
Darlington Hoopes,	4th Dist.—	
Soc.	One Elected	
Miles N. Williams,	Otis S. Rothen-	
Soc.	berger, D.	6,388
2nd Dist.—	Clifford G. Landis	
One Elected	R.	4,465
Mahlon F. LaRue,	Wm. R. Schoener,	
D.	Soc.	661
Raymond E. Henry,	Irvin Fronheiser,	
R.	Comunist	1

BLAIR COUNTY

1st Dist.—	Charles S. Kniss,	
One Elected	D.	11,205
Ralph H. Norton,	Fred J. Wood, D.	
D.		9,886
Charles A. Auker,	George E. Jones,	
R.	R.	17,470
2nd Dist.—	D. Raymond Sol-	
Two Elected	lenberger, R. ..	16,817

BRADFORD COUNTY

One Elected	Wilson D. Gillette,	
W. Ernest Brown,	R.	15,442
D.		7,007

BUCKS COUNTY

Two Elected	Wilson L. Yeakel,	
Paul V. Scheetz,	R.	25,359
D.	Thomas B. Stock-	
John G. Bleasdale,	ham, R.	25,151
D.		16,042

BUTLER COUNTY

Two Elected	Wilbert D. Imbrie,	
Norman Oosterling,	R.	17,043
D.	F. M. Critchfield,	
William F. Pohl,	No Party	1
D.	R. S. Mitchell, No	
Albert B. Mc-	Party	1
Clester, R.		17,219

CAMBERIA COUNTY

1st Dist.—	Philip Lop-	
Two Elected	resti,	
Philip Lop-	Indep. ..	
resti, D. 9,602	Citizen ..	
Philip Lop-		
resti, Soc. 91		57

Philip Lop-		
resti, Non-		
Part.	5	9,755

Hiram G.		
Andrews		
D.	11,143	
Hiram G.		
Andrews		
R. O.	505	
Hiram G.		
Andrews		
Indepen.		
Citizen ..	358	
Hiram G.		
Andrews		
Non-Part.	5	

Samuel P.		
Boyer, R.		
	11,610	

Samuel P.		
Boyer,		
Prohib. ..	58	
Samuel P.		
Boyer,		
Non-Part.	2	
	11,670	

Walter E.		
Rose, Jr.		
R.		
	12,066	

James Ga-		
tins, R. O.	896	
James Ga-		
tins, Soc.	131	
James Ga-		
tins, Non-		
Part.	2	
	1,029	

2nd Dist.—	Three Elected	
Michael C.		
Cher-		
venak, Jr.		
D.	25,273	
Michael C.		
Cher-		
venak, Jr.		
Soc.	91	

One Elected	George W.	
John A.	Huntley,	
Bauer, Jr.,	Jr., R.	1,755
D.		1,359

CAMERON COUNTY

One Elected	George W.	
John A.	Huntley,	
Bauer, Jr.,	Jr., R.	1,755
D.		1,359

CARBON COUNTY

One Elected	Irwin W.	
Carl A.	Bennett,	
Nichoff	R.	12,308
D.		11,858

William Gri-		
ffith, R. O.		67

CENTRE COUNTY

One Elected	Kenneth G.	
John W.	Haines, R.	11,911
Decker D.		9,529

CHESTER COUNTY

1st Dist.—	Quintin A.	
One Elected	Klinger, D.	11,647
Charles H.	F. Howard	
Conner D.	Bronson, R.	22,295
Raymond C.	Amos M.	
Webster, R.	Leisey, R.	21,962
2nd Dist.—	Harry E.	
One Elected	Baker,	
Wayne G.	R. O.	132
Hoffman,	Wayne G.	
D.	Hoffman	
	R. O.	43
		11,980

Michael C.		
Cher-		
venak, Jr.		
Non - Part,	1	25,330

Dennis L.		
Westrick,		
D.	25,589	
Dennis L.		
Westrick,		
Soc.	135	
Dennis L.		
Westrick,		
Non-Part.	2	25,726

Albert L.		
O'Connor,		
D.		25,324

Mahlon J.		
Baum-		
gardner,		
R.	22,280	
Mahlon J.		
Baum-		
gardner,		
Indepen.		
Citizen ..	93	22,373

J. Norman		
Griffith,		
R.	22,040	
J. Norman		
Griffith,		
Prohib. ..	251	
J. Norman		
Griffith,		
Indepen.		
Citizen ..	84	22,375

Llewellyn J.		
Reese,		
R.		21,910
Milton Hink-		
ledire, Soc.		468
Norman Gri-		
ffith,		
Prohib.		438

CLARION COUNTY

One Elected	Alexander	
Robert R. Whitmore,	Robertson,	
D.	R.	7,927
	Alvin Shaw,	
	No Party	55

CLEARFIELD COUNTY

1st Dist.—	2nd Dist.—	
One Elected	One Elected	
Ward L. Maines, D. 8,938	Frank P. Hamilton,	
Edward A. Clark,	D.	7,068
R.	C. G. Krise, R. ...	8,754
	William K. Nichol,	
	R. O.	142

CLINTON COUNTY

One Elected	Charles E. Dona-	
Joseph A. Simon,	hue, R.	7,610
D.		6,943

COLUMBIA COUNTY

One Elected	Eckley Hoyt, R. ...	11,076
M. P. Whitenight,		
D.		10,988

CRAWFORD COUNTY

One Elected	H. E. Plubell, Pro.	1
William G. Smith,	W. H. Kershner,	
D.	Pro.	3
J. Perry Eckels, R. 14,769		
Fred Falugh, R. ...		1

CUMBERLAND COUNTY

One Elected	William R. Shearer,	
Edwin E. Nailor,	R.	16,794
D.	Albert Black, Ind.	1
		15,099

DAUPHIN COUNTY

1st Dist.—	William E. Habby-	
Two Elected	shaw, R.	22,527
Samuel C. Speng-	Robert E. Wood-	
ler, D.	side, Jr., R.	22,597
Wm. C. Dickinson,	Russell Reiner, No	
D.	Party	1
Ray E. Taylor, R. 24,042	George Lentz, No	
David P. Reese, Jr.,	Party	1
R.	William Daniels,	
24,054	No Party	2
2nd Dist.—	Clarence Wolf, No	
Two Elected	Party	2
Walter G. Loomis,	William Myers, No	
D.	Party	1
15,865		
George E. Schaff-		
ner, D.		15,872

DELAWARE COUNTY

1st Dist.—	John H. Pitman,	
One Elected	D.	30,786
Adie S. Rush, D. . 9,057	Ellwood J. Turner,	
Thomas A. Curran,	R.	71,205
R.	Benj. F. James, R. 71,378	
13,493	Arthur P. Breth-	
2nd Dist.—	erick, R.	71,095
Three Elected	Thomas J. Sproul,	
James A. Devine,	R.	1
D.		30,536
Henry G. Turner,		
D.		30,693

ELK COUNTY

One Elected	livan, R. O.	76
Leo O'Sul-		6,387
livan, D. . 6,311	Herferd M. Wood,	
Leo O'Sul-	R.	7,000

ERIE COUNTY

1st Dist.—	Fencil Wilson, R. O.	201
One Elected	3rd Dist.—	
Joseph G. Wagner,	One Elected	
D.	Walter H. Scott, D.	4,747
9,464	John E. Van Alls-	
Delbert W. Dal-	burg, R.	7,334
rymple, R.	4th Dist.—	
9,945	One Elected	
2nd Dist.—	John C. Young, D.	3,750
One Elected	Homer Cook, R. ...	7,738
Adam A. Gorski,	Lee M. Smith, R. O.	98
D.		
11,057		
Ralph H. Moseman,		
R.		8,486

FAYETTE COUNTY

1st Dist.—	John L. Rider, D. . 20,548
One Elected	Burton E. Tarr, D. 20,533
John M. Burns, D. 13,190	Herbert O. Horn-
Walter R. Hager, R. 8,312	bake, Sr., R. ... 16,867
2nd Dist.—	Chas. W. Utts, R. . 16,882
Three Elected	Oscar B. Goldstein,
Matthew J. Welsh,	R.
D.	16,958
20,596	

FOREST COUNTY

One Elected	William W.	
Hilda B. Wheeler,	Serrill,	
D.	Pro.	1
1,103		
William W.	Serrill, R. 1,847	1,848

FRANKLIN COUNTY

One Elected	Paul C. Moo-	
Paul C. Moo-	maw, R. O.	18
maw, D. ... 12,458		12,476
	C. Frank Gillan, R. 13,816	

FULTON COUNTY

One Elected	Walter R. Sloan, R.	2,466
George B. Mellott,		
D.		1,999

GREENE COUNTY

One Elected	H. E. Milliken, R. . 7,980
Roy E. Furman, D. 8,114	

HUNTINGDON COUNTY

One Elected	George W. Fisher,	
J. Howard Fleck, D. 5,162	R.	10,204
	H. S. Donelson,	
	Pro.	322

INDIANA COUNTY

Two Elected	J. T. Stewart,	
Willis D. Hall, D. . 11,061	Non - Part.	1
Willard A. Hart, D. 10,612	J. T. Stewart,	
J. T. Stewart,	Pro.	181
R.		15,919
15,737	Earl E. Hewitt, Sr.,	
	R.	15,712

JEFFERSON COUNTY

One Elected	Henry I. Wilson, R. 12,518
Ira M. Kephart, D. 8,394	

JUNIATA COUNTY

One Elected	Merrill E. Schlegel,	
John W. M. Burris,	R.	3,761
D.		3,921

LACKAWANNA COUNTY

1st Dist.— One Elected Edward M. Regan, D. 10,640 Thomas J. Bromisz- wiski, R. 8,984	4th Dist.— One Elected Harry P. O'Neill, D. 14,147 John A. Hetsko, R. 7,872
2nd Dist.— One Elected Martin Kenehan, D. 11,683 J. Russell Phillips, R. 11,103	5th Dist.— One Elected Robert W. Munley, D. 11,983 George J. Leshner, R. 9,867
3rd Dist.— One Elected Robert E. Dough- erty, D. 9,825 Robert J. Cordier, R. 10,506 Robert J. Cordier, R. O. 96 10,602	6th Dist.— One Elected W. Arnold Thomp- son, D. 8,300 Matthew T. Kno- ble, R. 11,731

LANCASTER COUNTY

1st Dist.— One Elected Ruth Grigg Hort- ing, D. 10,774 Alfred C. Alspach, R. 14,537 Fred Kilgus, R. O. 113	Arthur E. Snavelly, D. 15,437 John G. Hershey, D. 15,771 Jackson W. Dins- more, D. 15,041 Harry E. Trout, R. 32,447 Baker Royer, R. .. 32,406 Norman Wood, R. . 32,216
2nd Dist.— Three Elected	

LAWRENCE COUNTY

1st Dist.— One Elected Carmi G. Preston, D. 9,084 J. Elder Bryan, R. . 8,972 Lawrence Fee, R. O. 420 Frank Park, Pro. . 118	James Kelso, D. . . 7,137 W. Sharp Fuller- ton, R. 9,326 Judson Lusk, Pro. . 217 J. Elder Bryan, No Party 1 Lawrence E. Fee, No Party 1
2nd Dist.— One Elected	

LEBANON COUNTY

One Elected Peter R. Boltz, D. . 10,658 H. David Sarge, R. 14,347 Calvin Dohner, No Party 1	G. Lee Forney, No Party 1 Harold Risser, No Party 1
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LEHIGH COUNTY

1st Dist.— Two Elected James J. McDerm- mott, D. 12,549 George R. Hol- strom, D. 12,663 Jacob L. Moser, R. 15,331	Tilghman A. Freed, R. 15,217
	2nd Dist.— One Elected William A. Shoe- maker, D. 12,544 Franklin Lichten- walter, R. 16,770

LUZERNE COUNTY

1st Dist.— One Elected John Yourishin, D. 11,791 Seth W. Brown, R. 13,659 Milo B. Serfas, Prog. Amer. 33	3rd Dist.— One Elected James J. McLane, D. 17,238 Pasquale Aquilina, R. 10,852
2nd Dist.— One Elected John C. Bohn, D. . 12,746 Benjamin H. Rhys, R. 11,060	4th Dist.— One Elected Charles Wright, D. 10,845 Bruno Kowalski, R. 11,355

5th Dist.— One Elected John L. Boney, D. . 11,716 Mason Cragle, R. . 10,406	6th Dist.— One Elected Edgar Larc. D. 14,646 Don Wilkinson, R. . 20,694
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7th Dist.— Two Elected James J. Malloy, D. 19,019 Edward C. Schwab, D. 19,039 David A. Living- stone, R. 16,708 Benjamin Jones, R. 16,365

LYCOMING COUNTY

Two Elected Robert C. Wenck, D. 15,370 John H. Siegel, D. . 15,930 Jacob F. Matthews, R. 22,379	Jacob F. Mat- thews, R. O. 1 22,380 Raymond L. Riley, R. 21,158
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McKEAN COUNTY

One Elected Lee L. Lowry, D. . . 7,771	E. Kent Kane, R. . 13,708
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MERCER COUNTY

Two Elected William J. Thomas, D. 14,826 James R. Kelly, D. 14,106 Thomas Lyons, R. . 19,577	R. Roscoe Simons, R. 19,148 Elizabeth T. Clark, Pro. 304 B. R. Phillips, Pro. 281
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MIFFLIN COUNTY

One Elected Lowell H. Alexan- der, D. 6,545	Thomas C. Harbe- son, R. 7,860
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MONROE COUNTY

One Elected Leo A. Achterman, D. 5,636	John W. Dean, R. . 5,528
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MONTGOMERY COUNTY

1st Dist.— One Elected Joseph F. Kane, D. 6,027 Lambert Cad- walader, R. 16,831	Clarence B. Wrigley, R. O. 109 20,096 Alan T. Wright, D. 19,950 Alan T. Wright, No Party 2 19,952 Edwin Winner, R. 44,840 Howard F. Boorse, R. 44,772 Lloyd H. Wood, R. 44,587 Fred Betz, Jr., R. O. 254 E. A. Ely, R. O. . . 234
2nd Dist.— One Elected Hiram Ganser, D. . 6,607 Chas. H. Brunner Jr., R. 10,524	
3rd Dist.— Three Elected Mervin C. Johnson, D. 20,354 Clarence B. Wrigley, D. 19,987	

MONTOUR COUNTY

One Elected Simon K. Hoffman, D. 2,543	H. Roy Cooper, R. 2,458 Lloyd W. Welliver, Ind. 703
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NORTHAMPTON COUNTY

1st Dist.— One Elected Justin D. Jirolanio, D. 7,677 Mason Luckenbill, R. 5,305	D. Miller Early, D. 17,387 Charles McFall, D. 16,779 John N. Hoffman, R. 19,308 Herbert H. Rose- berry, R. 18,656 Edgar J. Balliet, R. 18,489
2nd Dist.— Three Elected Carleton T. Wood- ring, D. 17,961	

NORTHUMBERLAND COUNTY

1st Dist.— One Elected Charles R. Bor- rows, D. 7,133 Adam T. Bower, R. 9,390	John F. Stank, D. 15,734 Joseph P. Bradley, D. 14,331 Frank S. Moser, R. 16,080 Earl Jones, R. 15,164
2nd Dist.— Two Elected	

PERRY COUNTY

One Elected
 Alan M. Wolf, D. . . . 4,616
 Lloyd D. Stam-
 baugh, R. 6,473

PHILADELPHIA COUNTY

1st Dist.—
 Two Elected
 Joseph Skale,
 D. 23,974
 Joseph Skale,
 R. O. 120
 ————— 24,094
 John P. Cor-
 rigan, D. 23,944
 John P. Cor-
 rigan, R. O. 129
 ————— 24,073
 Nathaniel S. Sha-
 ham, R. 17,517
 Anthony R. DiNu-
 bile, R. 17,567
 Emanuel Shanken,
 lege 15
 2nd Dist.—
 One Elected
 Rocco Costanzo,
 D. 4,191
 Americo V. Cor-
 tese, R. 4,874
 Andrew J. Turner,
 lege, 10
 3rd Dist.—
 Two Elected
 Leonard J. DeNote,
 D. 7,679
 Samuel M. Rosen-
 feld, D. 7,698
 Julius J. Lewis,
 R. 7,166
 Morris J. Root, R. 7,159
 4th Dist.—
 One Elected
 Ford R. Jennings,
 D. 2,686
 James H. Irvin, R. 4,199
 Alfred J. H. Frank,
 R. O. 10
 Carl G. Steffenson,
 Free City Col-
 lege 14
 5th Dist.—
 Three Elected
 Charles Melchiorre,
 D. 29,847
 Francis J. Falken-
 stein, D. 29,793
 Anna M. Brancato,
 D. 29,894
 Frank X.
 O'Connor,
 R. 26,404
 Frank X.
 O'Connor,
 R. O. 195
 ————— 26,599
 John J. Mc-
 Garvey, R. 26,304
 John J. Mc-
 Garvey,
 R. O. 169
 ————— 26,473
 Philip J.
 Franzese,
 R. 26,201

William L. Alex-
 ander, Ind. 46

Philip J.
 Franzese,
 R. O. 159
 ————— 26,360
 Frank Pyle, No
 Party 4
 Paul Roche, No
 Party 1
 6th Dist.—
 One Elected
 Samuel D. Holmes,
 D. 4,895
 Eugene Washington
 Rhodes, R. 4,954
 7th Dist.—
 One Elected
 Wm. A. Allmond,
 D. 6,060
 John W. Harris, Jr.,
 R. 4,786
 8th Dist.—
 Two Elected
 Arthur R. Schor,
 D. 6,678
 George G. Karlav-
 agn Kelly D. 6,652
 James J.
 O'Dare, R. 7,870
 James J.
 O'Dare,
 R. O. 44
 ————— 7,914
 Charles Voor-
 hees, R. 7,851
 9th Dist.—
 One Elected
 Morris Kramer,
 D. 1,959
 Herman J. Tahl,
 R. 2,628
 10th Dist.—
 Two Elected
 Thomas E. Shea,
 D. 7,691
 William J. Devery,
 D. 7,674
 Charles W. Swee-
 ney, R. 7,938
 Thomas B. Van
 Belle, R. 7,919
 John J. Jordan,
 State Rights 138
 Edward G. Trevas-
 kis, State Rights 149
 11th Dist.—
 One Elected
 Ellwood B. Welsh,
 D. 6,890
 Joseph E. McGet-
 tigan, R. 6,010
 12th Dist.—
 Two Elected
 J. Harold Levy,
 D. 9,303
 Benjamin L. Long,
 D. 9,361
 Frederick H. Myers,
 R. 7,854
 Joseph Shire, R. 7,856

13th Dist.—

Two Elected
 Edwin F. Thomp-
 son, D. 12,047
 Reuben E. Cohen,
 D. 12,080
 William J.
 Beadman,
 R. 9,350
 William J.
 Beadman,
 R. O. 60
 ————— 9,410
 Charles Gla-
 ser, R. 9,332
 Charles Gla-
 ser, R. O. 54
 ————— 9,386

14th Dist.—

One Elected
 Thomas Martin, D. 6,670
 Robert S. Hamilton,
 R. 12,807

15th Dist.—

One Elected
 Francis S. Hickey,
 D. 14,855
 Edwin A. Lee, R. 31,167
 August Schlied, R.
 O. 129

16th Dist.—

One Elected
 Frank Joseph Fitch,
 D. 35,331
 Alfred K. Clear-
 water, R. 40,154
 Benj. Moskowitz,
 No Party 1
 Herbert N. Wilson,
 No Party 2
 George Wilson, No
 Party 1
 Myrna Loy, No
 Party 1
 Clair Fenerty, No
 Party 1

17th Dist.—

One Elected
 Henry M.
 Dubbs, Jr.,
 D. 29,814
 Henry M.
 Dubbs, Jr.,
 R. O. 216
 ————— 30,030
 Frank J. Tiemann,
 R. 40,990
 Eugene E. J. Min-
 iago, State Rights 51

18th Dist.—

Three Elected
 John J. Finnerty,
 D. 40,998
 Joseph Ominsky,
 D. 40,120
 Crystal Bird Fau-
 set, D. 39,602
 Charles K. Rosen-
 berg, R. 33,591
 Harry J. Wood-
 ward, R. 33,992
 John Williams, R. 33,747
 John E. Philpot,
 R. O. 343
 Charlotte F. Jones,
 R. O. 277
 William A. Bragg,
 R. O. 330

19th Dist.—

Two Elected

Joseph M. O'Brien,
 D. 16,128
 Ralph C. Donohoe,
 D. 16,025
 T. Wilbur
 MacDonald,
 R. 14,159
 T. Wilbur
 MacDonald,
 R. O. 93
 ————— 14,252
 Walter Sen-
 kowski, R. 14,380
 Walter Sen-
 kowski, R.
 O. 100
 ————— 14,480

20th Dist.—

Two Elected
 Edward Flanagan,
 D. 16,714
 James R. Rooney,
 D. 16,752
 Gerald J.
 Greeve, R. 13,618
 Gerald J.
 Greeve, R.
 O. 54
 ————— 13,714
 Clayton Bry-
 ant, R. 13,533
 Clayton Bry-
 ant, R. O. 102
 ————— 13,635

21st Dist.—

Two Elected
 Thomas H. Allen,
 D. 13,702
 Hobson R. Reyn-
 olds, D. 13,618
 J. Raymond Ker-
 ney, R. 11,938
 Paul F. Keene, R. 11,645

22nd Dist.—

Two Elected
 Samuel A. Blank,
 D. 46,759
 Joseph T. Hol-
 brook, D. 46,307
 James A. McGar-
 rity, R. 48,790
 Michael J. Mc-
 Nally, R. 48,255
 John Brennan, R.
 O. 615
 Joseph Mulrenau,
 No Party 1
 Jay Cook, No Party 2
 Harry L. Dufford,
 No Party 2
 David Caplan, No
 Party 1

23rd Dist.—

One Elected
 James F. Walsh, D. 10,952
 Irving N. Kieff, R. 7,461

24th Dist.—

One Elected
 Elmer Kilroy, D. 15,789
 Samuel Mac-
 Anally, R. 15,258
 Samuel Mac-
 Anally, R.
 O. 118
 ————— 15,376
 G. D. Dragone, Free
 City College 4
 Frank F. Cerino,
 State Rights 26

25th Dist.—	Richard Fagan, R.	210
One Elected	O.	
Joseph A. Scanlon,	Emilio B. Pont-	48
D. 14,044	relli, State Rights	
F. Raymond Heuges,	27th Dist.—	
R. 12,920	One Elected	
26th Dist.—	John B. Her-	
One Elected	ing, D. 5,307	
Francis R. Smith,	John B. Her-	
D. 11,183	ing, R. O. 38	
Raymond A. This-	5,345	
tle, R. 11,502	Robert Boyd, R. ... 6,261	

PIKE COUNTY

One Elected	Gaylord Carpenter,	
Joseph H. Vogt, D. 2,197	R. 2,257	

POTTER COUNTY

One Elected	Wrayburn B. Hall,	
Menzo M. Burt, D. 3,221	R. 5,300	

SCHUYLKILL COUNTY

1st Dist.—	3rd Dist.—	
One Elected	One Elected	
John J. Downey,	J. Noble Hirsch, D. 9,417	
D. 14,132	Paul L. Wagner, R. 11,990	
John A. Mier-	4th Dist.—	
nicki, R. ... 11,091	Two Elected	
John A. Mier-	Paul B. Noll, D. ... 16,645	
nicki, R. O. 145	Albert R. Morgan,	
11,236	D. 16,341	
2nd Dist.—	G. Edgar	
One Elected	Kline, R. ... 23,157	
Edgar A. Schroepe,	G. Edgar	
D. 7,127	Kline, R.O. 55	
Harry J. Sny-	23,202	
der, R. ... 7,041	Ivan C. Wat-	
Harry J. Sny-	kings, R. ... 23,071	
der, R. O. 44	Ivan C. Wat-	
7,085	kings, R. O. 63	
	23,134	

SNYDER COUNTY

One Elected	Ira T. Fiss, R. 6,186	
C. E. Zeiders, D. ... 2,660		

SOMERSET COUNTY

Two Elected	Jacob B. Schrock,	
Walter W. Gress,	R. 18,856	
D. 13,081	Ellis C. Boose, R. 18,601	
Park Johnson, D. ... 12,846		

SULLIVAN COUNTY

One Elected	Sidney J. Peale, R. 2,237	
Frank T. McMahon,		
D. 1,504		

SUSQUEHANNA COUNTY

One Elected	Glenn W. Ely, R. ... 9,727	
Philip T. Lon-	U. G. Baker, No	
ergan, D. ... 6,029	Party 2	
Philip T. Lon-	L. R. Davis, No	
ergan, R. O. 1	Party 1	
6,030		

TIOGA COUNTY

One Elected	Frank E. Snyder, R. 11,712	
Mark L. Tingley, D. 5,056	Emma McNaughton,	
Stanley Dominski,	No Party 1	
D. 5		

UNION COUNTY

One Elected	Charles Reagan, R. 5,730	
Frank Doyle, D. ... 2,597		

VENANGO COUNTY

One Elected	John H. McKinney.	
Carl F. Kaufman,	R. 17,854	
D. 6,527		

WARREN COUNTY

One Elected	W. W. Muir, R. ... 10,598	
LeRoy E. Campbell,		
D. 6,175		

WASHINGTON COUNTY

1st Dist.—	2nd Dist.—	
Two Elected	Two Elected	
A. O. Hindman, D. 17,451	Russell E. Reese, D. 17,800	
Russell Marino, D. 15,424	Clarence O. Wil-	
Vance D. Peacock,	liams, D. 17,587	
R. 18,042	James T. Heffran, R. 12,359	
Robert J. Coulson,	H. Earle Wagner, R. 12,823	
R. 16,418		

WAYNE COUNTY

One Elected	Irving S. Dix,	
James T. Spence, D. 4,212	Pro. 1	
Irving S. Dix,	9,114	
R. 9,113		

WESTMORELAND COUNTY

1st Dist.—	Benjamin F. Jen-	
Two Elected	kins, R. 16,415	
Roy C. Haberlen,	R. Raymond Mc-	
D. 11,540	Donald, R. 15,832	
Clarence H. Persh-	Anthony J. Petro-	
ing, D. 11,062	sky, R. O. 415	
David N. Denman,	3rd Dist.—	
R. 12,329	Two Elected	
John R. Mad-	David H. Weiss, D. 17,857	
den, R. 12,117	John G. Check, Jr.	
John R. Mad-	D. 17,822	
den, R. O. 167	Robert M. Carson,	
12,284	R. 16,522	
2nd Dist.—	Daniel Reamer, R. 16,592	
Two Elected	William Williams,	
Fred J. Broad, D. ... 18,475	R. O. 290	
James E. Lovett, D. 18,076	Norman J. O'Brien,	
	R. O. 672	

WYOMING COUNTY

One Elected	Charles L. Terry, R. 4,991	
Ernest M. Pinnock,		
D. 3,082		

YORK COUNTY

1st Dist.—	Clayton E. Moul, D. 14,069	
One Elected	Alvin H. Hocke, R. 14,828	
Herbert B. Cohen,	3rd Dist.—	
D. 11,068	One Elected	
Howard E. Eyster,	J. M. Flinchbaugh,	
R. 10,742	D. 8,121	
2nd Dist.—	George H. Johnston,	
One Elected	R. 9,181	

ROLL CALL

The CHIEF CLERK. The roll will now be called.
The roll being called the following members were present:

MEMBERS PRESENT

Achterman.	Downey,	Lelsey,	Royer,
Ackermann,	Eckels,	Levy,	Sarge,
Allen,	Ely,	Leydic,	Sarra,
Allmond,	Ewing,	Lichtenwalter,	Scanlon,
Alspach,	Falkenstein,	Long,	Schrock,
Andrews,	Fauset,	Lovett,	Schroepe,
Atkins,	Finnerty,	Lyons,	Schwab,
Auker,	Fisher,	Madden,	Self,
Baker,	Fiss,	Malloy,	Serrill,
Balliet,	Flanagan,	Malone,	Shaw,
Balthaser,	Fleming,	Marr,	Shearer,
Bardes,	For,	Matthews,	Simons,

Bennett,	Freed,	McGlester,	Sloan,
Bohn,	Fullerton,	McGarrity,	Snyder,
Boles,	Furman,	McKinney,	Sollenberger,
Boney,	Gates,	McNally,	Stambaugh,
Boorse,	Gillan,	McVay,	Stank,
Boose,	Gillette,	Melchiorre,	Stewart,
Bower,	Goll,	Mihm,	Stockham,
Boyd,	Gorski,	Montgomery,	Sweeney,
Brancato,	Habbyshaw,	Mooney,	Tahl,
Bretherick,	Haines,	Moran,	Tarr,
Brcad,	Hall,	Moser, F. S.,	Taylor,
Bronson,	Hamilton,	Moser, J. L.,	Terry,
Brown, H. S.,	Harbeson,	Muir,	Thistle,
Brown, S. W.,	Harkins,	Munley,	Thompson, E. F.,
Brunner,	Haudenschild,	O'Brien,	Thompson, G. R.,
Burns,	Henry,	O'Connor,	Thiemann,
Burris,	Hess,	O'Dare,	Tronzo,
Cadwalader,	Hewitt,	O'Keefe,	Trout,
Calvin,	Hindman,	Ominsky,	Turner,
Carpenter,	Hocke,	O'Neill,	Van Allsburg,
Check,	Hoffman, J. N.,	Peacock,	Van Belle,
Chervonak,	Hoffman, S. K.,	Peale,	Voorhees,
Christler,	Holland,	Powers,	Wagner,
Clark,	Hort,	Preston,	Walsh,
Clearwater,	Huntley,	Readinger,	Watkins,
Cohen, H. B.,	Imbrie,	Reagan,	Webster,
Cohen, R. E.,	Irvin,	Reese, D. P.,	Weiss,
Cook,	James,	Reese, R. E.,	Welsh, E. B.,
Cooper,	Jlrolanio,	Regan,	Welsh, M. H.,
Cordier,	Johnston,	Reynolds,	Westrick,
Corrigan,	Jones,	Rhodes,	Wilkinson,
Cortese,	Kane,	Rider,	Williams,
Curran,	Keenan,	Riley,	Wilson,
Dalrymple,	Keneshan,	Robertson,	Winnier,
Denman,	Kilroy,	Rooney,	Wood, H. M.,
DeNote,	Kilne,	Rose,	Wood, L. H.,
Dick,	Knoble,	Roseberry,	Wood, N.,
Dix,	Kowalski,	Rosenfeld,	Woodside,
Donahue,	Krlse,	Rothenberger,	Yeakel,
Donohoe,	Lee,		

MEMBERS ABSENT

McLane, Skale.

The CHIEF CLERK. Two hundred and six members-elect having answered to their names a quorum is present. The House is now ready to proceed to business.

RESOLUTION

OATH OF OFFICE ADMINISTERED TO MEMBERS-ELECT

Mr. HABBYSKAW, a member-elect, offered the following resolution, which was twice read, considered and adopted:

In the House of Representatives, January 3, 1939.

Resolved, That the Honorable Frank B. Wickersham, a Judge learned in the law of the Court of Common Pleas of Dauphin County, be requested to administer the oath of office required by Article VII of the Constitution to be taken by the Members-elect of the House of Representatives.

COMMITTEE APPOINTED TO ESCORT HON. FRANK B. WICKERSHAM TO ROSTRUM

The CHIEF CLERK appointed Messrs. Habbyshaw and David P. Reese to escort the Hon. Frank B. Wickersham to the rostrum to administer the oath of office to the members-elect.

OATH OF OFFICE ADMINISTERED TO MEMBERS-ELECT

The CHIEF CLERK. A Bible will be found in the desk of each member. The members-elect will present themselves before the bar of the House where the oath of office, as required by law, will be administered to them by the Honorable Frank B. Wickersham.

The oath of office was then administered to all the members-elect, except Messrs. McLane and Skale.

LEAVE OF ABSENCE

Mr. BOHN asked and obtained leave of absence for Mr. McLane for the week on account of illness.

RESOLUTION

ELECTION OF SPEAKER

Mr. CURRAN offered the following resolution which was twice read, considered and adopted.

In the House of Representatives, January 3, 1939.

Resolved, That in accordance with the provisions of Article II, Section 9, of the Constitution of Pennsylvania, the House do now proceed to the election of a Speaker, and that the clerks act as tellers.

NOMINATIONS FOR SPEAKER

Mr. WOODSIDE. Mr. Chief Clerk and members of the House. This body has had among its members many illustrious men; men of vision, who over a century ago sponsored the public school system; men of honesty and integrity, who wrote the criminal codes of law; men of sympathy and understanding, who felt and provided for the needs of the people of this Commonwealth; men of intellect and judgment whose sound economic principles built a great industrial Commonwealth.

Today we are about to organize a new House and we stand on the threshold of a new session. Yearly the demands made upon government become more numerous and its problems more complicated. It is therefore, important for us to choose as the presiding officer of this House of Representatives a man of the type to whom I have just referred.

I propose to nominate such a man; a gentleman who has been a member of this House since 1925, and whose unselfish service to this Commonwealth entitles him to any honor this body can give him; a scholar with as thorough and complete a knowledge of this state government as any one in the Commonwealth; a man of untiring effort; a student of parliamentary procedure; a believer in representative government, jealous of the rights of the legislative branch; a man of integrity and honesty; one who will preside over this body with justice and with equity, responsive to the duties of the majority and the rights of the minority.

Mr. Chief Clerk, it is of the greatest of pleasure that I nominate for the office of speaker of this House of Representatives, my friend the gentleman from Delaware County, the Hon. Ellwood Jackson Turner.

Mr. KANE. Mr. Chief Clerk and members of the House, in the days of defeat the Republican party sent here a handful of members from opposite corners of the State, a little band from the Northwest and a still smaller but more veteran band from the Southeast. As one of the representatives of the Northwest Republicans, it gives me great pleasure to be present here today to witness the proper recognition of the services of a great representative of the Southeastern Loyalist group in this House.

In these days when the world is over-run by persons and scarce of men, when power is in the hands of the intolerant and barbarous who lead them, when we are over-run with students but scholarship is rare, it is a pleasure to find a born leader, who is a gentleman and

a scholar, and I know that the Democratic members will feel that his graciousness in defeat will be the best warrant that he will be magnanimous in power.

It gives me great pleasure as the Representative of McKean County to second the nomination of Hon. Ellwood J. Turner for Speaker of the House of Representatives.

Mr. JAMES. Mr. Chief Clerk and members of the House, I do not presume to believe that anything I might say will enhance the splendid expression of esteem and approbation which has been so splendidly given by the gentleman who put the name of Mr. Turner in nomination and by the gentleman who seconded that nomination. These gentlemen have spoken to us as veterans of the House; they have spoken of a veteran; they have told us their knowledge of Mr. Turner by reason of their intimate association with him and their comradeship with him in the work of the Legislature of Pennsylvania and in the service of the Commonwealth and its people.

I should like to speak as a new recruit in this service, which Mr. Turner has so well adorned for so many years. I should like particularly to speak to those of the House who, like myself, are entering on these new duties for the first time. I can do this, I think, in reason because Ellwood Turner is my neighbor. He, like myself, is from Delaware County. We know him in our county for one particularly outstanding quality that should recommend him above all else for the speakership of this House. That quality is his fine sense of justice and his fine sense of right. Therefore, it gives me great personal pleasure to second the nomination of Ellwood J. Turner for the high distinction of Speaker of this House.

Mr. HERBERT B. COHEN. Mr. Chief Clerk and members of the House, I wish to offer for the consideration of the membership of this House the name of Roy E. Furman of Greene County for the office of Speaker. The older members of this body who have sat in the deliberations of this House since 1935 well know the manner in which Roy Furman has conducted the affairs and management of this House. I realize that at the present time Fate has written a different verdict, but I cannot allow this occasion to go by without calling to the attention of the members of the House and the people of the Commonwealth that the precedent established by Roy Furman as Speaker is one that will permeate the deliberations of this House in the years to come; in his fairness, in his judgment, in his lack of partisanship, he has established a precedent that all Speakers of the House should follow, and I hope that all Speakers of the House will follow in the future. I know that were we to uncloak ourselves of the partisanship that must undoubtedly enter into this situation, we would in one voice acclaim the splendid manner in which in which Roy Furman presided over our deliberations, and I know that with that partisanship entirely unfolded, that this House would be unanimous in the reelection of Mr. Furman as Speaker.

Mr. Chief Clerk, it gives me great pleasure to submit the name of Roy E. Furman of Greene County for Speaker of this House.

Mr. ACHTERMAN. Mr. Chief Clerk and members of the House, in the selection of Speaker of this House, one cannot with years of experience help but realize those essential prerequisites that are required of a man who fills that position. The older members realize and recognize how essential and necessary it is that the man who fills that position should be fair and calm, because in the

hours when debate is acrimonious, a calm head is needed in the Chair. In addition to that it is also necessary that the man who is elected to that office be non-partisan in his viewpoints. When he goes to the Chair, he goes as a partisan member, but when he assumes that position he then becomes Speaker of the House. He must then lay aside all feeling of partisanship.

The man whom I am seconding has in the past three years evidenced all the essential requirements of that position, and I deem it not only a pleasure but a great honor to second the nomination of Roy E. Furman of Greene County for Speaker.

Mr. MATTHEW H. WELSH. Mr. Chief Clerk and members of the House, coming as I do from the sister county of Greene, it is indeed a pleasure to second the nomination of that outstanding character Roy E. Furman. He is a man who has proven his ability and his courage and determination as well as his fairness to all concerned. I feel that it is an honor and we should all be proud to have him again reelected as Speaker of this House. I know of no finer character, and his record will go down in history surpassed by none.

The CHIEF CLERK. Are there any other nominations?

Mr. HAMILTON. Mr. Speaker, I move that the nominations for Speaker of the House be closed.

The motion was agreed to.

ROLL CALL

The CHIEF CLERK. The Clerk will call the roll. The members will name the candidate for whom they desire to vote.

The roll was called and the vote was as follows:

FOR MR. TURNER

Ackermann.	Ely.	Knoble.	Schrock,
Alspach,	Ewing.	Kowalski,	Seif,
Atkins,	Fisher,	Krise,	Serrill,
Auker,	Fiss,	Lee,	Shearer,
Baillet,	Fleming,	Lelsey,	Simons,
Bardes,	Foot,	Leydic,	Sloan,
Bennett,	Freud,	Lichtenwalter,	Snyder,
Boorse,	Fullerton,	Lyons,	Sollenberger,
Boose,	Furman,	Madden,	Stambaugh,
Bower,	Gates,	Marr,	Stewart,
Boyd,	Gillan,	Matthews,	Stockham,
Bretherick,	Gillette,	McClester,	Sweeney,
Bronson,	Goll,	McGarity,	Tahl,
Brown, S. W.,	Habbyshaw,	McKinney,	Taylor,
Brunner,	Haines,	McNally,	Terry,
Cadwalader,	Hall,	McVay,	Thistle,
Calvin,	Hamilton,	Montgomery,	Tiemann,
Carpenter,	Harbeson,	Moser, F. S.,	Trout,
Christler,	Haudenschild,	Moser, J. L.,	Van Allsburg,
Clark,	Henry,	Muir,	Van Belle,
Clearwater,	Hewitt,	O'Dare,	Voorhees,
Cook,	Hocke,	Peacock,	Wagner,
Cooper,	Hoffman, J. N.,	Peale,	Watkins,
Cordier,	Hoyt,	Reagan,	Webster,
Cortese,	Huntley,	Reese, D. P.,	Wilkinson,
Curran,	Imbrie,	Rhodes,	Wilson,
Dalrymple,	Irvin,	Riley,	Winner,
Denman,	James,	Robertson,	Wood, H. M.,
Dick,	Johnston,	Rose,	Wood, L. H.,
Dix,	Jones,	Roseberry,	Wood, N.,
Donahue,	Kane,	Royer,	Woodside,
Eckels,	Kline,	Sarge,	Yeakel,

FOR MR. FURMAN

Achterman,	Donohoe,	Malone,	Rosenfeld,
Allen,	Downey,	Melchiorre,	Rothenberger,
Allmond,	Falkenstein,	Mihm,	Sarraf,
Andrews,	Fauset,	Mooney,	Scanlon,
Balthaser,	Finnerty,	Moran,	Schrope,
Bohn,	Flanagan,	Munley,	Schwab,
Boies,	Gorski,	O'Brien,	Shaw,
Boney,	Harkins,	O'Connor,	Stank,

Brancato,	Hess,	O'Keefe,	Tart,
Broad,	Hindman,	Ominsky,	Thompson, E. F.,
Brown, H. S.,	Hoffman, S. K.,	O'Neill,	Tronzo,
Burns,	Holland,	Powers,	Turner,
Burris,	Jirolanio,	Preston,	Walsh,
Check,	Keenan,	Readinger,	Weiss,
Chervenak,	Kenehan,	Reese, R. E.,	Welsh, E. B.,
Cohen, H. B.,	Levy,	Regan,	Welsh, M. R.,
Cohen, R. E.,	Long,	Reynolds,	Westrick,
Corrigan,	Lovett,	Rider,	Williams,
DeNote,	Malloy,	Rooney,	

The CHIEF CLERK. The Tellers agree in their count and the vote cast is as follows:

Honorable Ellwood J. Turner received one hundred twenty-eight votes.

Honorable Roy E. Furman received seventy-five votes.

Honorable Ellwood J. Turner having received a majority of all the votes is declared elected Speaker of the House of Representatives for the session of 1939.

ELECTION OF SPEAKER MADE UNANIMOUS

Mr. FURMAN. Mr. Speaker and members of the House, I sincerely appreciate the honor that was conferred upon me today, as it was on two previous occasions by the members of this House in selecting me as Speaker.

As my worthy opponent well said on a similar occasion two years ago, the Speaker of the House of Representatives is not the speaker of any clique or political party; he is the Speaker for all of the members of the House. I wish to repeat that statement as my sentiment.

Therefore, I move you that the election of Ellwood J. Turner as Speaker of the House of Representatives be made unanimous.

The motion was agreed to.

COMMITTEE TO ESCORT SPEAKER TO ROSTRUM

The CHIEF CLERK. The Chair appoints Messrs. Woodside and Furman as a Committee to escort the Speaker to the rostrum.

OATH OF OFFICE ADMINISTERED TO SPEAKER

The CHIEF CLERK. Members of the House, I have the honor to present to you Hon. Ellwood J. Turner, Speaker-elect of this House. The oath of office will now be administered to the Speaker-elect by the Hon. Frank B. Wickersham.

The oath of office was then administered to Honorable Ellwood J. Turner, Speaker-elect of the House of Representatives by the Honorable Frank B. Wickersham, Judge of the Court of Common Pleas of Dauphin County.

The SPEAKER (Ellwood J. Turner) in the Chair.

ADDRESS OF THE SPEAKER.

The SPEAKER. Members of the House, fourteen years ago I took a seat in the second row to the left in this House. From that position it was almost impossible for me to be in any picture that was taken of the membership of the House, and I could not help but think this morning as the picture was taken, that on this particular day the only picture in fourteen years that will contain my likeness found me sitting in the back row among the Democrats.

Conscious and appreciative of the high honor you have just bestowed upon me, and realizing too the grave responsibility you have placed in my hands, I approach my task with humility.

More than two hundred and fifty years ago William

Penn. established in this State a government of liberty under law, the fundamentals of which rested in the Magna Charta and the English Bill of Rights.

These principles of government were restated in the Federal Constitution and in each of those adopted by this Commonwealth. Following the form of the Federal constitution, the several States divided the powers of government into three coordinate branches, each supreme in its own sphere of action, and designed to preserve the liberties of the people. By the labors and sacrifices of our forefathers and by the devotion of the people to the ideals thus set forth, this nation and this State and its people have prospered, and produced the best government ever established by the hand of man.

Today in the world torn by national hatreds and intolerance, a reversion to dictatorships has resulted in many lands, under which the rights of the individual, free enterprise and liberty under law are being sacrificed on the altar of the totalitarian State, either communist or fascist. Courts and legislatures have become the mere puppets of the dictator. By propaganda the advocates of these un-American doctrines are seeking to lead free peoples astray. They hold to the idea that such doctrines may best be spread in democracies at a time when distress exists by reason of economic maladjustments. We must be constantly on guard lest we fall victim to their false doctrines of power and hatred.

Pennsylvania is indeed fortunate that, at such a time, it has elected a Governor who, during his campaign and through the platform on which he stood, has pledged the people to maintain the ideals conceived by our forefathers, and has dedicated himself to the maintenance of constitutional Government, the protection of the Courts from Executive and Legislative invasion, and the preservation of the legislature from Executive domination.

No Session of the Legislature of Pennsylvania ever undertook a more difficult task than the one which now confronts us. The financial condition of the Commonwealth is probably worse than ever in its history. It will be our first duty to find some method of financing that will save the credit of the Commonwealth and care for our unfortunate without adding to the burden of the people.

How this is to be done is our problem.—The vast weight of it we must realize as we undertake to keep and fulfill the pledges contained in the platform upon which the Republican Party has returned to power. This is no time for individuals to seek the political spotlight. Nor is this a time to pave the way for future political favors from the people. By working together, we must justify the faith reposed in us by the voters last November.

In this House sit many members who have given years of valuable public service for small consideration. They could as well, and perhaps more acceptably, administer the office to which you have elected me. This thought alone makes me deeply sensible of the honor which you have conferred upon me. To but few members elected to Legislative bodies, comes the privilege of being chosen to preside over the deliberations of their fellow legislators. No Speaker alone can make a legislative session a success. It is only to the extent that the members and the Speaker work harmoniously and intelligently, and that the Legislature and the Executive co-operate in a true partnership, that the welfare of the people and the cause of good government may be advanced. To that achievement I ask your support and I dedicate my services.

It is our duty to promote the general happiness of the

people without partiality or prejudice against any class, sect or creed.

We must reassert the verities of liberty and justice to this generation, and reaffirm and preserve government of law rather than force. There can be no choice, there can be no compromise between liberty and justice on the one hand and tyranny and oppression on the other. The greatest privilege ever accorded to any people is to live under the protection of the American Constitution.

In the words of William Penn:

"Let men be good and the government cannot be bad, for if it be ill they will cure it; but if men be bad and government be good they will warp and spoil it in their turn."

PARLIAMENTARY INQUIRY

Mr. ANDREWS. Mr. Speaker, I rise to a parliamentary inquiry, which is also a question of privilege.

The SPEAKER. The Chair might say to the gentleman that the program of procedure is well established and laid down. The Chair would like to grant the floor to the gentleman and to recognize him but would like to carry through the program if possible.

Mr. ANDREWS. Mr. Speaker, might I say to the Speaker, since I arise to a question of privilege, that a question of privilege takes precedence.

The SPEAKER. The gentleman from Cambria will state his question of privilege.

Mr. ANDREWS. Mr. Speaker, as to my question of privilege which is also a parliamentary inquiry, in view of the fact that this House is proceeding without rules, not having adopted rules, are we not now operating in the status of a Committee of the Whole?

The SPEAKER. The Chair would inform the gentleman from Cambria, Mr. Andrews, that we are not in the status of a Committee of the Whole because the members are organizing the House, having been elected and having been duly sworn in. They have selected their Speaker and they are now proceeding with the selection of their other officers.

Mr. ANDREWS. Mr. Speaker, I rise to a further question of privilege.

The SPEAKER. The gentleman from Cambria will state his question of privilege.

Mr. ANDREWS. Mr. Speaker, do we have any rules governing debate?

The SPEAKER. The Chair would inform the gentleman from Cambria that we have no written rules covering debate except those rules which by usage and custom have prevailed in this House.

Mr. ANDREWS. Thank you, Mr. Speaker, for ruling that the rules which have received the sanction of custom shall prevail in this House.

NOMINATIONS FOR CHIEF CLERK

Mr. WINNER offered a resolution which was twice read, as follows:

In the House of Representatives, January 3, 1939.

Resolved, That William Ward, Jr., of Delaware County, be elected Chief Clerk of this House of Representatives.

Mr. BOHN. Mr. Speaker and Members of the House, it gives me great pleasure to place in nomination the name

of Thomas J. Callahan, of Luzerne County for the office of Chief Clerk of the House.

Mr. HABBYSHAW. Mr. Speaker, I move the nominations be now closed.

The motion was agreed to.

PARLIAMENTARY INQUIRY

Mr. OMINSKY. Mr. Speaker, I rise to a parliamentary inquiry.

The SPEAKER. The gentleman from Philadelphia will state his parliamentary inquiry.

Mr. OMINSKY. Mr. Speaker, may I inquire whether the gentleman who has been nominated by the Republican membership, Mr. Ward, is the Mayor of the City of Chester?

The SPEAKER. The information the Chair has is that Mr. Ward was the Mayor of the City of Chester. The Chair has no official knowledge other than that.

Mr. OMINSKY. Mr. Speaker, may I further inquire whether he has resigned as the Mayor of the City of Chester?

The SPEAKER. The Chair would advise the gentleman from Philadelphia, Mr. Ominsky, that according to the information which the Chair has, the resignation of William Ward, Jr., as Mayor of the City of Chester was delivered to the Clerk of the Council of the City of Chester and accepted this morning.

Mr. OMINSKY. I thank you very much, Mr. Speaker.

ROLL CALL

The SPEAKER. The Clerk will call the roll. Each member will name the candidate for whom he votes.

FOR MR. WARD

Ackermann,	Ewing,	Krise,	Serrill,
Alspach,	Fisher,	Lee,	Shearer,
Atkins,	Fiss,	Lelsey,	Simons,
Auker,	Fleming,	Leydic,	Sloan,
Ballic,	Foor,	Lichtenwalter,	Snyder,
Bardes,	Freed,	Lyons,	Sollenberger,
Bennett,	Fullerton,	Madden,	Stambaugh,
Boorse,	Gates,	Marr,	Stewart,
Boose,	Gillan,	Matthews,	Stockham,
Bower,	Gilette,	McClester,	Sweeney,
Boyd,	Coll,	McCarthy,	Tahl,
Bretherick,	Habbyshaw,	McKinney,	Taylor,
Bronson,	Haines,	McNally,	Terry,
Brown, S. W.,	Hall,	McVay,	Thistle,
Brunner,	Hamilton,	Montgomery,	Thompson, G. R.,
Cadwalader,	Harbeson,	Moser, F. S.,	Tiemann,
Calvin,	Haudenshield,	Moser, J. L.,	Trout,
Carpenter,	Henry,	Muir,	Turner,
Christler,	Hewitt,	O'Dare,	Van Allsburg,
Clark,	Hocke,	Peacock,	Van Belle,
Clearwater,	Hoffman, J. N.,	Peale,	Voorhees,
Cook,	Hoyt,	Reagan,	Wagner,
Cooper,	Huntley,	Reese, D. P.,	Watkins,
Cordier,	Imbrie,	Rhodes,	Webster,
Cortese,	Irvin,	Riley,	Wilkinson,
Curren,	James,	Robertson,	Wilson,
Dalrymple,	Johnston,	Rose,	Winner,
Denman,	Jones,	Roseberry,	Wood, H. M.,
Dick,	Kane,	Royer,	Wood, L. H.,
Dix,	Kline,	Sarge,	Wood, N.,
Donahue,	Knoble,	Schrock,	Woodside,
Eckels,	Kowalski,	Self,	Yeakel,
Ely,			

FOR MR. CALLAHAN

Achterman,	Downey,	Malone,	Rooney,
Allen,	Falkenstein,	Melchiorre,	Rosenfeld,
Allmond,	Fauset,	Mihm,	Rothenberger,
Baker,	Finnerty,	Mooney,	Sarrafi,
Balthaser,	Flanagan,	Moran,	Seaton,
Bohn,	Furman,	Munley,	Schrope,
Boney,	Goski,	O'Brien,	Schwab,

Brancato,	Harkins,	O'Connor,	Shaw,
Broad,	Hess,	O'Keefe,	Stank,
Brown, H. S.,	Hindman,	Ominsky,	Tarr,
Burns,	Hoffman, S. K.,	O'Neill,	Thompson, E. F.,
Burris,	Jirolanio,	Powers,	Tronzo,
Check,	Keenan,	Preston,	Walsh,
Chervenak,	Kenehan,	Readinger,	Weiss,
Cohen, H. B.,	Kilroy,	Reese, R. E.,	Welsh, E. B.,
Cohen, R. E.,	Levy,	Regan,	Welsh, M. H.,
Corrigan,	Long,	Reynolds,	Westrick,
DeNote,	Lovett,	Rider,	Williams,
Donohoe,	Malloy,		

The SPEAKER. Mr. William Ward, Jr., having received a majority of all the votes cast is declared elected Chief Clerk of this House.

OATH OF OFFICE ADMINISTERED TO CHIEF CLERK

The oath of office was then administered to William Ward Jr., Chief Clerk-elect of the House of Representatives by the Honorable Frank B. Wickersham, Judge of the Court of Common Pleas of Dauphin County.

THANKING RETIRING CHIEF CLERK

The SPEAKER. The Chair at this time desires to thank the retiring Chief Clerk, Thomas J. Callahan of Luzerne County, for his cooperation during the days we have spent in preparation for the organization of the House. He has been at all times willing to give us the utmost cooperation and his office has handled all the details with efficiency. The Chair wishes to sincerely thank him.

THANKING JUDGE FRANK B. WICKERSHAM FOR ADMINISTERING OATH

Mr. BRUNNER offered the following resolution, which was twice read, considered and adopted:

In the House of Representatives, January 3, 1939.

Resolved, That the Members of the House of Representatives do hereby extend their thanks to the Honorable Frank B. Wickersham, of Dauphin County, for his services in administering the oath of office to its members and officers.

AMENDMENTS TO STANDING RULES OF HOUSE

Mr. WOODSIDE offered the following resolution.

The SPEAKER. For the information of the members of the House this resolution pertains to rules. The Chair will ask the Clerk to read the resolution in its entirety and we will then take up each rule separately.

The resolution was read by the Clerk as follows:

In the House of Representatives, January 3, 1939.

Resolved, That the rules of the last House of Representatives be the rules of this House, with the following amendments:

13. The House shall convene on Mondays at eight o'clock P. M. and on every other legislative day at the hour to which the House shall have adjourned by its action taken the previous legislative day. Eastern standard time shall govern the sessions of the House.

18. All bills shall be presented in triplicate, and signed by the members introducing the same, and date of filing entered thereon. The original copy is for the use of the committee, the second copy is for the use of the printer and the third copy is for the use of the members of the press. No House bill shall have more than two sponsors.

19. All bills and non-privileged resolutions (excepting resolutions of condolence and congratulations) when introduced, shall be printed for the use of the members and shall be numbered consecutively.

27. A committee composed of the Speaker; seven Members of the House selected by the majority party and three

Members selected by the minority party, shall constitute a "Committee on Committee" whose duty it shall be to recommend to the House the names of the members of the following standing committees the chairmen and vice-chairmen of which shall be named by the Speaker.

A Committee on Aeronautics to consist of 20 members.

Agriculture to consist of 30 members.

Apportionment to consist of 20 members.

Appropriations to consist of 30 members.

Banking to consist of 30 members.

Boroughs to consist of 30 members.

Building and Loan Associations to consist of 20 members.

Cities—First Class to consist of 20 members.

Cities—Second Class to consist of 20 members.

Cities—Third Class to consist of 20 members.

Constitutional Amendments to consist of 20 members.

Corporations and Industry to consist of 30 members.

Counties to consist of 30 members.

Dairy Industries to consist of 20 members.

Education to consist of 30 members.

Elections to consist of 20 members.

Federal Relations to consist of 20 members.

Fisheries to consist of 30 members.

Forestry to consist of 30 members.

Game to consist of 30 members.

Highways to consist of 30 members.

Insurance to consist of 20 members.

Judiciary General to consist of 30 members.

Judiciary Special to consist of 30 members.

Labor to consist of 20 members.

Law and Order to consist of 20 members.

Liquor Control to consist of 30 members.

Military Affairs to consist of 30 members.

Mines and Mining to consist of 20 members.

Motor Vehicles to consist of 20 members.

Municipal Corporations to consist of 20 members.

Printing to consist of 20 members.

Professional Licensure to consist of 20 members.

Public Health and Sanitation to consist of 20 members.

Public Utilities to consist of 30 members.

Railroads and Railways to consist of 20 members.

State Government to consist of 30 members.

Townships to consist of 30 members.

Ways and Means to consist of 30 members.

Welfare to consist of 30 member.

Workmen's Compensation to consist of 20 members.

[The Committee on Apportionment shall be appointed once at such times when apportionments are required to be made.]

28. No member of the House shall be elected to more than three standing committees having a membership of thirty, chairman and vice-chairman excepted.

40. That when a bill or resolution has been ten calendar days in the hands of a committee after having been referred to it, any committee may be discharged from further consideration of the bill or resolution by a vote of [eighty-five members] a majority of the members elected to the House.

Rule 44, which reads as follows:

"Rule 44. When bills on second reading are in order, the Speaker shall take up the calendar, and having announced each bill in its order, it shall be considered in the Committee of the Whole House; when the bill is reported back to the House the question shall be put, 'Will the House agree to the report of the Committee of the Whole?' and if agreed to, any amendment made by the Committee of the Whole shall become a part of the bill. The House shall then immediately proceed to the second reading of the bill: Provided, That when a bill has been read at length in Committee of the Whole House, it shall be considered on the readings required by the Constitution, and the bill shall not be again read at length on second reading, but the question shall be 'Will the House agree to the bill?' which shall be subject to amendment in any part. No House Bill shall be considered in Committee of the Whole House unless called up by a member from the second reading calendar, and if not called up for two successive weeks it shall be dropped from the calendar."

dar unless otherwise ordered by the House. Bills on second reading shall be placed upon the calendar in the order in which they were agreed to on first reading," is hereby amended to read:

Rule 44. When bills are on second reading, they shall be considered by sections or articles and be subject to amendment in any part. The title of the bill shall be read last.

No House Bill shall be considered unless called up from the second reading calendar by a Member. If not called up for fourteen calendar days it shall be dropped from the calendar unless otherwise ordered by the House.

Bills on second reading shall be placed upon the calendar in the order in which they were agreed to on first reading.

71. Every member shall be present within the Hall of the House during its sittings, unless excused by the House, or necessarily prevented, and shall vote for or against each question put, unless he has a direct personal or pecuniary interest in the determination of such question, or unless he be excused by the House.

84. All resolutions originating in the House, (except those privileged), shall be introduced by Members filing four typewritten copies thereof with the Chief Clerk, signed and dated, to be numbered by the Chief Clerk and handed to the Speaker, who shall refer all such resolutions, including all Senate Concurrent Resolutions, (not privileged), to appropriate committees in the same manner as bills. No House resolution shall have more than two sponsors.

The following resolutions are privileged for the immediate consideration of the House:

- Recalling bills from the Governor.
- Returning bills to the Governor.
- Recalling bills from one House to the other.
- Those emanating from the Committee on Rules.
- Those discharging committees.
- Those placing negative bills on the calendar.
- Those relating to joint sessions of the Senate and House.
- Those relating to condolence or congratulations shall be privileged when they relate to Members and officers of this General Assembly and their respective families.
- Those relating to adjournment or recess.

When resolutions are reported from committees, those originating in the House shall be printed and placed in the files of the Members before consideration by the House, after which they may be called up under the regular order of business for resolutions.

The SPEAKER. The resolution having been read at length the Chair will lay before the House each rule separately.

The Clerk read Rule No. 13.

On the question,

Will the House adopt the Rule?

It was adopted.

The Clerk read Rule 18.

On the question.

Will the House adopt the Rule?

It was adopted.

The Clerk read Rule 19.

On the question,

Will the House adopt the Rule?

It was adopted.

The SPEAKER. In order to conserve the time of the House, and unless there is some reason for reading all of the committees the list of committees will not be read. Is there objection? The Chair hears none and the list of committees will not be read.

The Clerk read Rule 27, exclusive of the list of Committees.

On the question,

Will the House adopt the Rule?

It was adopted.

The Clerk read Rule 28.

On the question,

Will the House adopt the Rule?

It was adopted.

The Clerk read Rule 40.

On the question,

Will the House adopt the Rule?

Mr. HERBERT B. COHEN. Mr. Speaker and members of the House, I wish to oppose the amendment of this rule. Possibly for the newer members of the House it would be advantageous to explain the abuse that existed under the rule which is now presented to this House for amendment, and the remedy that was brought about in 1935.

After all, we are a legislative body. Due to size of the group it is only natural that a great majority of the important functions of this House must be conducted in Committee meetings. To allow each of the two hundred and eight members of the House to inject particular ideas into a bill during the deliberation of a measure would result in confusion. So the wise founders, in the development of the rules for this House, assigned the various functions of this House to certain committees. We just enacted a new rule, reestablishing certain committees and establishing new committees. For years, one of the crying needs of this Commonwealth has been the fact that the bills in the secrecy of the Committee could not have the opportunity of being produced on the floor of the House, if perchance a majority of the Committee did not see fit to report the bill out to the House, unless the Committee were discharged, and in order to discharge the Committee, the previous rule before the Session of 1935 required a majority vote of 105. Those who were not members, we will say, of the 1933 Session, possibly would not remember the situation that arose in that Session, when the majority of the Committee were in favor of reporting a bill that was referred to one of the Committees, and where the majority of that Committee being in favor of reporting that bill out to the floor of the House, had even the will of that Committee surmounted, when the then Speaker of the House appointed additional members to that Committee, so that the majority was converted into a minority. At that particular time a motion was presented to the House to discharge the Committee, and the whole House discharged the Committee from further consideration of that bill. As a result we had enacted in the Commonwealth of Pennsylvania Old Age Assistance, a constitutional old age assistance. After all, we are here only to represent our constituents. To demand before a bill can be placed on the floor of this House for discussion among the members that you are going to acquire a full majority of the votes of the members of this House is converting the open deliberation of this House into the secrecy of a back-door committee room. To demand that you require a constitutional majority before legislation can be put on this floor, before the members can get up and fulfill their responsibilities to their constituents, is converting this body from a deliberative group to a secretive group.

We had no fear in 1935 that legislation should be open to deliberation; we had no fear in 1937 that the people of the Commonwealth, our bosses, should know how we were performing our duty. We had no fear if a bill was behind the secret doors of a committee room that that bill could be reported to the floor of the House when

eighty-five members of the House indicated their desire to have it returned to the floor, and, mark you men, at the time the rule was set at eighty-five the minority of this House was over ninety, and today, realizing as our Speaker has indicated, that democratic government must assert itself, that we in the legislature must assert our legislative prerogatives, we must maintain the tri-party system, into which our government has been divided, and realizing that today they come before this House with a resolution to say that before a bill can be referred from behind the doors of a Committee, it must require one hundred and five votes, a majority of the membership of this House, I say to you members, that this is too early in this session to indulge in any petty and political personalities, and I am trying to refrain from doing that. I am trying to appeal to the membership of this House, both the old and the new members of this House, that on this particular situation, if you wish to give to your constituents the things which you promised to them in your campaigns, the things upon which your successful election to this House depends, if you wish to be truthful to the trust that your constituents have imposed upon you, there is only one thing that you can do on this particular problem, and that is to say to your people whom you represent that their legislative problems are to be discussed on the floor of the House; their legislative problems are to be the open problems of the people of the Commonwealth, so that you may say to them, "I, as your Representative, want you to know how I stand on each and every legislative problem, with which we will be confronted." Not to do so is to transpose your election declamation into the secrecy of Committee rooms where your constituents cannot check up on how you have administered the trust they have imposed in you. Not to agree to the refusal of this rule, to agree to require one hundred and five rather than eighty-five, is to return, mark you, men, to the same tactics that resulted in the defeat of the new present majority. At the very inception of this Legislative session, I appeal to you men, belonging to the majority, who are sponsoring the change in the rule, I appeal to your sense of duty to your constituents, under no circumstances should this House of Representatives of the Session of 1939 go back to the previous days when legislation was considered in smoke filled hotel rooms and in the secrecy of a committee room. If you men who undoubtedly stood on your platform when you sought the votes of your constituents, if you men are willing to go back to those dark days, then you have nothing else to do but to vote with the sponsor of this resolution; but if you men have learned anything in four years, you will refuse to amend the rule whereby it requires one hundred and five before legislation can see the light of day in the House of Representatives.

Mr. WOODSIDE. Mr. Speaker, as usual the gentleman from York has very ably discussed his side of this question. However, I think a careful analysis of his argument will convince you that there is no necessity to keep the rule as it was prior to this proposed amendment. This amendment provides that a majority of the members elected to this House of Representatives, can discharge a committee when they see fit to do so. That does not prevent a vote on the measure which the majority of the members of this House want; that does not prevent this House from discharging a committee; that does not enable the committee to keep any legislation when it is the will

of the majority members of the House to have that committee discharged, and the very argument which the gentleman from York used should convince us that there is no necessity to keep the number at eighty-five; because he referred to the session of 1933, when the rule was one hundred and five; when the majority of the members did want to discharge a committee and they did discharge the committee. There is a lot of work to be done in the Legislature. There are at times some twenty-five hundred bills introduced in a session, that go through the House of Representatives, and it is necessary to give them a thorough study in committee. When a majority of the members of this House desire to discharge a committee which is unjustly keeping a bill, they can do so under this rule. It is not a strange rule. It is not a rule peculiar to the State of Pennsylvania. It is a rule that is used by a great many of the states which have a large amount of legislation to pass, such as California, Illinois, Michigan, New York, Ohio and quite a number of others that require a majority of the members of the House. This amendment is to prevent a minority of the members of the House from cluttering up the calendar with a lot of legislation which they do not have enough votes to pass. If they do have enough votes to pass it, if the majority of the members of the House are in favor of the legislation, it can be put out on the floor of the House under the rule as we propose to amend it.

Therefore, I ask all the members of the House to vote for this amendment.

Mr. HERBERT B. COHEN. Mr. Speaker, I desire to interrogate the gentleman from Dauphin, Mr. Woodside.

The SPEAKER. Will the gentleman from Dauphin, Mr. Woodside, permit himself to be interrogated?

Mr. WOODSIDE. I will, Mr. Speaker.

Mr. HERBERT B. COHEN. Mr. Speaker, I desire to inquire of the gentleman from Dauphin if he was not a member of the House in the 1935 and 1937 sessions?

Mr. WOODSIDE. I was, Mr. Speaker.

Mr. HERBERT B. COHEN. Mr. Speaker, I would further like to inquire of the gentleman from Dauphin if during the 1935 and 1937 sessions the calendar was cluttered up with bills which came out of committees as a result of the fact that the committees had been discharged by a minority of the members.

Mr. WOODSIDE. Mr. Speaker, as a result of the attitude of the Republican minority, it was not.

Mr. HERBERT B. COHEN. Mr. Speaker, were there any motions made to discharge a committee from consideration of any bill?

Mr. WOODSIDE. Mr. Speaker, there were very few. I do not recall of any in 1937, although I would not like to state that as a fact. It is only a conclusion; it is merely as I recall.

Mr. HERBERT B. COHEN. Mr. Speaker, I desire to inquire of the gentleman from Dauphin, and I desire to have him indicate to the members of the House one specific instance in which the rule that existed in this House since 1935 in any way embarrassed the conduct or the business of this House.

Mr. WOODSIDE. Mr. Speaker, I think I have already answered that question. It was as the result of the attitude of the minority that very few motions were made to discharge a committee.

Mr. HERBERT B. COHEN. Mr. Speaker, due to the casualistic argument of the gentleman from Dauphin,

possibly an impression has emanated to this House that the present minority would act any differently than the past minority. I say to the membership of this House that until the membership of this House finds any abuse forthcoming from the present minority, that the rule should maintain as it is. To do otherwise is to prejudice, and to do otherwise is to take out of the hands of the present minority,—although you require by the Rule eighty-five,—the present minority is but seventy-nine members, and we would have to go over to the majority and secure six of those members before we could become embarrassing in the conduct of the deliberations of this House.

I say to the membership of this House that the gentleman from Dauphin has not presented one substantial argument why this present rule should be enacted, and why the rule as maintained since 1935 should not continue. I say to the membership of this House that it is only an indication that the campaign promises of the majority in this House need continuous search to determine whether or not they have represented to their constituents a desire to stifle legislation. This rule has only one effect. It will keep in committee in the secret deliberations of the committee room legislation that their constituents want. To enact this rule is a step backward. Mr. Speaker, I ask for a roll call.

Mr. ANDREWS. Mr. Speaker, I have noted Legislatures organized for these many years. I have noted that irrespective of whether Legislatures are organized under Democratic or Republican auspices, that the leaders in every instance, at the beginning of the session, endeavored to create a partisan issue, evidently for the purpose of solidifying the majority against the minority, and in every instance, whether the Democrats or Republicans were in power, new members who have not had the experience to judge as to whether certain procedure is or is not desirable, are asked to vote "yes" or "no" upon a purely partisan basis.

Now, ladies and gentlemen, if this is a partisan issue, all that the minority can do is to plead to your sense of fairness, your sense of fairness, gentlemen. In this State the difference between the majority party and the minority party is about 300,000 votes, and you are asking the majority in effect to disfranchise on this floor that minority group that is within 300,000 of being a majority group. We are asked to consent to the preposterous doctrine that only measures favored by the majority are entitled to consideration, and to a hearing upon this floor.

Mr. Speaker, have these minorities no rights? Is it incompatible—(laughter)

You may laugh, gentlemen, but I have seen new members before now come into this Assembly and vote for rules which hamstring them quite as much as they hamstring the minority.

I am entitled to speak on this proposition because when the Democratic party was in power I favored sixty-five and not eighty-five as the number of members necessary to discharge a committee. I have been a member of this House when I have seen committees unable to meet because the chairman of that committee held the bill in his pocket. You create a partisan issue upon matters which are not partisan. If you can get the minority wanting a bill out and you label that Democratic, then every member of the majority group, whether he favors the measure or not, is compelled by so-called party loyalty to vote against his convictions and keep the measure in committee.

My friends on this side of the House know better than anybody else the penalty that parties pay because members do not jump through hoops in obedience to a leadership frequently mistaken. It may be, gentlemen, that your leadership upon occasion will be no wiser than the leadership of the minority group, which was once the majority group. So, I am asking you, the new members, to afford yourselves the right to bring measures out upon this floor on something other than a purely partisan basis. Whether you will do it or not, I don't know. It is your responsibility. You can do everything you like. Given a majority of twenty votes you can outrage every right of the minority. I noticed that you laughed when I talked about minorities, but I will tell you gentlemen, that you were conscious of your acts and of your responsibilities when you were the minority, and I am pleading, not for these gentlemen, but I am pleading for the new members who are asked to sanction a rule, the operation of which they know little or nothing about, and which they are following today purely because of party compulsion.

MOTION TO TABLE RULE

Mr. ACHTERMAN. Mr. Speaker, in order that we can permit the new members to thoroughly understand and study the problem now before the House, I move that the rule be placed upon the table.

On the question,

Will the House agree to the motion?

The yeas and nays were required by Messrs. HERBERT B. COHEN, OMINSKY and ACHTERMAN.

Mr. LOVETT. Mr. Speaker, I ask for a verification of the roll.

The roll was verified and was as follows:

YEAS—68.

Achterman,	Corrigan,	Lovett,	Rothenberger,
Allen,	DeNote,	Malloy,	Sarrat,
Allmond,	Donohoe,	Malone,	Scanlon,
Andrews,	Downey,	Melchiorre,	Schrope,
Baker,	Falkenstein,	Mihm,	Schwab,
Balthaser,	Fauset,	Mooney,	Shaw,
Bohn,	Finnerty,	Moran,	Stank,
Boney,	Flanagan,	Muhley,	Tarr,
Brancato,	Furman,	O'Brien,	Thompson, E. F.,
Broad,	Gorski,	O'Connor,	Tronzo,
Brown, H. S.,	Hess,	O'Keefe,	Walsh,
Burns,	Hindman,	Ominsky,	Welss,
Burris,	Hoffman, S. K.,	O'Neill,	Welsh, E. B.,
Check,	Holland,	Powers,	Welsh, M. H.,
Chervenak,	Keenan,	Reynolds,	Westrick,
Cohen, A. B.,	Kenehan,	Rider,	Williams,
Cohen, R. E.,	Long,	Rooney,	

NAYS—125.

Ackermann,	Ewing,	Kowalski,	Serrill,
Alspach,	Fisher,	Krise,	Shearer,
Atkins,	Fiss,	Lee,	Simons,
Auker,	Fleming,	Leisey,	Sloan,
Bardes,	For,	Leydic,	Snyder,
Bennett,	Freed,	Lichtenwalter,	Sollenberger,
Bodice,	Fullerton,	Madden,	Stambaugh,
Boste,	Gace,	Marr,	Stewart,
Bower,	Gillan,	Matthews,	Stockham,
Boyd,	Gillette,	McClester,	Sweeney,
Bretherick,	Goll,	McGarrity,	Tahl,
Bronson,	Habyschaw,	McKinney,	Taylor,
Brown, S. W.,	Haines,	McNally,	Terry,
Brunner,	Hall,	McVay,	Thistle,
Cadwalader,	Hamilton,	Montgomery,	Thompson, G. R.,
Calvin,	Harbeson,	Moser, F. S.,	Tomann,
Campbell,	Hicks,	Moser, J. L.,	Turner,
Carlson,	Hindman,	Mum,	Van Alburg,
Chapman,	Henry,	O'Dare,	Van Belle,
Clearwater,	Hewitt,	Peacock,	Voorhees,
Cook,	Hocke,	Peale,	Wagner,
Cooper,	Hoffman, J. N.,	Reagan,	Watkins,

Cordier,	Hoyt,	Reese, D. P.,	Webster,	Brancato,	Hindman,	O'Keefe,	Thompson, E. F.,
Cortese,	Huntley,	Rhodes,	Wilkinson,	Broad,	Hoffman, S. K.,	Ominsky,	Tronzo,
Curran,	Imbrie,	Riley,	Wilson,	Brown, H. S.,	Holland,	O'Neill,	Walsh,
Dalrymple,	Irvin,	Robertson,	Winner,	Burns,	Keenan,	Powers,	Weiss,
Denman,	James,	Rose,	Wood, H. M.	Check,	Kenehan,	Readinger,	Welsh, E. B.,
Dick,	Johnston,	Roseberry,	Wood, L. H.,	Chervenak,	Long,	Reese, R. E.	Welsh, M. H.,
Dix,	Jones,	Royer,	Wood, N.,	Cohen, H. B.,	Lovett,	Regan,	Westrick,
Donahue,	Kline,	Schrock,	Woodside,	Cohen, R. E.,	Malloy,	Reynolds,	Williams,
Eckels,	Knoble,	Self,	Yeakel,	Corrigan,			
Ely,							

So the question was determined in the negative and the motion was not agreed to.

On the question recurring,

Will the House adopt the rule?

PARLIAMENTARY INQUIRY

Mr. OMINSKY. Mr. Speaker, I rise to a parliamentary inquiry.

The SPEAKER. The gentleman from Philadelphia will state his parliamentary inquiry.

Mr. OMINSKY. Mr. Speaker, do I understand that all the rules, Rules 13, 18, 19, 27, 28, 40, 44, 71 and 84 have already been adopted?

The SPEAKER. They will not have been adopted until the entire resolution has been adopted.

Mr. OMINSKY. Mr. Speaker, it was my impression that all the rules except those already mentioned had been adopted in the original resolution. Am I wrong in that?

The SPEAKER. No rules have been adopted except those that have been read and acted upon.

On the question recurring,

Will the House adopt the Rule?

The yeas and nays were required by Messrs. ACHTERMAN, REUBEN COHEN and OMINSKY, and were as follows:

YEAS—127.

Ackermann,	Ely,	Krise,	Serrill,
Alspach,	Ewing,	Lee,	Shearer,
Atkins,	Fisher,	Leisey,	Simons,
Auker,	Fiss,	Leydic,	Sloan,
Balliet,	Fleming,	Lichtenwalter,	Snyder,
Bardes,	Foor,	Lyons,	Sollenberger,
Bennett,	Freed,	Madden,	Stambaugh,
Boorse,	Fullerton,	Marr,	Stewart,
Boose,	Gates,	Matthews,	Stockham,
Bower,	Gillan,	McClester,	Sweeney,
Boyd,	Gillette,	McGarrity,	Tahl,
Bretherick,	Goll,	McKinney,	Taylor,
Bronson,	Habbyshaw,	McNally,	Terry,
Brown, S. W.,	Haines,	McVay,	Thistle,
Brunner,	Hall,	Montgomery,	Thompson, G. R.,
Cadwalader,	Hamilton,	Moser, F. S.,	Tiemann,
Calvin,	Harbeson,	Moser, J. L.,	Turner,
Carpenter,	Haudenschild,	Muir,	Van Allsburg,
Christler,	Henry,	O'Dare,	Van Belle,
Clark,	Hewitt,	Peacock,	Voorhees,
Clearwater,	Hocke,	Peale,	Wagner,
Cook,	Hoffman, J. N.,	Reagan,	Watkins,
Cooper,	Hoyt,	Reese, D. P.,	Webster,
Cordier,	Huntley,	Rhodes,	Wilkinson,
Cortese,	Imbrie,	Riley,	Wilson,
Curran,	Irvin,	Robertson,	Winner,
Dalrymple,	James,	Rose,	Wood, H. M.,
Denman,	Johnston,	Roseberry,	Wood, L. H.,
Dick,	Jones,	Royer,	Wood, N.,
Dix,	Kline,	Sarge,	Woodside,
Donahue,	Knoble,	Schrock,	Yeakel,
Eckels,	Kowalski,	Self,	

NAYS—65.

Achterman,	DeNote,	Malone,	Rothenberger,
Allen,	Donohoe,	Melchiorre,	Sarraf,
Almond,	Downey,	Mihm,	Scanlon,
Andrews,	Falkenstein,	Mooney,	Schrope,
Baker,	Fauset,	Moran,	Schwab,
Balthaser,	Finnerty,	Munley,	Shaw,
Bohn,	Furman,	O'Brien,	Stank,
Boney,	Hess,	O'Connor,	Tarr,

So the question was determined in the affirmative and the rule was adopted.

The Clerk read Rule 44.

On the question,

Will the House adopt the Rule?

Mr. HERBERT B. COHEN. Mr. Speaker, I desire to interrogate the gentleman from Dauphin, Mr. Woodside.

The SPEAKER. Will the gentleman from Dauphin permit himself to be interrogated?

Mr. WOODSIDE. I will, Mr. Speaker.

Mr. HERBERT B. COHEN. Mr. Speaker, will the gentleman from Dauphin explain to the members of the House what defect he finds in the present Rule 44 and what will be corrected by the enactment of Rule 44 as amended by this resolution?

Mr. WOODSIDE. Mr. Speaker, the practice is now when the second reading calendar is reached for the Chair to say, "Will the House agree to dispense with the Committee of the Whole on all second reading bills?" As a general rule this is done, and you can proceed to consider the bills as a house rather than as a Committee of the Whole. If there are any amendments to be made to the bill, the amendments can be introduced and voted upon at that time. If you do not have unanimous consent of the House to dispense with going into Committee of the Whole, it is necessary to go into Committee of the Whole, when the Speaker must leave the rostrum and call another member to the Chair to preside over the Committee of the Whole, and where it will be impossible for the House to adjourn and follow certain other rules, such as making a motion for the previous question. This would enable one or two or several members of the House to block the entire procedure if they were well acquainted with the rules, and there are many able gentlemen in this House who are well acquainted with the rules and could prevent the operation of this House for a considerable length of time. For that reason I feel that the amendment should be adopted and I ask the members to vote "aye."

Mr. ANDREWS. Mr. Speaker, this resolution proposes probably the most important parliamentary issue that this Session of the Legislature will be called upon to decide. The right of a parliamentary body to proceed in a Committee of the Whole is as fundamental in parliamentary law as is the right of trial by jury in the criminal law. The National House of Representatives proceeds always in Committee of the Whole. Now, the gentleman from Dauphin, the majority leader, has placed his hand upon a defect in the rule. It is incompatible with sound procedure that two members of the House on their own motion and against the will of the House should be able to compel this House to consider measures in Committee of the Whole, but you wipe out again the right of a substantial minority to demand what is their parliamentary right, namely, their right to consider general amendments to a measure under circumstances that are not prescribed by the rules of the House, because many of the rules that

confine debate when the House is in regular session do not prevail when the House operates in a Committee of the Whole. The purpose of a Committee of the Whole is to give freedom of expression and open the measure to general amendment and to give all of the membership a chance to be heard. Now, that right, that demand should not be based, I say, and I will agree with the gentleman from Dauphin, upon the say-so of two members. I will agree to sixty-five members, any reasonable number, and I call to the attention of the gentleman from Dauphin that there are certain things that this House can do by force of numbers, but there is some power left in the minority that is guaranteed by the Constitution. There are certain procedures that the gentleman from Dauphin well knows, and if he is determined to wrest from us all of our rights, then he can make up his mind that he is not going to proceed in this House upon any measure with unanimous consent and that the rules, regulations and stipulations of the Constitution requiring consideration of bills in this House will be strictly insisted upon.

Mr. HERBERT B. COHEN. Mr. Speaker, I desire to further interrogate the gentleman from Dauphin, Mr. Woodside.

The SPEAKER. Will the gentleman from Dauphin permit himself to be interrogated?

Mr. WOODSIDE. I will, Mr. Speaker.

Mr. HERBERT B. COHEN. Mr. Speaker, I desire to inquire of the gentleman whether Rule 44 relative to the Committee on the Whole has ever been in any way subject to misuse by either the Democratic minority in 1933 or the Republican minority in 1935 or 1937?

Mr. WOODSIDE. Mr. Speaker, I do not recall any instance in which it was.

MOTION TO TABLE RULE

Mr. HERBERT B. COHEN. That is all, Mr. Speaker.

The force and effect of the amendments to Rules 40 and 44 undoubtedly is to inject into the proceedings of this House what is commonly termed as the "gag-rule." I have been very active on the floor of this House, for the past four years at least, during which time I have always afforded to the minority the rights and privileges that were due them. On the other hand when any issue could be simplified, when the point to be voted upon could be definitely determined and the surrounding and non-important issues could be dispensed with, it was always my privilege to converse with the leader of the then minority party to determine just what should be the subject of discussion during debate, the time and limitation of debate was definitely agreed upon, and I felt sure that the rights of the minority and the majority were adequately protected.

In this particular instance, the effect of the adoption of Rule 44 would be to change the entire procedure that has been in existence in this House from time immemorial. It would be contrary to the procedure in every parliamentary body in the United States, beginning with the Congress of the United States and going down to the smallest state in this union. The Committee of the Whole is an integral part of parliamentary procedure. The Committee of the Whole is a definite part of the rule established by long usage. It is as fundamentally important in parliamentary law, as the gentleman from Cambria has stated, as the right of trial by jury. It is an inherent part of a

legislative body's functioning, namely, to discuss legislation in Committee of the Whole, not surrounded by limitations imposed by strict rules. Most of the deliberations of the Congress of the United States are conducted in Committee of the Whole. Opportunity to discuss legislation presents itself before a Committee of the Whole in a manner that is not presented in the discussion of a bill of first, or third reading when it comes up for final enactment, I have no complaint with the majority if they are fearful that the minority knows all the rules and has all the brains; I have no complaint with the majority if they are afraid that our parliamentary experience, the men sitting on this side of the House, may so embarrass the majority that they will have difficulty in enacting their legislation. I have no fear, as I indicated some time ago at the closing of the last session, that we in the minority are going to be an obstructionist minority, but when the majority forces us to assume an attitude, we in the minority will use our knowledge of parliamentary law, and the enactment of this Rule and Rule 40 will in no way deter the minority if we seek to embarrass the majority in the enactment of legislation, or if we seek to embarrass the majority in the normal conduct of this House.

As the gentleman who spoke before has indicated, there are rules that are far beyond the man-made rules of this House. There are rules that in the deliberations in this House we must adhere to, that affect the very constitutionality of our enactments. There are rules that are prescribed for the enactment of legislation that have been handed down by the founders of our Constitution. If the majority feels that a time honored custom, a legislative prerogative should be wiped away at this stage of the game, we have nothing to do but acquiesce. You have the votes, but I feel sure that more mature deliberation by the leaders of the majority will bring them to the conclusion that the proper attitude to assume towards this minority would be one of conciliation and cooperation rather than starting out at this session with the institution of gag-rule.

I move, Mr. Speaker, and I feel that the majority should concur, until further deliberation has been given to the force and effect of the abolition of the Committee of the Whole, that the amendment to Rule 44 be placed upon the table.

On the question,

Will the House agree to the motion?

The yeas and nays were required by Messrs. HERBERT B. COHEN, OMINSKY and ACHTERMAN and were as follows:

YEAS—62.

Achterman,	Donohoe,	Melchiorre,	Rosenfeld,
Allen,	Downey,	Mihm,	Rothenberger,
Allmond,	Falkenstein,	Mooney,	Sarra,
Andrews,	Fauset,	Moran,	Scanlon,
Baker,	Flanagan,	Munley,	Schrope,
Balthaser,	Furman,	O'Brien,	Schwab,
Bohn,	Gorski,	O'Connor,	Shaw,
Boney,	Harkins,	O'Keefe,	Stank,
Brancato,	Hess,	Ominsky,	Tarr,
Broad,	Hoffman, S. K.,	Powers,	Thompson, E. F.
Brown, H. S.,	Keenan,	Preston,	Tronzo,
Burns,	Kenehan,	Readinger,	Walsh,
Check,	Kilroy,	Regan,	Weiss, J.
Chervenak,	Lovett,	Reynolds,	Westrick,
Cohen, R. E.,	Malloy,	Rider,	Williams,
DeNote,	Malone,		

NAYS—126.

Ackermann,	Ely,	Krise,	Serrill,
Alspach,	Ewing,	Lee,	Shearer,
Akins,	Fisher,	Lelsey,	Simons,

Auker,	Fiss,	Leydic,	Sloan,
Baillet,	Fleming,	Lichtenwalter,	Snyder,
Bardes,	Foor,	Lyons,	Sollenberger,
Bennett,	Freed,	Madden,	Stambaugh,
Boorse,	Fullerton,	Marr,	Stewart,
Boose,	Gates,	Matthews,	Stockham,
Bower,	Gillan,	McClester,	Sweeney,
Boyd,	Gillette,	McGarrity,	Tahl,
Bretherick,	Goll,	McKinney,	Taylor,
Bronson,	Habbyshaw,	McNally,	Terry,
Brown, S. W.,	Haines,	McVay,	Thistle,
Brunner,	Hall,	Montgomery,	Thompson, G.R.,
Cadwalader,	Hamilton,	Moser, F. S.,	Tiemann,
Calvin,	Harbeson,	Moser, J. L.,	Turner,
Carpenter,	Haudenshield,	Muir,	Van Allsburg,
Christler,	Henry,	O'Dare,	Van Belle,
Clark,	Hewitt,	Peacock,	Voorhees,
Clearwater,	Hocke,	Peale,	Wagner,
Cook,	Hoffman, J. N.,	Reagan,	Watkins,
Cooper,	Hoyt,	Reese, D. P.,	Webster,
Cordier,	Huntley,	Rhodes,	Wilkinson,
Cortese,	Imbrie,	Riley,	Wilson,
Curran,	Irvin,	Robertson,	Winner,
Dalrymple,	James,	Rose,	Wood, H. M.,
Denman,	Johnston,	Roseberry,	Wood, L. H.,
Dick,	Jones,	Royer,	Wood, N.,
Dix,	Kline,	Sarge,	Woodside,
Donahue,	Knoble,	Schrock,	Yeakel,
Eckels,	Kowalski,	Seif,	

So the question was determined in the negative and the motion was not agreed to.

On the question recurring,

Will the House adopt the Rule?

Mr. WOODSIDE. Mr. Speaker, the argument which has been presented against this proposed amendment to the rules would be sound if it were not for the fact that Rule 23 which is not to be amended and which we propose to adopt, reads as follows:

"The House may resolve itself into a Committee of the Whole at any time on the motion of a member which shall be duly seconded and in forming a Committee of the Whole, the Speaker shall leave the chair and a chairman shall be appointed by him to preside over said committee."

Any time this House of Representatives desires to do so, it can go into a Committee of the Whole by a majority, not of the entire membership, but by a majority of the membership voting on the motion at that particular time. That is in accordance with the rules as followed by parliamentary procedure and is in accordance with the rules that exist in all of the states in this country. We still have the Committee of the Whole; we still have this sacred, ancient institution of common law; we still operate with the Committee of the Whole and the general policy and principle of legislation to operate in the Committee of the Whole.

On the question recurring,

Will the House adopt the Rule?

The yeas and nays were required by Messrs. LOVETT, WEISS and OMINSKY and were as follows:

YEAS—128.

Ackermann,	Ely,	Kowalski,	Seif,
Alspach,	Ewing,	Krise,	Serrill,
Atkins,	Fisher,	Lee,	Shearer,
Auker,	Fiss,	Lelsey,	Simons,
Baillet,	Fleming,	Leydic,	Sloan,
Bardes,	Foor,	Lichtenwalter,	Snyder,
Bennett,	Freed,	Lyons,	Sollenberger,
Boorse,	Fullerton,	Madden,	Stambaugh,
Boose,	Gates,	Marr,	Stewart,
Bower,	Gillan,	Matthews,	Stockham,
Boyd,	Gillette,	McClester,	Sweeney,
Bretherick,	Goll,	McGarrity,	Tahl,
Bronson,	Habbyshaw,	McKinney,	Taylor,
Brown, S. W.,	Haines,	McNally,	Terry,
Brunner,	Hall,	McVay,	Thistle,
Cadwalader,	Hamilton,	Montgomery,	Thompson, G.R.,

Calvin,	Harbeson,	Moser, F. S.,	Tiemann,
Carpenter,	Haudenshield,	Moser, J. L.,	Turner,
Christler,	Henry,	Muir,	Van Allsburg,
Clark,	Hewitt,	O'Dare,	Van Belle,
Clearwater,	Hocke,	Peacock,	Voorhees,
Cook,	Hoffman, J. N.,	Peale,	Wagner,
Cooper,	Hoyt,	Reagan,	Watkins,
Cordier,	Huntley,	Reese, D. P.,	Webster,
Cortese,	Imbrie,	Rhodes,	Wilkinson,
Curran,	Irvin,	Riley,	Wilson,
Dalrymple,	James,	Robertson,	Winner,
Denman,	Johnston,	Rose,	Wood, H. M.,
Dick,	Jones,	Roseberry,	Wood, L. H.,
Dix,	Kane,	Royer,	Wood, N.,
Donahue,	Kline,	Sarge,	Woodside,
Eckels,	Knoble,	Schrock,	Yeakel,

NAYS—65.

Achterman,	Fauset,	Malone,	Rosen,
Allmond,	Finnerty,	Melchiorre,	Rosenberger,
Andrews,	Flanagan,	Mihm,	Schrock,
Baker,	Furman,	Mooney,	Stahl,
Balthaser,	Gorski,	Moran,	Tarr,
Boney,	Hess,	Munley,	Thompson, E. F.,
Brancato,	Hindman,	O'Brien,	Walsh,
Broad,	Hoffman, S. K.,	O'Connor,	Welsh, M. H.,
Brown, H. S.,	Holland,	O'Keefe,	Westrick,
Burns,	Keenan,	Ominsky,	Williams,
Burns,	Kilroy,	O'Neill,	
Check,	Kilroy,	Powers,	
Chervenak,	Levy,	Preston,	
Corrigan,	Long,	Roadinger,	
Donohoe,	Lovett,	Reese, R. E.,	
Downey,	Malloy,	Regan,	
Falkenstein,			

So the question was determined in the affirmative and the Rule was adopted.

STATEMENT BY THE SPEAKER

The SPEAKER. The Chair would like to say to the members of the House, especially the new members, that it realizes there are many times when we all miss roll calls, but it seems to the Chair that it causes a great deal of delay to be continually missing roll calls, and most of that is occasioned by the fact that we have confusion and noise on the floor. Let us endeavor to pay more attention during the calling of the roll so that we can speed up the proceedings.

The Clerk read Rule 71.

On the question,

Will the House adopt the Rule?

It was adopted.

The Clerk read Rule 84.

On the question,

Will the House adopt the Rule?

It was adopted.

On the question,

Will the House adopt the Resolution?

The yeas and nays were required by Messrs. HERBERT B. COHEN, OMINSKY and ACHTERMAN and were as follows:

YEAS—127.

Ackermann,	Ely,	Kowalski,	Seif,
Alspach,	Ewing,	Kris,	Serrill,
Atkins,	Fisher,	Lee,	Shearer,
Auker,	Fiss,	Lelsey,	Simons,
Baillet,	Fleming,	Leydic,	Sloan,
Bardes,	Foor,	Lichtenwalter,	Snyder,
Bennett,	Freed,	Lyons,	Sollenberger,
Boorse,	Fullerton,	Madden,	Stambaugh,
Boose,	Gates,	Marr,	Stewart,
Bower,	Gillan,	Matthews,	Stockham,
Boyd,	Gillette,	McClester,	Sweeney,
Bretherick,	Goll,	McGarrity,	Tahl,
Bronson,	Habbyshaw,	McKinney,	Taylor,
Brown, S. W.,	Haines,	McNally,	Terry,
Brunner,	Hall,	McVay,	Thistle,
Cadwalader,	Hamilton,	Montgomery,	Thompson, G.R.,

Calvin,	Harbeson,	Moser, F. S.,	Trout,
Carpenter,	Haudenshield,	Moser, J. L.,	Turner,
Christler,	Henry,	Mulr,	Van Allsburg,
Clark,	Hewitt,	O'Dare,	Van Belle,
Clearwater,	Hocke,	Peacock,	Voorhees,
Cook,	Hoffman, J. N.,	Peale,	Wagner,
Cooper,	Hoyt,	Reese, D. P.,	Watkins,
Cordier,	Huntley,	Rhodes,	Webster,
Cortese,	Imbrie,	Riley,	Wilkinson,
Curran,	Irvin,	Robertson,	Wilson,
Dalrymple,	James,	Rose,	Winner,
Denman,	Johnston,	Roseberry,	Wood, H. M.,
Dick,	Jones,	Royer,	Wood, L. H.,
Dix,	Kane,	Sarge,	Wood, N.,
Donahue,	Kline,	Schrock,	Woodside,
Eckels,	Knoble,	Seif,	Yeakel,

NAYS—66.

Achterman,	Downey,	Mihm,	Sarra,
Allen,	Fauset,	Mooney,	Scanlon,
Allmond,	Finnerty,	Moran,	Schrope,
Andrews,	Flanagan,	Munley,	Schwab,
Baker,	Furman,	O'Brien,	Shaw,
Balthaser,	Gorski,	O'Connor,	Stank,
Brancato,	Hoffman, S. K.,	O'Keefe,	Tamr,
Broad,	Jirolanio,	Ominsky,	Thompson, E. F.,
Brown, H. S.,	Keenan,	Powers,	Tronzo,
Burns,	Kenehan,	Preston,	Walsh,
Burris,	Kilroy,	Readinger,	Weiss,
Check,	Long,	Reagan,	Welsh, E. B.,
Chervenak,	Lovett,	Rider,	Welsh, M. H.,
Cohen, H. B.,	Malloy,	Rosenfeld,	Westrick,
Cohen, R. E.,	Malone,	Rothenberger,	Williams,
Corrigan,	Melchiorre,		

So the question was determined in the affirmative and the Resolution was adopted.

The SPEAKER. The Chair requests the gentleman from Greene, Mr. Furman, to come to the rostrum and preside. Mr. FURMAN in the Chair.

RESOLUTION

NOTIFICATION TO THE SENATE.

Mr. STOCKHAM asked and obtained unanimous consent to offer the following resolution which was twice read, considered and adopted:

In the House of Representatives, January 3, 1939.

Resolved, That a committee of three be appointed to wait upon the Senate and inform that body that the House of Representatives is organized and ready to proceed with the business of the Session.

APPOINTMENT OF COMMITTEE

The SPEAKER. The Chair appoints as a Committee to wait upon the Senate and inform that body that the House is organized and ready to proceed with business, Messrs. Stockham, Dick and O'Neill.

The Committee will proceed in the performance of its duty.

NOTIFICATION TO GOVERNOR

Mr. SOLLENBERGER offered a resolution which was twice read, considered and adopted as follows:

In the House of Representatives, January 3, 1939.

Resolved, That a committee of three be appointed by the Speaker to wait upon His Excellency, the Governor of the Commonwealth, and inform him that the House of Representatives is organized and ready to receive any communication he may be pleased to make.

COMMITTEE TO WAIT UPON GOVERNOR

The SPEAKER appointed as a committee to wait upon the Governor and inform him that the House is organized and ready to receive communications Messrs. Sollenberger, Wilkinson and Hess.

The SPEAKER, (Ellwood J. Turner), in the Chair.

The SPEAKER. The Chair thanks the gentleman from Greene, Mr. Furman.

PARLIAMENTARIAN APPOINTED

The SPEAKER. In compliance with the Act of the General Assembly approved the 28th day of May, 1938, P. L. 201, the Chair appoints S. Edward Moore of Cumberland County, as Parliamentarian.

SPEAKER EXTENDS THANKS

The SPEAKER. The former Speaker of this House who served with the Parliamentarian feels that we ought to have a speech and the Chair concurs in that request.

Apparently Mr. Moore thinks it is more important to proceed with the business of the House. I want to say this, however, to the members of this House, that even with the years I have spent here, I did not realize the vast amount of detail back of the organization of this House which was carried on by our Parliamentarian. In order that we might have a proceeding here today that would move along he has mapped an outline of the details, and I feel that we owe him a debt of gratitude for the manner in which this Session has proceeded.

While I am on that same subject, I would like to call to the attention of the members of the House, the arrangements that were made for these opening exercises. I do not know whether you gentlemen approve of them or not. Perhaps there were many people who were disappointed by their inability to gain admission to this House, but in my opinion the fact that the members, guests and families were able to have seats and the proceedings were free from the confusion which permeated previous openings, as I have known them, it was well worthwhile.

The man who has been greatly responsible for the detailed management of these proceedings, insofar as the arrangement of the chairs and admission is concerned, with the assistance of the Sergeant-at-Arms and the State Police, is Mr. Clarence L. Connor of Pennsylvania Military College at Chester. The Chair desires to extend its thanks and also the thanks of the members to Mr. Connor for his untiring efforts in the last three days in helping to bring this about. If Mr. Connor is here I would like to have him come forward and take a bow.

I would like at this time also to thank the State Police, the Department of Property and Supplies, Secretary of the State, the Chief Clerk's office and other attaches and employees on the Hill for the splendid cooperation they have given us. Colonel Wilhelm and his men have been of our service and we deeply appreciate their help.

SECRETARY TO SPEAKER APPOINTED

The SPEAKER. In compliance with the Act of the General Assembly approved the 2nd day of July, 1938, P. L. 2765, the Chair appoints Dorothy R. Daller, Delaware County, Secretary to the Speaker.

COMMUNICATION FROM THE GOVERNOR

The Secretary to the Governor being introduced, presented a communication in writing from His Excellency the Governor, which was read as follows:

REASONS FOR PARDONS

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, January 3, 1939.
the Honorable, the House of Representatives of the
Commonwealth of Pennsylvania:

I have the honor to present herewith the reasons for pardons granted by me from July 25, 1938, to date.

GEORGE H. EARLE.

The SPEAKER. The communication will be noted in the Journal and the reasons for pardons will be printed in the appendix to the Legislative Journal.

RECESS

The SPEAKER. If there are no objections the Chair will now declare a recess until 5:00 o'clock.

The Chair hears none and declares a recess until 5:00 o'clock.

AFTER RECESS

The time of recess having expired the House was called to order.

The SPEAKER, (Ellwood J. Turner), in the Chair.

RECESS

The SPEAKER. If there are no objections the Chair will now declare a recess for ten minutes to await the return of the members.

The Chair hears none and declares a recess for ten minutes.

AFTER RECESS

The time of recess having expired the House was called to order.

The SPEAKER, (Ellwood J. Turner), in the Chair.

REPORT AND DISCHARGE OF COMMITTEE

Mr. SOLLENBERGER. Mr. Speaker, I wish to inform you that the Committee appointed to wait upon the Governor and inform him that this House is organized and ready to proceed with its work has performed that duty.

The SPEAKER. The Chair receives the report and the Committee is discharged with the thanks of the House.

ly.

STATEMENT BY MR. WOODSIDE

Mr. WOODSIDE asked and obtained unanimous consent to address the House.

Mr. Speaker and members of the House, I would like to say very much to make some remarks concerning the message of the Governor. However, to discuss any conclusion of the Governor's message at this time might lead to a critical and partisan debate. This House has a problem in which it should deal immediately, and I do not desire to take up the time of the House with any partisan political matter.

An article in the Governor's message states that the money appropriated to the Public Assistance Department, which is the money being used for relief, will be exhausted on January 27th. According to the information which we have gotten from the Department of Public Assistance, the funds will be exhausted on January 23rd, and before that estimate was made, the relief rolls have increased as a result of the thousands of WPA workers who have been discharged weekly since the first week in November.

As a result of this, the balance in the Treasury at the present time, that is, the balance of the unexpended appropriation, is \$7,282,000, which will last until sometime between January 23d and January 27th. I imagine that the difference in those two dates is the result of this situation: Relief checks are made out and sent out daily while the Old Age Assistance and the so-called Mothers' Assistance and the Aid to Dependent Children checks are sent out monthly, and by using all of the money available for direct relief, it may last until January 27th, although, actually, if you figure in the Old Age and Mothers' Assistance, it will be entirely exhausted by January 23d, and possibly a day or so earlier. That being the situation, it is necessary to give the matter immediate attention in this House, because I know that some of the members of this House desire that relief should not stop even for a day, and due to the failure of the past administration and legislature to appropriate sufficient money for relief for public assistance during the balance of the biennium, it is necessary to meet that deficiency by making an appropriation to the Department of Public Assistance.

Now, it is impossible to make an appropriation to the Department of Public Assistance and continue relief without securing funds for that purpose, because there has been appropriated all of the estimated revenue, with the exception of approximately \$200,000.

In order to meet this situation it has been decided to introduce bills tonight making a transfer of \$26,000,000 from the Motor License Fund; \$4,000,000 from the Liquor License Fund; \$3,000,000 from the Liquid Fuel Tax fund and \$1,000,000 from the State Insurance Fund. These acts do not provide for the immediate transfer, but provide for the transfer at such times as it is necessary to have the money to make expenditures for the Department of Public Assistance. At the same time, we will introduce a bill which will provide \$12,000,000 deficiency appropriation for Public Assistance. That will not be sufficient to carry out the relief program and furnish relief for the balance of the biennium, but it will be sufficient to carry us through to close to the last of February, and to enable the incoming administration to examine the situation, and as a result of their findings, lay out a program for providing funds for the Department of Public Assistance and make a deficiency appropriation for the balance of the biennium.

The transfer of this \$26,000,000 from the Motor License Fund, according to the estimates received from the Department of Revenue, and estimates of expenditures from the Department of Highways and the other departments which use some of that fund, indicate that \$26,000,000 can be transferred without in any way curtailing or interfering with the road building program or the work of the Department of Highways. There will be sufficient money in the Highway Fund or in the Motor License Fund up until June 1st to make this transfer without any curtailment of the work whatsoever.

Now, that \$26,000,000, as well as the \$1,000,000 from the Liquor License Fund, the \$3,000,000 from the Liquid Fuel Tax Fund, and the \$1,000,000 from the State Insurance Fund will all be paid back, according to the acts, before September 1, 1939. It is the hope and expectation that immediately after June 1st tax anticipation notes will be floated and the money will immediately be made available to the General Fund, and these moneys which are bor-

rowed from these special funds will be immediately returned to them.

I propose to introduce a resolution providing for a select committee to consider this legislation, to be appointed by the Speaker. This, because the standing committees have not yet been appointed and because it is the desire of the House to consider these measures immediately. This Committee will meet tonight in a Committee room, not in the Hall of the House, and will sit down and thoroughly consider and discuss these various bills. If they see fit to report them out, and I hope they will, we will ask unanimous consent to have them read for the first time tonight. We will then ask the House to adjourn until 12:01 for the Wednesday session so that the bills can be read for the second time. That will enable this legislation to be passed finally during the week of the 16th and will assure the people of this Commonwealth that the deficiency in the Public Assistance appropriation will be met and that relief will continue.

RESOLUTION

SELECT COMMITTEE ON PUBLIC ASSISTANCE

Mr. WOODSIDE asked and obtained unanimous consent to offer the following resolution which was read for the information of the House.

In the House of Representatives, January 3, 1939.

Resolved, That the Speaker of this House be authorized to appoint a Select Committee, consisting of a Chairman, Vice Chairman, and thirty Members, to which shall be referred for consideration and report, bills introduced in advance of the time the standing committees are created in accordance with the rules of the House, which provide for the transfer of moneys from special funds and making appropriations for public assistance.

Mr. WOODSIDE. Mr. Speaker, I ask unanimous consent for the immediate consideration of the resolution.

The SPEAKER. Will the House give its unanimous consent for the immediate consideration of the resolution? Is there objection?

Mr. HERBERT B. COHEN. Mr. Speaker, reserving my right to object, I desire to interrogate the gentleman from Dauphin.

The SPEAKER. Will the gentleman from York state the purpose in asking to interrogate at this time?

Mr. HERBERT B. COHEN. Mr. Speaker, I wish to determine from the gentleman from Dauphin facts that will guide the minority in the position they will take in objecting to the proposed creation of the Committee.

The SPEAKER. Will the gentleman from Dauphin, Mr. Woodside, permit himself to be interrogated?

Mr. WOODSIDE. I will, Mr. Speaker.

Mr. HERBERT B. COHEN. Mr. Speaker, I desire to inquire from the gentleman from Dauphin whether it is not a fact that the moneys appropriated to the Department of Public Assistance are sufficient to last until the 27th of January, 1939.

Mr. WOODSIDE. Mr. Speaker, I attempted to explain that situation, as I understood it, in my original remarks. However, I will repeat. I understand that the balance now remaining in the Public Assistance appropriation is \$7,650,000, and that at the present rate of expenditure that would last seven-tenths of a month, according to the department's own figures, which means that it will be exhausted on January 23d.

Mr. HERBERT B. COHEN. Mr. Speaker, I understand

that there is \$1,500,000 which on February 1st will be due to the Old Age Assistance, Pensions for the Blind and Pensions for Needy Children and Dependent Mothers, is that correct?

Mr. WOODSIDE. Mr. Speaker, I do not have the exact figures that will be due at that time, but I assume that is approximately the amount. As I understand it, if we use that money now for the payment of direct relief there probably will be enough funds to last until January 27th.

Mr. HERBERT B. COHEN. And that money, Mr. Speaker, the \$1,500,000 that is referred to by the gentleman from Dauphin, will be due only and owing by the Commonwealth of Pennsylvania to the recipients of that type of relief on the first of February, is that not correct?

Mr. WOODSIDE. Mr. Speaker, the checks are sent out on the last of the month as I understand it.

Mr. HERBERT B. COHEN. That is correct. Then, at the present time there are sufficient funds to take care of the relief requirements until the 27th of January, or possibly the 28th of January of this year, is that not correct?

Mr. WOODSIDE. Mr. Speaker, figuring the expenditure or the use of the money which is set aside for Old Age Pension or the so-called Mothers' Assistance, the aid to dependent children, assuming that there are no more lay-offs by WPA, so that the increase will not be substantial, I think it will last until possibly the 27th or 28th.

Mr. HERBERT B. COHEN. Mr. Speaker, I desire to inquire of the gentlemen from Dauphin if the moneys will last, the funds that have been appropriated to the Department of Public Assistance, until January 27th. I desire to inquire of the gentleman from Dauphin why the particular haste in the consideration of these transfers at the present time.

Mr. WOODSIDE. Mr. Speaker, we do not want to take any chance, and I do not think the gentlemen on the other side want to take any chance of this relief appropriation becoming exhausted before we have time to act upon it, and for that reason, and for the further reason that we are not positive that the funds will be available after January 23d, we feel that action should be taken before that time, and that we should have the appropriation made a few days before.

Mr. HERBERT B. COHEN. Mr. Speaker, I further desire to ask the gentleman from Dauphin if he is prepared to state to the membership of the House what method will be employed to reestablish the integrity of those funds from which he seeks to divert or transfer the moneys.

Mr. WOODSIDE. Mr. Speaker, the act itself provides that the transfer will be made on or before September 1, 1939.

Mr. HERBERT B. COHEN. Mr. Speaker, is the gentleman from Dauphin presently able to state from what source of taxes those funds will be secured, which will enable repayment to the funds that are now being depreciated by this transfer?

Mr. WOODSIDE. Mr. Speaker, if the gentleman from York means, do I now have available the proposed budget for the next biennium, the answer is "no."

Mr. HERBERT B. COHEN. Mr. Speaker, do I understand from the gentleman from Dauphin that he is now attempting to effectuate the transfers, running into millions of dollars, without informing the House from what source those funds will be repaid to the special funds that are being used as the source of the transfer?

Mr. WOODSIDE. Mr. Speaker, does the gentleman mean by his interrogation the particular tax from which those funds will be repaid? As I understand the question of the gentleman from York, it involves the entire budget set-up for the next biennium, and of course, you could not be in a position to give any information, nor has anything been done to complete a budget set-up.

Mr. HERBERT B. COHEN. Mr. Speaker, do I understand from the gentleman from Dauphin that tax legislation will be passed to create a fund whereby the repayments can be made?

Mr. WOODSIDE. Mr. Speaker, these acts or these bills provide for the repayment to these special funds by September 1, 1939. That is the intention.

Mr. HERBERT B. COHEN. Mr. Speaker, I am asking the gentleman from Dauphin, since he has indicated that the bills contain a clause for repayment, I am asking the question, out of what is he going to make that repayment?

Mr. WOODSIDE. Mr. Speaker, out of the General Fund.

Mr. HERBERT B. COHEN. Mr. Speaker, does the gentleman from Dauphin know that there are now presently available funds to the extent of \$3,000,000 that can be transferred and can be utilized for the continuation of relief?

Mr. WOODSIDE. Mr. Speaker, I don't know what the gentleman from York is referring to, but I know that it is absolutely necessary to make a deficiency appropriation to continue relief after the twenty-third or twenty-seventh, somewhere in that neighborhood, of this month. Legislation must be passed to make that appropriation, and in some manner or other the funds must be found to make that appropriation.

Mr. HERBERT B. COHEN. Mr. Speaker, I am asking the gentleman from Dauphin if he knows the source of the fund to the extent of \$3,000,000 that is now presently available and may be utilized for relief.

Mr. WOODSIDE. Mr. Speaker, does the gentleman mean lapsed appropriation?

Mr. HERBERT B. COHEN. Mr. Speaker, yes.

Mr. WOODSIDE. Mr. Speaker, I think there is no question about it, that there are some lapsed appropriations, but the gentleman must take into consideration the fact that a deficiency of a very substantial amount in this biennium for relief will exist, and that it is not merely a matter of obtaining money for the destitute people, but there will also be the problem of obtaining money to pay the deficiency for the balance of the biennium, and we can make good use of all of the money that may be lapsed. That matter will receive very careful consideration by the incoming administration when they have an opportunity to examine and go over the records carefully to find what can be lapsed.

Mr. HERBERT B. COHEN. Mr. Speaker, do I understand that the gentleman from Dauphin now wishes to commit this House to the policy of transferring without adequately studying the entire financial situation, so that this House will be in a position to decide which is the most expeditious manner in order to make up the assistance fund.

Mr. WOODSIDE. Mr. Speaker, if the present administration and the past Legislature had appropriated sufficient moneys to the Department of Public Assistance to

pay relief until the end of the biennium, as it was their duty to do, then we would not be met with the present situation.

Mr. HERBERT B. COHEN. Mr. Speaker, I desire to ask the gentleman from Dauphin, as one of the floor leaders of the minority during the past four years, just how many measures he voted for that would have raised those funds, if any?

Mr. WOODSIDE. Mr. Speaker, the record speaks for itself, and my constituents seems to be satisfied with it.

Mr. HERBERT B. COHEN. Mr. Speaker, I would like to call the attention of the House to the fact that—

The SPEAKER. Does the gentleman from York desire to make a statement or interrogate the gentleman from Dauphin?

Mr. HERBERT B. COHEN. Mr. Speaker, I will put it in the form of an interrogation.

The SPEAKER. Will the gentleman from Dauphin permit himself to be further interrogated?

Mr. WOODSIDE. I will, Mr. Speaker.

Mr. HERBERT B. COHEN. Mr. Speaker, I might inquire of the gentleman from Dauphin if in view of the returns submitted to this House as to the result of the election of November, 1938, whether or not, in the same breath he would not say that my constituents were apparently satisfied?

The SPEAKER. The Chair would like to say to the gentleman from York that we at all times appreciate the by-play, but I think we are really going a little further than we should at the moment. The gentleman from York will proceed. My reason for raising the question was that I was afraid the gentleman from York might begin to ask the Speaker some pertinent questions on the same subject.

Mr. HERBERT B. COHEN. Mr. Speaker, we have no objection to the resolution.

The SPEAKER. The Chair hears no objection and consent is granted.

On the question,

Will the House adopt the resolution?

It was adopted.

SELECT COMMITTEE ON PUBLIC ASSISTANCE APPOINTED

The SPEAKER. Pursuant to the provisions of the resolution adopted by this House, Tuesday, January 3rd, providing for the appointment by the Speaker of a Select Committee on Public Assistance, the Chair appoints the following members: Mr. Woodside, Chairman; Mr. McKinney, Vice Chairman and Messrs. Bretherick, Cadwalader, Cordier, Denman, Donohoe, Eckels, Fleming, Gates, Haines, Hall, Hewitt, John N. Hoffman, Imbrie, Kane, Matthews, Seif, Shearer, Stockham, Terry, Watkins, Wilkinson, O'Dare, Hamilton, Ominsky, Kilroy, O'Keefe, Shaw, Achterman, Andrews, Furman and Herbert B. Cohen.

STATEMENT BY MR. HERBERT B. COHEN

Mr. HERBERT B. COHEN asked and obtained unanimous consent to address the House.

Mr. Speaker, my colleague, the gentleman from Monroe, Mr. Achterman, has a bill which he feels should also be referred to the Select Committee and I would ask that the Chair direct that the bill be referred to that Com-

mittee. The bill provides for the lapsing or the reduction of the \$5,000,000 appropriation made by the 1937 Legislature, reducing the appropriation liability under that act to \$2,000,000, thereby making available possibly \$3,000,000 of funds which can be utilized to meet the relief situation without the necessity of transferring from any of the funds. I feel since there is this tremendous amount of money available, it will relieve the membership of the odious task of voting for transfers of these funds, and if they can be made available they should be made available. As a result of that, I hastily had this bill drawn, which Mr. Achterman is introducing, and I would ask the Chair that it be referred along with the other bills introduced by the gentleman from Dauphin, so that this bill might be presented before the Select Committee for its consideration, when it is considering the rest of the bills in the program.

The SPEAKER. The remarks of the gentleman will be spread upon the Journal. The bill will be sent to the Clerk for filing.

BILLS INTRODUCED AND REFERRED

By Mr. WOODSIDE. HOUSE BILL No. 1.

An Act transferring money from the Motor License Fund to the General Fund; and providing for the subsequent return from the General Fund of the transferred money.

Referred to Select Committee on Public Assistance.

By Mr. WOODSIDE. HOUSE BILL No. 2.

An Act transferring money from the Liquor License Fund to the General Fund; and providing for the subsequent return from the General Fund of the transferred money.

Referred to Select Committee on Public Assistance.

By Mr. WOODSIDE. HOUSE BILL No. 3.

An Act transferring money from the Liquid Fuels Tax Fund to the General Fund; and providing for the subsequent return from the General Fund of the transferred money.

Referred to Select Committee on Public Assistance.

By Mr. WOODSIDE. HOUSE BILL No. 4.

An Act transferring money from the State Insurance Fund to the General Fund; and providing for the subsequent return from the General Fund of the transferred money.

Referred to Select Committee on Public Assistance.

By Mr. WOODSIDE. HOUSE BILL No. 5.

An Act making a deficiency appropriation to the Department of Public Assistance for the purposes of carrying out the Public Assistance Law for the two fiscal years ending May thirty-first, one thousand nine hundred thirty-nine.

Referred to Select Committee on Public Assistance.

By Mr. ACHTERMAN. HOUSE BILL No. 6.

An Act to amend Act No. 47-A, approved the fifth day of June, one thousand nine hundred thirty-seven (1937 Appropriation Acts, page thirty-nine) entitled "An act making an appropriation to the Water and Power Resources Board, for payment into the Flood Control Fund for flood control purposes," by reducing the appropriation made by that act.

Referred to Select Committee on Public Assistance.

COMMITTEE MEETING

A meeting of the Select Committee will be held in the House Caucus Room immediately after recess.

RECESS

The SPEAKER. If there are no objections the Chair will now declare a recess until 8:30 o'clock. The Chair hears none and declares a recess until 8:30 o'clock.

AFTER RECESS

The time of recess having expired the House was called to order.

The SPEAKER (Ellwood J. Turner) in the Chair.

RESOLUTION

DUTIES OF EMPLOYEES

Mr. WINNER offered a resolution which was twice read, considered and adopted as follows:

In the House of Representatives, January 3, 1939.

Whereas, The laws of the Commonwealth provide for the election by the Members of the House of various employees, but fail to define the duties of such employees; and Whereas, The dispatch of the business of the House requires that these duties should be prescribed by the House in order to enable the Chief Clerk to make the proper assignments and supervise the work of the employees; therefore be it

Resolved, That the employees designated by this resolution by title of the position, shall be assigned by the Chief Clerk, and shall perform the duties directed by this resolution:

Sergeant-at-Arms. The Chief Sergeant-at-Arms shall have the immediate charge of the chief assistant and assistant sergeants-at-arms. It shall be the duty of the sergeants-at-arms to police the Hall of the House of Representatives and the approaches thereto, to maintain order and decorum during the sessions of the House, to pick bills and insert them in the files on the Members' desks, and to have charge of and operate the House bill file room where bills are delivered, picked and made available for general distribution. It shall be the duty of the Chief Clerk to divide the force of sergeant-at-arms in such manner so that a sufficient number shall at all times be assigned to police duty and a sufficient number to the House bill file room and the work in connection therewith, filing and distributing bills, resolutions, calendars, histories and journals.

Clerks to Committees. The clerks to committees shall be competent and experienced stenographers or stenotypists, each of whom shall be assigned, by the Chief Clerk, to serve particular committees. It shall be the duty of the clerks to committees to act as clerks to the committees to which they have been assigned, act as a secretary to the chairman and vice-chairman of said committees, when not otherwise engaged, assist stenographers of the House with correspondence of the Members of the committees to which they have been assigned, and perform such other duties as may be assigned by the chairman of the committees which they serve.

Custodians of Committee Rooms. It shall be the duty of the custodians of committee rooms to keep all committee rooms in good order for meetings of committees, act as messengers for committees while engaged in committee sessions and perform such other duties as may be assigned to them by the Chief Clerk.

Transcribing Clerks. The personnel of the transcribing room shall be in the immediate charge of the Chief Official Reporter of the House. At least two of the persons employed in the transcribing room shall be competent and experienced stenographers. It shall be the duty of the Journal Clerk, Assistant Journal Clerk, House Message Clerk and other personnel assigned to the transcribing room by the Chief Clerk, to keep the Journal of the House.

type titles to bills, assist in typing amendments to bills, prepare and deliver communications between the two Houses, assist in the preparation and indexing of the House History of legislation and the stenographic work in connection therewith, and perform such other duties as may be assigned by the Chief Clerk and the Chief Official Reporter.

History Clerk. It shall be the duty of the History Clerk to compile the weekly history of legislation of the House which shall contain such information as may be prescribed by the Chief Clerk, and to which shall be attached a complete index of all bills and resolutions introduced. The History shall be compiled by the History Clerk in the Legislative Reference Bureau in order that the records of said office and of the History shall be in accord and errors in transcribing be detected. In the compilation of the History, the History Clerk shall have the assistance of the personnel assigned by the Chief Clerk from the transcribing room.

Reading Clerks. It shall be the duty of the Reading Clerks to be present at each session of the House, read bills, resolutions, amendments, message, communication, and other matter, and make announcements from the desk of the House under the direction and control of the Speaker, arrange and keep a schedule of committee meetings so as to avoid conflicts of meetings in the same committee room, and perform such other duties as may be assigned by the Chief Clerk.

Desk Clerks. The desk clerks shall be learned in the law. It shall be the duty of the desk clerks to read all prints of bills and resolutions to detect errors in printing and substance, arrange for the correction of printing errors without the necessity for formal amendment, call to the attention of the sponsors of bills, errors of substance, and aid and assist in amending bills and preparing copy for the printer. The desk clerks shall be assigned by the Chief Clerk to work under the supervision of the Director of the Legislative Reference Bureau.

Assistant Clerk and Chief Stenographer to Chief Clerk. It shall be the duty of the assistant clerk and chief stenographer to the Chief Clerk to prepare the calendars of the House, prepare copy of bills for the printer, be responsible for the correct insertion of amendments to bills and such work to have the assistance of the desk clerks working under the supervision of the Director of the Legislative Reference Bureau, and to perform such other duties as may be assigned by the Chief Clerk.

Post Office Employees. It shall be the duty of the postmaster, assistant postmaster and messengers in the post-office to secure, receive and distribute the mail of the Members and officers of the House, and place the same in the letter boxes assigned to said persons. It shall be the duty of the Chief Clerk to assign at least two assistant messengers who shall attend the battery of telephone booths which shall be for the exclusive use of House Members and its officers.

Pasters and Folders. It shall be the duty of the pasters and folders to prepare for mailing, and to mail out bills, resolutions, calendars, histories and legislative journals under the direction of the Chief Clerk.

Superintendent of Store Room. The superintendent of the store room shall be a person having executive ability and in addition to his duties as Superintendent of the Store Room, shall, under the direction and control of the Chief Clerk, supervise the work of the sergeants-at-arms, the document room supervisor and his assistants, the pasters and folders, the postmaster and assistants, the watchmen, and custodians of the House, the basement and the store rooms and the pages.

Custodians. One of the custodians of the House or of the basement shall be assigned by the Chief Clerk to the store room to assist the Superintendent of the Store Room.

Pages. The pages shall be in attendance at each session of the House. It shall be the duty of the pages to perform the duties on the floor of the House assigned to them by the Chief Clerk. Sufficient pages shall be assigned to committee rooms, while committees are in session to act as messengers, one page shall be assigned during sessions of the House to the Legislative Reference Bureau for the delivery of paper. The pages shall assist sergeants-at-

arms in filing bills on the desks of Members, and perform such other duties as the Chief Clerk may require.

Resolved That it shall be the duty of the Chief Clerk to bring to the attention of the Speaker in order that the same may be laid before the Committee on Rules, any case of improper conduct, insubordination or failure or refusal of employees to perform their duties as prescribed by this resolution or required to be performed by the Chief Clerk.

REPORTS FROM COMMITTEE

Mr. McKINNEY, from the Select Committee on Public Assistance, reported as committed House Bill No. 1, entitled:

An Act transferring money from the Motor License Fund to the General Fund; and providing for the subsequent return from the General Fund of the transferred money.

Mr. McKINNEY, from the Select Committee on Public Assistance, reported as committed House Bill No. 2, entitled:

An Act transferring money from the Liquor License Fund to the General Fund; and providing for the subsequent return from the General Fund of the transferred money.

Mr. McKINNEY, from the Select Committee on Public Assistance, reported as committed House Bill No. 3, entitled:

An Act transferring money from the Liquid Fuels Tax Fund to the General Fund; and providing for the subsequent return from the General Fund of the transferred money.

Mr. McKINNEY, from the Select Committee on Public Assistance, reported as committed House Bill No. 4, entitled:

An Act transferring money from the State Insurance Fund to the General Fund; and providing for the subsequent return from the General Fund of the transferred money.

Mr. McKINNEY, from the Select Committee on Public Assistance, reported as committed House Bill No. 5, entitled:

An Act making a deficiency appropriation to the Department of Public Assistance for the purposes of carrying out the Public Assistance Law for the two fiscal years ending May thirty-first, one thousand nine hundred thirty-nine.

BILLS ON FIRST READING

Mr. McKINNEY asked and obtained unanimous consent to have the following bills read for the first time:

Agreeably to order,

The House proceeded to the first reading and consideration of the House Bill No. 1, entitled:

An Act transferring money from the Motor License Fund to the General Fund; and providing for the subsequent return from the General Fund of the transferred money.

And said bill having been read at the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2, entitled:

An Act transferring money from the Liquor License Fund to the General Fund; and providing for the subse-

quent return from the General Fund of the transferred money.

And said bill having been read at the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 3, entitled:

An Act transferring money from the Liquid Fuels Tax Fund to the General Fund; and providing for the subsequent return from the General Fund of the transferred money.

And said bill having been read at the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 4, entitled:

An Act transferring money from the State Insurance Fund to the General Fund; and providing for the subsequent return from the General Fund of the transferred money.

And said bill having been read at the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 5, entitled:

An Act making a deficiency appropriation to the Department Assistance Law for the two fiscal years ending May thirty-first one thousand nine hundred thirty-nine.

And said bill having been read at the first time,
Ordered, To be laid aside for second reading.

STATEMENT BY MR. WOODSIDE

Mr. WOODSIDE asked and obtained unanimous consent to address the House.

Mr. Speaker and members of the House, there was some question raised about the shortness of time between now and the time that these bill will be read the second time and we received unanimous consent to read them for the first time tonight, therefore, moving them along to put them in a position to be passed early in case it proves necessary. In consideration of this, we are going to ask the Republican members to make no objection to the offering of amendments to these bills on third reading, so that unanimous consent, we hope, will be granted to the minority to offer amendments on third reading, if they desire to offer them.

STATEMENT BY MR. OMINSKY

Mr. OMINSKY asked and obtained unanimous consent to address the House.

Mr. Speaker and members of the House, we just saw how the Select Committee on Public Assistance acted in an emergency, or supposed emergency, which was shown by the majority of this House. We in Philadelphia also have an emergency. We have a council, which despite all protests by the citizenry of Philadelphia, has seen fit to enact a sales tax; in spite of the fact that the Mayor has declared he will veto that Sales Tax on the 9th of January. It is my duty at this time, since we are in an emergency as far as Philadelphia is concerned, to introduce at this time a bill terminating the legislative author-

ity given certain political subdivisions of this Commonwealth to impose taxes upon sales of personal properties, and I request, Mr. Speaker, that this bill be referred also to the Select Committee on Public Assistance, so that it may be acted upon immediately, and warn council of Philadelphia that it is the intention of this legislature to take away the right of imposing taxes which are burdensome and which are obnoxious to Philadelphia and business houses generally.

The SPEAKER. The remarks of the gentleman will be spread upon the Journal.

RESOLUTION

EXTENDING SYMPATHY

Mr. GATES offered the following resolution which was twice read, considered and unanimously adopted by a rising vote.

In the House of Representatives, January 3, 1939.

To the family of our esteemed member from Armstrong County, the Honorable Frank J. Atkins, has come a great sorrow in the passing of Mrs. Daisy Adams Montgomery, the loved mother and grandmother of Mr. Atkins' wife and children. Her loss to them is most keenly felt, and her funeral on January 2, 1939, was an occasion of deepest sorrow.

Resolved, therefore, by the House of Representatives, that we hereby extend our sincere sympathy to our fellow member and his bereaved family; and that, in further token of our feeling, we hereby direct the Chief Clerk to transmit a certified copy of this resolution to the Honorable Frank J. Atkins and his family.

RECESS

The SPEAKER. If there are no objections the Chair will now declare a recess until 9:45 o'clock. The Chair hears none and declares a recess until 9:45 o'clock.

AFTER RECESS

The time of recess having expired the House was called to order.

The SPEAKER, (Ellwood J. Turner), in the Chair.

RECESS

The SPEAKER. If there are no objections the Chair will now declare a recess until 10:00 o'clock. The Chair hears none and declares a recess until 10:00 o'clock.

AFTER RECESS

The time of recess having expired the House was called to order.

The SPEAKER, (Ellwood J. Turner), in the Chair.

The SPEAKER. The Chair desires to advise the members that we have been waiting upon the Senate, as is the usual custom. We have sent a Committee on the part of the House to the Senate for information. The Committee has just left. To give them time to return, the Chair will declare a recess until 10:15, which the Chair hopes will be the last recess.

RECESS

The SPEAKER. If there are no objections the Chair will now declare a recess until 11:30 o'clock. The Chair hears none and declares a recess until 11:30 o'clock.

AFTER RECESS

The time of recess having expired the House was called to order.

The SPEAKER, (Ellwood J. Turner), in the Chair.

REPORT AND DISCHARGE OF COMMITTEE

Mr. STOCKHAM. Mr. Speaker, your Committee appointed to wait upon the Senate and inform that body that the House is organized and ready to proceed with the business of the session has performed that duty.

The SPEAKER. The Chair receives the report and the Committee is discharged with the thanks of the House.

NOTIFICATION FROM SENATE

The SERGEANT-AT-ARMS. Mr. Speaker, a committee on the part of the Senate.

Mr. DEITRICK. Mr. Speaker, I have the honor to inform you that the Senate of the State of Pennsylvania is duly organized and ready to proceed to business.

The SPEAKER. The Chair receives with thanks the message of the Committee of the Senate.

RESOLUTION

APPOINTMENT OF TELLER

Mr. SERRILL asked and obtained unanimous consent to offer the following resolution which was twice read, considered and adopted:

In the House of Representatives, January 3rd, 1939.

Resolved, That the gentleman from Lancaster, Mr. Wood, be appointed teller on the part of the House of Representatives to open, compute and count the vote for Governor, Lieutenant Governor and Secretary of Internal Affairs.

Ordered, That the Clerk inform the Senate accordingly.

COMMITTEE FROM SENATE

The SERGEANT-AT-ARMS. Mr. Speaker, a Committee on the part of the Senate.

Mr. WOLFENDEN. Mr. Speaker, we are a Committee from the Senate to act in conjunction with a Committee from the House, if the House appoints such a Committee, to notify the Governor that we are prepared to hear any message that he cares to deliver to the joint session.

The SPEAKER. The Chair desires to advise the Committee on the part of the Senate that a Committee on the part of the House was appointed, in the passage of a resolution from the Senate. The Committee on the part of the House has already waited upon the Governor, and the Chair would therefore respectfully suggest that the Committee on the part of the Senate proceed to the Governor and advise him of their errand.

SENATE MESSAGE

JOINT SESSION TO COUNT VOTE

The Clerk of the Senate being introduced presented an extract from the Journal of the Senate, which was read as follows:

In the Senate, January 3, 1939.

Resolved, (if the House of Representatives concur) that the Senate and House of Representatives meet in joint convention Tuesday afternoon, January 3, 1939, for the purpose of witnessing the opening, computing and counting the vote for Governor, Lieutenant Governor, and

Secretary of Internal Affairs; and to elect a Director of the Legislative Reference Bureau, also for the purpose of listening to the reading of a message of His Excellency the Governor of the Commonwealth.

Ordered, That the Clerk present the same to the House of Representatives for its concurrence.

On the question.

Will the House concur in the resolution of the Senate? It was concurred in.

Ordered, That the Clerk inform the Senate accordingly.

RESOLUTION

COMMITTEE TO ESCORT SENATE TO THE HALL OF HOUSE

Mr. VAN ALLSBURG asked and obtained unanimous consent to offer the following resolutions which was twice read, considered and adopted:

In the House of Representatives, January 3, 1939.

Resolved, That the Speaker appoint a committee of two to escort the Members of the Senate to the Hall of the House this day for the purpose of attending the Joint Session of the General Assembly.

COMMITTEE APPOINTED TO ESCORT SENATE

The SPEAKER. The Chair appoints as a Committee to escort the Senate to the Hall of the House, Messrs. Van Allsburg and Andrews.

SENATE MESSAGE

APPOINTMENT OF INAUGURAL COMMITTEE

The Clerk of the Senate being introduced presented an extract from the Journal of the Senate, which was read as follows:

In the Senate, January 3, 1939.

Resolved, (if the House of Representatives concur), That the President of the Senate is hereby authorized to appoint a committee of twelve Senators to act in conjunction with a committee of fifteen members of the House of Representatives to be appointed by the Speaker of the House, to make necessary arrangements for the inauguration of the Governor-elect, to await upon His Excellency, and to conduct him in a suitable manner to the Capitol for the purpose of having the oath of office administered to him; and

Resolved, That the inaugural ceremonies take place at 12 o'clock on the third Tuesday of January, the 17th instant, on the West side of the Capitol, should the weather prove favorable, otherwise, in the Hall of the House of Representatives, and be it further

Resolved, That said Committee be and is hereby authorized to expend a sum not exceeding five thousand dollars in the making and carrying out of said arrangements, the same to be provided for in the Appropriation Bills.

Ordered, That the Clerk present the same to the House of Representatives for its concurrence.

On the question.

Will the House concur in the resolution of the Senate? It was concurred in.

Ordered, That the Clerk inform the Senate accordingly.

REPORT AND DISCHARGE OF COMMITTEE

Mr. VAN ALLSBURG. Mr. Speaker, your Committee appointed to wait upon the Senate and inform them to the Hall of the House has performed that duty and reports that the Senate is now in attendance.

THE SPEAKER. The Committee is discharged with the thanks of the House.

The President of the Senate is invited to preside over the Joint Session of the General Assembly and the President Pro Tempore is invited to a seat on the rostrum. The members of the Senate will be seated in the chairs provided for them in the front of the House.

JOINT SESSION

LIEUTENANT-GOVERNOR THOMAS KENNEDY
PRESIDING

LIEUTENANT-GOVERNOR KENNEDY. This being the day and time agreed upon by concurrent resolution of the Senate and House of Representatives in accordance with the laws of this Commonwealth for the opening, counting and computing of the official returns for the election of Governor, Lieutenant-Governor and Secretary of Internal Affairs held on Tuesday, November 8, 1938, in the several counties of this Commonwealth, the returns will now be opened and read. The Teller on the part of the Senate is the gentleman from Blair, Mr. Mallery; the Teller on the part of the House is the gentleman from Lancaster, Mr. Wood. The Tellers will please come to the desk and proceed in the performance of their duty.

The said returns were accordingly opened and read by the clerks.

GOVERNOR

Charles Alvin Jones, Democratic	1,745,377
Charles Alvin Jones, Royal Oak	10,748
Charles Alvin Jones, No Party	8
Charles Alvin Jones, Non-Partisan	59
	1,756,192
Arthur H. James, Republican	2,035,340
Jesse H. Holmes, Socialist	12,635
Robert B. Burnham, Prohibitionist	6,438
Ella Bloor Omholt, Communist	1,273
Scattering	89
Total	3,811,967
James' Plurality over Jones	279,148
James' Majority over all	258,713

LIEUTENANT GOVERNOR

Leo C. Mundy, Democratic	1,737,077
Leo C. Mundy, Royal Oak	10,393
Leo C. Mundy, Non-Partisan	45
	1,747,515
Samuel S. Lewis, Republican	2,006,868
Walter S. Pasnick, Socialist	13,361
William F. Miller, Prohibitionist	11,539
Ben Careathers, Communist	1,605
Scattering	101
Total	3,781,489
Lewis' Plurality over Mundy	259,353
Lewis' Majority over all	232,247

SECRETARY OF INTERNAL AFFAIRS

Thomas A. Logue, Democratic	1,738,653
Thomas A. Logue, Royal Oak	10,319
Thomas A. Logue, Non-Partisan	55
	1,749,027
William S. Livengood, Jr., Republican	1,998,729
Walter E. Lund, Socialist	15,581
James A. W. Killip, Prohibitionist	10,923
Scattering	91
Total	3,774,351
Livengood's Plurality over Logue	249,702
Livengood's Majority over all	223,107

Whereupon the President of the Senate announced that Arthur H. James having received the highest number of votes was duly elected Governor for the term of four years from the third Tuesday in January 1939; that Samuel S. Lewis having received the highest number of votes was duly elected Lieutenant-Governor for the term of four years from the third Tuesday in January 1939, and that William S. Livengood, Jr. having received the highest number of votes was duly elected Secretary of Internal Affairs for the term of four years from the first Tuesday of May, 1939.

Four certificates were signed in each case as follows:

CERTIFICATE OF ELECTION OF GOVERNOR

Commonwealth of Pennsylvania,
Harrisburg, January 3, 1939

We, the President of the Senate and Speaker of the House of Representatives of the Commonwealth of Pennsylvania, do certify that the President of the Senate did, on the third day of January, A. D. one thousand nine hundred and thirty-nine, in the Hall of the House of Representatives at the State Capitol, open the returns of the election for Governor of this Commonwealth, and publish the same in the presence of both Houses of the General Assembly, conformably to the provisions of the Constitution and laws of said Commonwealth and upon counting the votes by a teller appointed on the part of each House, it appeared that Arthur H. James had the highest number of votes; whereupon the said Arthur H. James was declared to have been duly elected Governor of the Commonwealth.

In testimony whereof, we have hereunto set our hands and affixed our seals the day and year above written.

THOMAS KENNEDY

President of the Senate

ELLWOOD J. TURNER

Speaker of the House of Representatives

CHARLES R. MALLERY

Teller on the part of the Senate

NORMAN WOOD

Teller on the part of the House of Representatives.

CERTIFICATE OF ELECTION OF LIEUTENANT GOVERNOR

Commonwealth of Pennsylvania,
Harrisburg, 3, 1939

We, the President of the Senate and Speaker of the House of Representatives of the Commonwealth of Pennsylvania, do certify that the President of the Senate did, on the third day of January, A. D. one thousand nine hundred and thirty-nine, in the Hall of the House of Representatives at the State Capitol, open the returns of the election for Lieutenant Governor of this Commonwealth, and publish the same in the presence of both Houses of the General Assembly, conformably to the provisions of the Constitution and laws of said Commonwealth and upon counting the votes by a teller appointed on the part of each House, it appeared that Samuel S. Lewis had the highest number of votes; whereupon the said Samuel S. Lewis was declared to have been duly elected Lieutenant Governor of the Commonwealth.

In testimony whereof, we have hereunto set our hands and affixed our seals the day and year above written.

THOMAS KENNEDY

President of the Senate

ELLWOOD J. TURNER

Speaker of the House of Representatives

CHARLES R. MALLERY

Teller on the part of the Senate

NORMAN WOOD

Teller on the part of the House of Representatives

CERTIFICATE OF ELECTION OF SECRETARY OF INTERNAL AFFAIRS

Commonwealth of Pennsylvania,

Harrisburg, January 3, 1939

We, the President of the Senate and Speaker of the House of Representatives of the Commonwealth of Pennsylvania, do certify that the President of the Senate did, on the third day of January, A. D. one thousand nine hundred and thirty-nine, in the Hall of the House of Representatives at the State Capitol, open the returns of the election for Secretary of Internal Affairs of this Commonwealth, and publish the same in the presence of both Houses of the General Assembly, conformably to the provisions of the Constitution and laws of said Commonwealth and upon counting the votes by a teller appointed on the part of each House, it appeared the William S. Livingood, Jr., had the highest number of votes; whereupon the said William S. Livingood, Jr. was declared to have been duly elected Secretary of Internal Affairs of the Commonwealth.

In testimony whereof, we have hereunto set our hands and affixed our seals the day and year above written.

THOMAS KENNEDY

President of the Senate

ELLWOOD J. TURNER

Speaker of the House of Representatives

CHARLES R. MALLERY

Teller on the part of the Senate

NORMAN WOOD

Teller on the part of the House of Representatives

ELECTION OF DIRECTOR LEGISLATIVE REFERENCE BUREAU

Mr. CROWE offered the following resolution which was twice read considered and adopted:

In Joint Convention of the General Assembly,
January 3, 1939.

Resolved, That in accordance with the provisions of the act approved the seventh day of May, one thousand nine hundred and twenty-three, entitled "An act creating a Legislative Reference Bureau; providing for the election of a Director by the General Assembly, * * *," the Senate and House of Representatives in joint convention assembled elect Robert S. Frye, of York County, as Director of the Legislative Reference Bureau.

OATH OF OFFICE ADMINISTERED TO DIRECTOR LEGISLATIVE REFERENCE BUREAU

The oath of office was then administered to Robert S. Frye by Lieutenant-Governor Kennedy.

COMMUNICATION FROM THE GOVERNOR

The Secretary to the Governor being introduced, pre-

sented a communication in writing from His Excellency the Governor, which was read as follows:

FINAL MESSAGE OF THE GOVERNOR

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, January 3, 1939.

FINAL MESSAGE OF GEORGE H. EARLE Governor of Pennsylvania

January 3, 1939, Harrisburg, Pa.

To the Honorable, the General Assembly of the Commonwealth of Pennsylvania:

Four years ago I came before your honorable body immediately after taking my oath of office. We were then just barely beginning to see daylight after the dark hours of national economic catastrophe. We were moving forward, at times slowly but no less surely, toward a solution of many new problems resulting from the changing conditions of our times.

During the past four years there have been many changes in Pennsylvania's government, partly legislative, partly administrative. In making those changes we have endeavored at all times to bear in mind the fundamental purpose of government, which is to adapt itself to the needs of the people whose servant it is. Our struggle to establish Pennsylvania on a firmer economic footing, and to provide some measure of economic reconstruction, has resulted in a broad humanitarian program that has been written upon the statute books and made effective in many instances through the establishment of entirely new agencies.

In the past four years the changes in our governmental structure have been more rapid than in the entire 40 years preceding. It was inevitable that we should suffer certain reverses and disappointments, that our course at times should be stormy, our legislative deliberations racked by political dissension. It was inevitable because progress means readjustment, and readjustment is all too frequently painful.

Looking back over the past four years, there is one fact which stands out above all others. That fact is that the platform upon which we were elected has been fulfilled. Our promises to the people have been kept. Entrusted as we were with a definite task, clearly outlined in our platform of principles and policies, we have consistently carried forward the program we presented to the people of Pennsylvania.

While it is my intention to be as brief as possible, I cannot give a proper accounting of our stewardship in office, nor could I do justice to those loyal and public spirited men and women who have worked side by side with me in this Administration, if I did not tell you in as few words as possible some of the outstanding achievements, legislative and administrative, of our term in office.

A detailed account of the activities of the several Departments, Boards and Commissions, which even in abbreviated form is much too voluminous to be included in this address, has been appended as a supplement.

STATE FINANCES

Of paramount interest in any Administration is the manner in which it conducts its fiscal affairs. This inter-

est has assumed greater proportions during my Administration than in the past because of the economic depression and the resulting demands upon our financial resources.

The preceding Administration came into office with a surplus of \$34,200,000 in the Treasury. When it left it had appropriation liabilities of \$31,822,106.24 and also owed \$16,433,000.00 to the State's custodial special funds. Our actual inherited General Fund obligations, therefore, were \$48,265,106.24. Since there was \$8,352,572.23 cash on hand in the Treasury at the close of the biennium on May 31, 1935, which properly could be applied against those obligations, and lapsing appropriations of \$4,160,655.91, the Commonwealth was in effect \$35,751,878.10 worse off than broke.

Our General Fund appropriations from tax revenues for the four years of this Administration, plus our inherited deficiency, totaled \$734,900,596.31, divided as follows:

Welfare and Assistance	\$343,086,330.00
Subsidies	171,400,639.56
Interest and Sinking Fund	30,193,985.61
All Other Govt. Operations ..	154,467,763.04
Inherited Deficiency	35,751,878.10

The item of Administrative costs included \$62,393,328.75 for Departments under the Governor, as compared with \$57,566,124.47 appropriated by the preceding Administration, \$7,332,829.14 for Departments not under the Governor, as compared with the prior Administration's appropriation of \$6,215,366.82 appropriations of \$57,408,193.30 for institutions as compared with \$58,640,412.00 previously; \$5,149,306.48 for the Legislature as compared with \$5,487,913.50; and \$10,175,442.00 for the Judiciary as compared with \$10,093,517.92 during the preceding four years.

Although there was an increase of \$4,827,204.28 in appropriations to departments under my jurisdiction, this was more than counterbalanced by the new series of government which my Administration has rendered the people, most outstanding of which are the new labor and public assistance laws, and the effective public utility laws.

The cost of collection of the necessary new taxes and the administration of the authority program were also additional items. For the same functions of government which were carried on during the four years of my predecessor, my Administration spent \$46,425,927.58, compared with the prior Administration's \$50,661,851.84, or \$4,235,924.26 less. Approximately \$7,000,000 of appropriations for Departments under the former Administration do not compare with appropriations of my Administration; conversely \$6,000,000 of my Administration do not compare previously. When these required adjustments are made, the appropriations compare and the savings we have made are evident. We are proud of this record.

We are also proud of another record, that of our institutions. Although we actually appropriated less for the institutions during my Administration, that does not tell all the story. Each four year administration sees a steady growth in institutional populations. My Administration has not been an exception. The pressure for accommodations in the mental hospitals, for example, became so great that I was forced to ask the Secretary

of Welfare to restrict admission only to the most serious cases, until the State Authority Building Program could provide some relief from overcrowding. However, in spite of this increase in patients, our hospitals have been operated under appropriations which were less than before.

TAXES

The preceding Administration paid part of its bills with the proceeds of bond sales, part through borrowings from Special Funds. This Administration was required to make payments on bonds in the amount of \$27,525,385.00 and also to supply the deficiency of its predecessor in the amount of \$35,751,878.10. In addition, its public assistance and welfare appropriations were \$343,086,330.00 as compared with only \$123,298,713.00 spent by its predecessor. With normal revenues inadequate under the prior Administration, it was obvious that they were hopelessly deficient in meeting the much greater obligations of the new Administration.

Constitutional limitations prohibited a bond issue to meet the relief emergency. The alternative was taxation on the one hand, widespread hunger and distress on the other. We therefore recommended, and the Legislature approved, a program of emergency taxation based upon ability to pay, 70 per cent. falling upon private and corporate wealth, 30 per cent upon semi-luxuries. We likewise inaugurated temporary emergency financing operations through tax anticipation notes, and established the sound business principle of self-assessment in the collection of taxes. Through reforms in administrative and financial methods we kept the budget in balance, operated on a pay-as-you-go basis, provided adequately for the Commonwealth's needs during a critical period of universal distress, levied taxes with as much equity as our Constitutional limitation of tax uniformity would permit, and succeeded at the same time in transferring a substantial burden from the real estate taxpayer to those better able to pay. We have maintained the State's credit—in fact our last issue of tax anticipation notes sold at a price to yield slightly more than one half of one per cent, the lowest rate ever obtained by this or any other State.

On the basis of actual receipts to date, and of conservative estimates for the remainder of the biennium, revenues applied against appropriations from General Fund levies for the four years ending May 31, 1939, will total \$736,500,000, or \$1,600,000 more than our present appropriation liabilities.

Unexpended lapsing balances from these appropriations will bring our excess of revenues over expenditures, on the basis of present appropriations, to approximately \$6,000,000, after deductions are made for prospective deficiencies in the Department of Justice, the Department of Public Instruction and in administration of Public Assistance.

We must recognize, however, that this does not take into consideration the prospective needs of the Department of Assistance, which estimates that it will require and additional \$40,052,000 to meet its obligations to the end of the biennium. In fact it is estimated that available relief funds will be exhausted by January 27. The additional amount required, therefore, will be that

amount less the excess available, or approximately \$34,000,000.

This was not unexpected, since the General Assembly realized when it made its relief appropriation at the recent Special Session that the amount provided would not carry beyond January, and anticipated that further financing would be necessary at the Regular Session.

ASSISTANCE

The question of public assistance was the most fundamental and far-reaching of all problems that confronted this Administration. The problem resolved itself into two phases, first the matter of providing adequate sums to care for the victims of economic collapse; and second, that of establishing administrative machinery to supplant the temporary agencies previously established, and to replace the out-moded permanent agencies that had proved unequal to the task.

During February, 1935, the first full month that this Administration was in office, there were 1,728,000 persons receiving unemployment relief grants, 33,000 receiving old age assistance, 31,000 mothers and children receiving aid, and 4,000 on the blind pension rolls. Before the end of our first year the Works Progress Administration came into being and began to transfer our cases from direct State relief to Federal work relief, with the result that we found it possible to reduce our rolls to a low of 407,000 persons by November of 1936. Because of economic conditions and fluctuation of WPA rolls this figure has since risen, and in September of this year reached 685,000, the highest point since February, 1936. While our unemployment relief rolls have dropped far below their 1935 peak, our other forms of assistance have shown great increases, primarily because the relief previously given to these groups of dependents was entirely inadequate.

In January, 1935, there were 31,000 persons on old age assistance; in January, 1938, there were 95,000. The average for the first ten months of this year was 92,000. This does not mean that there was an increase in the number requiring assistance; it means instead that we are now caring for those entitled to such assistance, many thousands of whom were on the waiting list when we entered office.

The same is true of aid to mothers and dependent children. In 1935 we had an average of 8,000 mothers and 22,000 children on our rolls. This year we had 17,000 mothers and 43,000 children. Blind pensions rolls rose from a 1935 average of 4,000 to a 1938 average of 11,000.

LEGISLATION

One of the outstanding features of our Administration was the fact that there was enacted more liberal, social, and labor legislation, and more legislation affecting the general welfare of all citizens, than ever before in the history of the Commonwealth.

During this Administration there were 5 Sessions of the General Assembly, two regular Sessions and three extraordinary Sessions—conducted, I might add in passing, at a cost below that of the Legislature during the previous Administration.

Nearly 400 bills, covering a wide range of subjects, were introduced on behalf of the Administration, and

virtually all Administration bills of major consequence were written into law.

Contrary to general belief only two of the major laws sponsored by this Administration were declared unconstitutional—the General 44 Hour Week Law, and the Graduated Income Tax Law—both of which were designed primarily as test measures.

The vitally important laws which effectively established the legislative record of this Administration still remain on the statute books. In this classification we have the measures guaranteeing teacher tenure; establishing more rigid regulation of public utilities in the public interest; creating the General State Authority for the development of our great institutional program; establishing housing authorities; regulating milk in intrastate commerce; providing for financing through tax anticipation notes; establishing a united program of public assistance to replace the archaic poor laws.

I might mention also those progressive and long needed measures for the protection of labor against exploitation and against economic distress—The Labor Relations Act; the laws restricting company-paid deputy sheriffs and anti-labor injunctions; unemployment compensation; minimum wages; a stronger and more comprehensive Workmens Compensation Act; the 44 Hour Law for Women; the Labor Mediation Act; the laws curbing sweat-shops by restricting industrial homework; the Occupational Disease Compensation Act.

I think also of the new and strengthened banking laws; the Consumer Discount Act; the act regulating pawn brokers; the new laws for group hospitalization; the progressive amended motor vehicle code; the new election code and the permanent registration acts; the merger of the State Police and Highway Patrol; the Flood Control and Pure Streams Act; the new laws imposing responsibility for all mental patients upon the Commonwealth; the Municipal Authority Act; and many others too numerous to mention here.

The Legislature has, however, approved a resolution protesting a State Sales Tax. In the recent election both candidates for Governor promised to sign measures abolishing municipal sales taxes such as the one that plagued Philadelphia during nearly all of last year. I urge that this Legislature give favorable consideration to a bill which will abolish local sales taxes in Pennsylvania, which can be done by amending the Act of 1932 affecting the taxing powers of certain cities.

Apart from legislation, I believe that one of the outstanding achievements of this Administration was its remarkable record in reducing accidents and deaths on our highways.

With the return of a partial prosperity, the number of automobiles in use increased at an unprecedented rate. Cars were cheaper and faster. As registrations rose, deaths rose. Road engineering and safety education could not possibly keep pace with the accident rate.

Early in the Administration we established the Governor's Highway Safety Council, consisting of representatives of all groups interested in reducing the hazards of the highway. Billboards, newspapers, radio, motion pictures—everything was used to impress the need of safety upon the traveling public, not without some measure of success. But progress was slow and results discouraging.

In January of last year, at my instance, the Pennsyl-

vania Motor Police were instructed to arrest all drivers exceeding the 50-mile speed limit, and to certify such arrests to the Safety Division of the Department of Revenue, which established a special hearing division which suspended the license of every offender for 90 days. We got immediate results. Fatalities dropped at once; accidents dropped; injuries dropped. After 11 months of operation under this plan I am proud and happy to report that we have saved, by actual count, 904 lives as compared with the similar period of the preceding year, and have reduced our fatality record by approximately 40 per cent. The result is that Pennsylvania today, according to the National Safety Council's statistics, leads the Nation in highway safety.

LABOR AND INDUSTRY

The problems of labor and industry have been of primary importance in this Administration. For too many year short-sighted industrial magnates controlled the government of this Commonwealth. They were determined to save their own profits regardless of the economic cost to the people of the State.

It was traditional that this State was operated from the offices of the Pennsylvania Manufacturers Association. As a result Pennsylvania was 33d among the States in Workmen's Compensation. It was infested with company towns and company stores. Women and children worked for as little as three cents an hour in Pennsylvania's sweatshops.

Labor organizers were deprived of their civil liberties. Pickets were driven off with clubs, and frequently with more deadly weapons.

We changed all that, and we have no apologies to make to anyone for doing so. We have taken the position that the worker is a free, independent citizen entitled to join labor unions, to bargain collectively, to petition his government for redress of grievances, to speak his mind as he pleases, and to fight to protect the livelihood of himself and his family.

I realize that every effort has been made and will be made to destroy the gains which labor has made under this Administration. That is a point on which I want to sound a warning. Labor has come out of the shadows in this State. For the first time it has realized that it has rights which must be respected, and for the first time it has convinced the public that such rights exist.

I specifically warn that any attempt to weaken the provisions of our new Workmens Compensation Act will be disastrous, both for those who make the attempt and for their victims, as well as for the State at large.

The protection afforded by the Labor Relations Board and our strengthened mediation services must not be lost.

The Unemployment Compensation Act, which has already given 65 millions of dollars in benefits to help unemployed workers, must not be tampered with if the general welfare is to be preserved.

The new law providing benefits for the victims of occupational diseases must be safeguarded at all costs.

The many other measures enacted during the past four years for the benefit of labor cannot be destroyed without serious consequences to employer as well as to employee. They were dictated by the economic necessities of our time, not by political expediency, and that need must be satisfied.

The time is past when unscrupulous employers can exploit the labor of women and children, when they can establish unreasonable hours and starvation wages. If this Commonwealth is to be prosperous that prosperity must rest upon a sound foundation of contented workers—workers receiving wages adequate to meet the needs of themselves and their families. Destroy their labor safeguards and you destroy the only foundation that can exist for any permanent prosperity in the world of today.

OTHER SUBJECTS

No review of this Administration would be complete without reference to the fundamental conflict of authority that arose within the past year between the Executive and Legislative branches of the State Government on the one hand and the Judicial on the other. We are all of us well aware, as this Nation has learned from its earliest history, that Democracy is seriously in danger when any one individual or any group of individuals is permitted to seize despotic power. It was for this reason that the independence of the three branches of government was guaranteed in the Constitutions of both State and Nation.

Nothing could be more designed to reduce the government of a free people to absolute despotism than the encroachment of a politically-minded Judiciary, protected by the sanctity of its robes and the tenure of its office, upon the prerogatives of the chief executive of a sovereign State. I leave office proud in the knowledge that I have resisted such aggression; that I have not willingly permitted the office I hold to be degraded by abject submission to the judicial branch.

In a world where despotism is rapidly engulfing democracy it is most vital that free people at all times resist not only overt and flagrant attacks upon their liberties, but more especially the stealthy undermining of their rights as citizens under the guise of judicial process.

I am satisfied that if Fascism or any other form of despotism arises in the State and this Nation, that disaster will come about through just such attempts of judicial encroachment as we have witnessed here in Pennsylvania.

Concerning the political charges which gave rise to this conflict I need only say at this time that the public investigation by the General Assembly upon which I insisted, in accordance with the provisions of the Constitution, has resulted in findings so meager that even the most rabid partisan dared not lift a finger and accuse any high State official of wrong doing. I am equally satisfied that no jury considering the same facts can do other than arrive as the same conclusion.

As I leave office I sincerely believe, from the bottom of my heart, that I leave the State better, more prosperous; happier; with the liberties of its people more secure and their needs more adequately fulfilled; than when I took the oath of office four years ago.

In such belief I lay down my burden without regret, happy that it has been given to me in some small measure to help my fellowmen; happy that in these troubled years through which we have gone our system of universal democracy has shown itself adequate to meet the greatest crisis and the worst catastrophe that our people have ever experienced in all their history. I feel that this is our answer, and America's answer, to those who look with longing or with approval upon the methods and the

practices of dictators abroad and would-be despots at home. And I pledge myself as a private citizen to devote the utmost of my energies and abilities in the support of all progressive measures beneficial to our people that may be sponsored by my successor and his Administration. I wish him well in the tremendous task that lies before him.

And to all who have labored with this Administration in developing and making effective the legislation which has been enacted, and to all of those in my Administration and in private life who have given of themselves in the interest of public welfare, I give my heartfelt thanks.

To those who carry forward the work of government in this State I wish to sound one warning. The voice of privilege and the voice of special interest will be heard again in the legislative halls and in the councils of government. The self-seekers and the overlords of industry will reassert their right to exploit the people of this Commonwealth. The interests of the few again will rise in opposition to the welfare of the many. Therein lies the danger of the future, the danger to our institutions, the danger to those great progressive measures which have of late years become a part and parcel of the life of our times.

Let everyone remember then that we live in a broad Commonwealth of ten million people, that their needs are far more important than the interests of a privileged few, and that their voice is the voice of our Democracy.

You are charged with their promotion and their welfare, which means primarily the preservation of their fundamental liberties as citizens and the safeguarding of their economic security. So far as you shall do this well you will merit the enduring gratitude of our people, and you will successfully avert that danger of dictatorship that is so rapidly casting its shadow over the world today.

SUPPLEMENT

AGRICULTURE

During the present Administration Pennsylvania's 191,284 farm families made more progress than under any previous Administration. Their cash income increased from \$192,166,000 in 1934 to \$268,000,000 in 1937. Taxes on farm real estate were materially reduced, farm real estate values were enhanced and demand for farm properties restored.

The Administration's program of agricultural legislation gave them the first Soil Conservation Law, the first Agricultural Conservation Law, the first law requiring produce dealers to post bonds protecting farmers from fraud, the first indemnities for cattle suffering from Bang's Disease.

State food laws were amended and strengthened. The watered butter racket, which for years victimized both farmers and consumers, was broken up and the ring-leaders sent to the penitentiary. Cooperation of our Department of Agriculture made possible an unprecedented expansion of the canning industry, with a 50 per cent larger market for Pennsylvania canning crops. Time and again the Department saved growers from ruin by finding markets for their surpluses. Potato growers benefited through our special Potato Interests Division.

Bovine tuberculosis was finally eradicated under this Administration. Sanitation laws were strictly enforced.

Plant diseases and insect pests were eradicated or brought under control. In every phase of Pennsylvania's agricultural life the State Government extended aid and assistance, creating a renewed interest in agricultural activities which has resulted in doubled attendance at the Farm Show during the past four years, necessitating the new Farm Show Arena now being erected by the General State Authority.

MILK CONTROL

Pennsylvania was the first State in the Nation to establish a permanent milk control law—a measure which was enacted in 1937 after two years of operation under an experimental temporary act. There have been two important results of that control: First, a general stabilization of the milk industry; and second, an increase in dairy farm income.

In 1937 Pennsylvania farmers received \$7,605,000 more for Class 1 milk sold in Pennsylvania than they did during the year 1934. Constitutionality of the act has been upheld in the face of numerous proceedings and its legality is now an accepted fact.

Movement of a considerable portion of Pennsylvania's milk products in Interstate Commerce has prevented many producers from enjoying the benefits of State control, but through joint Federal action these producers have been accorded partial protection during recent months and may hope to benefit still more in the future.

BANKING

The Department of Banking is completing the most successful period of its history, having passed through three consecutive years without loss to a depositor, and through the entire four years with a total loss to depositors of only \$175,000. Only one bank, a small private institution which did not come under State supervision until the closing days of 1935, closed its doors during the present Administration. Never before in the history of Pennsylvania banking has such a record been established.

Banking and building and loan laws were strengthened, bringing Pennsylvania into national prominence in those fields. Examination of lending agencies was improved. Consumer credit was expanded through reduced rates, credit unions encouraged, pawnbrokers brought under supervision.

A total of \$45,000,000 was recovered by the Department of Banking for the benefit of closed bank depositors, and \$1,555,000 has been paid out from liquidated assets of closed building and loan associations.

An estimated \$10,000,000 was saved to investors through the activity of the Securities Commission.

FORESTS AND WATERS

The Department of Forests and Waters during the past four years has initiated a large Flood Control program, a new park and recreational program, and a greatly increased program of State Forest development.

In addition it has carried on its regular functions of regulating streams and water supplies, of preventing and checking forest fires and of fighting soil erosion.

Large savings have been effected in this Department through economies in consolidation without adversely affecting the work of the Department.

The Department's Flood Control Program in particular represents a large scale approach to one of the most fun-

damental of Pennsylvania's problems—that of preventing disastrous floods such as that which took such a toll of lives and property in March of 1936. Reforestation, which is of vital importance in the control of floods and prevention of erosion, has been tremendously developed. In the past three years alone there has been an increase of more than 15,000,000 in the number of trees shipped from the State's four nurseries.

As a result of the general development of recreational facilities the number of persons availing themselves of the State's recreational areas has been tremendously increased, so that the Department is now not only a vital aid to general conservation in the State but also a source of pleasure and profit to the citizens of the Commonwealth.

HEALTH

The functions of the Department of Health fall within two general categories—preventive and curative. In the first classification it will be well to call attention to the Department's new program for the distribution of pneumonia serum, which accounted for the saving of more than 1,000 lives in the first eight months of last year. Another major contribution of the Department was its splendid record during the great flood of 1936, when under the most adverse conditions it succeeded in maintaining public health throughout the stricken areas to such an extent that not more than a half dozen cases of contagious diseases were directly attributable to the flood itself.

In cooperation with the Department of Mines, State health officials were responsible for the dewatering of coal mines which were flooded, thereby protecting public health and at the same time preventing large scale unemployment in the mining area.

The sealing of coal mines conducted in cooperation with the WPA, was a major movement toward the elimination of stream pollution, and its health benefits to the State cannot be calculated.

The \$8,000,000 building program of the Department is placing Pennsylvania in the forefront in the fight against tuberculosis. A new sanatorium is rising for 500 adults and 50 children in Western Pennsylvania. Hamburg Sanatorium is being augmented by four new units with 200 beds and a new home for nurses. Mont Alto is being expanded to provide 400 additional beds for children, an infirmary for 500 additional patients, a new kitchen and dining room, a new nurses' home and quarters for 175 employees.

An extensive campaign is being conducted to check syphilis, diphtheria, typhoid and undulant fever, and other contagious and communicable diseases.

HIGHWAYS

Since the beginning of this Administration the Department of Highways has improved more than 8,500 miles of roads under its comprehensive construction program. More than 5,000 miles of new roads were built and more than 3,500 miles of main roads were improved to meet present day needs.

Local real estate taxpayers were relieved of a tremendous burden through the Administration's action in taking more than 5,100 miles of roads and streets into the State system, bringing the total of State highways to 40,500 miles, or more than 40% of the total of 99,000 miles of public roads in the State.

The Department likewise took over responsibility for

maintenance and construction of 9,000 local bridges and for the maintenance of 44,000 miles of Second Class Township roads. The Department now is responsible for the maintenance of 84,000 miles of roads and for 25,000 bridges.

From January 1, 1935, to September 30, 1938, the Department expended \$239,000,000 for construction and maintenance of highways, with the result that of the 40,500 miles of State highways only 10,000 miles are as yet unimproved. It has constructed a total of 2,362 bridges under this Administration, and has cooperated to the limit with the WPA in getting projects for highway improvements, employing as many as 135,000 persons at one time on this work.

The Department successfully met the challenge of the great flood in March of 1936. This flood caused damage to roads and bridges in excess of \$10,000,000, destroying more than 275 structures, principally river bridges. Although resources were taxed to the utmost the Department proved itself adequate to the task of establishing emergency communications and speedily restoring regular lines.

In 1935-36 the Department experienced the most severe winter in its history. It distinguished itself by its work of snow removal, plowing and snow fencing to meet the emergency.

There was never a time throughout the Administration when any major road was closed for more than a few hours because of weather conditions.

The Department constructed modern fire-proof garages and office buildings in 33 counties, materially reducing rental costs and providing facilities adequate to care for the vastly increased duties of the highway force.

Extensive technical surveys relative to engineering and traffic were inaugurated, and extensive experiments in the use of new materials under varying traffic and weather conditions were undertaken. The highest safety standards were maintained at all times in the operations of the Department.

Substantial progress was made in the matter of eliminating toll bridges, and it is contemplated that at least five bridges at important junctures in the State will be taken over in the near future as a result of this activity.

TURNPIKE COMMISSION

One of the most ambitious highway projects of the present Administration was the establishment of the Pennsylvania Turnpike Commission, which has been authorized to construct an All-Weather-Highway to connect Pittsburgh and the West with the eastern part of the State. The Commission has completed its financing through the assistance of the PWA and RFC, and has already let three contracts for the work. It is expected that all contracts will be let by September of this year and that the construction will be rapidly completed. This magnificent new highway will be a permanent addition to the wealth and resources of the State, entirely self-liquidating and constructed without one cent of cost to the Commonwealth.

INSURANCE

The Insurance Department, in its examination and regulation of insurance companies, has aroused the admiration of other States throughout the Nation. No insurance company doing business has failed since this Administration took office. During that same period not one dollar has been lost to any policyholder through the failure of any company. This is in comparison with the 5 years previ-

ous to the Administration, when 81 companies doing business in Pennsylvania failed, with a loss of millions of dollars to hundreds of thousands of citizens.

Fraudulent insurance rackets operating in Pennsylvania have been checked by the Department. Before they were halted it was estimated that they were defrauding Pennsylvania citizens of \$10,000,000 a year, victimizing poor persons who thought they were insuring themselves and their dependents against death, sickness or accident. Hundreds of these racketeers have been arrested and large numbers of them have been sent to the penitentiary.

DEPARTMENT OF JUSTICE

A total of 390 Administration bills were prepared in the Department of Justice as compared with 200 in the preceding Administration. In addition 331 Departmental bills were reviewed and 1407 bills were examined for recommendation to the Governor.

In addition to its extensive legislative and court work, the Department assisted the other agencies of the State Government by rendering 105 formal and 421 informal opinions in addition to numerous letters of legal advice.

The Board of Pardons up to November 1st of last year considered 4,087 applications, recommended 205 pardons, 724 commutations of jail sentences and 3 commutations of death sentences. It should be noted that very few pardons were recommended and most of these were to prevent deportation or to assist individuals to qualify for Civil Service ratings.

The matter of paroles and parodsn has become a topic of popular discussion, which is extremely fortunate in view of the importance of the subject. Many months ago, realizing that a survey of the parole and pardon problem was necessary, I appointed a committee of outstanding citizens to consider this subject. They have done their work at great self-sacrifice and with unselfish diligence. I want to take this occasion to congratulate the Chairman and every member for this service they have rendered, and I sincerely trust that the General Assembly will give its closest attention and consideration to their findings and recommendations, particularly in the matter of making more adequate financial provision for this vital public service.

LABOR AND INDUSTRY

The operation of the Unemployment Compensation Act has brought a greater sense of security to the working man whose job is affected by business fluctuations. Some sixty-five millions of dollars have gone into the communities of this state during the year just closed and have helped a half a million unemployed workers to live and maintain their self-respect.

For many years the worker was hounded by the shadow of an accident which would incapacitate him, destroy his earning power, and bring hunger and want to his family. Workmen's Compensation provides for the worker the protection he is not able to provide for himself.

My administration cannot assume the credit for the original protection of this type for Pennsylvania's workers, but under the old law this State ranked 33d among the states in compensation. The Workmen's Compensation Act of 1937, which was effective January 1, 1938, raised Pennsylvania to its rightful place among the leading industrial states.

Occupational diseases, not compensable prior to 1938,

are included within the scope of the new Workmen's Compensation Law.

During the present Administration the work of rehabilitating the physically handicapped rose to levels unprecedented in its history. This was made possible by additional funds from both State and Federal sources and through new legislation. As a result more than two thousand individuals have ceased to be wards of the public and now are collectively earning two million dollars a year.

No service of the State is as far reaching as the inspection service of the Department. Tremendous advances have been made through the safety training of inspectors, making of them safety engineers and transforming their operations into a constructive service to industry.

Exploitation of women and children by unscrupulous employers has been forestalled by new legislation. Hours of work for women and minors have been fixed at a reasonable maximum, and the mechanism set up for establishing a minimum wage. Provision has been made for the definite regulation of industry home work.

The Pennsylvania Labor Relations Board and the Mediation Service have made invaluable contributions to the success of our progressive program.

MILITARY AFFAIRS

The Department of Military Affairs under this Administration has developed a comprehensive program of rehabilitation, including 26 new armories and repairs in many others, an airplane hangar, and a new military reservation which is considered the finest in the entire Eastern Seaboard.

The new 16,000 acre military reservation at Indiantown Gap has made possible the adequate training facilities necessary to maintain the National Guard at the peak of military efficiency.

Effective administration of the Soldiers and Sailors Home at Erie has resulted in many economies which in turn have made possible many additions and repairs to that institution.

The State Veterans Commission has successfully undertaken the major task of providing necessary relief for veterans and their families.

DEPARTMENT OF MINES

The Department of Mines, which is charged with the protection of the health and safety of mine employes, has reduced mine accidents to an all-time low during the present Administration. Fatalities occurred at the rate of 2.68 for each million tons of coal mined, as compared with the prior record of 2.95 per million tons.

In conjunction with the Department of Health this Department was responsible for the pumping of flood waters from mines which otherwise would have been permanently closed, thereby restoring employment to thousands of persons and saving entire communities from economic destitution.

Surveys now under way to determine ways and means of preventing infiltration of coal mines are expected to make possible the savings of millions of dollars annually to the coal industry.

PROPERTY AND SUPPLIES

The Department of Property and Supplies, although required to perform many additional services due to ex-

pansion of other State departments, has been operating at a lower cost under the present Administration than under its predecessor.

Creation of new governmental agencies has tremendously expanded the scope of its operations, yet in almost every instance improved and more efficient methods of purchasing have resulted in much lower unit costs for all types of merchandise.

Standardization and centralization of purchases, together with improved inspection by the Bureau of Standards, have contributed largely to this achievement.

Many improvements have been made to existing State structures and much new construction has been undertaken.

Although increased functions of the Department have resulted in larger total costs for automobiles, bonds and insurance, unit rates have been much lower because of the economies effected by the Department. Never before in the State's history has the Department of Property and Supplies been more ably, honestly and economically operated than under the present Administration.

PUBLIC ASSISTANCE

It is obvious that modern administrative machinery was imperative to meet new assistance problems. The old Poor Boards had broken down completely early in the depression. The State's first experience in placing relief funds in their hands for distribution was disastrous. Private charity had never been required to meet such conditions and was overwhelmed by the new burdens thrust upon it.

Out of this chaos emerged the State Emergency Relief Board, consisting of the Governor and other State officials, which most commendably met the problem, within its limitations, during a difficult period. Members of this Board and administrators of relief generally were the first to recognize the need for a unified program of assistance.

With the aid of a public-spirited body of representative citizens, giving fully of their time and energy without expense to the State, this Administration was able to present to the General Assembly such a program, which program was enacted into law. It provided for:

1. A Department of Public Assistance responsible for all forms of direct public aid to needy persons not requiring institutional or other such care.
2. Unpaid County Boards of Assistance responsible for local administration of such aid.
3. The abolition of the 17th century poor relief system whose symbol was the Poorhouse, and the substitution of other institutions directly supported by the State.
4. State financing of all non-Federal relief and assistance, removing this tax burden entirely from local real estate.
5. A permanent merit system for both State and local employees in the assistance field.

We may be justly proud that we have kept our pledge that no one would go hungry during this Administration. We may be proud also that even during the bitterness of the recent election contest not one person raised his voice to charge, or to claim, that political considerations were involved or had ever been involved in the granting of relief to the needy.

PUBLIC INSTRUCTION

The Department of Public Instruction has not only maintained former services but has moved forward on every educational front.

It has given recognition to administration, public school financing, instruction programs, teacher education, higher professional standards, library services, promotion of the study of Pennsylvania history, sound retirement and tenure for school employees.

It has been responsible for such major improvements as the reconstruction of obsolete and unsafe schools, the school district merger program and provisions for the health and education of handicapped children. Transportation, tuition, medical inspection, audiometric tests, supervision of special education, the right to enter younger, the wisdom of remaining longer, and the guarantee of a more uniform length of school year—these have been given greater recognition and larger appropriations.

The Department has provided for better school administration through County Board of Directors, for higher certification standards, better teacher education, sabbatical leave, reorganization of schools, vocational education and school district mergers—all representing major achievements of this Administration.

PUBLIC UTILITY COMMISSION

The Public Utility Commission, since its establishment on April 1, 1937, has brought about rate reductions resulting in an estimated annual saving to consumers of \$14,473,000. Its order upon utilities to return consumers' deposits accounted for additional large sums. Reductions totaling many millions more are excepted as a result of other cases now pending.

One of the most effective features of the new Commission is that provision in the new law providing for temporary rates pending final disposition of current cases, thereby removing the incentive to the utility to protract litigation over new rates in order to defeat the purpose of regulation. Further, provision that the utilities be required to pay the cost of their own regulation is another incentive toward expediting disposition of rate cases.

In its short life the new Commission has won an enviable reputation and has enjoyed recognition throughout the country because of its determination to protect the rate payers and at the same time to impose no undue burden upon the companies it regulates.

Under the new act the entire field of motor transportation is covered for the first time in Pennsylvania. This has resulted in the development of a new field and consequently has greatly expanded the activities of the Commission. The number of motor carriers regulated by the Commission has doubled in the past year and new regulation has been established to protect not only the general public but also the carrier and shipper as well.

REVENUE

The Department of Revenue has been responsible for the collection not only of continued taxes but of the new emergency taxes for relief. It has been obliged to set up new divisions for this purpose and in addition has made considerable progress in the integration of all taxing agencies, thereby materially increasing efficiency and greatly decreasing collection costs per dollar.

Inauguration of the self-assessment feature for corpora-

tion taxes has aided greatly in expediting the work of the Department. Field investigations of tax reports, although requiring additional personnel, have made possible additional taxes which would not ordinarily have been collected, in the amount of ten million dollars. The Department has also undertaken and efficiently transacted the work of auditing the vast undertakings of the General State Authority.

It has continually plugged loopholes for tax evasion, and in doing so has brought in additional taxes for the Commonwealth which totaled \$23,000,000 for a two year period. The statistics show that the Department uncovered for local taxation \$917,000,000 of hitherto unreported property for 1936 and \$576,000,000 for 1937. Investigations now under way are expected to bring to light additional values of not less than \$300,000 for 1936 and \$250,000 for 1937.

During 1937 the Department's motor vehicle registrations reached an all time peak of 2,125,142, with record high cash receipts of \$38,000,000. For the first three years of this Administration motor vehicle applications increased 27% and cash receipts increased 17%. Average annual motor vehicle receipts increased \$5,000,000 while the per dollar cost of collection dropped from 5.1 cents to 4.6 cents. Average cost of handling applications dropped from 30.6 cents to 22.9 cents. This has been largely the result of more efficient procedure in the handling of motor vehicle work.

Safety work has been an important function of this Department, and this year alone driving privileges were withdrawn from 13,000 drivers as compared with 6,000 in 1933. Between 55,000 and 60,000 operators were restricted in driving privileges following checkups upon their physical and mental condition. From January to November of 1936 there were 6,000 90-day suspensions of drivers' licenses, primarily for speeding. This safety work of the Department, in conjunction with the patrol work of the new Pennsylvania Motor Police, has placed Pennsylvania in the forefront of the Nation in accident reduction. During the first 10 months of last year 764 lives were saved as compared with 1937 fatalities, representing a reduction of 37%. There was a 35% decrease in accidents and a 19% reduction in injuries.

The Division of Aeronautics has become the most outstanding in the country by virtue of the steps it has taken to make Pennsylvania safe for aviation. The vital part of this work has been in the State's 20 million dollar airport program, the most comprehensive of any state, which is now nearing completion. It involves construction of 29 airports, establishment of 30 beacon lights, and the air marking of 325 additional communities and 150 fire towers.

PENNSYLVANIA MOTOR POLICE

I have heretofore mentioned the safety work of the Pennsylvania Motor Police. This fine body of men, representing the merged State Police and Highway Patrol, as well as additional recruits who have recently completed their training course, now totals 1519 men. It is doing a magnificent work on our highways. I am satisfied that all of our safety work would have been fruitless had it not been for the constant devotion of these policemen to their duty of protecting the lives of Pennsylvania's motorists.

Apart from the many regular and important duties of criminal investigation they have kept our roads patrolled in such a way as to reduce accidents to a minimum. The

plan of 90-day license suspension for speeding drivers has been successful because of their efforts, and has averted many fatalities.

In a little more than a year since its organization the Pennsylvania Motor Police has become nationally famous. It has developed a morale and esprit de corps which can match that of any police or military organization in the country. By providing more adequate salary and a merit system of appointment and promotion we have made this work a career rather than a job, as may be shown by the fact that the greater percentage of our new recruits are college graduates.

In the handling of criminal investigation and in suppressing public disturbances the Pennsylvania Motor Police have never failed to answer the call of any duly constituted local authority. In industrial disputes they have scrupulously avoided any partisanship and have concerned themselves solely with the protection of the public interest through the preservation of law and order.

STATE DEPARTMENT

The Department of State during the present Administration was responsible for far-reaching changes in election laws, the most fundamental of which was the Election Code, which was the first codification of Pennsylvania's election laws in a century, and the drafting of measures placing the entire Commonwealth for the first time under permanent registration. Civil liberties of citizens were safeguarded through the activities of the new Bureau of Civil Rights and Public Information in this Department. The Bureau of Elections for the first time was made self-supporting. The Corporation Bureau was more active than at any time in the past and the Commission Bureau was called upon to handle approximately 15,000 commissions during the four-year period.

WELFARE

At the beginning of this Administration the State's hospitals and penal institutions were in deplorable condition. This was partly due to neglect and partly to bad administration. Physical conditions in many institutions were disgraceful, in many cases administration was lax and indifferent.

The Department of Welfare undertook an expansion program totaling approximately 30 million dollars, in addition to \$1,500,000 spent to correct fire and safety hazards. Accommodations were increased more than 25%. Thus for the first time in many years Pennsylvania today is reaching the point where it is providing reasonably adequate accommodations for those helpless persons who are in wards, the delinquent and the physically and mentally infirm.

In addition to those for which it is directly responsible the Department also supervises 165 State-aided hospitals, 413 organizations for children and 68 county homes for indigents.

Under recent legislation the Department has been made responsible, as it should have been all along, for all mentally deficient persons in the State. This represents one of the greatest material advances in Pennsylvania's history.

To understand the scope of the Department's work one must realize that as of last June there were 38,000 persons in Welfare Departments hospitals and 45,000 in penal and correctional institutions, and that these merely repre-

sented a fraction of the total number of handicapped persons whom the Department supervises or helps.

The institutional building program involves 32 major institutions, scattered far and wide over the State. Even today, before the construction program is completed, we must realize that while this program may restore such institutions to a point where they are adequate for the moment, it still does not make proper provisions for the future. Regardless of this the fact remains that under this Administration the helpless individuals who have become the wards of the State have ceased to be forgotten men, women and children.

GENERAL STATE AUTHORITY

I have previously made mention of the General State Authority, the agency created to carry forward the State's \$65,000,000 program of public construction in cooperation with the Public Works Administration. This program is rapidly approaching completion, 50 projects being now finished and 30 others well under way.

It is this construction that has made possible the relief of overcrowding in our institutions, the restoration of many structures which had become dilapidated and run down through years of neglect. This rapid development has been made possible through the whole-hearted devotion of those who have worked with this Administration in order that the needs of the present might be met and the ravages of the past repaired.

LIQUOR CONTROL BOARD

The Pennsylvania Liquor Control Board has successfully discharged its two major functions, that of controlling the traffic in liquor and that of operating the State Stores in such a way as to provide revenues for relief purposes.

Federal surveys show that Pennsylvania's store control has practically eliminated bootleg traffic in liquor. One man clubs are now practically non-existent. Licensees are required to keep within strict bounds of propriety and decency, the evils of credit transactions have been completely eliminated. Political considerations in the operation of the Board have been curbed through civil service.

So well have the State stores themselves been conducted (and so favorably have they been received by the public, that profits of the system have increased from approximately \$5,000,000 in 1934 to \$16,000,000 annually for 1937 and 1938 plus an additional \$8,000,000 additional from the emergency relief tax.

At the same time prices have steadily decreased, to such an extent that even with the emergency tax added they are 15% below normal private store prices for popular brands in adjacent States.

GAME AND FISH

The Game and Fish Commissions deserve the highest commendation upon the splendid service they have rendered to the Commonwealth during the past four years. Their resourcefulness and intelligent planning have been

of tremendous value in developing the wild life resources of our State for the benefit of many thousands of sportsmen. Because of their efforts the Commonwealth today is rightfully considered one of the best hunting and fishing States in the entire Nation.

GEORGE H. EARLE.

The LIEUTENANT-GOVERNOR. Copies of the final message of the Governor are in the possession of members of the General Assembly. The message will be spread in full upon the Journal.

ADJOURNMENT OF JOINT SESSION

LIEUTENANT-GOVERNOR KENNEDY. The business for which the Joint Session has been assembled having been transacted the session is now adjourned. The Senators will please re-assemble immediately in the Senate Chamber.

The SPEAKER, (Ellwood J. Turner), in the Chair.

INAUGURAL COMMITTEE APPOINTED

The SPEAKER. Pursuant to a joint resolution adopted by the House the Chair appoints as an Inaugural Committee on the part of the House, Mr. Habbyslaw, Chairman and Messrs. Seth W. Brown, Cadwalader, Huntley, Leisey, Royer, Serrill, Terry, Imbrie, Sarge, Shearer, Bardes, Sweeney, Achterman and Herbert B. Cohen.

SENATE MESSAGE

The Clerk of the Senate being introduced presented an extract from the Journal of the Senate, which was read as follows:

In the Senate, January 3, 1939.

Whereas, The Post Office Department has decided that the Legislative Journal must be third class matter and has so instructed the Postmaster at Harrisburg, therefore be it

Resolved, (if the House of Representatives concur), That the Chief Clerks of the Senate and House of Representatives be directed to make arrangements for the necessary postage so that the Legislative Journal may be mailed according to the requirements of the Post Office Department, and that the payment of the postage for the Legislative Journal, also for the Bills, Calendars and Histories be provided for in the Appropriation Bill.

Ordered, That the Clerk present the same to the House of Representatives for its concurrence.

On the question,

Will the House concur in the resolution of the Senate?

It was concurred in.

Ordered, That the Clerk inform the Senate accordingly.

ADJOURNMENT

Mr. SCHROCK. Mr. Speaker, I move that this House do now adjourn until Wednesday, January 4, 1939, at 1:25 a. m.

The motion was agreed to, and (at 1:21 a. m.) the House adjourned until Wednesday, January 4, 1939, at 1:25 a. m.

Legislative Journal.

Session 1939.

133d of the General Assembly.

Vol. 23

HARRISBURG, PA., WEDNESDAY, JANUARY 4, 1939.

No. 2.

HOUSE OF REPRESENTATIVES

WEDNESDAY, January 4, 1939.

The House met at 1:25 a. m.

The SPEAKER, (Ellwood J. Turner), in the Chair.

PRAYER

The Chaplain, REV. EPHRAIM Z. GALLAHER, offered the following prayer:

Most gracious Lord, we approach Thy Throne of Grace humbly. We come not to ask Thee for favors which Thou dost not give. We do not ask Thee to give us wisdom or give us ability as a dole. We pray, Heavenly Father, that the wisdom we now possess, and the ability we have already acquired may now be dedicated to Thy glorification and to the further promotion and advancement of civilization. Accept, Lord, the thanks of those who esteem it an honor to occupy a seat in this House, but somehow, in some way, burn into the heart of each one that no seat possesses magical honor; that in reality all the honor a seat yields is the honor put into it by the occupant.

We pray too that all will strive to grow in Thy grace, to grow in Thy spirit and to grow in Thy wisdom.

In His name we pray. Amen.

JOURNAL APPROVED

The SPEAKER. The Clerk will read the Journal of yesterday.

The Clerk proceeded to read the Journal of yesterday, when, on motion of Mr. KANE, the further reading was dispensed with and the Journal approved.

BILL INTRODUCED AND REFERRED

By Mr. OMINSKY.

HOUSE BILL No. 7.

An Act terminating the legislative authority given certain political subdivisions of this Commonwealth to impose a tax upon sales of tangible personal property.

Referred to Select Committee on Public Assistance.

LEAVE OF ABSENCE

Mr. SARGE asked and obtained leave of absence for himself on doctor's orders because of illness.

BILLS ON SECOND READING

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1, as follows:

An Act transferring money from the Motor License Fund to the General Fund and providing for the subsequent return from the General Fund of the transferred money.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The State Treasurer is hereby authorized and directed from time to time between the seventeenth day of January one thousand nine hundred thirty-nine and the thirty-first day of May one thousand nine hundred thirty-nine to transfer from the Motor License Fund to the General Fund such sums not exceeding in the aggregate the sum of twenty-six million dollars (\$26,000,000) as the Governor shall direct Transfer shall be made under this act upon warrants of the Auditor General upon requisitions of the Governor

The purpose of this transfer is to provide funds for the payment of deficiency appropriations for public assistance and other deficiency appropriations made for the fiscal biennium ending May thirty-first one thousand nine hundred thirty-nine by the General Assembly of one thousand nine hundred thirty-nine To the extent to which this transfer makes it necessary the use of the transferred fund for its ordinary purposes shall be postponed but not otherwise modified

Section 2 The amounts transferred under this act from the Motor License Fund to the General Fund shall be repaid to the Motor License Fund out of the General Fund not later than September first one thousand nine hundred thirty-nine

Section 3 This act shall become effective immediately upon final enactment

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 2, as follows:

An Act transferring money from the Liquor License Fund to the General Fund and providing for the subsequent return from the General Fund of the transferred money.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The State Treasurer is hereby authorized and directed from time to time between the seventeenth day of January one thousand nine hundred thirty-nine and the thirty-first day of May one thousand nine hundred thirty-nine to transfer from the Liquor License Fund to the General Fund such sums not exceeding in the aggregate the sum of four million dollars (\$4,000,000) as the Governor shall direct Transfers shall be made under this act upon warrants of the Auditor General upon requisitions of the Governor

The purpose of this transfer is to provide funds for the payment of deficiency appropriations for public assistance and other deficiency appropriations made for the fiscal biennium ending May thirty-first one thousand nine hundred thirty-nine by the General Assembly of one thousand nine hundred thirty-nine To the extent to which this transfer makes it necessary the use of the transferred fund for its ordinary purposes shall be postponed but not otherwise modified

Section 2 The amount transferred under this act from the Liquor License Fund to the General Fund shall be repaid to the Liquor License Fund out of the General Fund not later than September first one thousand nine hundred thirty-nine

Section 3 This act shall become effective immediately upon final enactment

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 3, as follows:

An Act transferring money from the Liquid Fuels Tax Fund to the General Fund and providing for the subsequent return from the General Fund of the transferred money

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The State Treasurer is hereby authorized and directed from time to time between the seventeenth day of January one thousand nine hundred thirty-nine and the thirty-first day of May on thousand nine hundred thirty-nine to transfer from the Liquid Fuels Tax Fund to the General Fund such sums not exceeding in the aggregate the sum of three million dollars (\$3,000,000) as the Governor shall direct Transfers shall be made under this act upon warrants of the Auditor General upon requisitions of the Governor

The purpose of this transfer is to provide funds for the payment of deficiency appropriations for public assistance and other deficiency appropriations made for the fiscal biennium ending May thirty-first one thousand nine hundred thirty-nine by the General Assembly of one thousand nine hundred thirty-nine To the extent to which this transfer makes it necessary the use of the transferred fund for its ordinary purposes shall be postponed but not otherwise modified

Section 2 The amounts transferred under this act from the Liquid Fuels Tax Fund to the General Fund shall be repaid to the Liquid Fuels Tax Fund out of the General Fund not later than September first one thousand nine hundred thirty-nine

Section 3 This act shall become effective immediately upon final enactment

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 4, as follows:

An Act transferring money from the State Insurance Fund to the General Fund and providing for the subsequent return from the General Fund of the transferred money

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The State Treasurer is hereby authorized and directed from time to time between the seventeenth day of January one thousand nine hundred thirty-nine and the thirty-first day of May one thousand nine hundred thirty-nine to transfer from the State Insurance Fund to the General Fund such sums not exceeding in the aggregate the sum of one million dollars (\$1,000,000) as the Governor shall direct Transfers shall be made under this act upon warrants of the Auditor General upon requisitions of the Governor

The purpose of this transfer is to provide funds for the payment of deficiency appropriations for public assistance and other deficiency appropriations made for the fiscal biennium ending May thirty-first one thousand nine hundred thirty-nine by the General Assembly of one thousand nine hundred thirty-nine To the extent to which this transfer makes it necessary the use of the transferred fund for its ordinary purposes shall be postponed but not otherwise modified

Section 2 The amounts transferred under this act from the State Insurance Fund to the General Fund shall be repaid to the State Insurance Fund out of the General

Fund not later than September first one thousand nine hundred thirty-nine

Section 3 This act shall become effective immediately upon final enactment

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 5, as follows:

An Act making a deficiency appropriation to the Department of Public Assistance for the purposes of carrying out the Public Assistance Law for the two fiscal years ending May thirty-first one thousand nine hundred thirty-nine

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The sum of twelve million dollars (\$12,000,000) or so much thereof as may be necessary is hereby specifically appropriated from the General Fund in the State Treasury to the Department of Public Assistance to provide assistance and for local and certain State Administration expenses in the manner provided in the Public Assistance Law for the payment of deficiencies for the two fiscal years ending May thirty-first one thousand nine hundred thirty-nine

Section 2 Out of the moneys hereby appropriated the Department of Public Assistance shall allocate from time to time among the several county boards of assistance funds with which to provide assistance and administrative expenses Allocations so made to a county board of assistance shall be available for expenditure in that county for assistance and for administration expenses in the manner provided by the Public Assistance Law

The Governor with the approval of the Auditor General and State Treasurer shall from time to time allocate to the Department of the Auditor General and the Treasury Department out of the appropriation made by this act such sums as may be deemed necessary to pay the administration expenses of said departments in auditing and disbursing the appropriation made by this act

Section 3 This act shall become effective immediately upon final enactment

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

COMMITTEE MEETING

The Slate Committee will meet on Wednesday, January 4, at 10:00 a. m. in Room 521.

SENATE MESSAGE

TIME OF NEXT MEETING

The Clerk of the Senate being introduced presented an extract from the Journal of the Senate, which was read as follows:

In the Senate, January 3, 1939.

Resolved, (if the House of Representatives concur), That when the Senate adjourns this week it reconvene on Tuesday morning, January 17, 1939 at 10:30 A. M., and when the House adjourns this week it reconvene on Monday evening, January 16, 1939, at 8:00 P. M.

Ordered, That the Clerk present the same to the House of Representatives for its concurrence.

On the question,

Will the House concur in the resolution of the Senate?
It was concurred in.

Ordered, That the Clerk inform the Senate accordingly.

ADJOURNMENT

Mr. WOODSIDE. Mr. Speaker, I move that this House

do now adjourn until Monday, January 16, 1939, at 8:00
p. m.

The motion was agreed to, and (at 1:38 a. m.) the
House adjourned until Monday, January 16, 1939, at 8:00

p. m.

Legislative Journal

Session 1939.

133d of the General Assembly.

Vol. 23.

HARRISBURG, PA., MONDAY, JANUARY 16, 1939.

No. 3.

HOUSE OF REPRESENTATIVES

MONDAY, JANUARY 16, 1939

The House met at 8:00 p. m.

The SPEAKER, (Ellwood J. Turner), in the Chair.

PRAYER

The Chaplain, Rev. Ephraim Z. Gallaher, offered the following prayer:

O Thou Giver of every good and perfect gift, help us to be like Thee in sharing life. We approach the closing of an administration and the beginning of a new. Thy blessing rest upon the outgoing executive and the incoming executive, and their families. Upon our Commonwealth we do pray for Thy sustaining help. Help us all to become co-workers for the common good of our state. We do recognize the possibility of needed party groups, but may the spirit of retaliation so much in evidence in American life and in international relations, give way to a much needed reciprocal attitude. We also recognize a place for constructive criticism, but hasten the day for the exit of the carper, of which there are many. Hasten the day when writers and public speakers will use moderation of expression when referring to our industrial problems. May there be a decided abatement of abusive epithets, which have been flung in the past like poisoned arrows, and which promote distrust and industrial warfare. Endow us Lord with a healthy desire to unify all elements of our economic life. It is not enough Lord that capital stands united; nor is it enough that labor stands united. It is imperative that both capital and labor clasp hands, co-operating for economic peace and prosperity.

We know Lord that praise and gratitude from the citizens of this great Commonwealth will be showered upon this Assembly if it successfully works to this end.

In His Holy name we do pray. Amen.

THANKING CHAPLAIN

The SPEAKER. We are bidding adieu tonight to our Chaplain, Reverend Gallaher. I am sure that the members of the House thank him for his services during the past two years and wish him God speed.

JOURNAL APPROVED

The SPEAKER. The Clerk will read the Journal of Wednesday, January 4, 1939.

The Clerk proceeded to read the Journal of Wednesday, January 4, 1939, when on motion of Mr. Ackermann the further reading was dispensed with and the Journal approved.

OATH ADMINISTERED TO MEMBERS

The SPEAKER. The members-elect who have not taken the oath of office will present themselves at the bar of the House where the oath of office required by Article VII, Section 1, of the Constitution of Pennsylvania will be administered to them by the Honorable Frank B. Wickersham, a Judge of the Court of Common Pleas of Dauphin County.

Whereupon, the oath of office was administered to Messrs. Skale, Boies and McLane.

LEAVES OF ABSENCE

Mr. LYONS asked and obtained leave of absence for Mr. Imbrie for tonight and the remainder of the week on account of illness.

Mr. HABBYSKAW asked and obtained leave of absence for Mr. Sarge for tonight and the remainder of the week on account of illness.

INAUGURAL ANNOUNCEMENTS

The SPEAKER. The Members and Officers of the House will proceed to the inaugural ceremonies in a body from the Hall of the House, and will be required to show their official badges upon entering the stands. Members who do not have badges will report to Chief Clerk's Office.

The families, relatives, and friends of the members who have inaugural tickets are not privileged to accompany them in the line of march. All persons holding tickets must go direct to the stands Tuesday morning, before the members leave the Hall of the House at 11:15 a. m.

Automobiles belonging to the Members and Officers of the House which are parked on the plaza in front of the Capitol must be removed tonight before twelve o'clock. Parking facilities have been provided by ticket for the Members in the rear of the Capitol Buildings.

Each member has received a letter or should have received a letter from Mr. Arthur Colegrove, Secretary of Property and Supplies, furnishing you with a special permit, to be placed in the rear window of your car, giving you parking privileges on the Capitol plaza. That will be for the convenience of the members during the session. Please see that the sticker is placed on your car so that the Capitol Police may know that you have that privilege.

Members will be admitted to the Hall of the House, Tuesday morning, at the House Post Office entrance only. The door to the right of the Speaker's rostrum will not be open.

The chair will inquire of the Chairman of the Inaugural Committee if he has any further announcement to make.

Mr. HABBYSKAW. Mr. Speaker, I have not.

The **SPEAKER**. The Chair thanks the gentleman from Dauphin, Mr. Habbyslaw.

RESOLUTION

AMENDMENT TO STANDING RULES OF HOUSE

Mr. **WOODSIDE** asked and obtained unanimous consent to offer the following resolution which was twice read considered and adopted:

Resolved, That rule twenty-eight of the House of Representatives, which reads as follows: "No member of the House shall be elected to more than three standing committees having a membership of thirty, chairman and vice-chairman excepted" is hereby amended by striking out the rule in its entirety.

REPORT FROM COMMITTEE ON COMMITTEES

Mr. **GILLETTE** offered a report from the Committee on Committees which was twice read, considered and adopted as follows:

AERONAUTICS

Messrs. Cordier, chairman,	
Christler, Vice-Chairman,	
Kane,	Thistle,
Gates,	Mihm,
Hoyt,	Boies,
Denman,	Keenan,
Knoble,	Corrigan,
McNally,	Thompson,
McVay,	Reynolds,
Shearer,	Burns,
Van Belle,	Skale,
Tiemann,	McLane.

AGRICULTURE

Messrs. Schrock, Chairman,	
Shearer, Vice-Chairman,	
Wood, Norman,	Henry,
Gillette,	Lichtenwalter,
Snyder,	Robertson,
Stewart,	Reagan,
Van Allsburg,	Thompson, G. R.,
Balliet,	Wood, Lloyd H.,
Bronson,	Westrick,
Dix,	Balthaser,
Ely,	Rothenberger,
Foot,	Burris,
Fullerton,	Rider,
Gillan,	Hoffman, Simon K.,
Goll,	Schrope,
Harbeson,	Preston.

APPORTIONMENT

Messrs. Fiss, Chairman,	
McClester, Vice-Chairman,	
Schrock,	Wood, Lloyd H.,
Gillette,	Donahue,
Hall,	O'Neill,
Ackermann,	Shaw,
Alspach,	Fauset,
Jones,	Rosenfeld,
Lichtenwalter,	Powers,
Lee,	Schrope,
Tiemann,	Reese, Russell E.,
Thompson, G. R.,	Rooney.

APPROPRIATIONS

Messrs. Wood, Norman, Chairman,	
Woodside, Vice-Chairman,	
Schrock,	Bower,
McKinney,	Denman,
Gillette,	Donahue,

APPROPRIATIONS—CONCLUDED

Cordier,	James,
Hamilton,	McVay,
Atkins,	Imbrie,
Lyons,	Cohen, Herbert B.,
Muir,	Ominsky,
Snyder,	O'Keefe,
Stockham,	Furman,
Van Allsburg,	Lovett,
Winner,	Stank,
Watkins,	Welsh, Matthew J.,
Webster,	Schrope.

BANKING

Messrs. Muir, Chairman,	
Cordier, Vice-Chairman,	
Yeakel,	Sweeney,
Terry,	Watkins,
Hamilton,	Taylor,
Woodside,	Cortese,
Webster,	Boorse,
Winner,	Finnerty,
Gates,	Walsh,
Leisey,	O'Brien,
Balliet,	Levy,
Curran,	Rosenfeld,
Christler,	Chervenak,
Irvin,	Andrews,
Kowalski,	Boney,
McClester,	Hindman,
O'Dare,	Downey.

BOROUGHES

Messrs. Eckels, Chairman,	
Fisher, Vice-Chairman,	
Wilson,	Haudenshield,
Schrock,	Peacock,
Muir,	Robertson,
Stewart,	Seif,
Stockham,	Wilkinson,
Huntley,	Moran,
Royer,	O'Neill,
Sollenberger,	Munley,
Hoffman, John N.,	Broad,
Bardes,	McLane,
Brunner,	Hindman,
Clark,	Sarraf,
Cook,	Donohe,
Fullerton,	Rooney,
Goll,	

BUILDING AND LOAN ASSOCIATION

Messrs. Boyd, Chairman,	
Haudenshield, Vice-Chairman,	
Yeakel,	Wagner,
Stewart,	Reese, David P.,
Auker,	Wood, Lloyd,
Brunner,	Flanagan,
Fisher,	Donohoe,
Freed,	O'Brien,
Moser, Frank S.,	Mihm,
Peacock,	Mooney,
Sweeney,	Malloy,
	DeNote,

CITIES—FIRST CLASS

Messrs. Hamilton, Chairman,	
McNally, Vice-Chairman,	
Cadwalader,	Sweeney,
Muir,	Thistle,
Boyd,	Tiemann,
McKinney,	Tahl,
Clearwater,	Brancato,
Cortese,	Ominsky,
Lee,	DeNote,
Yeakel,	Cohen, Reuben E.,
O'Dare,	Donohoe,
Rhodes,	Flanagan,

CITIES—SECOND CLASS

Messrs. Fleming, Chairman,
 Knobbe, Vice-Chairman,
 Terry,
 Cordier,
 Gates,
 Bardes,
 Christler,
 Cooper,
 Denman,
 Dick,
 Ackermann,
 McClester,
 Madden,
 Marr,
 Seif,
 O'Keefe,
 Shaw,
 Brown, Homer S.,
 Keenan,
 Malone,
 Regan,
 Mooney,

CITIES—THIRD CLASS

Messrs. Webster, Chairman,
 Donahue, Vice-Chairman,
 McKinney,
 Lyons,
 Kline,
 Alspach,
 Curran,
 Dalrymple,
 Montgomery,
 Riley,
 Rose,
 Roseberry,
 Taylor,
 Boorse,
 Readinger,
 Schwab,
 Jiolanio,
 Andrews,
 Boies,
 Check,
 Preston,

CONSTITUTIONAL AMENDMENTS

Messrs. Sollenberger, Chairman,
 Lee, Vice-Chairman,
 Gillette,
 McKinney,
 Alspach,
 Balliet,
 Bower,
 Bretherick,
 Cooper,
 McClester,
 Sarge,
 Wood, Lloyd H.,
 Tahl,
 Cortese,
 Chervenak,
 Tronzo,
 Melchiorre,
 Brown, Homer S.,
 Furman,
 Long,
 Allen,
 Cohen, Herbert B.,

CORPORATIONS AND INDUSTRY

Messrs. Yeakel, Chairman,
 Riley, Vice-Chairman,
 Cordier,
 Cadwalader,
 Leisey,
 Matthews,
 Sollenberger,
 Hoffman, John N.,
 Brown, Seth W.,
 Christler,
 Freed,
 Gillan,
 Hoyt,
 Irvin,
 Leydic,
 Montgomery,
 Reagan,
 Thistle,
 Clearwater,
 Van Belle,
 Voorhees,
 Calvin,
 Wagner,
 Sloan,
 Stank,
 Corrigan,
 Check,
 Walsh,
 Falkenstein,
 Harkins,
 Readinger,
 Kenahan,

COUNTIES

Messrs. Cadwalader, Chairman,
 Marr, Vice-Chairman,
 Wood, Norman,
 Boose,
 Fiss,
 Hewitt,
 Bennett,
 Bronson,
 Curran,
 Dalrymple,
 Ely,
 Harbeson,
 Hocke,
 Lichtenwalter,
 Madden,
 Moser, Frank S.,
 Rose,
 Roseberry,
 Sloan,
 Wagner,
 Wilkinson,
 Reese, David P.,
 Wood, Herferd M.,
 Shaw,
 Powers,
 Keenan,
 Malone,
 Weiss,
 Balthaser,
 Williams,
 O'Connor,
 McLane,

DAIRY INDUSTRIES

Messrs. Synder, Chairman,
 Auker, Vice-Chairman,
 Wood, Norman,
 Habbyslaw,
 Eckels,
 Leisey,
 Balliet,
 Ely,
 Foor,
 Fullerton,
 Gillan,
 Henry,
 Jones,
 Thistle,
 Westrick,
 Rothenberger,
 Burris,
 Balthaser,
 Tarr,
 Thompson, Edwin F.,
 Burns,

EDUCATION

Messrs. Stewart, Chairman,
 Sollenberger, Vice-Chairman,
 Hamilton,
 Trout,
 Snyder,
 Van Allsburg,
 Serrill,
 Webster,
 Hoffman, John N.,
 Cortese,
 Fullerton,
 Haines,
 Leydic,
 McClester,
 McNally,
 Peacock,
 Riley,
 Shearer,
 Taylor,
 Wagner,
 Wilkinson,
 O'Dare,
 Bronson,
 Cohen, Herbert B.,
 Chervenak,
 Rothenberger,
 Fauset,
 Welsh, Ellwood B.,
 Bohn,
 Tarr,
 Holland,

ELECTIONS

Messrs. Boose, Chairman,
 Thompson, G. R., Vice-Chairman,
 Terry,
 Winner,
 Webster,
 Cook,
 Dalrymple,
 Kowalski,
 McNally,
 Montgomery,
 Hocke,
 Voorhees,
 Haines,
 Krise,
 Fleming,
 O'Keefe,
 Scanlon,
 Reagan,
 Harkins,
 Hess,
 Reese, Russell E.,
 Allmond,

FEDERAL RELATIONS

Messrs. Tahl, Chairman,
 Voorhees, Vice-Chairman,
 Kline,
 Bardes,
 Christler,
 Harbeson,
 Hocke,
 Irvin,
 James,
 Rhodes,
 Rosenberry,
 Shearer,
 Thistle,
 Moser, Jacob L.,
 Fauset,
 Levy,
 Allmond,
 Rooney,
 Flanagan,
 Hindman,
 Scanlon,
 O'Brien,

FISHERIES

Messrs. Matthews, Chairman,
 Carpenter, Vice-Chairman,
 Terry,
 Boose,
 Fiss,
 Hall,
 Imbrie,
 Hewitt,
 Calvin,
 Dix,
 Donahue,
 Ewing,
 Haines,
 Henry,
 Hoyt,
 Madden,
 Lichtenwalter,
 Montgomery,
 Robertson,
 Simons,
 Sloan,
 Brunner,
 Malone,
 Welsh, Ellwood B.,
 Schwab,
 Check,
 Rider,
 Williams, C. O.,
 Bohn,
 Kenahan,

FORESTRY

Messrs. Hall, Chairman,
Harbeson, Vice-Chairman,
Wilson,
Huntley,
Imbrie,
Peale,
Serrill,
Bower,
Clark,
Donahue,
Goll,
Haines,
Moser, Frank S.,
Reagan,
Riley,
Sloan,
Carpenter,

Stambaugh,
Balliet,
Foor,
Ewing,
Brown, Seth W.,
Westrick,
Balthaser,
Downey,
Munley,
Regan,
Allen,
Boney,
Baker,
Schwab,

GAME

Messrs. Imbrie, Chairman,
Haines, Vice-Chairman,
Wood, Norman,
Yeakel,
Wilson,
Schrock,
Atkins,
Cadwalader,
Hall,
Peale,
Serrill,
Bennett,
Brown, Seth W.,
Clark,
Dix,
Donahue,
Jones,

Montgomery,
Reagan,
Riley,
Thompson, G. R.,
Bronson,
Shearer,
Cook,
Schrope,
Achterman,
Tarr,
Hoffman,
Malloy,
Williams,
Check,
Rider,

HIGHWAYS

Messrs. Gillette, Chairman,
Fiss, Vice-Chairman,
Schrock,
Habbyshaw,
Hamilton,
Trout,
Lyons,
Stewart,
Muir,
Stockham,
Leisey,
Matthews,
Peale,
Serrill,
Watkins,
Ackerman,
Cook,

James,
Lee,
Peacock,
Stambaugh,
Wood, Lloyd H.,
Dick,
Bronson,
Furman,
Kilroy,
Munley,
Welsh, Matthew J.,
Downey,
Rothenberger,
Mooney,

INSURANCE

Messrs. Kline, Chairman,
Sarge Vice-Chairman,
Atkins,
Boose,
Eckels,
Bower,
Fisher,
Hocke,
Johnston,
Kowalski,
McNally,
Roseberry,

Taylor,
Tiemann,
Bennett,
O'Neill,
Ominsky,
Flanagan,
Cohen, Reuben E.,
Burris,
Brancato,
Hoffman, Simon K.,

JUDICIARY GENERAL

Messrs. McKinney, Chairman,
Cooper, Vice-Chairman,
Wilson,
Woodside,
Atkins,

Rhodes,
Rosc,
Sweeney,

JUDICIARY GENERAL—CONCLUDED

Huntley,
Kane,
Eckels,
Tahl,
Alspach,
Auker,
Bretherick,
Brown, Seth W.,
Calvin,
Denman,
Moser, Jacob L.,

Wood, Lloyd H.,
Harbeson,
Krise,
Brown, Homer S.,
Mihm,
Skale,
Gorski,
Donohoe,
Readinger,
O'Connor,
Weiss,

JUDICIARY SPECIAL

Messrs. Atkins, Chairman,
Brunner, Vice-Chairman,
Bennett,
Boyd,
Christler,
Cortese,
Curran,
Haines,
Hoyt,
Jones,
Leydic,
Lichtenwalter,
McClester,
McVay,
Moser, Frank S.,
O'Dare,

Reagan,
Reese, David P.,
Sarge,
Seif,
Simons,
Stambaugh,
Cohen, Reuben E.,
Jirolanio,
Hess,
Walsh,
Harkins,
Andrews,
Rosenfeld,
Tarr,

LABOR

Messrs. Peale, Chairman,
Gillan, Vice-Chairman,
Van Allsburg,
Hall,
Royer,
Hewitt,
Ackermann,
Carpenter,
Foor,
Goll,
McGarritty,
Montgomery,

Stambaugh,
Van Belle,
Lovett,
Melchiorre,
Mooney,
Scanlon,
Moran,
Kenehan,
Chervenak,

LAW AND ORDER

Messrs. Huntley, Chairman,
Johnston, Vice-Chairman,
Kane,
Muir,
Snyder,
Van Allsburg,
Bardes,
Bennett,
Bronson,
Ely,
Freed,
Simons,

Wagner,
Van Belle,
Tahl,
Melchiorre,
Reynolds,
Keenan,
Malone,
Corrigan,
Tronzo,
Schwab,

LIQUOR CONTROL

Messrs. Lyons, Chairman,
Boorse, Vice-Chairman,
Boose,
Boyd,
Huntley,
Imbrie,
Kline,
Matthews,
Royer,
Ackermann,
Carpenter,
Cook,
Curran,
Ewing,
Fisher,
Hocke,

Krise,
Freed,
Rose,
Sarge,
Wagner,
Wood, Herferd M.,
Bretherick,
Powers,
Sarraf,
Brancato,
DeNote,
Broad,
Malloy,
Skale,

MILITARY AFFAIRS

srs. Royer, Chairman,
Taylor, Vice-Chairman,
Peale,
Hoffman, John N.,
Auker,
Bardes,
Dix,
Henry,
Irvin,
Johnston,
McVay,
Marr,
Moser, Frank S.,
Moser, Jacob L.,
Reagan,
Rhodes,
Sloan,
Robertson,
Sweeney,
Voorhees,
Wood, Herferd M.,
Boorse,
Holland,
Mihm,
Welsh, Matthew J.,
Thompson, Edwin F.,
Malloy,
Allen,
Rosenfeld,
Walsh,
Preston,

MINES AND MINING

srs. Kane, Chairman,
Brown, Seth W., Vice-Chairman,
Wilson,
Boyd,
Imbrie,
Hoffman, John N.,
Hewitt,
Ewing,
Fisher,
Knoble,
McVay,
Madden,
Reese, David P.,
Wood, Herferd M.,
Kowalski,
McGarrity,
Downey,
Stank,
Munley,
McLane,
Burns,
Kenehan,

MOTOR VEHICLES

srs. Trout, Chairman,
Curran, Vice-Chairman,
Gillette,
Atkins,
Boose,
Stockham,
Matthews,
Royer,
Freed,
Irvin,
Hocke,
Robertson,
Seif,
Simons,
Bennett,
Finnerty,
O'Brien,
Kilroy,
O'Neill,
Stank,
Corrigan,
O'Connor,

MUNICIPAL CORPORATIONS

srs. Watkins, Chairman,
Wilkinson, Vice-Chairman,
Cordier,
Muir,
Eckels,
Auker,
Boorse,
Cortese,
Dick,
Fullerton,
Peacock,
Sarge,
Taylor,
Voorhees,
Leydic,
O'Connor,
Long,
O'Keefe,
Falkenstein,
Welsh, Ellwood B.,
Weiss,
Boney,

PRINTING

srs. Hewitt, Chairman,
James, Vice-Chairman,
Trout,
Gates,
Clearwater,
Dix,
Haudenschild,
Henry,
Lee,
Marr,
Roseberry,
Rhodes,
Jones,
Welsh, Matthew J.,
Welsh, Ellwood B.,
Levy,
Allen,
Reynolds,
Baker,
DeNote,
Cohen, Reuben E.,

PROFESSIONAL LICENSURE

Messrs. Terry, Chairman,
Dick, Vice-Chairman,
Winner,
Imbrie,
Serrill,
Watkins,
Clearwater,
Harbeson,
Kowalski,
Madden,
O'Dare,
Seif,
Shearer,
Habbyshaw,
Finnerty,
Brancato,
Reynolds,
Reese, Russell E.,
Long,
Boies,
Regan,

PUBLIC HEALTH AND SANITATION

Messrs. Serrill, Chairman,
Denman, Vice-Chairman,
Lyons,
Stewart,
Tahl,
Hoffman, John N.,
Balliet,
Brunner,
Carpenter,
Clearwater,
Dalrymple,
Johnston,
Marr,
Rhodes,
Ely,
Sarraf,
Boies,
Hindman,
Thompson,
Finnerty,
Kilroy,
Allmond,

PUBLIC UTILITIES

Messrs. Stockham, Chairman,
Hewitt, Vice-Chairman,
Woodside,
Kane,
Winner,
Huntley,
Watkins,
Alspach,
Brown, Seth W.,
Clark,
Dick,
Ewing,
Freed,
McGarrity,
Moser, Jacob L.,
O'Dare,
Riley,
Sloan,
James,
Wood, Herferd M.,
Van Belle,
Habbyshaw,
Voorhees,
Ominsky,
Moran,
Holland,
Gorski,
Falkenstein,
Harkins,
Burns,
Levy,

RAILROADS AND RAILWAYS

Messrs. Leisey, Chairman,
Simons, Vice-Chairman,
Yeakel,
Cadwalader,
Ackermann,
Bower,
Cooper,
Denman,
Foor,
Hoyt,
Leydic,
McGarrity,
Reese, David P.,
Thompson,
Tiemann,
Lovett,
Kilroy,
Rooney,
Gorski,
Holland,
Burris,
Bohn,

STATE GOVERNMENT

Messrs. Habbyshaw, Chairman,
Stambaugh, Vice-Chairman,
McKinney,
Trout,
Eckels,
Fiss,
Kline,
Royer,
Sollenberger,
Ackermann,
Auker,
Calvin,
Clark,
Dalrymple,
Haudenschild,
Lee,
McVay,
Moser, Jacob L.,
Rose,
Sarge,
Van Belle,
Clearwater,
Bretherick,
Achterman,
Brown, Homer S.,
Tronzo,
Allmond,
Jirolanio,
Hess,
Skale,
Preston,

TOWNSHIPS

Messrs. Gates, Chairman,
Peacock, Vice-Chairman,
Wood, Norman,
Cadwalader,
Leisey,
Sollenberger,
Webster,
Carpenter,
Cook,
Cooper,
Ely,
Fleming,
Fullerton,
Goll,
James,
Lichtenwalter,
Madden,

Moser, Frank S.,
Robertson,
Simons,
Thompson, G. R.,
Ewing,
Westrick,
Broad,
Rider,
Williams,
Baker,
Hoffman, Simon K.,
Boney,
Tronzo,
Powers,

WAYS AND MEANS

Messrs. Winner, Chairman,
Hoffman, Vice-Chairman,
Yeakel,
Terry,
Trout,
Tahl,
Kane,
Fiss,
Hall,
Kline,
Matthews,
Peale,
Hewitt,
Gates,
Bretherick,
Calvin,

Cooper,
Haudenschild,
Knoble,
Krise,
Wilkinson,
Henry,
Cohen, Herbert B.,
Achtermann,
Andrews,
Hess,
Melchiorre,
Baker,
Jirolanio,
Furman,

WELFARE

Messrs. Van Allsburg, Chairman,
Roseberry, Vice-Chairman,
Lyons,
Boyd,
Alspach,
Bardes,
Bretherick,
Brunner,
Dick,
Fisher,
Gillan,
Johnston,
Jones,
Kowalski,
Fleming,
Krise,
McNally,

Dix,
Marr,
Rose,
Habbyshaw,
Knoble,
Bower,
Shaw,
Achtermann,
Sarraf,
Lovett,
Readinger,
Fauset,
Scanlon,
Broad,

WORKMEN'S COMPENSATION

Messrs. Wilson, Chairman,
Reese, David P., Vice-Chairman,
Hamilton,
Snyder,
Stockham,
Boorse,
Calvin,
Fleming,
Foor,
Krise,
McGarrrity,
Sweeney,

Wood, Herferd M.,
Hoyt,
Leydic,
Gorski,
Falkenstein,
Moran,
Bohn,
Long,
Weiss,
Reese, Russell E.,

(Signed) WILSON D. GILLETTE, Chairman,
FRANK J. ATKINS,
THOS. B. STOCKHAM,
FRANK E. SNYDER,
JOHN H. MCKINNEY,
GEORGE W. COOPER,
HARRY E. TROUT.

The SPEAKER. The Chair wishes to announce that the Chairman and Vice-Chairman, named by him, were ready for the respective Standing Committees in conjunction with the report of the Committee on Committees.

ANNOUNCEMENTS BY THE SPEAKER

The SPEAKER. The Chair desires to announce that the minority still have some places to be filled on these committees. It was not possible for us to see them in time to get them to the printer this afternoon so that their names might be printed on the list presented this evening. Therefore, a supplementary report will have to be made by the Committee on Committees, following the receipt from the minority committee of the names to be added to these committees.

The SPEAKER. Members are now privileged to introduce bills by filing them with the Clerk. Three copies are to be legibly signed and dated. The unbacked copy to be kept for your personal file.

COMMITTEE ON INTERSTATE COOPERATION

The SPEAKER. In compliance with the provisions of the Act of Assembly of 1935 creating a committee on Interstate Cooperation, the Chair appoints the following: Mr. Kane, Chairman; Messrs. Woodside, Stockham, Turner and Furman.

The Chair desires to meet with this committee immediately after adjournment at the rostrum.

THANKING HONORABLE FRANK B. WICKERSHAM

The SPEAKER. The Chair desires to thank the Honorable Frank B. Wickersham, Judge of the Court of Common Pleas of Dauphin County, for his kindness in delivering the oath of office to the members-elect tonight. The Chair would say, as the Judge might say, that he may now retire with a suspended sentence.

COMMITTEE MEETING

The SPEAKER. There will be a meeting of the Chairman and Vice-Chairman of the House Standing Committees in the Caucus Room immediately after adjournment.

REPORT OF PHILADELPHIA SAVING FUND SOCIETY

The SPEAKER laid before the House the report of the Philadelphia Saving Fund Society as of the first day of January 1938 which was read by the Clerk. (For Report see Appendix.)

REPORT OF WESTERN SAVING FUND SOCIETY

The SPEAKER laid before the House the report of the Western Saving Fund Society as of the first Monday of November, 1938, which was read by the Clerk. (For Report see Appendix.)

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1 entitled:

An Act transferring money from the Motor License Fund to the General Fund and providing for the subsequent return from the General Fund of the transferred money.

On the question,
Will the House agree to the bill on third reading?
It was agreed to,
On the question,
Shall the bill pass finally?

Mr. HERBERT B. COHEN. Mr. Speaker, at this very early date we are asked to hastily enact a program submitted to us by the leadership of this House, that entails tremendous implications and which will expose the membership of this House to a tremendous amount of reperussion back home. Before going into a discussion of the program that has been submitted to us by the leadership of this House, I wish to call to the attention of the membership of this House the fact that the last official act of the previous Republican Administration was to transfer funds for relief, and, very singularly, the first official act of a new Republican Administration is to also transfer funds for relief. I might also call to the attention of the House the fact that neither in 1934 nor in 1939 did any of the bills authorizing the transfer of funds from the sacred funds, from the trust funds of this Commonwealth, contain an absolute guarantee that the moneys will be returned to those funds, nor does the leadership of this House indicate to the membership from what source these funds will be reestablished in their entirety.

We are asked, as Wilson Sarig said in 1934, in this very House, we are asked to sign a blank note, by which we at this time deplete these funds to the detriment of our local communities. I know that the opposition will say, "Oh, you have transferred money too," but I wish to call to the attention of the members that every transfer that has ever been made by the previous Administration, that every invasion of these funds by the previous Administration has been repaid by the Administration that is going out. During every previous transfer there was passed an attending tax measure that would restore the depleted funds to the condition that they should have been in.

I would not on the floor of this House do anything that would in any way obviate the continued security of the people on relief, and I would not ask the membership of this House to refuse to appropriate or transfer the sum of \$34,000,000 of money from the Motor License Fund, the Liquid Fuel Tax Fund, from the Liquor License Fund, and from the State Insurance Fund, if we had submitted to this House a program, that would raise the necessary moneys to take us over the emergency without the necessity of invading those funds.

Representative Leo Achterman, my colleague, at the first session introduced House Bill No. 6 that makes immediately available for utilization for relief \$2,900,000 without the necessity of effectuating a transfer.

Representative Joseph Ominsky of Philadelphia, my colleague, has just introduced a bill that will make \$2,000,000 available for utilization for relief by the membership of this House by the mere mechanics of repealing Act No. 40 of the Special 1938 Session. There lies a few million dollars unused, immediately available for relief. The majority of this House presents to us a program necessitating the transfer and the invasion of funds. There has also been introduced in this House by Representative Jirolanio of Northampton, a bill that will raise \$930,000 by the expediency of repealing Act No. 8 of the 1938 Special Session, releasing that money, which in no way, in no manner, will embarrass any of the functions of the Com-

monwealth; which in no way will embarrass the continuation of municipal functions; which in no way will retard any of the municipalities of this state.

Representative Benjamin Long of Philadelphia has just introduced a bill that will raise \$670,000 of funds appropriated in a previous legislative session prior to 1935, lapsing those appropriations and converting the unexpended balance for the purpose of relief.

Nevertheless, the majority leadership of this House asks us to support a program of legislation that will invade the funds or deplete the funds, destroy road building, expose buildings of the Commonwealth to a fire hazard without any security for reconstruction in case of fire, and they do that with the mere assertion that the moneys are to be repaid by December, 1939. The majority leadership of this House has not indicated to the membership from whence that money will come. The transfer act of the majority of this House deprives the special funds of \$34,000,000. Nevertheless in this program for relief, of the \$34,000,000 that is going to be transferred by the majority of this House, but \$12,000,000 are appropriated for relief. It is my position and I feel sure it is the position of my colleagues that the reasonable, expedient, governmental manner, the business-like manner of conducting the affairs of this House would require that the moneys that are transferred, if they are transferred for relief, should be earmarked and should be appropriated for relief. If, as in this instance, we are transferring \$34,000,000, then our appropriation for relief should be \$34,000,000.

If, perchance, the majority will take the program of the minority, as it is here submitted, whereby we make available the sum of six and one-half million dollars of available funds, they will obviate the necessity of effectuating those transfers until the new Administration has an opportunity to intelligently study the financial needs of this Commonwealth. I am asking the membership of this House to acquiesce in that program. With that six and one-half million dollars available there is no necessity for immediate transfers of money for relief. If perchance, you insist then the appropriation bill for relief should be in the same amount as the transfer act, \$34,000,000, and by the same token, if it is the desire of the majority to appropriate but \$12,000,000 for relief, I submit again that business-like methods would dictate that we should transfer but \$12,000,000. If the majority follow the suggestion that we have here submitted, if the majority will take the program which has been intelligently thought out, and not hastily rushed into as a stop-gap program, then our highways will be in a position to continue to function, the payments due to the municipalities on February 1st, from the Liquid Fuel Tax and Liquor License Tax will be made, those municipalities will be able to continue with their actual work, and the budgets of those municipalities will not be thrown out of line, and we as a legislative body will have given to the Commonwealth of Pennsylvania a solution to a very vexing and troublesome problem.

I submit to the membership of this House, if you hold those funds the least bit sacred, if you submit to the theory that money should not be transferred from the road fund or from the trust fund unless there is not another cent available for relief, then you will refuse to go along with a program that has been hastily drawn

and illy-conceived. I realize that the newness of this session imposes upon us immediate responsibilities of a tremendous nature. I also say that legislative haste means that we must repent at leisure.

I know the new members of the House would not, were they exposed to the legislative problem for any period of time go along with a program conceived as this one is, open to such valid criticism, and I ask the membership to refuse the transfer from those funds moneys as long as there are six and one-half million dollars of funds immediately available for relief purposes, and I ask the membership of the House to vote "no" on House Bill No. 1.

Mr. WOODSIDE. Mr. Speaker and members of the House, the gentleman from York, Mr. Cohen, in debating this bill transcended the rules of the House in debating the entire program that we are now presenting in these five bills. I see no objection to his doing so because this is a program and should be considered more or less as a whole. Therefore, I may also transcend the rules of the House by discussing all of these bills at this time.

The majority of this House does not want or like to transfer these funds into the General Fund. The only reason they are doing so is because it has been made necessary by the failure of the now minority, the former majority, to meet the needs of this Commonwealth and the people on relief in this Commonwealth during the time in which they should have met those needs. As a result of that it is necessary for the incoming administration to find funds, to make a deficiency appropriation of approximately \$40,000,000 to take care of the people on relief, to meet whose needs an appropriation should have been made during the past administration, when the now minority was in the majority. As a result of that it is necessary to meet this situation at the present time. In doing so we are proposing to transfer \$26,000,000 from the Motor License Fund. From the estimates made by the Secretary of Revenue as to the income, and the estimates made by the Department of Highways as to the expenses and the obligations which it will be necessary to meet by the Department of Highways up until June 1st, we find that there is \$26,000,000 available for transfer to the General Fund without interfering with the normal activities of the highways. In other words, according to the estimates we have received, this will in no way curtail or interfere with the work of the Highway Department.

We propose to transfer \$4,000,000 from the Liquor License Fund. We propose to transfer \$3,000,000 from the Liquid Fuel Tax Fund, and contrary to what the gentleman from York has stated, that is not due under any circumstances and would not be paid to the counties until June 1st, and under no circumstances would the counties receive that prior to that time.

The State Insurance Fund from which we expect to transfer \$1,000,000 is largely a matter of bookkeeping because that is a fund which is now available. As a matter of fact but \$500,000 is to be transferred into the General Fund from this Special Fund, which is set aside only for the purpose of replacing any of the Commonwealth's buildings, armories or school buildings, in any of the counties of the Commonwealth, if they would be destroyed by fire. It is a matter of money which is not now needed and will not, we hope, be needed for some

time, and arrangements can easily be made to take care of that situation. We are going to need all of the \$34,900,000, according to the present estimates, and we are going to need some more money, which, as has been suggested, will be found by abating certain appropriations. The incoming administration, upon investigation, has found that there are various appropriations which they hope will reach the sum of \$8,000,000 instead of six and one-half million dollars. As a matter of fact in the bill already introduced and referred to the Select Committee for \$3,000,000, we find that there is now available \$2,900,000, so that even that amount is not entirely accurate, but we hope upon thorough investigation we will find that the sum is more than \$2,900,000.

The reason why we haven't gone into lapsed appropriations at the present time is because we feel that upon a thorough investigation, which we will have time to make in the very near future, we will find a sum in excess of six and one-half million dollars, and we will find the correct sum in each particular fund to abate, to add to the money in order to meet the deficit which was left to us by the outgoing administration.

We are appropriating \$12,000,000, and when that \$12,000,000 is expended we will appropriate the balance necessary to carry through public assistance to the end of the biennium, but we feel at this time we cannot determine exactly just what that amount is. We feel that to appropriate six and one-half million dollars or six million dollars at this time would carry us through for twenty days or possibly less. We feel that there would not be sufficient time for us to determine just exactly what balance of appropriation will be necessary for the balance of the biennium. The \$12,000,000 appropriation will carry us through to about the first of March and that will give the incoming administration time to make a careful study and give careful consideration as to the exact amount which will be necessary to carry through and to formulate a definite and final program. For that reason we feel that all of these five bills should be passed at this time, as they now are.

Mr. HERBERT B. COHEN. Mr. Speaker, I would like to interrogate the gentlemen from Dauphin, Mr. Woodside.

The SPEAKER. Will the gentleman from Dauphin permit himself to be interrogated?

Mr. WOODSIDE. I will, Mr. Speaker.

Mr. HERBERT B. COHEN. Mr. Speaker, I desire to inquire of the gentleman from Dauphin if it is not correct that the Liquor License Fund that is sought to be transferred to the General Fund by Act No. 3 is due and payable to the municipalities on February 1st of this year.

Mr. WOODSIDE. Mr. Speaker, I believe the gentleman from York is mistaken in the number of the bill. It is the second bill. The Liquor License Fund would be paid to the municipalities on February 1, 1939, but the Liquid Fuels Tax Fund, to which the gentleman from York referred, is not payable until June first.

Mr. HERBERT B. COHEN. Mr. Speaker, as to the Liquid Fuel Tax, Section 10 of the Act of May 21, 1931, as amended by Section 1 of the Act of June 21, 1935, requires payment to be made on June first and December first, is that correct?

Mr. WOODSIDE. That is correct, Mr. Speaker, but the payments of December first have already been made, with the exception of some counties that are not qualified to

receive it according to the interpretation which has been made, and some moneys have been left in the fund to take care of those payments which were due on December first. In other words, the transfer of \$3,000,000 will not use of any of the money in that fund to which the counties are now entitled by setting up a special fund for the handling of it.

Mr. HERBERT B. COHEN. Mr. Speaker, do I understand that the gentleman from Dauphin has indicated that the reason that the appropriation of \$12,000,000 is being made at this time is so that ample time will be given to the incoming administration to study the relief needs of the new administration.

Mr. WOODSIDE. Mr. Speaker, we feel that by that time the incoming administration will be able to determine the amount which is needed for the balance of the biennium, and it can then be cleared up for the balance of the biennium. In other words, enough time will be had to gather the necessary information and formulate a program, but we do not feel that it should be dragged on indefinitely with a large appropriation at this time until we know just exactly what the situation is, that is, a larger appropriation than is necessary, in order to give us the necessary time to make the investigation.

Mr. HERBERT B. COHEN. Mr. Speaker, I thank the gentleman from Dauphin. Mr. Speaker and members of the House.

The gentleman from Dauphin has indicated that there is a necessity now for making an appropriation for relief in the sum of \$12,000,000 in order to give the incoming Administration an opportunity to study the fiscal requirements on relief and to formulate an entire program. I submit to the membership of this House that the gentleman from Dauphin has given to this House the best reason why these transfers should be defeated at this time. We have submitted a program that will raise six and one-half million dollars without the necessity of transfer. That six and one-half million dollars, without the necessity of transfer, will give the incoming administration ample time within which to make a study of the financial situation of this Commonwealth and to decide upon a program, that will be more effective than the one that has been submitted. If the gentleman from Dauphin is correct that \$12,000,000 is required in order to give the new administration ample time within which to study the relief requirements of this Commonwealth, I submit that this is a solution for the membership of this House as to the action they should take on transferring of \$34,000,000. I am still in the dark, and the membership of this House must also be in the dark, to understand if the \$12,000,000 is required to study the relief requirements of this Commonwealth, why, we are asked, as a legislative body, to transfer, not \$12,000,000 but \$34,000,000. I believe that the membership of this House should have an explanation as to that divergence in figures, and I say that the membership of this House is more than justified in saying to the majority that they will not go along with a transfer of \$34,000,000 and an appropriation of but \$12,000,000. I ask the membership of this House to vote "no" on House Bills No. 1, 2, 3 and 4.

Mr. WOODSIDE. Mr. Speaker and members of the House, I believe that the gentleman from York, Mr. Cohen, in his previous remarks stated that these bills provided for the return of the special fund from the General Fund

on December 1st. The provision is September 1st. I desire to call that to the membership of the House because unquestionably the method which will be used to return this fund will be to float tax anticipation certificates and raise the money immediately after June 1st, thus obtaining money for the general fund to pay back all of these special funds as quickly as possible after June 1st, and all of these bills, not only Bill No. 1, but all four of the bills, have this same provision in them.

Mr. KILROY. Mr. Speaker, I would like to interrogate the gentleman from Dauphin, Mr. Woodside.

The SPEAKER. Will the gentleman from Dauphin permit himself to be interrogated?

Mr. WOODSIDE. I will, Mr. Speaker.

Mr. KILROY. Mr. Speaker, may I ask the gentleman from Dauphin, Mr. Woodside, whether in 1936, I believe the year was, when we introduced bills with a rider on them, promising to pay back to the Highway Fund in order to meet the relief situation, as the bills were for relief,—how he voted on those bills?

Mr. WOODSIDE. Mr. Speaker, I do not believe it is any concern of this House what I did personally on any measure, but, to be frank with the gentleman, I do not recall which one he is referring to, as we had a number of transfers. I voted for some and voted against some, depending upon the circumstances in the matter before the House.

Mr. KILROY. That is all, Mr. Speaker.

On the question recurring.

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken.

Messrs. Ominsky and Russell E Reese asked for a verification of the roll.

The roll was verified and was as follows:

YEAS—127

Ackermann,	Ely,	Krise,	Shearer,
Alspach,	Ewing,	Lee,	Simons,
Atkins,	Fisher,	Lelsey,	Sloan,
Auker,	Fiss,	Leydic,	Snyder,
Balliet,	Fleming,	Lichtenwalter,	Soltenberger,
Bardes,	Foor,	Lyons,	Stambaugh,
Bennett,	Freed,	Madden,	Stewart,
Boorse,	Fullerton,	Marr,	Stockham,
Boose,	Gates,	Matthews,	Sweeney,
Bower,	Gillan,	McClester,	Tahl,
Boyd,	Gillette,	McGarrity,	Taylor,
Bretherick,	Goll,	McKinney,	Terry,
Bronson,	Habbyshaw,	McNally,	Thistle,
Brown, S. W.,	Haines,	McVay,	Thompson, G. R.,
Brunner,	Hall,	Montgomery,	Tiemann,
Cadwalader,	Hamilton,	Moser, F. S.,	Tronzo,
Calvin,	Harbeson,	Moser, J. L.,	Trout,
Carpenter,	Haudenshield,	Muir,	VanAllsburg,
Christler,	Henry,	O'Dare,	Van Belle,
Clark,	Hewitt,	Peacock,	Voorhees,
Clearwater,	Hocke,	Peale,	Wagner,
Cook,	Hoffman, J. N.,	Reagan,	Watkins,
Cooper,	Hoyt,	Reese, D. F.,	Webster,
Cordier,	Huntley,	Rhodes,	Wilkinson,
Cortese,	Irvin,	Riley,	Wilson,
Curran,	James,	Robertson,	Winner,
Dalrymple,	Johnston,	Rose,	Wood, L. H.,
Denman,	Jones,	Roseberry,	Wood, N.,
Dick,	Kane,	Royer,	Woodside,
Dix,	Kilne,	Schrock,	Yeakel,
Donahue,	Knoble,	Self,	Turner,
Eckels,	Kowalski,	Serrill,	Speaker,

NAYS—73

Achterman,	Falkenstein,	Malone,	Rider,
Allen,	Fauset,	McLane,	Rooney,
Allmond,	Finnerty,	Melchiorre,	Rosenfeld,
Andrews,	Flanagan,	Mihm,	Rothenberger,

Baker,	Furman,	Mooney,	Sarrafi,
Balthaser	Gorski,	Moran,	Scanlon,
Bohn,	Harkins,	Munley,	Schrope,
Boles,	Hess,	O'Brien,	Schwab,
Boney,	Hindman,	O'Connor,	Skale,
Brancato,	Hoffman, S. K.,	O'Keefe,	Stank,
Broad,	Holland,	Ominsky,	Tarr,
Brown, H. S.,	Jirolanio,	O'Neill,	Thompson, E. F.,
Burns,	Keenan,	Powers,	Walsh,
Burris,	Keneshan,	Preston,	Weiss,
Check,	Kilroy,	Readinger,	Welsh, E. B.,
Chervenak,	Long,	Reese, R. E.	Welsh, M. J.,
Cohen, H. B.,	Lovett,	Regan,	Westrick,
Corrigan,	Malloy,	Reynolds,	Williams,
DeNote,			

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2 entitled:

An Act transferring money from the Liquor License Fund to the General Fund and providing for the subsequent return from the General Fund of the transferred money.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—127

Ackermann,	Ewing,	Lelsey,	Serrill,
Aispach,	Fisher,	Leydick,	Shearer,
Atkins,	Fiss,	Lichtenwalter	Simons,
Auker,	Fleming,	Lyons,	Sloan,
Ballet,	Foor,	Madden,	Snyder,
Bardes,	Freed,	Marr,	Sollenberger,
Bennett,	Fullerton,	Matthews,	Stambaugh,
Boorse,	Gates,	McClester,	Stewart,
Poose,	Gillan,	McGarrity,	Stockham,
Bower,	Gillette,	McKinney,	Sweeney,
Boyd,	Goll,	McNally,	Tahl,
Bretherick,	Habbyshaw,	McVay,	Taylor,
Bronson,	Haines,	Montgomery,	Terry,
Brown, S. W.,	Hall,	Moser, F. S.,	Thistle,
Brunner,	Hamilton,	Moser, J. L.,	Thompson, G. R.,
Cadwalader,	Harbeson,	Muir,	Tiemann,
Calvin,	Haudenschild,	O'Dare,	Trunzo,
Carpenter,	Henry,	O'Keefe,	Tout,
Christler,	Hewitt,	Ominsky,	VanAllsburg,
Clark,	Hocke,	O'Neill,	Van Belle,
Clearwater,	Hoffman, J. N.,	Peale,	Voorhees,
Cook,	Hoyt,	Reagan,	Wagner,
Cooper,	Huntley,	Reese, D. P.,	Watkins,
Cordier,	Irvin,	Rhodes,	Webster,
Cortese,	James,	Riley,	Wilkinson,
Curran,	Johnston,	Robertson,	Wilson,
Dalrymple,	Jones,	Rose,	Winnier,
Denman,	Kane,	Roseberry,	Wood, L. H.,
Dick,	Kline,	Rothenberg,	Wood, N.,
Dix,	Knoble,	Royer,	Woodside,
Donahue,	Kowalski,	Schrock,	Yeakel,
Eckels,	Krise,	Seif,	Turner,
Ely,	Lee,		Speaker.

NAYS—73

Achterman,	Falkenstein,	Malloy,	Rider,
Allen,	Fauset,	Malone,	Rooney,
Allmond,	Finnerty,	McLane,	Rosenfeld,
Andrews,	Flanagan,	Melchiorre,	Sarrafi,
Baker,	Furman,	Mihm,	Scanlon,
Bohn,	Gorski,	Mooney,	Schrope,
Boles,	Harkins,	Moran,	Schwab,
Boney,	Hess,	Munley,	Skale,
Brancato,	Hindman,	O'Brien,	Stank,

Broad,	Hoffman, S. K.,	O'Connor,	Tarr,
Brown, H. S.,	Holland,	Peacock,	Thompson, E. F.,
Burns,	Jirolanio,	Powers,	Walsh,
Burris,	Keenan,	Preston,	Weiss,
Check,	Keneshan,	Readinger,	Welsh, E. B.,
Chervenak,	Kilroy,	Reese, R. E.	Welsh, M. J.,
Cohen, H. B.,	Levy,	Regan,	Westrick,
Corrigan,	Long,	Reynolds,	Williams,
DeNote,	Lovett,		

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 3, entitled

An Act transferring money from the Liquid Fuels Tax Fund to the General Fund and providing for the subsequent return from the General Fund of the transferred money.

On the question,

Will the House agree to the bill on third reading?

It was agreed to,

On the question,

Shall the bill pass finally?

MOTION TO TABLE BILL

Mr. ACHTERMAN. Mr. Speaker, this act or bill that we are about to vote on is not a bit different than the two preceding bills. First, like the other two bills, of course, it is a transfer bill, transferring funds that are provided under Section 10 of the Act of 1931, finally amended June 21, 1935. Briefly, it provides that one-half cent per gallon on each gallon of gasoline sold in the state of Pennsylvania shall be returned to the counties on June first and December first of every year this fund to be used by the counties for the construction, reconstruction, maintenance and repairs of roads, highways and bridges in the respective counties.

At our last meeting, I introduced a bill, House Bill No. 6. That bill was introduced, not for the purpose of embarrassing either the members of the other side of this House, or the leadership of those men, but for the purpose of constructively aiding them in carrying out this program, which their leadership has requested them to carry out. That bill, briefly, would transfer from the Department of Forests and Waters, the sum of \$3,000,000 and would permit to be available the present \$3,000,000 that you propose to transfer from the Liquid Fuel Tax Fund.

Now briefly, you understand that the Liquid Fuel Tax Fund furnishes the major portion of the money that each county uses in the construction of roads. In your counties, you realize that their budgets have been prepared with that in mind, and if they do not receive it on June first, and if you pass this bill they will not receive it on June first, that then part of their plan of road construction and road work in their counties will necessarily fail. It is true you say that on September first you will return it, but you realize and I realize that that date is entirely too late to commence construction and to secure remittance of the money that ordinarily they would receive in June, and it was for that purpose, and only for that purpose that I introduced the bill.

Might I, Mr. Speaker, quote you an authority on this subject.

"Proposals have been made to raid the Motor License and Liquid Fuels Tax Funds. These are proposals to take \$38,000,000 which the motorists of this state paid in good faith for improved highways, and use it for purposes for which he already has paid taxes; proposals which break the pledge given when these taxes were accepted and which break the pledge given when the loans were made.

"I protest against this continued disregard of the motorists' rights; against the injustice to Pennsylvania workmen, who would be given employment, if this money were spent where it rightfully belongs—on the highways. I protest against proposals which are not based upon a full knowledge of conditions.

"A few weeks ago I pointed out to you that the largest part of the motorists' taxes go for road upkeep, for snow removal and for other services. There remains only a comparatively small amount for construction.

"It all comes down to the question of whether or not we shall perform the double duty of giving the motorists what they pay for in good roads and in giving the unemployed what they deserve in worthwhile jobs. I know what good roads have meant to Lancaster County. I know what the employment given by road-building has meant to Lancaster County. I ask you to consider the same factors in relation to your own districts.

"I call upon all those who have sincere interest in highways and who have respect for a promise given to weigh well this problem. I ask with the greatest sincerity of purpose that this House defeat for once and for all any proposal that will take highway funds from the highways, bread from the mouths of men, women and children and the real opportunity for a return to prosperity from the Commonwealth of Pennsylvania."

Mr. Speaker, I am quoting the gentleman from Lancaster, Mr. Trout, and his remarks made in the Hall of this House on Thursday, June 13, 1935, and just to show the extent to which that authority would go, I quote also from the Journal of this House of February 16, 1937, when he stated:

"How long the motorists of this state propose permitting the misuse of taxes levied for a specific purpose, I am not prepared to say. So far as I am concerned, I must have definite and positive assurance in the future that general appropriation bills will not be taken from Motor License Funds.

"For that purpose, gentlemen, I introduced a bill to repeal the authority for making temporary transfers."

Mr. Speaker, in view of that eminent authority's remarks, in view of the fact that there is in the Select Committee now, a bill that will relieve him and the members on his side of the House from voting for that bill, and substituting the bill that is in the Committee, I, therefore, now move you, Mr. Speaker, that House Bill No. 3, Printer's No 3, be laid upon the table.

On the question.

Will the House agree to the motion?

The yeas and nays were required by Messrs. Ominsky, Jirolanio and Herbert B. Cohen and were as follows.

YEAS—76

Achterman,	Falkenstein,	Malone,	Rooney,
Allen,	Fauset,	McLane,	Rosenfeld,
Allmond,	Finnerly,	Melchiorre,	Rothenberger,
Andrews,	Flanagan,	Mihm,	Sarraff,
Eaker,	Furman,	Mooney,	Scanlon,
Balthaser,	Gorski,	Moran,	Schrope,
Bohn,	Harkins,	Munley,	Schwab,
Bols,	Hess,	O'Brien,	Shaw,
Boney,	Hindman,	O'Connor,	Skale,
Brancato,	Hofman, S. K.,	O'Keefe,	Stank,
Broad,	Holland,	Ominsky,	Tarr,
Brown, H. S.,	Jirolanio,	O'Neill,	Thompson, E. F.,
Burns,	Keenan,	Powers,	Tronzo,
Burris,	Kenehan,	Preston,	Walsh,
Check,	Kilroy,	Readinger,	Welsa,
Chervenak,	Levy,	Reese, R. E.,	Welsh, E. B.,
Cohen, H. B.,	Long,	Regan,	Welsh, M. J.,
Corrigan,	Lovett,	Reynolds,	Westrick,
DeNote,	Malloy,	Rider,	Williams,

NAYS—129

Ackermann,	Ely,	Krise,	Shearer,
Alspach,	Ewing,	Lee,	Simons,
Atkins,	Fisher,	Lelsey,	Sloan,
Auker,	Fiss,	Leydic,	Snyder,
Ballet,	Fleming,	Lichtenwalter,	Sollenberger,
Bardes,	Foor,	Lyons,	Stambaugh,
Bennett,	Freed,	Madden,	Stewart,
Boorse,	Fullerton,	Marr,	Stockham,
Boose,	Gates,	Matthews,	Sweeney,
Bower,	Gillan,	McClester,	Tahl,
Boyd,	Gillette,	McGarrity,	Taylor,
Bretherick,	Goll,	McKinney,	Terry,
Bronson,	Habbyshaw,	McNally,	Thistle,
Brown, S. W.,	Haines,	McVay,	Thompson, G. R.,
Brunner,	Hall,	Montgomery,	Tiemann,
Cadwalader,	Hamilton,	Moser, F. S.,	Trout,
Calvin,	Harbecan,	Moser, J. L.,	Vanallsburg,
Carpenter,	Haudenschild,	Muir,	Van Belle,
Christler,	Henry,	O'Dare,	Voorhees,
Clark,	Hewitt,	Peacock,	Wagner,
Cleawater,	Hocke,	Peale,	Watkins,
Cook,	Hoffman, J. N.,	Reagan,	Webster,
Copper,	Hoyt,	Reese, D. P.,	Wilkinson,
Cordier,	Huntley,	Rhodes,	Wilson,
Cortese,	Irvin,	Riley,	Winner,
Curran,	James,	Robertson,	Wood, H. M.,
Dairymple,	Johnston,	Rose,	Wood, L. H.,
Denman,	Jones,	Roseberry,	Wood, N.,
Dick,	Kane,	Royer,	Woodside,
Dix,	Kline,	Schrock,	Yeakel,
Donahue,	Knoble,	Self,	Turner,
Eckels,	Kowalski,	Serrill,	Speaker.

So the question was determined in the negative, and the motion was not agreed to.

On the question recurring,

Shall the bill pass finally?

Mr. TROUT. Mr. Speaker and members of the House, I plead guilty to all that the gentleman from Monroe has stated, and without any apologies.

In 1935 and 1937, we made efforts to have an amendment passed by this House to forbid any further diversion of Motor Funds, or transfers of Motor Funds. We were defeated in that attempt. In 1934, this game of transferring and borrowing to make temporary relief started under the Pinchot Administration, and the records will show that I voted against and opposed the original transfer of funds. I have opposed the transfer of funds every time it has been presented in this House, and would do so again if the previous administration had made the necessary provisions to take care of unemployment relief.

In 1935, this House passed a one cent gasoline tax to be used for relief, and the Republican membership supported that. In 1936, the Democratic House reenacted that one cent gasoline tax to the General Fund where it is now and where it has been ever since, and when the gentleman from York prides himself that this administra-

tion has returned the original loans, or transfers he failed to state that the motorists were taxed an additional one cent in order to make up for that transfer to pay back the relief money. I want to say to you, gentlemen, that the reason I voted for this transfer is first, because rather than permit the people of Pennsylvania, those who are unfortunate, to be broken down on relief, I will vote for the transfer immediately of motor funds, with the provision in this act that it will be returned on or before September 1, 1939, and I pledge myself, as one member of the majority to do all that I can do to see that that is done, and that the motorists will get the benefit of these returned funds we are now transferring to take care of relief in Pennsylvania.

I want to say to the gentleman from Monroe that I am not changing my attitude and I don't propose to, so far as the motorists are concerned and so far as the motor fund is concerned, but I will do this, I will vote for the temporary transfer to procure the funds that should have been provided for in the recent session of the Legislature, and I want to say that when it comes to speedy legislation, the Lord knows that never before in the history of this House has more speedy legislation been enacted than in the first six days of the special session of 1938.

Mr. ACHTERMAN. Mr. Speaker, I have difficulty, of course, in understanding how the gentleman from Lancaster, Mr. Trout, reconciles his attitude on the present vote with his attitude as expressed in 1935 and 1937. May I say that in 1935, perhaps, we had the same problem facing us as he does today, when there was a shortage of funds and we had inherited that shortage from the Republican party, and the gentleman from Lancaster, on that occasion, made a few remarks, and, perhaps, he would like to hear them quoted:

"I say, gentlemen, I believe that the diverting of funds from the Motor Fund to the General Fund is contrary to the best interests of the citizens of Pennsylvania, and I think this bill should be defeated."

May we, Mr. Speaker, on that occasion, go over the roll just briefly, of some of the men who thought likewise, and I find recorded, Mr. Speaker, the following gentlemen: Gates, Gillette, Habbyslaw, Kane, McKinney, Schrock, Stewart, Tahl, Trout, Turner, Winner, Wood, Woodside and Yeakel.

Mr. Speaker, I believe I have answered the gentlemen.

Mr. TROUT. Mr. Speaker, I wish to interrogate the gentleman from Monroe, Mr. Achterman.

The SPEAKER. Will the gentleman from Monroe permit himself to be interropated?

Mr. ACHTERMAN. I will, Mr. Speaker.

The SPEAKER. The gentleman from Lancaster will proceed.

Mr. TROUT. Mr. Speaker, my recollection is—I don't have the record—but it seems to me that I recall that the gentleman from Monroe, Mr. Achterman, voted in favor of a similar transfer on June 9, 1936,

Mr. ACHTERMAN. I very likely did, Mr. Speaker, but may I just state this, that that is just what we had desired to do, and if the leadership on his side will only agree with us, he will find a unanimous House on this side and I hope on the other side. If you wish to transfer enough funds to study that problem, we will go with you on that, or if you wish, if you want \$34,000,000, then ear-

mark it for relief and we will go along with you, but in this particular bill that we are discussing, we say, Why curtail the counties, or your county, when the state of Pennsylvania has \$3,000,000 available?

The SPEAKER. The Chair understood that the gentleman from Lancaster was interrogating the gentleman from Monroe.

Mr. ACHTERMAN. He was, Mr. Speaker.

The SPEAKER. Does the Chair now understand that the gentleman from Lancaster has yielded to the gentleman from Monroe?

Mr. TROUT. Mr. Speaker, I would like to further interrogate the gentleman from Monroe.

The SPEAKER. Will the gentleman from Monroe permit himself to be further interrogated?

Mr. ACHTERMAN. If I am permitted to answer questions completely and fully, Mr. Speaker, then I will be delighted to be interrogated.

The SPEAKER. The Chair believes that the gentleman from Monroe will have every opportunity to answer all questions fully, within the rules of the House. The gentleman from Lancaster will proceed.

Mr. TROUT. Mr. Speaker, I would like to have the gentleman from Monroe, Mr. Achterman, answer this question, yes or no.

The question is this: if the money that is being transferred from the Motor Fund to the General Fund is returned to the Motor Fund by September 1, 1939, I want to ask the gentleman from Monroe whether or not, then, I am justified in voting for this transfer?

Mr. ACHTERMAN. My answer, Mr. Speaker, is no, he is not justified, because he will be curtailing Lancaster and all of the counties of Pennsylvania in their road work.

Mr. TROUT. Mr. Speaker, I want to assure the gentleman—

The SPEAKER. Does the gentleman from Lancaster desire to further interrogate the gentleman from Monroe?

Mr. TROUT. Mr. Speaker, I would like to make a statement.

The SPEAKER. Is the gentleman asking consent to address the House or to debate the question before the House?

Mr. TROUT. I desire to make a statement.

The SPEAKER. The gentleman will proceed.

Mr. TROUT. Mr. Speaker, so far as Lancaster County is concerned, I want to assure the membership of this House that our people there will be entirely satisfied with this procedure, when we carry out the provisions of the bill, and that the road situation and the road work in Lancaster County will not be curtailed at all.

STATEMENT BY MR. HERBERT B. COHEN

Mr. HERBERT B. COHEN. Mr. Speaker, I do not wish it to appear that the minority is in any way attempting to scuttle the program of the majority. I am frank to admit that I was very active on the floor of this House in an attempt to effectuate transfers in order to maintain relief rolls. I think that every member of this House is seriously and honestly confronted with the problem, and it is not a partisan problem, because the record will show that in the past sessions, both sides of the House, at various times, have voted for transfers. The point that I think the minority is trying to make and that the majority

refuses to acquiesce in, is the fact that we have submitted a substitute program that doesn't require transfers. My recollection goes back to the Sessions of 1937, 1935, and 1933, and I remember that in each of those sessions the only justification for transfers was the fact that every other source of income had been depleted, every other source of income had been vitiated, and there was a complete evenescence of available funds for relief, and I say to you, gentleman of both sides of the House tonight, that there remains available in the Treasury of the Commonwealth of Pennsylvania, unappropriated and unencumbered funds to the extent of six and one-half million dollars that will obviate the necessity of taking this particular bill and throwing it into the pot.

I say that back in the local counties, the local county commissioners and district supervisors and local municipalities have formulated a budget, have made plans to employ men on the roads, which plans are going to obviate the necessity of further state relief rolls. When we take that away from those municipalities, we are aggravating the very thing that we are seeking to cure. It is not a partisan measure, it is just simply a problem of both sides getting together and sitting down in a businesslike manner and deciding what is for the best interest of the Commonwealth of Pennsylvania as a whole.

We of the minority submit a program making available these funds, not from a partisan viewpoint, not with the idea of embarrassing the majority, and I want the membership to know that this is not a surprise move on our part; we deliberated and debated every one of these problems in the Select Committee. We made a complete analysis of the situation there, but because the majority leadership of this House felt that their program came from them it must be the only program that must be passed in this House.

I say to you, Mr. Speaker, any I say to the membership of this House, that if we wish, in this particular instance, to do our duty to our constituents throughout the entire Commonwealth of Pennsylvania, this bill, this particular bill, should be laid upon the table, or be defeated until the new administration has an opportunity to fully go into the finances of this Commonwealth and determine whether or not they can continue to have active relief rolls diminished by leaving these funds go back to the municipalities to which they are justly entitled.

I plead with the membership of this House, for the benefit of those on relief, for the benefit of the workers of the Commonwealth, that this bill be defeated.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—130

Ackermann,	Ely,	Krise,	Serrill,
Alspach,	Ewing,	Lee,	Shearer,
Atkins,	Fisher,	Leisey,	Simons,
Auker,	Fiss,	Leydic,	Sloan,
Baillet,	Fleming,	Lichtenwalter,	Snyder,
Balthaser,	Foor,	Lyons,	Sollenberger,
Bardes,	Freed,	Madden,	Stambaugh,
Bennett,	Fullerton,	Marr,	Stewart,
Boorse,	Gates,	Matthews,	Stockham,
Boose,	Gillan,	McClester,	Sweeney,
Bower,	Gillette,	McGarrity,	Tahl,
Boyd,	Goll,	McKinney,	Taylor,
Bretherick,	Habbyshaw,	McNally,	Terry,

Bronson,	Haines,	McVay,	Thistle.
Brown, S. W.	Hall,	Montgomery,	Thompson, G. R.,
Brunner,	Hamilton,	Moser, F. S.,	Tiemann,
Cadwalader	Harbeson,	Moser, J. L.,	Tronzo.
Calvin,	Haudenschild,	Muir,	Trout,
Carpenter,	Henry,	O'Dare,	VanAllsburg,
Christler,	Hewitt,	Peacock,	Van Belle,
Clark,	Hocke,	Peale,	Voorhees,
Clearwater,	Hoffman, J. N.,	Reagan,	Wagner,
Cook,	Hoyt,	Reese, D. P.,	Watkins,
Cooper,	Huntley,	Rhodes,	Webster,
Cordier,	Irvin,	Riley,	Wilkinson,
Cortese,	James,	Robertson,	Wilson,
Curran,	Johnston,	Rose,	Winner,
Dalrymple,	Jones,	Roseberry,	Wood, H. M.,
Denman,	Kane,	Rothenberger,	Wood, L. H.,
Dick,	Kline,	Royer,	Wood, N.,
Dix,	Knoble,	Schrock,	Woodside,
Donahue,	Kowalski,	Self,	Yeakel,
Eckels,			Turner,

Speaker.

NAYS—73

Achterman,	Fauset,	Malone,	Rider,
Allen,	Finnerty,	McLane,	Rooney,
Allmond,	Flanagan,	Melchiorre,	Rosenfeld,
Andrews,	Furman,	Mihm,	Sarraf,
Baker,	Gorski,	Mooney,	Scanlon,
Bohn,	Harkins,	Moran,	Schrope,
Bois,	Hess,	Munley,	Schwab,
Boney,	Hindman,	O'Brien,	Shaw,
Brancato,	Hoffman, S. K.,	O'Connor,	Skale,
Broad,	Holland,	O'Keefe,	Stank,
Brown, H. S.	Jirolanio,	Ominsky,	Tarr,
Burns,	Keenan,	O'Neill,	Thompson, E. F.,
Burris,	Kenehan,	Powers,	Walsh,
Check,	Kilroy,	Preston,	Weiss,
Chervenak,	Levy,	Readinger,	Welsh, E. B.,
Cohen, H. B.,	Long,	Reese, R. E.	Welsh, M. J.,
Corrigan,	Lovett,	Regan,	Westrick,
DeNote,	Malloy,	Reynolds,	Williams,
Falkenstein,			

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 4, entitled:

An Act transferring money from the State Insurance Fund to the General Fund and providing for the subsequent return from the General Fund of the transferred money.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—130

Ackermann,	Ely,	Lee,	Simons,
Alspach,	Ewing,	Leisey,	Sloan,
Atkins,	Fisher,	Leydic,	Snyder,
Auker,	Fiss,	Lichtenwalter,	Sollenberger,
Baillet,	Fleming,	Lyons,	Stambaugh,
Balthaser,	Foor,	Madden,	Stewart,
Bardes,	Freed,	Marr,	Stockham,
Bennett,	Fullerton,	Matthews,	Sweeney,
Boorse,	Gates,	McClester,	Tahl,
Boose,	Gillan,	McGarrity,	Taylor,
Bower,	Gillette,	McKinney,	Terry,
Boyd,	Goll,	McNally,	Thistle,
Bretherick,	Habbyshaw,	McVay,	Thompson, G. R.,
Bronson,	Haines,	Montgomery,	Tiemann,
Brown, S. W.,	Hall,	Moser, F. S.,	Tronzo,
Brunner,	Hamilton,	Moser, J. L.,	Trout,

Cadwalader,	Harbeson,	Muir,	VanAllsburg,
Calvin,	Haudenschild,	O'Dare,	Van Belle,
Carpenter,	Henry,	Peacock,	Voorhees,
Christler,	Hewitt,	Peale,	Wagner,
Clark,	Hocke,	Reagan,	Watkins,
Clearwater,	Hoffman, J. N.,	Reese, D. P.,	Webster,
Cook,	Hoyt,	Rhodes,	Weiss,
Cooper,	Huntley,	Riley,	Wilkinson,
Cordier,	Irvin,	Robertson,	Wilson,
Cortese,	James,	Rose,	Winnor,
Curran,	Johnston,	Roseberry,	Wood, H. M.,
Dalrymple,	Jones,	Rothenberger,	Wood, L. H.,
Denman,	Kane,	Royer,	Wood, N.,
Dick,	Kline,	Schrock,	Woodside,
Dix,	Knoble,	Self,	Yeakel,
Donahue,	Kowalski,	Serrill,	Turner,
Eckels,	Krise,	Shearer,	Speaker.

NAYS—72

Achterman,	Fauset,	Malone,	Rider,
Allen,	Finnerty,	McLane,	Rooney,
Allmond,	Flanagan,	Melchiorre,	Rosenfeld,
Andrews,	Furman,	Mihm,	Sarra,
Baker,	Gorski,	Mooney,	Scanlon,
Bohn,	Harkins,	Moran,	Schrope,
Bols,	Hess,	Munley,	Schwab,
Boney,	Hindman,	O'Brien,	Shaw,
Brancato,	Hoffman, S. K.,	O'Connor,	Skale,
Broad,	Holland,	O'Keefe,	Stank,
Brown, H. S.,	Jirolanio,	Ominsky,	Tarr,
Burns,	Keenan,	O'Neill,	Thompson, E. F.,
Burris,	Kenahan,	Powers,	Walsh,
Check,	Kilroy,	Preston,	Welsh, E. B.,
Chervenak,	Levy,	Readinger,	Welsh, M. J.,
Cohen, H. B.,	Long,	Regan,	Westrick,
Corrigan,	Lovett,	Reynolds,	Williams,
Falkenstein,	Malloy,		

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order.

The House proceeded to the third reading and consideration of House Bill No. 5, entitled:

An Act making a deficiency appropriation to the Department of Public Assistance for the purposes of carrying out the Public Assistance Law for the two fiscal years ending May thirty-first one thousand nine hundred thirty-nine.

On the question.

Will the House agree to the bill on third reading?

Mr. ANDREWS. Mr. Speaker, I ask unanimous consent to offer amendments at this time.

The SPEAKER. The amendments will be read by the Clerk for information.

The Clerk read the amendments as follows:

Amend Sec. 1, page 1, line 1, by striking out the following: "twelve million dollars (\$12,000,000)" and inserting in lieu thereof "thirty four million dollars (\$34,000,000)."

The SPEAKER. Will the House give unanimous consent to the insertion of the amendments at this time? Is there objection?

On the question,

Will the House agree to the amendments?

Mr. ANDREWS. Mr. Speaker, it would appear that the wicked Democrats did not pass tax laws enough, or they spent too much money on relief. At any rate, they have bequeathed a very unhappy relief situation. I presume, if they had passed more tax laws, they would just have gotten licked a little harder than they got licked.

The purpose of this amendment, in this wedding of

transfers and appropriations, is to consummate the marriage and make it legal. The bill appropriates \$12,000,000. Now, I think that the record will show that the majority leader, in whom I have great confidence and whose leadership I respect, always opposes transfers when the Democrats propose them, and supports them when the Republicans propose them, just as happens on this side of the House. At any rate, you heard him say that they were transferring some \$34,000,000, and you also heard him say that after having canvassed the situation, that we are going to need all of that \$34,000,000 that we are transferring and we are probably going to need \$6,000,000, \$7,000,000, \$8,000,000 or \$9,000,000 more. Now, the majority leader can't have it both ways. If he is going to need not \$34,000,000 but probably \$45,000,000, positively going to need it, and says in the next breath, "We are just going to transfer \$12,000,000 and find out how much we do need," that would be all right, if he admitted the balance, but if he will consult the stenographic record, he will find that he stated, "We need every penny and more." Now, it is a rather serious proposition, gentlemen of the House, to earmark funds saying you are absolutely going to need them, and then draw your punch on your own proposition and refuse to make the appropriation.

I have not been in sympathy with this transfer program; I was not in sympathy with the transfer program when my friends on this side of the House proposed it, and I haven't changed my position on this matter, simply because there has been an election, but I do say to you gentlemen, that if you know that you are going to need \$40,000,000, plus, you investigated it and found out, then, as an evidence of good faith, as a justification for the arguments that have been made upon the floor of this House, I ask you to back up your own contention by appropriating the full amount of the money you have transferred.

Mr. WOODSIDE. Mr. Speaker and members of the House, whether we appropriate \$12,000,000 at this time or whether we appropriate \$34,000,000, it would be necessary to make two appropriations to meet the deficiency necessary for the Public Assistance program for the balance of the biennium. \$12,000,000 will be sufficient to give the administration an opportunity to find out the exact amount which will be needed, and we will then have to make another appropriation, and it seems to me that it is not important, since we have to make two appropriations, whether we appropriate \$12,000,000 or more at this time, and I therefore ask the membership of the House to vote down the amendment.

On the question recurring,

Will the House agree to the amendment?

The yeas and nays were required by Mr. Ominsky and Mr. Long and were as follows:

YEAS—76

Achterman,	Flanagan,	Melchiorre,	Rosenfeld,
Allen,	Furman,	Mihm,	Rothenberger,
Allmond,	Gorski,	Mooney,	Sarra,
Andrews,	Harkins,	Moran,	Scanlon,
Baker,	Hess,	Munley,	Schrope,
Bols,	Hindman,	O'Brien,	Schwab,
Brancato,	Hoffman, S. K.,	O'Connor,	Shaw,
Broad,	Holland,	O'Keefe,	Skale,
Brown, H. S.,	Jirolanio,	Ominsky,	Stank,
Burns,	Keenan,	O'Neill,	Tarr,
Check,	Kenahan,	Powers,	Thompson, E. F.,
Chervenak,	Kilroy,	Preston,	Tronzo,

Cohen, H. B.,
Corrigan,
DeNote,
Falkenstein,
Fauset,
Finnerty,

Levy,
Long,
Lovett,
Malloy,
Malone,
McLane,

Readinger,
Reese, R. E.,
Regan,
Reynolds,
Rider,
Rooney,

Walsh,
Weiss,
Welsh, E. B.,
Welsh, M. J.,
Westrick,
Williams,

Chervenak,
Christler,
Clark,
Clearwater,
Cohen, H. B.,
Cook,
Cooper,
Cordier,
Corrigan,
Cortese,
Curran,
Dalrymple,
Denman,
DeNote,
Dick,
Donahue,
Eckels,

Hoyt,
Huntley,
Irvin,
James,
Jirolanio,
Johnston,
Jones,
Kane,
Keenan,
Kenehan,
Kilroy,
Kline,
Knoble,
Kowalski,
Krise,
Lee,
Lelsay,
Levy,

Powers,
Preston,
Readinger,
Reagan,
Reese, D. P.,
Reese, R. E.,
Regan,
Reynolds,
Rhodes,
Rider,
Riley,
Robertson,
Rooney,
Rose,
Roseberry,
Rosenfeld,
Rothenberger,
Royer,

Walsh,
Watkins,
Webster,
Weiss,
Welsh, E. B.,
Welsh, M. J.,
Westrick,
Wilkinson,
Williams,
Wilson,
Winner,
Wood, H. M.,
Wood, L. H.,
Wood, N.,
Woodside,
Yeakel,
Turner,
Speaker.

NAYS—127

Ackermann,
Alspach,
Atkins,
Auker,
Balliet,
Baithaser,
Bardes,
Bennett,
Boney,
Boorse,
Boose,
Bower,
Boyd,
Bretherick,
Bronson,
Brown, S. W.,
Brunner,
Burris,
Cadwalader,
Calvin,
Carpenter,
Christler,
Clark,
Clearwater,
Cook,
Cooper,
Cordier,
Cortese,
Curran,
Dalrymple,
Denman,
Dick,
Dix,

Donahue,
Eckels,
Ely,
Ewing,
Fisher,
Fliss,
Fleming,
Foor,
Freed,
Fullerton,
Gates,
Gillan,
Gillette,
Goll,
Habbyschaw,
Haines,
Hall,
Hamilton,
Harbeson,
Haudenschild,
Henry,
Hewitt,
Hocke,
Hoffman, J. N.,
Hoyt,
Huntley,
Imbrie,
Irvin,
James,
Johnston,
Jones,
Kane,
Kline,

Knoble,
Kowalski,
Krise,
Lee,
Lelsay,
Leydic,
Lichtenwalter,
Lyons,
Madden,
Marr,
Matthews,
McClester,
McGarrity,
McKinney,
McNally,
McVay,
Montgomery,
Moser, F. S.,
Moser, J. L.,
Muir,
O'Dare,
Peacock,
Peale,
Reagan,
Reese, D. P.,
Rhodes,
Riley,
Robertson,
Rose,
Roseberry,
Royer,
Schrock,

Self,
Serrilli,
Simons,
Sloan,
Snyder,
Sollenberger,
Stambaugh,
Stewart,
Stockham,
Sweeney,
Tahl,
Taylor,
Terry,
Thistle,
Thompson, G. R.,
Tiemann,
Trout,
VanAllsburg,
Van Belle,
Voorhees,
Wagner,
Watkins,
Webster,
Wilkinson,
Wilson,
Winner,
Wood, H. M.,
Wood, L. H.,
Wood, N.,
Woodside,
Yeakel,
Turner,
Speaker.

So the question was determined in the negative and the amendments were not agreed to.

On the question recurring,

Will the House agree to the bill on third reading?

It was agreed to,

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—202

Achterman,
Ackermann,
Allen,
Allmond,
Alspach,
Andrews,
Atkins,
Auker,
Baker,
Balliet,
Baithaser,
Bardes,
Bennett,
Bohn,
Bois,
Boney,
Boorse,
Boose,
Bower,
Boyd,
Brancato,
Bretherick,
Broad,
Bronson,
Brown, H. S.,
Brown, S. W.,
Brunner,
Burns,
Burris,
Cadwalader,
Calvin,
Carpenter,
Check,

Ely,
Ewing,
Falkenstein,
Fauset,
Finnerty,
Fisher,
Fliss,
Flanagan,
Fleming,
Foor,
Freed,
Fullerton,
Furman,
Gates,
Gillan,
Gillette,
Goll,
Gorski,
Habbyschaw,
Haines,
Hall,
Hamilton,
Harbeson,
Harkins,
Haudenschild,
Henry,
Hess,
Hewitt,
Hindman,
Hocke,
Hoffman, J. N.,
Hoffman, S. K.,
Holland,

Leydic,
Lichtenwalter,
Long,
Lovett,
Lyons,
Madden,
Malloy,
Malone,
Marr,
Matthews,
McClester,
McGarrity,
McKinney,
McLane,
McNally,
McVay,
Melchiorre,
Mihm,
Montgomery,
Mooney,
Moran,
Moser, F. S.,
Moser, J. L.,
Muir,
Munley,
O'Brien,
O'Connor,
O'Dare,
O'Keefe,
Ominsky,
O'Neill,
Peacock,
Peale,

Sarraf,
Scanlon,
Schrock,
Schrope,
Schwab,
Self,
Serrilli,
Shaw,
Shearer,
Simons,
Skale,
Sloan,
Snyder,
Sollenberger,
Stambaugh,
Stank,
Stewart,
Stockham,
Sweeney,
Tahl,
Tarr,
Taylor,
Terry,
Thistle,
Thompson, E. F.,
Thompson, G. R.,
Tiemann,
Tronzo,
Trout,
VanAllsburg,
Van Belle,
Voorhees,
Wagner,

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

REASONS FOR VOTE

Mr. GATES filed the following reasons for his vote:

I am voting "aye" on House Bills Nos. 1, 2, 3, 4 and 5 and desire to file my reasons for so doing.

In the Regular Session of 1935 and Special Session of 1936, I opposed, with one exception, the transfer of money from special funds for any purpose, maintaining that we, constitutionally, had no right to transfer funds set aside for certain interests—for instance, highways, insurance, etc.

I realize the dire necessity for funds to provide food, clothes and shelter for the unemployed of our state, and this is my only reason for voting "aye". I have also been assured by leaders of the Republican Party that an act authorizing the Commonwealth to negotiate temporary emergency loans, evidenced by tax anticipation notes secured by and payable from proceeds of these notes the amounts transferred by the above bills will be repaid, so that work on the Pennsylvania State Highways will not be interfered with.

Mr. JIROLANIO filed the following reasons for his vote:

I am herewith filing my reasons for my vote of "no" on House Bills Nos. 1, 2, 3, and 4.

As long as there are funds available that can be used for the purpose of relief, I do not think it is proper to ask that funds from various sources be tapped especially the Motor Fund, wherein both parties have gone on record, that this particular fund remain untouched and to be used only for highway purposes.

There is at present \$6,500,000 that can be used by the legislature for relief purposes. This amount remains as unused in various funds as pointed out by Mr. Cohen,

Further, I can see no reason for tapping funds in the amount of \$34,000,000 when the House is only making a deficiency appropriation of \$12,000,000 for relief purposes.

Mr. SEIF filed the following reasons for his vote:

I have voted "Aye" on House Bills Numbers 1, 2, 3, 4, and 5, and I desire to file my reasons therefor as follows:

1. Relief payments to the needy and destitute citizens of this State must be made, and since sufficient funds are not available, I consider the passage of these bills imperative to meet the existing condition of emergency.

2. The bills provide for repayment of all funds appropriated.

Mr. TRONZO filed the following reason for his vote:

I am voting for the transfer of these funds because the needy citizens of this Commonwealth can't afford to miss their daily bread.

Mr. WALSH filed the following reason for his vote:

I Voted "No" on House Bills No. 1, 2, 3, and 4, because I believe that sufficient funds are still available for adequate relief without such transfer at this time and because there has been no provision made for repayment of the transferred funds.

RESOLUTION INTRODUCED AND REFERRED

By Messrs. TAYLOR and DAVID P. REESE.

RESOLUTION No. 1.

In the House of Representatives, January 16, 1939.

Whereas, Pennsylvania Farm Products Show is the largest winter agricultural exposition in America and its attendance is increasing every year; and

Whereas, The number of visitors, exhibitors, demonstrators, contentants, judges and participants requiring rooming accommodations during the Farm Show, taxes the capacity of hotels, boarding houses, tourist homes and private residences in Harrisburg and vicinity; and

Whereas, The present annual dates of the Farm Products Show conflict every two years with the first full week of the regular session of the General Assembly, and conflict every four years with the Inauguration of the Governor of the Commonwealth, both conflicts being to the discomfort of citizens desiring to attend these events and having business with the General Assembly; and

Whereas, Members of the Farm Show Committee at a recent meeting indicated informally their willingness to have the dates of the Farm Show changed in order to avoid conflicts and to afford better accommodations for those attending the exposition; therefore be it

Resolved, That the House of Representatives call upon the State Farm Products Show Commission to give serious consideration forthwith to setting the dates of the annual Farm Show in a week which will not conflict with the Inauguration of the Governor or with a week when the General Assembly is customarily sitting.

RESOLUTION

Mr. TRONZO offered a resolution and asked unanimous consent that it be read for the information of the House.

The SPEAKER. This is not a privileged resolution. Will the House give its unanimous consent to have it read for information? Is there objection?

Mr. WOODSIDE. Mr. Speaker, I object.

The SPEAKER. The Chair hears objection and consent is not granted.

MOTION TO SUSPEND RULE

Mr. TRONZO. Mr. Speaker, I move that Rule 84, be suspended for the specific purpose of reading and considering a non-privileged resolution at this time.

On the question,

Will the House agree to the motion?

Mr. TRONZO. Mr. Speaker—

The SPEAKER. For what purpose does the gentleman from Allegheny arise?

Mr. TRONZO. Mr. Speaker, for the purpose of explaining the reason why I desire a suspension of the rule.

The SPEAKER. The gentleman from Allegheny will proceed.

Mr. TRONZO. Mr. Speaker and members of this House, this is a resolution which will memorialize Congress or the Senate to increase the appropriation for W. P. A. The deficiency bill has been cut and the bill will be before the Senate within the next day or so, and this only memorializes the Senate or Congress to increase the deficiency bill to its original sum of \$875,000,000, as requested by President Roosevelt. The relief rolls of this state have gone up to a total—

POINT OF ORDER

Mr. WOODSIDE. Mr. Speaker, I rise to a point of order.

The SPEAKER. The gentleman will state his point of order.

Mr. WOODSIDE. Mr. Speaker, the gentleman is out of order in discussing or debating the resolution at this time. A motion to suspend the rules is before the House.

The SPEAKER. The point of order is well taken. Will the gentleman from Allegheny confine himself to the motion to suspend the rule.

On the question recurring,

Will the House agree to the motion?

The yeas and nays were required by Mr. Tronzo and Mr. Baker and were as follows:

YEAS—76

Achterman,	Finnerty,	Malone,	Rooney.
Allen,	Flanagan,	McLane.	Rosenfield.
Allmond,	Furman,	Melchiorre,	Rothenberger,
Balthaser,	Gorski,	Mihm,	Sarraff,
Bohn,	Harkins,	Mooney,	Scanlon,
Bols,	Hess,	Moran,	Schrope,
Boney,	Hindman,	Munley,	Schwab,
Brancato,	Hoffman, S. K.,	O'Brien,	Shaw,
Broad,	Holland,	O'Connor,	Skale,
Brown, H. S.,	Hoyt,	O'Keefe,	Stank,
Burns,	Huntley,	Ominsky,	Tarr,
Burriss,	Jirolanio,	O'Neill,	Thompson, E. F.,
Check,	Keenan,	Powers,	Tronzo,
Chervenak,	Kenehan,	Preston,	Walsh,
Cohen, H. B.,	Kilroy,	Readinger,	Weiss,
Corrigan,	Levy,	Reese, R. E.,	Welsh, E. B.,
DeNote,	Long,	Regan,	Welsh, M. J.,
Falkenstein,	Lovett,	Reynolds,	Williams,
Fauset,	Malloy,	Rider,	

NAYS—127

Ackermann,	Ely,	Leisey,	Simons,
Alspach,	Ewing,	Leydic,	Sloan,
Atkins,	Fisher,	Lichtenwalter,	Snyder,
Auker,	Fiss,	Lyons,	Sollenberger,
Ballet,	Fleming,	Madden,	Stambaugh,
Bardes,	Foor,	Marr,	Stewart,
Bennett,	Freed,	Matthews,	Stockham,
Boorse,	Fullerton,	McClester,	Sweeney,
Boose,	Gates,	McGarrity,	Tahl,
Bower,	Gillan,	McKinney,	Taylor,
Boyd,	Gillette,	McNally,	Terry,
Bretherick,	Goll,	McVay,	Thistle,
Bronson,	Habbyshaw,	Montgomery,	Thompson, G. R.,
Brown, S. W.,	Haines,	Moser, F. S.,	Tiemann,
Brunner,	Hall,	Moser, J. L.,	Trout,
Cadwalader,	Hamilton,	Muir,	VanAllsburg,
Calvin,	Harbeson,	O'Dare,	Van Belle,
Carpenter,	Haudenshield,	Peacock,	Voorhees,
Christler,	Henry,	Peale,	Wagner,
Clark,	Hewitt,	Reagan,	Watkins,
Clearwater,	Hocke,	Reese, D. P.,	Webster,
Cook,	Hoffman, J. N.,	Rhodes,	Westrick,
Cooper,	Irvin,	Riley,	Wilkinson,
Cordier,	James,	Robertson,	Wilson,
Cortese,	Johnston,	Rose,	Winnor,
Curran,	Jones,	Roseberry,	Wood, H. M.,
Dalrymple,	Kane,	Royer,	Wood, L. H.,
Denman,	Kline,	Schrock,	Wood, N.,
Dick,	Knoble,	Self,	Woodside,
Dix,	Kowalski,	Serrill,	Yeakel,
Donahue,	Krise,	Shearer,	Turner,
Eckels,	Lee,		Speaker.

So the question was determined in the negative and the motion was not agreed to.

RESOLUTIONS TO BE FILED

The SPEAKER. The Chair directs the attention of the members to the fact, that all resolutions should be filed with the Clerk, unless they are privileged resolutions, or unless the members desire to move for immediate action.

COMMITTEE MEETING

The Committee on Agriculture will meet in the House Caucus Room on Tuesday, January 17, at 9.30 a. m.

ADJOURNMENT

Mr. SHEARER. Mr. Speaker, I move that this House do now adjourn until tomorrow at 10.00 a. m.

The motion was agreed to, and (at 11.04 p. m.) the House adjourned until Tuesday, January 17, 1939, at 10.00 a. m.

Legislative Journal.

Session 1939.

133d of the General Assembly.

Vol. 23

HARRISBURG, PA., TUESDAY, JANUARY 17, 1939.

No. 4.

SENATE

TUESDAY, JANUARY 17, 1939.

The Senate met at 10.30 o'clock a. m.

The PRESIDENT. (Lieutenant Governor Thomas Kennedy) in the Chair.

PRAYER

The Chaplain, Rev. George Walker Buckner, LLD., offered the following prayer:

Almighty God and Creator, Thankful for the boons of life, and sobered by its banes, we stand at attention before Thy Throne of Grace.

"Dear Lord and Father of mankind,
 Forgive our fev'rish ways;
 Reclothe us in our rightful mind;
 In purer lives Thy service find,
 In deeper rev'rence, praise."

Help us to answer the challenge of Thy Love in goodness to our fellow-man. Cast Thy light upon the paths before us; and may we commit ourselves to the right, as Thou givest to know the right.

May Thy Divine Favor rest upon those who this day relinquish office. Ourselves so near the scenes and deeds, we are disqualified to render verdict. We leave to Thee, and the unfolding days, their place in history, and in the hearts of their countrymen; yet our own hearts cry out, "God bless them."

May Thy sufficient, unfailing Grace rest upon him who today answers the call of a sovereign people. Bless him and his associates; and from our fellowship of genuine endeavor, may there come to our beloved people a new orientation, an era of peace, prosperity and good will.

God bless our country. May it never cease to be the asylum of the oppressed, the friend of the forgotten—"Sweet Land of Liberty." Amen.

JOURNAL APPROVED

The PRESIDENT. A quorum of the Senate being present the Clerk will read the Journal of the preceding session.

The Clerk proceeded to read the Journal of the preceding session, when, on motion of Mr. RICE and Mr. FREY, the further reading was dispensed with and the minutes of the Journal approved.

COMMITTEE TO WAIT UPON JUDGE JAMES

Mr. EDMONDS offered the following resolution which was twice read, considered, and agreed to:

In the Senate January 17, 1939.

Resolved, That a Committee of three Senators be appointed to wait upon the Honorable Arthur H. James and escort him to the Senate Chamber for the purpose

of administering the oath of office to Honorable Samuel S. Lewis, Lieutenant-Governor elect.

The PRESIDENT. The President Pro Tempore appoints as said Committee the Senator from Montgomery, Mr. Edmonds, the Senator from Allegheny, Mr. Walker, and the Senator from Armstrong, Mr. Sipe.

COMMITTEE TO WAIT UPON SAMUEL S. LEWIS

Mr. CHAPMAN offered the following resolution which was twice read, considered, and agreed to:

In the Senate January 17, 1939.

Resolved, That a Committee of three Senators be appointed to wait upon Honorable Samuel S. Lewis, Lieutenant-Governor elect and escort him to the Senate Chamber to take the oath and assume the duties of the office.

The PRESIDENT. The President Pro Tempore appoints as said Committee the Senator from Warren, Mr. Chapman, the Senator from Monroe, Mr. Crowe and the Senator from Lackawanna, Mr. Coleman.

The Committee will proceed to the office of the Lieutenant-Governor and escort the Lieutenant-Governor-elect to the Senate Chamber.

TIME OF NEXT MEETING

Mr. OWLETT offered the following resolution which was twice read, considered, and agreed to:

In the Senate, January 17, 1939.

Resolved (if the House of Representatives concur), That when the Senate adjourns this week it reconvene on Monday evening, January 23, at nine o'clock; and when the House of Representatives adjourns this week it reconvene on Monday evening, January 23, at eight o'clock.

Ordered, That the Clerk present the same to the House of Representatives for concurrence.

COMMITTEE TO NOTIFY HOUSE

Mr. WOLFENDEN offered the following resolution which was twice read, considered, and agreed to:

In the Senate, January 17, 1939.

Resolved, That a Committee of three Senators be appointed to wait upon the House of Representatives and inform that body that the Senate will be ready at 11.00 o'clock to proceed to the front of the Capitol to attend the Inaugural Ceremonies.

The PRESIDENT. The President Pro Tempore has appointed pursuant to the resolution, the Senator from Indiana, Mr. Wolfenden, the Senator from Clinton, Mr. Stevenson and the Senator from Cumberland, Mr. Jacobs.

COMMUNICATIONS FROM THE GOVERNOR

The Secretary to the Governor being introduced pro-

sented communications in writing from His Excellency, the Governor of the Commonwealth, which were laid on the table.

TELLER'S REPORT OF PROCEEDINGS OF JOINT
SESSION OF SENATE AND HOUSE OF REPRESENTATIVES FOR THE OPENING, COUNTING
AND PUBLISHING OF VOTES FOR GOVERNOR,
LIEUTENANT-GOVERNOR AND SECRETARY OF INTERNAL AFFAIRS.

Mr. MALLERY. The President and members of the Senate and the Speaker and Members of the House of

Representatives, met in the Hall of the House of Representatives on Tuesday afternoon, January 3, 1939, and the Honorable Thomas Kennedy, President of the Senate, in pursuance of the Constitution and laws of the Commonwealth, did then and there proceed to open and count and publish the official returns of the election for Governor, Lieutenant-Governor, and Secretary of Internal Affairs, held on the first Tuesday after the first Monday last, being the eighth day of November, Anno Domini one thousand nine hundred and thirty-eight, in the City of Philadelphia and several counties of the Commonwealth, as follows:

County Seats	Counties	Democratic Charles Alvin Jones	Republican Arthur H. James	Royal Oak Charles Alvin Jones	Socialist Jesse H. Holmes	Prohibition Robert G. Burnham	Communist Ella Bloer Omholt	No Party Charles Alvin Jones	Scattering	Non Partisan Charles Alvin Jones
Governor										
Gettysburg,	Adams,	6,949	9,146	42	5	14	1	.....	.....	.....
Pittsburgh,	Allegheny,	270,513	241,102	2,042	1,411	593	223	.....	37	59
Kittanning,	Armstrong,	9,897	15,602	33	32	115	3	.....	.....	.....
Beaver,	Beaver,	24,701	25,570	36	111	164	22	.....	5	.....
Bedford,	Bedford,	8,051	9,285	18	21	41	2	.....	.....	.....
Reading,	Berks,	33,210	35,320	167	5,722	79	33	.....	3	.....
Hollidaysburg,	Blair,	20,926	29,505	64	69	64	10	.....	4	.....
Towanda,	Bradford,	6,951	15,609	11	28	52	1	.....	.....	.....
Doylestown,	Bucks,	16,424	25,663	64	142	75	14	.....	3	.....
Burles,	Burles,	16,701	17,669	96	49	148	14	.....	3	.....
Ebensburg,	Cambria,	33,495	33,834	149	121	83	27	5	.....	.....
Emporium,	Cameron,	1,099	1,994	8	.....	8	2	.....	.....	.....
Mauch Chunk,	Carbon,	10,929	13,278	41	24	15	6	.....	.....	.....
Belleville,	Centre,	9,534	11,943	13	33	77	6	.....	.....	.....
West Chester,	Chester,	18,131	31,547	50	86	91	5	.....	1	.....
Carlisle,	Clarion,	6,156	8,915	147	19	128	4	2	.....	.....
Clearfield,	Clearfield,	16,922	17,662	59	93	125	10	.....	1	.....
Lock Haven,	Clinton,	6,458	8,116	14	16	44	1	.....	.....	.....
Bloomsburg,	Columbia,	10,547	11,617	19	11	61	4	.....	.....	.....
Meadville,	Cornwall,	3,660	14,847	39	29	205	6	.....	1	.....
Carlisle,	Cumberland,	15,237	16,769	36	28	78	3	.....	.....	.....
Farrisburg,	Dauphin,	23,789	46,815	152	101	111	22	.....	2	.....
Mt. Airy,	Delaware,	20,556	31,727	495	280	153	23	.....	.....	.....
Ridgway,	Elk,	6,430	8,865	76	22	56	8	.....	.....	.....
Erie,	Erie,	28,050	34,701	398	151	219	37	.....	2	.....
Uniontown,	Fayette,	33,573	26,245	271	103	121	38	.....	.....	.....
Tionesta,	Forest,	1,098	1,819	6	6	24	4	.....	.....	.....
Chambersburg,	Franklin,	12,138	14,189	17	13	50	4	.....	1	.....
McConnellsburg,	Fulton,	2,089	2,372	2	2	15	2	.....	1	.....
Waynesburg,	Greene,	5,565	7,566	28	63	26	3	.....	1	.....
Huntingdon,	Huntingdon,	5,401	10,416	8	17	42	3	.....	.....	.....
Indiana,	Indiana,	11,048	16,401	37	59	131	7	.....	1	.....
Brookville,	Jefferson,	8,296	12,697	17	23	125	2	.....	.....	.....
Mifflintown,	Juniata,	3,977	5,977	.....	.....	11	.....	.....	.....	.....
Scranton,	Lackawanna,	66,412	60,752	473	115	69	24	.....	.....	.....
Lancaster,	Lancaster,	26,455	47,244	126	119	151	13	.....	.....	.....
New Castle,	Lawrence,	16,582	18,581	101	48	190	16	.....	2	.....
Lebanon,	Lebanon,	10,561	14,484	25	90	82	3	.....	.....	.....
Allenstown,	Lehigh,	24,708	33,051	214	172	36	23	.....	2	.....
Wilkes-Barre,	Luzerne,	96,307	97,373	678	135	62	45	.....	.....	.....
Williamsport,	Lycoming,	15,532	22,716	48	54	252	3	.....	3	.....
Smethport,	McKean,	6,517	14,970	25	34	90	6	.....	.....	.....
Mercer,	Mercer,	15,109	19,757	155	51	192	13	.....	.....	.....
Lewistown,	Mifflin,	6,556	7,839	17	8	23	6	.....	.....	.....
Stroudsburg,	Monroe,	5,059	6,183	14	12	13	.....	.....	.....	.....
Norristown,	Montgomery,	32,984	72,553	210	309	91	.....	.....	.....	.....
Danville,	Montour,	2,824	2,901	2	1	8	.....	.....	.....	.....
Easton,	Northampton,	23,723	27,062	177	107	59	26	.....	1	.....
Sumbury,	Northumberland,	22,079	26,440	89	98	67	8	.....	.....	.....
New Bloomfield,	Perry,	4,832	6,466	5	17	14	.....	.....	.....	.....
Philadelphia,	Philadelphia,	404,692	417,050	2,759	1,491	370	328	.....	11	.....
Milford,	Pike,	2,082	2,368	.....	6	7	2	.....	.....	.....
Coudersport,	Potter,	3,158	5,381	9	9	21	1	.....	.....	.....
Pottsville,	Schuylkill,	46,808	54,211	186	140	43	44	.....	.....	.....
Middleburg,	Snyder,	2,690	6,181	4	5	9	1	.....	.....	.....
Somerset,	Somerset,	13,630	19,078	25	35	53	13	.....	.....	.....
Laporte,	Sullivan,	1,453	2,292	7	2	6	.....	.....	.....	.....
Monroeville,	Susquehanna,	5,898	9,921	15	12	41	3	.....	2	.....
Wellsboro,	Tioga,	4,680	11,846	13	12	36	2	.....	1	.....
Lewisburg,	Union,	2,394	5,925	8	4	24	2	.....	.....	.....
Franklin,	Venango,	6,474	17,944	27	32	305	6	.....	.....	.....
Warren,	Warren,	5,944	10,825	93	26	141	6	.....	.....	.....
Washington,	Washington,	35,655	30,281	65	158	170	43	.....	2	.....
Honesdale,	Wayne,	3,789	9,492	4	8	40	4	.....	.....	.....
Greensburg,	Westmoreland,	49,536	46,433	291	371	192	64	.....	.....	.....
Tunkhannock,	Wyoming,	2,571	5,518	10	6	39	.....	.....	.....	.....
York,	York,	32,329	35,182	50	65	139	10	.....	1	.....
Totals		1,745,377	2,035,340	10,748	12,635	6,438	1,273	8	89	59

County Seats	Counties	Democratic Leo C. Mundy	Republican Samuel S. Lewis	Royal Oak Leo C. Mundy	Socialist Walter S. Fasnick	Prohibition William F. Miller	Communist Ben Careathers	Scattering	Non- Partisan Leo C. Mundy
LIEUTENANT GOVERNOR									
Gettysburg,	Adams,	6,894	9,050	46	12	41	2	1	.....
Pittsburgh,	Allegheny,	266,438	239,751	2,076	1,569	1,196	309	31	45
Kittanning,	Armstrong,	9,699	14,794	33	34	224	2	.....	.....
Beaver,	Beaver,	24,195	25,664	86	115	285	25	5	.....
Bedford,	Bedford,	7,952	9,179	17	27	75	2	.....	.....
Reading,	Berks,	33,240	33,907	171	6,202	159	37	1	.....
Holidaysburg,	Blair,	20,560	29,425	75	105	213	13	7	.....
Towanda,	Bradford,	6,890	15,478	17	33	98	3	.....	.....
Daviesburg,	Bucks,	16,386	25,468	70	140	122	16	1	.....
Butler,	Butler,	10,466	17,412	116	57	260	17	.....	.....
Ebensburg,	Cambria,	36,360	36,185	170	147	234	39	4	.....
Emporium,	Cameron,	1,099	1,928	11	1	17	2	.....	.....
Mauch Chunk,	Carbon,	10,922	12,991	40	42	47	6	1	.....
Sellafonte,	Centre,	9,459	11,767	13	38	147	8	1	.....
West Chester,	Chester,	17,981	31,427	51	83	167	5	.....	.....
Clarion,	Clarion,	6,138	8,631	114	28	193	5	.....	.....
Clearfield,	Clearfield,	16,723	17,677	74	116	237	13	2	.....
Leak Haven,	Clinton,	6,394	7,977	19	24	85	2	.....	.....
Bloomburg,	Columbia,	10,766	11,043	20	14	152	4	.....	.....
Leadsville,	Crawford,	8,477	14,633	89	33	292	6	.....	.....
Carlisle,	Cumberland,	15,049	16,701	34	35	127	5	.....	.....
Harrisburg,	Dauphin,	36,304	46,765	112	112	187	27	3	.....
Media,	Delaware,	39,422	84,956	453	227	186	31	1	.....
Midway,	Elk,	6,433	6,636	73	16	87	.....	.....	.....
Erie,	Erie,	27,901	34,049	354	148	233	33	2	.....
Uniontown,	Fayette,	33,500	25,557	207	106	196	35	.....	.....
Ponesta,	Forest,	1,098	1,783	6	7	34	5	.....	.....
Chambersburg,	Franklin,	12,048	14,028	15	20	91	6	.....	.....
McConnellsburg,	Fulton,	2,064	2,325	3	3	19	2	1	.....
Waynesburg,	Greene,	8,610	7,040	29	24	87	9	.....	.....
Huntingdon,	Huntingdon,	5,251	10,259	10	20	96	5	.....	.....
Indiana,	Indiana,	10,897	16,078	37	61	239	7	.....	.....
Brookville,	Jefferson,	8,185	12,536	21	35	206	6	.....	.....
Millintown,	Juniata,	3,630	3,947	.....	3	22	1	.....	.....
Scranton,	Lackawanna,	67,009	59,420	403	132	81	28	.....	.....
Lancaster,	Lancaster,	26,222	47,060	117	127	208	15	.....	.....
New Castle,	Lawrence,	16,272	18,370	106	71	355	21	1	.....
Chanon,	Lebanon,	10,439	14,397	26	100	154	6	.....	.....
Latentown,	Lehigh,	24,754	32,133	185	182	63	29	1	.....
Wilkes-Barre,	Luzerne,	98,979	95,201	589	177	88	49	.....	.....
Williamsport,	Lycoming,	15,725	22,015	44	71	475	9	4	.....
Smithport,	McKean,	6,400	14,810	75	41	112	6	.....	.....
Mercer,	Mercer,	14,849	19,140	125	65	322	10	1	.....
Lewistown,	Michlin,	6,480	7,777	12	13	50	8	.....	.....
Stroudsburg,	Monroe,	5,222	5,624	6	15	55	1	.....	.....
Norristown,	Montgomery,	32,837	72,158	219	301	216	21	16	.....
Danville,	Montour,	2,955	2,748	2	4	12	.....	.....	.....
Paston,	Northampton,	24,186	25,634	192	142	151	32	.....	.....
Sunbury,	Northumberland,	22,135	25,682	85	141	170	23	.....	.....
New Bloomfield,	Perry,	4,634	6,466	8	18	31	1	.....	.....
Philadelphia,	Philadelphia,	401,244	413,058	2,642	1,436	516	369	8	.....
Gifford,	Pike,	2,923	2,332	.....	.....	11	3	.....	.....
Condersport,	Potter,	3,132	5,275	7	16	44	.....	.....	.....
Pottsville,	Schuylkill,	46,856	53,503	192	164	112	55	.....	.....
Middleburg,	Snvder,	2,634	6,145	6	6	22	1	.....	.....
Somerset,	Somerset,	13,024	18,872	29	30	94	16	1	.....
Caporte,	Sullivan,	1,466	2,230	8	2	15	.....	.....	.....
Portrose,	Susquehanna,	5,854	9,775	20	11	66	4	2	.....
Wellshoro,	Tioga,	4,895	11,714	14	12	37	2	1	.....
Lewistown,	Union,	2,350	5,357	8	4	24	2	.....	.....
Franklin,	Venango,	6,376	17,707	32	36	481	10	.....	.....
Warren,	Warren,	5,808	10,713	82	27	195	9	.....	.....
Washington,	Washington,	35,482	29,642	81	180	347	68	2	.....
Honesdale,	Wayne,	3,744	9,312	9	20	55	4	.....	.....
Greensburg,	Westmoreland,	49,395	44,813	330	554	504	83	.....	.....
Funkhannock,	Wvoming,	2,587	5,316	8	10	53	.....	.....	.....
York,	York,	32,573	34,792	54	113	348	20	3	.....
Totals		1,737,077	2,006,868	10,393	13,861	11,539	1,605	101	45

County Seats	Counties	Democratic Thomas A. Logue	Republican William S. Livengood Jr.	Royal Oak Thomas A. Logue	Socialist Walter E. Lund	Prohibition James A. W. Kullip	Scattering	Non Partisan Thomas A. Logue
SECRETARY OF INTERNAL AFFAIRS								
Gettysburg,	Adams,	6,979	8,947	51	13	37		
Pittsburgh,	Allegheny,	266,036	238,947	2,019	2,028	1,015	36	
Kittanning,	Armstrong,	9,682	14,801	36	54	189		
Beaver,	Beaver,	24,231	25,431	82	162	272	5	
Bedford,	Bedford,	7,950	9,153	15	21	74		
Reading,	Berks,	32,961	33,519	158	6,685	133	1	
Hollidaysburg,	Blair,	20,969	29,061	83	132	224	6	
Towanda,	Bradford,	6,867	15,446	14	34	112		
Doylstown,	Bucks,	16,403	25,272	69	154	175	1	
Butler,	Butler,	10,599	17,381	117	68	233		
Ebensburg,	Cambria,	36,378	38,201	168	162	22	2	
Emporium,	Cameron,	1,113	1,905	11	4	69		
Mauch Chunk,	Carbon,	10,920	13,662	34	48	38	2	
Bellefonte,	Centre,	9,480	11,693	11	54	148		
West Chester,	Chester,	17,997	31,352	52	85	187		
Clarion,	Clarion,	6,185	8,549	135	30	176		
Clearfield,	Clearfield,	16,734	17,579	77	154	242	1	
Lock Haven,	Clinton,	6,462	7,887	16	31	70		
Bloomsburg,	Columbia,	10,803	10,853	24	24	134		
Meadville,	Crawford,	8,395	14,517	92	54	271		
Carlisle,	Cumberland,	15,048	16,677	36	37	138		
Harrisburg,	Dauphin,	36,282	48,618	142	103	177	2	
Media,	Delaware,	39,477	84,802	482	221	201		
Ridgway,	Elk,	6,430	6,573	71	34	86		
Erie,	Erie,	27,859	32,339	339	165	224		
Uniontown,	Fayette,	33,399	25,597	189	125	164		
Tionesta,	Forest,	1,100	1,767	4	8	31		
Chambersburg,	Franklin,	12,070	14,012	18	26	88		
McConnellsburg,	Fulton,	2,031	2,325	3	4	24	1	
Waynesburg,	Greene,	8,635	7,605	22	26	70		
Huntingdon,	Huntingdon,	5,224	10,214	9	27	90		
Indiana,	Indiana,	10,938	16,222	41	78	220		
Brookville,	Jefferson,	8,221	12,480	15	51	180		
Mifflintown,	Juniata,	3,617	9,945		6	29		
Scranton,	Lackawanna,	66,819	59,253	359	126	75		
Lancaster,	Lancaster,	26,187	47,026	115	147	215		
New Castle,	Lawrence,	16,323	18,103	103	111	355	2	
Lebanon,	Lebanon,	10,610	14,424	28	110	138	2	
Allentown,	Lehigh,	24,347	31,765	167	200	61		
Wilkes-Barre,	Luzerne,	97,132	94,763	530	144	96		
Williamsport,	Lycoming,	15,914	21,825	51	75	445	4	
Smethport,	McKean,	6,426	14,690	81	50	126		
Mercer,	Mercer,	14,600	19,601	121	80	275	1	
Lewistown,	Mifflin,	6,433	7,745	16	11	43		
Stroudsburg,	Monroe,	5,562	5,583	7	20	60		
Norristown,	Montgomery,	32,852	72,129	227	326	202	14	
Danville,	Montour,	2,892	2,739	4	3	10		
Easton,	Northampton,	24,571	25,243	185	172	124		
Sunbury,	Northumberland,	22,159	25,502	65	163	158		
New Bloomfield,	Perry,	4,628	6,485	8	14	22		
Philadelphia,	Philadelphia,	405,005	411,636	2,665	1,517	544	4	
Milford,	Pike,	2,092	2,282	4	8	12		
Coudersport,	Potter,	3,170	5,255	8	23	42		
Pottsville,	Schuylkill,	46,791	53,293	192	204	80		
Middleburg,	Snyder,	2,592	6,166	4	9	18		
Somerset,	Somerset,	12,749	19,256	24	32	75		
Laporte,	Sullivan,	1,461	2,239	8	3	11		
Montrose,	Susquehanna,	5,815	9,746	17	17	71	2	
Wellsboro,	Tioga,	4,917	11,685	19	23	62	1	
Lewisburg,	Union,	2,336	5,850	3	13	41		
Franklin,	Venango,	6,338	17,559	38	42	618		
Warren,	Warren,	5,783	10,663	76	37	174		
Washington,	Washington,	35,593	29,379	80	239	301	2	
Honesdale,	Wayne,	3,794	9,252	14	17	62		
Greensburg,	Westmoreland,	49,316	44,605	355	591	402		
Tunkhannock,	Wyoming,	2,568	5,316	10	9	60		
York,	York,	33,208	33,894	57	127	295	2	
Totals		1,738,653	1,998,729	10,319	15,581	10,923	91	

CERTIFICATE OF ELECTION OF GOVERNOR

Commonwealth of Pennsylvania,
Harrisburg, January 3, 1939.

We, the President of the Senate and Speaker of the House of Representatives of the Commonwealth of Pennsylvania, do certify that the President of the Senate did, on the third day of January, A. D. one thousand nine hundred and thirty-nine, in the Hall of the House of Representatives at the State Capitol, open the returns of the election for Governor of this Commonwealth, and publish the same in the presence of both Houses of the

General Assembly, conformably to the provisions of the Constitution and laws of said Commonwealth and upon counting the votes by a teller appointed on the part of each House, it appeared that Arthur H. James had the highest number of votes; whereupon the said Arthur H. James was declared to have been duly elected Governor of the Commonwealth.

In testimony whereof, we have hereunto set our hands and affixed our seals the day and year above written.

THOMAS KENNEDY
President of the Senate

ELLWOOD J. TURNER

Speaker of the House of Representatives

CHARLES R. MALLERY

Teller on the part of the Senate

NORMAN WOOD

Teller on the part of the House of Representatives

CERTIFICATE OF ELECTION OF LIEUTENANT GOVERNOR

Commonwealth of Pennsylvania,

Harrisburg, January 3, 1939.

We, the President of the Senate and Speaker of the House of Representatives of the Commonwealth of Pennsylvania, do certify that the President of the Senate did, the third day of January, A. D. one thousand nine hundred and thirty-nine, in the Hall of the House of Representatives at the State Capitol, open the returns of the election for Lieutenant Governor of this Commonwealth, and publish the same in the presence of both Houses of the General Assembly, conformably to the provisions of the Constitution and laws of said Commonwealth upon counting the votes by a teller appointed on the part of each House, it appeared that Samuel S. Lewis had the highest number of votes; whereupon the said Samuel S. Lewis was declared to have been duly elected Lieutenant Governor of the Commonwealth.

In testimony whereof, we have hereunto set our hands and affixed our seals the day and year above written.

THOMAS KENNEDY

President of the Senate

ELLWOOD J. TURNER

Speaker of the House of Representatives

CHARLES R. MALLERY

Teller on the part of the Senate

NORMAN WOOD

Teller on the part of the House of Representatives

CERTIFICATE OF ELECTION OF SECRETARY OF INTERNAL AFFAIRS

Commonwealth of Pennsylvania,

Harrisburg, January 3, 1939.

We, the President of the Senate and Speaker of the House of Representatives of the Commonwealth of Pennsylvania, do certify that the President of the Senate did, the third day of January, A. D. one thousand nine hundred and thirty-nine, in the Hall of the House of Representatives at the State Capitol, open the returns of the election for Secretary of Internal Affairs of this Commonwealth, and publish the same in the presence of both Houses of the General Assembly, conformably to the provisions of the Constitution and laws of said Commonwealth and upon counting the votes by a teller appointed on the part of each House it appeared that William S. Livengood, Jr., had the highest number of votes; whereupon the said William S. Livengood, Jr., was declared to have been duly elected Secretary of Internal Affairs of the Commonwealth.

In testimony whereof, we have hereunto set our hands and affixed our seals the day and year above written.

THOMAS KENNEDY

President of the Senate

ELLWOOD J. TURNER

Speaker of the House of Representatives

CHARLES R. MALLERY

Teller on the part of the Senate

NORMAN WOOD

Teller on the part of the House of Representatives

PRESENTATION OF GAVEL TO PRESIDENT

The PRESIDENT. The Chair recognizes the Chief Clerk of the Senate, Mr. Mulvihill.

Mr. MULVIHILL. Mr. President of the Senate, I have the honor and the privilege of presenting to you in accordance with the custom of the Senate, a gavel as a token and a symbol of your regime as presiding officer of this Senate.

In presenting this gavel to you, may I say, that you have distinguished yourself for your courtesy, your kindness, your intelligence and your knowledge of parliamentary law. May I say to you, that I think I express the general sentiment when I say to you, you came into this Senate a big man in many walks of life, and you leave this Senate as a great man. We all wish you well.

The PRESIDENT. I desire to express my thanks to the Members of this Senate for this beautiful gift. I shall treasure it always as a memento of many happy experiences in this Senate. My friends, I have differed in rulings not only with the minority party for two years, but I also differed in rulings with ~~some~~ of my own party. But that is political democracy. My friends, I am glad I live in a Commonwealth, and in a Country where we have the right to think, where we have the right to act in our Legislative Assemblies, and where the power of the ballot is greater than any other power, even that of bullets or dictatorship or revolutions. I am glad I live in a Commonwealth that recognizes God as the Supreme Being; and where the State does not supplant the Divine Master. My friends, in conclusion, may I again say that I thank each and every member of this Senate for the cooperation they have extended me for the past four years and to say to them that it is a great privilege to return as a private citizen of the Commonwealth of Pennsylvania. Thank you very much.

PRESENTATION OF GAVEL TO PRESIDENT

PRO TEMPORE

The Chief Clerk, Dennis J. Mulvihill; and the Secretary, John C. Morlock, then presented a gavel to the Honorable John S. Rice, the former President Pro Tempore.

REPORT OF THE COMMITTEE TO WAIT UPON LIEUTENANT-GOVERNOR-ELECT SAMUEL S. LEWIS

Mr. CHAPMAN, Chairman of the Committee appointed to wait upon the Honorable Samuel S. Lewis and escort him to the Senate Chamber, reported that they had discharged the duty devolving upon them and had the honor to report the presence of the Honorable Samuel S. Lewis.

The Lieutenant-Governor-Elect was then escorted to the space in front of the Clerk's desk.

The PRESIDENT. The Committee is discharged with the thanks of the Senate.

REPORT OF COMMITTEE TO WAIT UPON JUDGE ARTHUR H. JAMES

Mr. EDMONDS, Chairman of the Committee to wait upon the Honorable Arthur H. James, Judge of the Superior Court of Pennsylvania, reported that they had discharged the duty devolving on them and had the honor

to report the presence of the Honorable Arthur H. James.
The PRESIDENT. The Committee is discharged with the thanks of the Senate.

CERTIFICATE OF ELECTION OF LIEUTENANT-GOVERNOR

Whereupon the certificate of the election of the Honorable Samuel S. Lewis, of York County as Lieutenant-Governor was read by the Chief Clerk of the Senate as follows:

Commonwealth of Pennsylvania,
Harrisburg, January 3, 1939.

We, the President of the Senate and Speaker of the House of Representatives of the Commonwealth of Pennsylvania, do certify that the president of the Senate did, on the third day of January, A. D., one thousand nine hundred and thirty-nine, in the Hall of the House of Representatives at the State Capitol, open the returns of the election for Lieutenant-Governor of this Commonwealth, and publish the same in the presence of both Houses of the General Assembly, conformably to the provisions of the Constitution and laws of said Commonwealth and upon counting the votes by a teller appointed on the part of each House, it appeared that Samuel S. Lewis had the highest number of votes; whereupon the said Samuel S. Lewis was declared to have been duly elected Lieutenant-Governor of the Commonwealth.

In testimony whereof, we have hereunto set our hands and affixed our seals the day and year above written.

THOMAS KENNEDY

President of the Senate

ELLWOOD J. TURNER

Speaker of the House of Representatives

CHARLES R. MALLERY

Teller on the part of the Senate

NORMAN WOOD

Teller on the part of the House of Representatives

ADMINISTRATION OF OATH TO LIEUTENANT-GOVERNOR-ELECT

After which the oath of office was duly administered to the Honorable Samuel S. Lewis, by the Honorable Arthur H. James, Judge of the Superior Court of the Commonwealth of Pennsylvania.

The Lieutenant-Governor signed the oath of office at the Rostrum of the Senate.

MR. THOMAS KENNEDY. It is my privilege and pleasure at this time to present your new President, a man well versed in the affairs of the State government, the Honorable Samuel S. Lewis, Lieutenant-Governor of Pennsylvania, to whom I turn over the gavel and the authority of office.

INAUGURAL ADDRESS OF LIEUTENANT-GOVERNOR SAMUEL S. LEWIS

Governor Kennedy, Members of the Senate and friends: The LIEUTENANT-GOVERNOR.

I accept this office with grave consciousness of its responsibilities.

I became a candidate for Lieutenant Governor only because it was urged upon me that my experience in State affairs should be made available to the Commonwealth at this time. Such as it is, that experience is yours to command.

I am doubly honored today to receive my oath at the hands of one who preceded me as Lieutenant Governor and is so soon to become our Chief Executive.

As presiding officer of the Senate of Pennsylvania my course is clear. I propose to decide impartially, without fear or favor, all questions of procedure. When my vote is required in accordance with the Constitution on Legislation, it will be given always in support of the platform on which I was elected.

The people of the Commonwealth should be able to look upon their Senate as representative of their highest ideals of legislative performance. Its actions must conform with the traditional dignity and decorum of the Upper Legislative branch of the Government. I propose, with the support of the members of this body—upon which I confidently rely—to give my every effort to the maintenance of that tradition.

My responsibility as Chairman of the Board of Pardons impresses me as scarcely less important.

I regard it as the solemn obligation of the members of that Board not only to offer a helping hand to the sincerely repentant and to correct injustices, but to guard vigilantly against unleashing those to whom liberty means only license to prey again upon society.

The task faced by Governor James and by all of us in his Administration is a heavy one. The people of Pennsylvania in overwhelming number last November voiced their confidence in us. The day is now here when we must fulfill that confidence.

With a prayer that I may be worthy of this great trust I approach my own duties as Lieutenant Governor.

REPORT OF COMMITTEE TO NOTIFY THE HOUSE THE SENATE WILL BE READY TO ATTEND INAUGURAL CEREMONIES OF GOVERNOR-ELECT ARTHUR H. JAMES

Mr. WOLFENDEN, Chairman of the Committee appointed to notify the House the Senate will be ready to attend the Inaugural Ceremonies of Governor-Elect Arthur H. James, reported that they had discharged the duty devolving upon them.

The PRESIDENT. The Committee is discharged with the thanks of the Senate.

INAUGURATION OF GOVERNOR-ELECT ARTHUR H. JAMES

Whereupon, the President and members of the Senate proceeded to the platform on the west side of the Capitol where, in the presence of the President and President Pro Tempore and members of the Senate and Speaker and members of the House of Representatives, the certificate of election of Arthur H. James, of Plymouth, Luzerne County, as Governor of the Commonwealth for the ensuing four years was read by the Chief Clerk of the Senate as follows:

CERTIFICATE OF ELECTION OF GOVERNOR

Commonwealth of Pennsylvania,
Harrisburg, January 3, 1939.

We, the President of the Senate and Speaker of the House of Representatives of the Commonwealth of Pennsylvania, do certify that the President of the Senate did, on the third day of January, A. D., one thousand nine hundred and thirty-nine, in the Hall of the House of Representatives at the State Capitol, open the returns of the election for Governor of this Commonwealth, and publish the same

in the presence of both Houses of the General Assembly, conformably to the provisions of the Constitution and laws of said Commonwealth and upon counting the votes by teller appointed on the part of each House, it appeared that Arthur H. James had the highest number of votes; whereupon the said Arthur H. James was declared to have been duly elected Governor of the Commonwealth.

In testimony whereof, we have hereunto set our hands and affixed our seals the day and year above written.

THOMAS KENNEDY

President of the Senate

ELLWOOD J. TURNER

Speaker of the House of Representatives

CHARLES H. MALLERY

Teller on the part of the Senate

NORMAN WOOD

Teller on the part of the House of Representatives

After which the oath of office was administered to the Governor-elect by the Honorable John W. Kephart, Chief Justice of the Supreme Court.

Whereupon Samuel S. Lewis, Lieutenant Governor and President of the Senate, proclaimed Arthur H. James to be duly elected and qualified as Governor of the Commonwealth for the ensuing four years.

The Senate returned to its Chamber, where the President announced that after the Governor had finished the delivery of his inaugural address he placed in his hands a copy thereof, which is now submitted to the Senate as follows:

(For inaugural address see today's House Proceedings.)

The PRESIDENT (Lieutenant-Governor Samuel S. Lewis) in the Chair.

RECESS

Mr. GELDER. Mr. President, I move that the Senate do now take a recess until four o'clock this afternoon.

Mr. OWLETT. Mr. President, I second the motion.

The motion was agreed to.

AFTER RECESS

The PRESIDENT. The time of recess having elapsed the Senate will be in order.

RECESS

Mr. GELDER. Mr. President, that recess having elapsed, I move that the Senate do now take a recess for ten minutes.

Mr. OWLETT. Mr. President, I second the motion.

The motion was agreed to.

AFTER RECESS

The PRESIDENT. The time of recess having elapsed the Senate will be in order.

MOTION TO RECONSIDER APPROVAL OF JOURNAL OF JANUARY 3, 1939

Mr. OWLETT. Mr. President, I do now move that the vote by which the Senate Journal of January 3, 1939 was approved on this date be reconsidered.

The PRESIDENT. How did the Senator vote?

Mr. OWLETT. I voted with the majority.

Mr. MALLERY. Mr. President, I second the motion.

The PRESIDENT. How did the Senator vote?

Mr. MALLERY. I voted with the majority.

The PRESIDENT. The question is on the motion to reconsider.

POINT OF ORDER

Mr. OWLETT. Mr. President, before the vote is put on the motion I rise to a point of order.

The PRESIDENT. The Senator from Tioga, Mr. Owlett will state his point of order.

Mr. OWLETT. Mr. President, when this Senate convened according to the constitution on the first Tuesday of January, 1939, that is on January 3, 1939, all the Senators-elect were present in this Hall, but when the Senate convened on that date all the Senators-elect with the exception of the Senator from the Second District had received from the Secretary of the Commonwealth their certificates of election and the Deputy Secretary of the Commonwealth presented the election returns to this Senate. Said returns thus presented covered all the even numbered Senatorial Districts of this Commonwealth with the exception of the returns from the Second District, which returns were procured by the Sergeant-at-Arms. Following that presentation, the same were read and showed the election of Senators Snowden, Thomas and Letzler as well as all the other Senators. All of the Senators were then duly sworn and among those so sworn were Senators Letzler, Snowden and Thomas, all of whom were sworn in by Judge Albert S. C. Millar, a judge of the Court of Common Pleas of Philadelphia, in this chamber. Following the oath administered by him although repeatedly I asked that their votes be recorded on all questions, the then presiding officer denied them their constitutional right to vote and have their vote recorded; this denial was pursuant to a motion which should not have been adopted. Although he permitted the vote on said motion only twenty-two hold-over Senators were allowed to vote and the vote being fourteen to exclude the seating of these new Senators and eight to permit them to be sworn in. Further action by the then presiding officer in permitting the said motion to be adopted showed that it was in violation of Article 2, Section 10 of the Constitution of Pennsylvania and was unconstitutional and illegal and said roll was called and the votes of all the Senators-elect excluded. Although at that time all the Republican Senators-elect had been sworn in the body of this Senate by Judge Albert S. C. Millar of the Common Pleas Court of this Commonwealth. I now raise the point of order upon which I ask this chair to rule whether or not these three Senators were illegally denied their constitutional right to have their vote recorded and whether on the question now before this Senate and on all subsequent questions they will be permitted to vote.

The PRESIDENT. On the point of order raised by the Senator from Tioga, Mr. Owlett, the Chair desires to state he was present when the proceedings took place and was in this Senate Chamber on January 3 and he has examined the record of said proceedings and he finds that the Senator from Lycoming, Mr. Snowden, the Senator from Mercer, Mr. Thomas, and the Senator from Clearfield, Mr. Letzler were present in the body of this Senate and held their certificates of election as provided by law, issued by the Secretary of the Commonwealth, and that their returns were submitted to the body of this Senate and that they showed their election to the Senate in their respective Senatorial Districts and they were thereupon sworn in by Judge Albert Millar from the Common Pleas Court of Pennsylvania in the Hall of this Senate as pro-

vided by Article 7, Section 1, of the Constitution of this State.

I desire to state further the action taken to exclude these three Senators was unconstitutional and illegal. Therefore, the Chair rules that the three Senators are duly qualified members of this Body and were illegally denied their right to vote and have their vote recorded on all questions considered by the Senate on January 3, 1939, and the Chair further rules that on future questions they are entitled to cast their votes and be recorded. The Chair hereby directs the Clerk to record their roll.

QUESTION OF PARLIAMENTARY INQUIRY

Mr. CAVALCANTE. Mr. President, I rise to a question of parliamentary inquiry.

The PRESIDENT. The Senator will state his question of parliamentary inquiry.

Mr. CAVALCANTE. Mr. President, at what time in the organization of a parliamentary body must the question of the election and qualifications of a member be raised and by whom?

The PRESIDENT. By any member at any time.

Mr. CAVALCANTE. Mr. President, may I ask the President if the Journal shows if the question was raised by a member of this Senate at that time.

POINT OF ORDER

Mr. OWLETT. Mr. President, I rise to a point of order.

The PRESIDENT. The Senator from Tioga will state his point of order.

Mr. OWLETT. Mr. President, I suggest no member has the right to interrogate the President of the Senate.

The PRESIDENT. The point of order is well taken.

Mr. CAVALCANTE. Mr. President, I desire to interrogate the Senator from Tioga, Mr. Owlett.

The PRESIDENT. Will the Senator permit himself to be interrogated?

Mr. OWLETT. Mr. President, I'll be very glad to.

Mr. CAVALCANTE. Mr. President, I wish to interrogate the gentlemen from Tioga and ask him to advise the minority members of this Senate at what time in the proceedings of the organization may a member of this Senate bring up a question of the election and qualifications of an incoming member.

Mr. OWLETT. Mr. President, in reply to the Senator's interrogation, I wish to call the Senate's attention to the fact that when this Senate convened on January 3rd, 1939, all of the members of this body who were elected last November with the exception of the election of the Senator from the Second District, had received from the Secretary of this Commonwealth their certificates of election. The returns of the election had been submitted and read to this Body and showed their election. The minority members of this Senate on that day through the ruling of the then presiding officer of this body, permitted the Senator from Philadelphia, Mr. Levin, to be sworn in after his returns had been read and showed his election, of whom there was in that case a bonafide contest pending. I think I stated on the floor of the Senate at that time, and I think we all ought to concede that this Body is the judge of its own members, and the qualifications of its own members, and as this Body ought to do as it did, it showed his election and that was done with Mr. Levin. I also stated at that time that I thought it was

the duty of this body to regard the mandate of the court, another coordinate branch of this Government. However, the President of this Senate, who was then the presiding officer did not see fit to recognize the authority as a coordinating branch of this Government, and ordered Mr. Levin sworn in, and then without any contest pending, the three men sitting in this body, sent here by the overwhelming vote of the great majority of the people in their respective Senatorial Districts by arbitrarily, unlawfully ruling their vote was excluded for the purpose of attempting to get control of this body from the majority in this Senate. I say to you, Mr. President, that the ruling of the Chair was unconstitutional, illegal and improper. These men are entitled to vote in this body from the County they came from as Senators-elect, all the Senators-elect are entitled to vote on organization. These men were illegally excluded on the votes taken in this Senate. I submit to the Senator who has interrogated me, that the ruling of this Chair, is proper and legal and these men should now be recognized as the Senators from their respective districts from which they were sent by the overwhelming majority.

Mr. DENT. Mr. President,—

The PRESIDENT. You are out of order.

Mr. DENT. Mr. President,—

Mr. OWLETT. Mr. President, I raise the point of order that there is nothing before the Senate but the calling of the roll.

QUESTION OF PARLIAMENTARY INQUIRY

Mr. DENT. Mr. President, I rise to a question of parliamentary inquiry which supersedes all questions of order.

The PRESIDENT. The Senator from Westmoreland, Mr. Dent, will state his question of parliamentary inquiry.

Mr. DENT. Mr. President, there was a resolution properly passed in this Senate, which required three members who were not seated that their cases be referred to a committee. I want to know whether the cases were referred to the proper committee of the Senate.

Mr. OWLETT. Mr. President,—

POINT OF ORDER

Mr. SHAPIRO. Mr. President, I rise to a point of order.

Mr. OWLETT. Mr. President,—

The PRESIDENT. The Senator from Tioga, Mr. Owlett has the floor.

Mr. DENT. Mr. President, I ask that the Chair rule.

Mr. SHAPIRO. Mr. President, I rise to a point of order.

Mr. OWLETT. Mr. President, I suggest to the Senator from Westmoreland, Mr. Dent, that the chair has ruled that the action taken by this body in excluding the three Senators was illegal, because the Chair permitted only twenty-two to vote, being less than a quorum.

Mr. DENT. Mr. President, I asked the President for an answer to a parliamentary question, and did not ask the Senator from Tioga to answer that question.

Mr. SHAPIRO. Mr. President,—

Mr. DENT. Mr. President,—

The PRESIDENT. Will the Senator from Westmoreland yield to the gentleman from Philadelphia.

Mr. DENT. Mr. President, I will.

Mr. SHAPIRO. Mr. President, I listened with a great deal of interest to your speech this morning, when you

said that you intended to rule with impartiality in these proceedings; and I assume that a point of order when raised is always in order even when a Republican Senator is speaking, as well as when a Democratic Senator is speaking. If it is not, I am willing to abide by the rules such as you make because I am practical enough to understand that 26 votes is a majority. I shall save my voice, and when the other side has the votes, I shall be governed by what they do with the vote.

QUESTION OF PARLIAMENTARY INQUIRY

Mr. SHAPIRO. Mr. President, I rise to a question of parliamentary inquiry.

The PRESIDENT. The gentleman will state his question of parliamentary inquiry.

Mr. SHAPIRO. Mr. President, when a question of parliamentary inquiry is raised, I should like to know whether that question should be answered by the Chair or by a Senator from the floor. I understand that the gentleman from Westmoreland, Mr. Dent, addressed the question of parliamentary inquiry to the Chair. I am asking whether he gets his answer from the Chair or from the gentleman on the floor.

The PRESIDENT. In response to the gentleman from Philadelphia, the Chair will answer the parliamentary inquiry of the gentleman from Westmoreland. What is the inquiry?

Mr. DENT. Mr. President, the inquiry is whether or not, according to the resolution properly passed by the Senate that the members who have not been seated, has been referred to a committee, or whether that committee has made a report. I ask whether or not that committee has made a report on the eligibility of those three Senators.

POINT OF ORDER

Mr. OWLETT. Mr. President, I rise to a point of order.

The PRESIDENT. The Senator from Tioga, Mr. Owlett, will state his point of order.

Mr. OWLETT. Mr. President, I suggest that the parliamentary inquiry is not well taken because it is based on an incorrect premise. The gentleman stated that the resolution was referred to a committee. It was referred to a committee because the Lieutenant-Governor permitted only less than a quorum to vote on the motion.

Mr. DENT. Mr. President, you yourself said you would answer my question of parliamentary inquiry, and for the second consecutive time you have allowed the Senator from Tioga, Mr. Owlett, to answer.

The PRESIDENT. Will the gentlemen yield for a moment?

Mr. DENT. Mr. President, I will. I never heard the Chair ask for that before.

The PRESIDENT. In reply to the question of the gentleman from Westmoreland, I wish to state that the barring of the three Senators was unconstitutional and illegal.

QUESTION OF PARLIAMENTARY INQUIRY

Mr. CAVALCANTE. Mr. President, on that ruling I rise to a question of parliamentary inquiry.

The PRESIDENT. Will the guests please refrain from any demonstrations. Will the Senator from Fayette state his question of parliamentary inquiry?

Mr. CAVALCANTE. Mr. President, under what parliamentary procedure or provision of the Constitution does

the President of this Senate at this time undertake to overrule the decision of the preceding President of the Senate?

Mr. OWLETT. Mr. President, may I suggest that when a presiding officer of this body takes an unconstitutional and illegal action no present presiding officer is bound to follow the rule.

QUESTION OF PARLIAMENTARY INQUIRY

Mr. SHAPIRO. Mr. President, I'm sorry but may I rise a question of parliamentary inquiry for further guidance.

The PRESIDENT. Not at this time. The question now recurs shall the Senate reconsider the vote by which the Senate Journal of January 3, 1939 was approved on this date. Those voting "Aye" vote to reconsider, those voting "No" vote against reconsideration.

The yeas and nays were required by Mr. Shapiro and were as follows, viz:

YEAS—26.

Bartlett,	Farrell,	Mallery,	Stevenson,
Chapman,	Gelder,	Miller,	Tallman,
Crowe,	Geltz,	Owlett,	Thomas,
Deitrick,	Heyburn,	Pierson,	Walker,
Ealy,	Homsher,	Scarlett,	Wolfenden,
Edmonds,	James,	Snowden,	Woodward,
Eroe,	Letzler,		

NAYS—20.

Cavalcante,	Haluska,	Lanius,	Reed,
Coleman,	Jacobs,	Levin,	Rice,
Dent,	Jaspan,	McCreesh,	Ruth,
DiSilvestro,	Kilgallen,	McGinnis,	Shapiro,
Gilson,	Kunkel,	Mundy,	Sipe,

So the question was determined in the affirmative.

MOTION TO LAY JOURNAL ON TABLE

Mr. OWLETT. Mr. President, I now move that the Journal of January 3, be laid upon the table.

Mr. MALLERY. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

Mr. CAVALCANTE. Mr. President, There is a motion pending.

Mr. SHAPIRO. Mr. President, I would like to speak on that motion. I merely want to suggest to the gentlemen on the other side and for the purpose of the record that by virtue of the action of this Senate on January 3, 1939 there was convened a joint session of the Legislature before whom only the returns of the election for a Governor and Lieutenant Governor could be read. By virtue of this convention and by virtue of the reading of the returns could only these candidates be nominated. I suggest to the gentlemen on the other side before they lay this Journal of January 3 on the table and before they take any reconsideration action they consider the effect of their action.

And the question recurring.

Will the Senate agree to the motion to lay on the table?

The yeas and nays were required by Mr. Shapiro, and were as follows, viz:

YEAS—26.

Bartlett,	Farrell,	Mallery,	Stevenson,
Chapman,	Gelder,	Miller,	Tallman,
Crowe,	Geltz,	Owlett,	Thomas,
Deitrick,	Heyburn,	Pierson,	Walker,
Ealy,	Homsher,	Scarlett,	Wolfenden,
Edmonds,	James,	Snowden,	Woodward,
Eroe,	Letzler,		

NAYS—21.

Cavalcante,	Gilson,	Kunkel,	Mundy,
Coleman,	Haluska,	Lanius,	Reed,
Dent,	Jacobs,	Levin,	Rice,
DiSilvestro,	Jaspan,	McCreesh,	Ruth,
Frey,	Kilgallen,	McGinnis,	Shapiro,
			Sipe,

So the question was determined in the affirmative.

CONSIDERATION OF NOTARY PUBLIC NOMINATIONS

Mr. Gelder offered the following resolution which was twice read, considered, and agreed to:

In the Senate, January 17, 1939.

Whereas, The reference to committee of nominations by the Governor for appointment of Notaries Public has resulted in the past in duplication of printing and an avoidable expense in the matter of printing, therefore, be it

Resolved, That nominations by the Governor for the appointment of Notaries Public be laid on the table until further action, and that the other nominations be referred to the Committee on Executive Nominations.

The PRESIDENT. The Chair recognizes the Sergeant-at-Arms.

SERGEANT-AT-ARMS. I have the honor to present the secretary to his Excellency the Governor.

NOMINATIONS BY THE GOVERNOR

The Secretary to the Governor being introduced, presented communications in writing from His Excellency, the Governor of the Commonwealth, which were read as follows:

APPOINTMENT OF SECRETARY TO THE GOVERNOR

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, January 17, 1939.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have appointed Mr. J. Paul Pedigo, of Philadelphia, to be Secretary to the Governor.

ARTHUR H. JAMES.

NOMINATIONS RECALLED

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, January 17, 1939.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall all nominations made to your Honorable Body by my predecessor in office under date of January 3rd and 17th, 1939, except those for the office of Notary Public and Commissioner of Deeds.

I respectfully request the return to me of the official message or messages of nominations in the premises.

ARTHUR H. JAMES.

NOMINATIONS BY THE GOVERNOR

He also presented communications from his Excellency, the Governor of the Commonwealth which were read as follows:

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, January 17, 1939.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor to nominate for the advice and consent of the Senate the following:

SECRETARY OF THE COMMONWEALTH

Miss Sophia M. R. O'Hara, Wilkes-Barre, Luzerne County, for appointment as Secretary of the Commonwealth, to serve until superseded, vice David L. Lawrence.

ATTORNEY GENERAL

Claude Trexler Reno, Allentown, Lehigh County, for appointment as Attorney General, to serve until superseded, vice Guy K. Bard.

ADJUTANT GENERAL

Edward Martin, Washington, Washington County, for appointment as Adjutant General to serve until the third Tuesday of January, 1943, and until his successor shall have been appointed and qualified, vice Frederick B. Kerr.

INSURANCE COMMISSIONER

Matthew H. Taggart, Sunbury, Northumberland County, for appointment as Insurance Commissioner, to serve until the third Tuesday of January, 1943, and until his successor shall have been appointed and qualified, vice Owen B. Hunt.

SECRETARY OF BANKING

Robert W. Doty, 2041 Whitehall Street, Harrisburg, Dauphin County, for appointment as Secretary of Banking, to serve until the third Tuesday of January, 1943, and until his successor shall have been appointed and qualified, vice Irland McK. Beckman.

SECRETARY OF AGRICULTURE

John H. Light, Lebanon, Lebanon County, for appointment as Secretary of Agriculture, to serve until the third Tuesday of January, 1943, and until his successor shall have been appointed and qualified, vice J. Hansell French.

SECRETARY OF PROPERTY AND SUPPLIES

Rodger Rowland, New Castle, Lawrence County, for appointment as Secretary of Property and Supplies, to serve until the third Tuesday of January, 1943, and until his successor shall have been appointed and qualified, vice Arthur Colegrove.

SECRETARY OF FORESTS AND WATERS

G. Albert Stewart, Clearfield, Clearfield County, for appointment as Secretary of Forests and Waters, to serve until the third Tuesday of January, 1943, and until his successor shall have been appointed and qualified, vice James F. Bogardus.

SECRETARY OF MINES

John Ira Thomas, Philipsburg, Centre County, for appointment as Secretary of Mines, to serve until the third Tuesday of January, 1943, and until his successor shall have been appointed and qualified, to fill a vacancy.

SECRETARY OF HIGHWAYS

I. Lamont Hughes, Pittsburgh, Allegheny County, for appointment as Secretary of Highways, to serve until the third Tuesday of January 1943, and until his successor shall have been appointed and qualified, vice Roy E. Brownmiller.

SECRETARY OF HEALTH

John J. Shaw, Philadelphia, Philadelphia County, for appointment as Secretary of Health, to serve until the third Tuesday of January, 1943, and until his successor shall have been appointed and qualified, vice Edith MacBride-Dexter.

COMMISSIONER OF THE PENNSYLVANIA MOTOR POLICE

Lynn G. Adams, Harrisburg, Dauphin County, for appointment as Commissioner of the Pennsylvania Motor Police, to serve until the third Tuesday of January, 1943, and until his successor shall have been appointed and qualified, vice Percy W. Foote.

SECRETARY OF LABOR AND INDUSTRY

Lewis G. Hines, Philadelphia, Philadelphia County, for appointment as Secretary of Labor and Industry, to serve until the third Tuesday of January, 1943, and until his successor shall have been appointed and qualified, vice Ralph M. Bashore.

SECRETARY OF WELFARE

E. Arthur Sweeney, Greensburg, Westmoreland County, for appointment as Secretary of Welfare, to serve until the third Tuesday of January, 1943, and until his successor shall have been appointed and qualified, vice Charles I. Engard.

SECRETARY OF REVENUE

William J. Hamilton, Jr., Philadelphia, Philadelphia County, for appointment as Secretary of Revenue, to serve until the third Tuesday of January, 1943, and until his successor shall have been appointed and qualified, vice J. Griffith Boardman.

SECRETARY OF PUBLIC ASSISTANCE

Howard L. Russell, Upper Darby, Delaware County, for appointment as Secretary of Public Assistance, to serve until the third Tuesday of January, 1943, and until his successor shall have been appointed and qualified, vice Arthur W. Howe, Jr.

ARTHUR H. JAMES.

NOTARIES PUBLIC

He also presented in writing from His Excellency, the Governor of the Commonwealth, nominations for appointment as Notaries Public and Commissioners of Deeds which were laid on the table.

APPOINTMENT OF COMMITTEE ON EXECUTIVE NOMINATIONS

The PRESIDENT. The President Pro Tempore announces that he has appointed to the Committee on Executive Nominations the following Senators: The Senator from Somerset, Mr. Ealy, the Senator from Warren, Mr. Chapman, the Senator from Tioga, Mr. Owlett, the Senator from Northumberland, Mr. Detrick, the Senator from Indiana, Mr. Wolfenden.

The nominations and communications just received are referred to the Committee on Executive Nominations excepting nominations for appointment as Notaries Public which, pursuant to Senate Resolution, will lie on the table.

The nominations made by the former Governor which were laid on the table were read as follows and referred to the Committee on Executive Nominations with the exception of Notaries Public which were laid on the table.

Commonwealth of Pennsylvania,

Governor's Office, Harrisburg, January 3, 1939.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor to nominate for the advice and consent of the Senate the following:

MEMBER ARMORY BOARD

Colonel A. S. Janeway, Phoenixville, Chester County, for appointment as a member of the Armory Board of the State of Pennsylvania, until the third Tuesday of January, 1939, and until his successor shall have been appointed and qualified, vice Major General Wm. G. Price, Jr., resigned.

MEMBER UNION COUNTY BOARD OF ASSISTANCE

Philip K. Frederick, (Democrat) Lewisburg, Union County, for appointment as a member of the Union County

Board of Assistance, for the term ending December 31, 1940, vice Ralph E. Page, resigned.

GEORGE H. EARLE.

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, January 17, 1939.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor to nominate for the advice and consent of the Senate the following:

MEMBER STATE BOARD OF HOUSING

Roland R. Randall, 1211 Chestnut Street, Philadelphia, Philadelphia County, for appointment as a member of the State Board of Housing, until August 17, 1941, vice Arthur Shrigley, deceased.

GEORGE H. EARLE.

BRIGADIER GENERAL PENNSYLVANIA NATIONAL GUARD

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, January 17, 1939.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor to nominate for the advice and consent of the Senate the following:

Robert McKune Vail, 20 South Pierce Street, Wilkes-Barre, Luzerne County, for appointment as Brigadier General, Pennsylvania National Guard, until annulled, vice William Swan McLean, Jr., deceased.

GEORGE H. EARLE.

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, January 17, 1939.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor to nominate for the advice and consent of the Senate the following:

MEMBER CHESTER COUNTY BOARD OF ASSISTANCE

Eugene Derrickson, Jr., (Democrat) Kennett Square, Chester County, for appointment as a member of the Chester County Board of Assistance, for the term ending December 31, 1940, vice W. L. Kay, resigned.

MEMBER FAYETTE COUNTY BOARD OF ASSISTANCE

Rev. T. E. Duffield, (Democrat) 17 William Street, Uniontown, Fayette County, for appointment as a member of the Fayette County Board of Assistance, for the term ending December 31, 1940, vice Rev. Herman H. Will, resigned.

MEMBERS NORTHAMPTON COUNTY BOARD OF ASSISTANCE

Wood L. Moore, (Republican) 138 Pennsylvania Avenue, Easton, Northampton County, for appointment as a member of the Northampton County Board of Assistance, for the term ending December 31, 1940, vice Miss Fannie Henry, resigned.

John Field Oldt, (Democrat) 916 Fairfield Avenue, Easton, Northampton County, for appointment as member of the Northampton County Board of Assistance, for the term ending December 31, 1941, vice William H. Price, resigned.

JUSTICE OF THE PEACE

Chester J. Baugher, Aspers, Adams County, for appointment as Justice of the Peace in the Township of Menallen, Adams County, until the first Monday in January, 1940, vice E. E. Eppelman, whose term expired.

ALDERMAN CITY OF CARBONDALE

James F. Farrell, 183 Terrace Street, Carbondale, Lackawanna County, for appointment as Alderman in the Fourth Ward of the City of Carbondale, Lackawanna County,

until the 1st Monday in January, 1940, vice William H. Kelly, resigned.

JUSTICES OF THE PEACE

W. S. Hall, Trexlertown, Lehigh County, for appointment as Justice of the Peace in the Township of Upper Macungie, Lehigh County, until the first Monday in January, 1940, vice Harvey A. Walbert, deceased.

Anthony Marcavage, Arnouts Addition, St. Clair, Schuylkill County, for appointment as Justice of the Peace in the Township of New Castle, Schuylkill County, until the first Monday in January, 1940, vice Joseph Klimes, whose term expired.

David J. Smith, R. F. D. 2, Pottsville, Schuylkill County, for appointment as Justice of the Peace in the Township of New Castle, Schuylkill County, until the first Monday in January, 1940, vice William G. Gittens, deceased.

P. T. Lonergan, 11 Church Street, Montrose, Susquehanna County, for appointment as Justice of the Peace in the Borough of Montrose, Susquehanna County, until the first Monday in January, 1940, vice F. I. Lott, resigned.

GEORGE H. EARLE.

Commonwealth of Pennsylvania,

Governor's Office, Harrisburg, Pa., January 3, 1939.

To the Honorable the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor to nominate for the advice and consent of the Senate, the following:

SECRETARY OF PROPERTY AND SUPPLIES

Arthur Colegrove, Corry, from December 1, 1938, until the third Tuesday of January, 1939, and until his successor shall have been appointed and qualified.

MEMBERS OF THE STATE BOARD OF PUBLIC ASSISTANCE

(Mrs.) Anna Ewing Cort, Greensburg, from December 1, 1938, until the third Tuesday of January, 1941, and until her successor shall have been appointed and qualified.

John G. Watson, Pittsburgh, from December 1, 1938, until the third Tuesday of January, 1940, and until his successor shall have been appointed and qualified.

William J. Brennan, Scranton, from December 1, 1938, until the third Tuesday of January, 1940, and until his successor shall have been appointed and qualified.

Neil Chrisman, Wilkes-Barre, from December 1, 1938, until the third Tuesday of January, 1939, and until his successor shall have been appointed and qualified.

Arthur W. Howe, Jr., Bowmansdale, from December 1, 1938, until the third Tuesday of January, 1939, and until his successor shall have been appointed and qualified.

Joseph N. Gorson, Philadelphia, from December 1, 1938, until the third Tuesday of January, 1942, and until his successor shall have been appointed and qualified.

MEMBER OF THE ADVISORY HEALTH BOARD

Leonard M. Sandston, Pittsburgh, from December 1, 1938, until the third Tuesday of January, 1939, and until his successor shall have been appointed and qualified.

MEMBER OF THE STATE BOARD FOR THE EXAMINATION OF PUBLIC ACCOUNTANTS

Sidney G. Handler, Harrisburg, from December 1, 1938, for the term of four years, and until his successor is appointed and qualified.

MEMBER OF THE STATE DENTAL COUNCIL AND EXAMINING BOARD

Andrew J. Hefferman, Wilkes-Barre, from December 1, 1938, for the term of six years, and until his successor is appointed and qualified.

W. A. McCready, Pittsburgh, from December 1, 1938, for the term of six years, and until his successor is appointed and qualified.

Thomas P. Fox, Philadelphia, from December 1, 1938,

for the term of six years, and until his successor is appointed and qualified.

R. E. Swivel, Huntingdon, from December 1, 1938, for the term of six years, and until his successor is appointed and qualified.

MEMBER OF THE STATE COUNCIL OF EDUCATION

Francis R. Cope, Jr., Dimock, from December 1, 1938, for the term of six years, and until his successor is appointed and qualified.

MEMBER OF THE STATE BOARD OF UNDERTAKERS

Frank M. Regan, Scranton, from December 1, 1938, until August 31, 1944, and until his successor shall have been appointed and qualified.

MEMBERS OF THE STATE BOARD OF VETERINARY MEDICAL EXAMINERS

H. F. Broude, Harrisburg, from December 1, 1938, until the third Tuesday of January, 1939, and until his successor shall have been appointed and qualified.

Earl S. Pickup, Union City, from December 1, 1938, until the third Tuesday of January, 1939, and until his successor shall have been appointed and qualified.

R. J. Potteiger, Selinsgrove, from December 1, 1938, until the third Tuesday of January, 1939, and until his successor shall have been appointed and qualified.

Edward R. Owen, Lawnton, from December 1, 1938, until the third Tuesday of January, 1939, and until his successor shall have been appointed and qualified.

MEMBER OF THE STATE BOARD OF OPTOMETRICAL EXAMINERS

C. C. Law, Harrisburg, from December 1, 1938, for the term of four years, and until his successor is appointed and qualified.

MEMBERS OF THE BOARD OF TRUSTEES OF THE PENNSYLVANIA STATE COLLEGE

J. Hale Steinman, Lancaster, from December 1, 1938, until July 1, 1940, and until his successor is appointed and qualified.

S. Forry Laucks, York, from December 1, 1938, until July 1, 1940, and until his successor is appointed and qualified.

Frederick A. Heim, Williamsport, from December 1, 1938, until July 1, 1941, and until his successor is appointed and qualified.

P. J. Denman, Bradford, from December 1, 1938, until July 1, 1941, and until his successor is appointed and qualified.

MEMBER OF THE PENNSYLVANIA LIQUOR CONTROL BOARD

Leo A. Crossen, Philadelphia, from December 1, 1938, until November 29, 1943, and until his successor shall have been appointed and qualified.

MEMBERS OF THE REGISTRATION COMMISSION IN AND FOR THE CITY OF SCRANTON

(Miss) Anna R. Hannon, Scranton, from December 1, 1938, until January 3, 1942, and until her successor is appointed and qualified.

Louis Schumacher, Scranton, from December 1, 1938, until January 3, 1942, and until his successor is appointed and qualified.

Bert Price, Scranton, from December 1, 1938, until January 3, 1942, and until his successor is appointed and qualified.

Patrick Davitt, Scranton, from December 1, 1938, until January 3, 1942, and until his successor is appointed and qualified.

MEMBER OF THE PENNSYLVANIA GAME COMMISSION

Ross L. Leffler, McKeesport, from December 1, 1938,

until the third Tuesday of January, 1943, and until his successor is appointed and qualified.

MEMBERS OF THE STATE BOARD OF OSTEOPATHIC EXAMINERS

Emanuel Jacobson, Philadelphia, from December 1, 1938, for the term of four years, and until his successor is appointed and qualified.

H. D. Pearson, Erie, from December 1, 1938, for the term of four years, and until his successor is appointed and qualified.

H. M. Vastine, Harrisburg, from December 1, 1938, for the term of four years, and until his successor is appointed and qualified.

MEMBERS OF THE STATE BOARD OF EXAMINERS OF ARCHITECTS

James W. Minick, Camp Hill, from December 1, 1938, for the term of six years, and until his successor is appointed and qualified.

George I. Lovatt, Philadelphia, from December 1, 1938, for the term of six years, and until his successor is appointed and qualified.

MEMBERS OF THE ANTHRACITE MINE INSPECTORS' EXAMINING BOARD

William Bush, Pottsville, from December 1, 1938, until the third Tuesday of January, 1939, and until his successor shall have been appointed and qualified.

John R. Cooner, Scranton, from December 1, 1938, until the third Tuesday of January, 1939, and until his successor shall have been appointed and qualified.

Anthony M. Strish, Larksville, from December 1, 1938, until the third Tuesday of January, 1939, and until his successor shall have been appointed and qualified.

Cornelius McElhenny, Morea, from December 1, 1938, until the third Tuesday of January, 1939, and until his successor shall have been appointed and qualified.

Earl Strack, West Hazleton, from December 1, 1938, until the third Tuesday of January, 1939, and until his successor shall have been appointed and qualified.

MEMBER OF THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

John Sullivan, Broomall, from December 1, 1938, for the residue of the term ending April 1, 1941, and until his successor shall be duly appointed and shall be qualified.

MEMBER OF THE VALLEY FORGE PARK COMMISSION

Frederick S. Fox, Norristown, from December 1, 1938, until the third Tuesday of January, 1939, and until his successor shall have been appointed and qualified.

MEMBER OF THE STATE ART COMMISSION

Warren Powers Laird, Philadelphia, from December 1, 1938, until the third Tuesday of January, 1939, and until his successor shall have been appointed and qualified.

MEMBER OF THE BOARD OF TRUSTEES OF THE PENNSYLVANIA SOLDIERS' ORPHAN SCHOOL

(Mrs.) Florence Marie Miller, New Cumberland, from December 1, 1938, for the term of four years, and until her successor is qualified.

MEMBER OF THE STATE COUNCIL FOR THE BLIND

Isaac Dornblum, Philadelphia, from December 1, 1938, for the term of four years, and until his successor is appointed and qualified.

MEMBER OF THE STATE WELFARE COMMISSION

(Mrs.) Eleanor Robb Lineaweaver, Haverford, from December 1, 1938, until the third Tuesday of January, 1939, and until her successor shall have been appointed and qualified.

MEMBERS OF THE BANKING BOARD

Francis J. Rue, Philadelphia, from December 1, 1938, until September 1, 1945, and until his successor is duly appointed and qualified.

Samuel R. Rosenbaum, Philadelphia, from December 1, 1938, until September 1, 1945, and until his successor is duly appointed and qualified.

MEMBER OF THE STATE ATHLETIC COMMISSION

Julius E. Aronson, Philadelphia, from December 1, 1938, for the term of two years, and until his successor is appointed and qualified.

MEMBERS OF THE STATE VETERANS COMMISSION

R. E. Conway, York, from December 1, 1938, until the third Tuesday of January, 1939, and until his successor shall have been appointed and qualified.

Mark L. Tingley, Blossburg, from December 1, 1938, until the third Tuesday of January, 1939, and until his successor shall have been appointed and qualified.

John G. Rainey, Pittsburgh, from December 1, 1938, until the third Tuesday of January, 1939, and until his successor shall have been appointed and qualified.

Thomas E. Gygell, Philadelphia, from December 1, 1938, until the third Tuesday of January, 1939, and until his successor shall have been appointed and qualified.

MEMBER OF THE BOARD OF TRUSTEES OF EASTERN STATE PENITENTIARY

Matthew H. McCloskey, Jr., Overbrook, Philadelphia, from December 1, 1938, for the term of four years, and until his successor is qualified.

MEMBERS OF THE BOARD OF TRUSTEES OF ALLENTOWN STATE HOSPITAL

Frank F. Hausman, Allentown, from December 1, 1938, for the term of four years, and until his successor is qualified.

Stanley K. Weaver, Allentown, from December 1, 1938, for the term of four years, and until his successor is qualified.

Ralph Chadwick Worrell, Springtown, from December 1, 1938, for the term of four years, and until his successor is qualified.

Thomas J. Butler, Bethlehem, from December 1, 1938, for the term of four years, and until his successor is qualified.

Lewis M. Ralph, Easton, from December 1, 1938, for the term of four years, and until his successor is qualified.

Robert Hinkle, Bethlehem, from December 1, 1938, for the term of four years, and until his successor is qualified.

Roger R. Rupp, Leighton, from December 1, 1938, for the term of four years, and until his successor is qualified.

Charles F. Smith, Topton, from December 1, 1938, for the term of four years, and until his successor is qualified.

Forrest D. Grim, Allentown, from December 1, 1938, for the term of four years, and until his successor is qualified.

MEMBER OF THE BOARD OF TRUSTEES OF FARVIEW STATE HOSPITAL

Edward J. Healey, Jr., Carbondale, from December 1, 1938, for the term of four years, and until his successor is qualified.

MEMBERS OF THE BOARD OF TRUSTEES OF NORRISTOWN STATE HOSPITAL

Joseph Knox Fornance, Norristown, from December 1, 1938, for the term of four years, and until his successor is qualified.

George Moore, Philadelphia, from December 1, 1938, for the term of four years, and until his successor is qualified.

MEMBER OF THE BOARD OF TRUSTEES OF WARREN STATE HOSPITAL

J. Theodore Valone, Warren, from December 1, 1938,

for the term of four years, and until his successor is qualified.

**MEMBER OF THE BOARD OF TRUSTEES OF
LAURELTON STATE VILLAGE**

Catharine Johnston, New Bloomfield, from December 1, 1938, for the term of four years, and until her successor is qualified.

**MEMBER OF THE BOARD OF TRUSTEES OF POLK
STATE SCHOOL**

C. E. Mullen, Cambridge Springs, from December 1, 1938, for the term of four years, and until his successor is qualified.

**MEMBERS OF THE BOARD OF TRUSTEES OF
CONNELLSVILLE STATE HOSPITAL**

Harry G. Brown, Connelville, from December 1, 1938, for the term of four years, and until his successor is qualified.

L. S. Elliot, Connelville, from December 1, 1938, for the term of four years, and until his successor is qualified.

Henry DeVivo, Connelville, from December 1, 1938, for the term of four years, and until his successor is qualified.

W. H. Soisson, Sr., Connelville, from December 1, 1938, for the term of four years, and until his successor is qualified.

M. Aaron, Connelville, from December 1, 1938, for the term of four years, and until his successor is qualified.

W. J. B. Mayo, Melcroft, from December 1, 1938, for the term of four years, and until his successor is qualified.

Arthur Page, Mt. Pleasant, from December 1, 1938, for the term of four years, and until his successor is qualified.

Geo. Strickler, Vanderbilt, from December 1, 1938, for the term of four years, and until his successor is qualified.

(Mrs.) Nan Ruth Patterson Marietta, Connelville, from December 1, 1938, for the term of four years, and until her successor is qualified.

**MEMBERS OF THE BOARD OF TRUSTEES OF
PHILPSBURG STATE HOSPITAL**

J. Emory McGowan, Tyrone, from December 1, 1938, for the term of four years, and until his successor is qualified.

W. Ludwig Erb, Philipsburg, from December 1, 1938, for the term of four years, and until his successor is qualified.

**MEMBERS OF THE BOARD OF TRUSTEES OF
NANTICOKE STATE HOSPITAL**

Frank Boguszewski, Nanticoke, from December 1, 1938, for the term of four years, and until his successor is qualified.

John Dorris, Nanticoke, from December 1, 1938, for the term of four years, and until his successor is qualified.

John Dorak, Nanticoke, from December 1, 1938, for the term of four years, and until his successor is qualified.

J. F. Hill, Nanticoke, from December 1, 1938, for the term of four years, and until his successor is qualified.

Albert Rees, Nanticoke, from December 1, 1938, for the term of four years, and until his successor is qualified.

W. E. Weineck, Nanticoke, from December 1, 1938, for the term of four years, and until his successor is qualified.

C. K. Albertson, Benton, from December 1, 1938, for the term of four years, and until his successor is qualified.

Enoch Thomas, Wilkes-Barre, from December 1, 1938, for the term of four years, and until his successor is qualified.

F. E. Donnelly, Wilkes-Barre, from December 1, 1938, for the term of four years, and until his successor is qualified.

**MEMBER OF THE BOARD OF TRUSTEES OF
SHAMOKIN STATE HOSPITAL**

Martin F. Snella, Shamokin, from December 1, 1938,

for the term of four years, and until his successor is qualified.

**MEMBERS OF THE BOARD OF TRUSTEES OF
HAZLETON STATE HOSPITAL**

Thomas Kennedy, Hazleton, from December 1, 1938, for the term of four years, and until his successor is qualified.

T. E. Snyder, Hazleton, from December 1, 1938, for the term of four years, and until his successor is qualified.

George B. Markle, Jr., Hazleton, from December 1, 1938, for the term of four years, and until his successor is qualified.

Joseph G. Sarricks, Freeland, from December 1, 1938, for the term of four years, and until his successor is qualified.

W. S. Carter, Hazleton, from December 1, 1938, for the term of four years, and until his successor is qualified.

J. F. Gallagher, Freeland, from December 1, 1938, for the term of four years, and until his successor is qualified.

John Yourishin, Hazleton, from December 1, 1938, for the term of four years, and until his successor is qualified.

**MEMBERS OF THE BOARD OF TRUSTEES OF
SCRANTON STATE HOSPITAL**

Michael J. Noone, Scranton, from December 1, 1938, for the term of four years, and until his successor is qualified.

Vincent Gallizzi, Pittston, from December 1, 1938, for the term of four years, and until his successor is qualified.

**MEMBER OF THE BOARD OF TRUSTEES OF LOCUST
MOUNTAIN STATE HOSPITAL**

Thomas M. Kerrigan, Gilbertson, from December 1, 1938, for the term of four years, and until his successor is qualified.

**MEMBERS OF THE BOARD OF TRUSTEES OF PENN-
SYLVANIA STATE ORAL SCHOOL FOR THE DEAF**

Matthew J. Lynott, Scranton, from December 1, 1938, for the term of four years, and until his successor is qualified.

Carl Graff, Scranton, from December 1, 1938, for the term of four years, and until his successor is qualified.

Norman Harris, Scranton, from December 1, 1938, for the term of four years, and until his successor is qualified.

**MEMBERS OF THE BOARD OF TRUSTEES OF
PENNSYLVANIA INDUSTRIAL SCHOOL**

Walter F. Enfield, Bedford, from December 1, 1938, for the term of four years, and until his successor is qualified.

Swengel H. Smith, Bellefonte, from December 1, 1938, for the term of four years, and until his successor is qualified.

**MEMBERS OF THE BOARD OF TRUSTEES OF STATE
INDUSTRIAL HOME FOR WOMEN**

(Mrs.) Nellie Lee Bok, Philadelphia, from December 1, 1938, for the term of four years, and until her successor is qualified.

(Mrs.) Eleanor R. Lineaweaver, Haverford, from December 1, 1938, for the term of four years, and until her successor is qualified.

**MEMBERS OF THE BOARD OF TRUSTEES OF THE
PHILADELPHIA STATE HOSPITAL**

Earl D. Bond, Philadelphia, from December 1, 1938, for the term of four years, and until his successor is qualified.

Victor Moore, Philadelphia, from December 1, 1938, for the term of four years, and until his successor is qualified.

William A. Schnader, Philadelphia, from December 1, 1938, for the term of four years, and until his successor is qualified.

Harry Shapiro, Philadelphia, from December 1, 1938, for the term of four years, and until his successor is qualified.

Wilmer Krusen, Philadelphia, from December 1, 1938, for the term of four years, and until his successor is qualified.

William H. Godfrey, Philadelphia, from, December 1, 1938, for the term of four years, and until his successor is qualified.

Thomas Evans, Philadelphia, from December 1, 1938, for the term of four years, and until his successor is qualified.

Paul C. Lewis, Philadelphia, from December 1, 1938, for the term of four years, and until his successor is qualified.

Frank J. G. Dorsey, Philadelphia, from December 1, 1938, for the term of four years, and until his successor is qualified.

MEMBER OF THE PENNSYLVANIA LABOR RELATIONS BOARD

J. Dress Pannell, Harrisburg, from December 1, 1938, until June 2, 1941, and until his successor is appointed and qualified.

MEMBERS OF THE EMPLOYMENT BOARD

(Miss) Julia M. Kernan, Pittsburgh, from December 1, 1938, until the third Tuesday of January, 1939, and until her successor shall have been appointed and qualified.

Calvin J. Friedberg, Mahanoy City, from December 1, 1938, until the third Tuesday of January, 1939, and until his successor shall have been appointed and qualified.

Walter Pytko, Philadelphia, from December 1, 1938, until the third Tuesday of January, 1939, and until his successor shall have been appointed and qualified.

MEMBERS OF THE BOARD OF ARBITRATION OF CLAIMS

James W. Cullen, Sayre, from December 1, 1938, until July 21, 1943, and until his successor shall be duly appointed and qualified.

Howard F. Sigler, Camp Hill, from December 1, 1938, until July 21, 1941, and until his successor shall be duly appointed and qualified.

MEMBERS OF THE BUILDING AND LOAN BOARD

John E. Allen, Philadelphia, from December 1, 1938, until September 1, 1943, and until his successor is duly appointed and qualified.

Francis E. McGill, Philadelphia, from December 1, 1938, until September 1, 1945, and until his successor is duly appointed and qualified.

George L. Transue, Easton, from December 1, 1938, until September 1, 1943, and until his successor is duly appointed and qualified.

John P. Volk, Pittsburgh, from December 1, 1938, until September 1, 1945, and until his successor is duly appointed and qualified.

Norman E. Clark, New Castle, from December 1, 1938, until September 1, 1941, and until his successor is duly appointed and qualified.

A. E. Sheller, Altoona, from December 1, 1938, until September 1, 1941, and until his successor is duly appointed and qualified.

Thomas A. Logue, Philadelphia, from December 1, 1938, until September 1, 1939, and until his success is duly appointed and qualified.

A. L. Bingham, New Brighton, from December 1, 1938, until September 1, 1939, and until his successor is duly appointed and qualified.

MEMBERS OF THE STATE BOARD OF HOUSING

George Evans, Pittsburgh, from December 1, 1938, until August 17, 1942, and until his successor is appointed and qualified.

George Kohn, Allentown, from December 1, 1938, until August 17, 1940, and until his successor is appointed and qualified.

Alfred Hagen, Scranton, from December 1, 1938, until August 17, 1939, and until his successor is appointed and qualified.

William B. Ramsey, Philadelphia, from December 1, 1938, for the term of five years, and until his successor is appointed and qualified.

MEMBERS OF THE DELAWARE RIVER JOINT COMMISSION

James P. Clark, Philadelphia, from December 1, 1938, for the term of five years, and until his successor shall have been appointed and qualified.

George Gordon Meade, Philadelphia, from December 1, 1938, for the term of five years, and until his successor shall have been appointed and qualified.

MEMBER OF THE STATE BRIDGE AND TUNNEL COMMISSION

Leonard Shaffer, Philadelphia, from December 1, 1938, until the third Tuesday of January, 1939, and until his successor shall have been appointed and qualified.

MEMBERS OF THE NAVIGATION COMMISSION FOR THE DELAWARE RIVER AND ITS NAVIGABLE TRIBUTARIES

John F. Smoyer, Bristol, from December 1, 1938, for the term of four years, and until his successor is appointed and qualified.

Allen T. Sayre, Swarthmore, from December 1, 1938, for the term of four years, and until his successor is appointed and qualified.

Louis Kapelski, Chester, from December 1, 1938, for the term of four years, and until his successor is appointed and qualified.

MEMBER OF THE BOARD OF TRUSTEES OF PENNSYLVANIA SOLDIERS' AND SAILORS' HOME

Walter E. Nick, Erie, from December 1, 1938, for the term of four years and until his successor is qualified.

MEMBER OF THE SEVENTY-FIFTH ANNIVERSARY OF THE BATTLE OF GETTYSBURG COMMISSION

Willis D. Hall, Glen Campbell, from December 1, 1938, until annulled.

MEMBER OF THE BUSHY RUN BATTLEFIELD COMMISSION

H. L. Good, Irwin, from December 1, 1938, until the third Tuesday of January, 1939, and until his successor shall have been appointed and qualified.

UNEMPLOYMENT COMPENSATION REFEREES

Harry F. Bigler, Clearfield, from December 1, 1938, until the third Tuesday of January, 1939, and until his successor shall have been appointed and qualified.

Michael J. Boyle, Johnstown, from December 1, 1938, until the third Tuesday of January, 1939, and until his successor shall have been appointed and qualified.

James Brady, Scranton, from December 1, 1938, until the third Tuesday of January, 1939, and until his successor shall have been appointed and qualified.

Maurice J. Cughlin, Erie, from December 1, 1938, until the third Tuesday of January, 1939, and until his successor shall have been appointed and qualified.

Jacob Echard, Uniontown, from December 1, 1938, until the third Tuesday of January, 1939, and until his successor shall have been appointed and qualified.

David M. Gerry, Williamsport, from December 1, 1938, until the third Tuesday of January, 1939, and until his successor shall have been appointed and qualified.

F. Merle Mackin, Exeter, from December 1, 1938, until the third Tuesday of January, 1939, and until his successor shall have been appointed and qualified.

John P. McAllister, Ambridge, from December 1, 1938, until the third Tuesday of January, 1939, and until his successor shall have been appointed and qualified.

Prall B. Rhoades, Pottsville, from December 1, 1938, until the third Tuesday of January, 1939, and until his successor shall have been appointed and qualified.

Irwin A. Swiss, Pittsburgh, from December 1, 1938, until the third Tuesday of January, 1939, and until his successor shall have been appointed and qualified.

James F. Dougherty, Crum Lynne, from December 1,

1938, until the third Tuesday of January, 1939, and until his successor shall have been appointed and qualified.

Leo I. S. Conway, Philadelphia, from December 1, 1938, until the third Tuesday of January, 1939, and until his successor shall have been appointed and qualified.

Joseph L. McElwee, Norristown, from December 1, 1938, until the third Tuesday of January, 1939, and until his successor shall have been appointed and qualified.

Harry Busser, York Haven, from December 1, 1938, until the third Tuesday of January, 1939, and until his successor shall have been appointed and qualified.

MEMBER OF THE PENNSYLVANIA TURNPIKE COMMISSION

Edward N. Jones, Pittsburgh, from December 1, 1938, until June 4, 1945, and until his successor is appointed and qualified.

MEMBERS OF THE BOARD OF TRUSTEES OF WEST CHESTER STATE TEACHERS COLLEGE

Robert F. Anderson, West Chester, from December 1, 1938, for the term of four years, and until his successor is qualified.

(Mrs.) Mary T. Farrell, West Chester, from December 1, 1938, for the term of four years, and until her successor is qualified.

MEMBER OF THE BOARD OF TRUSTEES OF MILLERSVILLE STATE TEACHERS COLLEGE

Walter I. Anderson, York, from December 1, 1938, for the term of four years, and until his successor is qualified.

MEMBER OF THE BOARD OF TRUSTEES OF EAST STROUDSBURG STATE TEACHERS COLLEGE

John J. McDonald, Scranton, from December 1, 1938, for the term of four years, and until his successor is qualified.

MEMBER OF THE BOARD OF TRUSTEES OF MANSFIELD STATE TEACHERS COLLEGE

Martin Stalford, Wyalusing, from December 1, 1938, for the term of four years, and until his successor is qualified.

MEMBERS OF THE BOARD OF TRUSTEES OF BLOOMSBURG STATE TEACHERS COLLEGE

Thomas F. Farrell, Wilkes-Barre, from December 1, 1938, for the term of four years, and until his successor is qualified.

H. Monte Smith, Bloomsburg, from December 9, 1938, for the term of four years, and until his successor is qualified.

MEMBER OF THE BOARD OF TRUSTEES OF SHIP-PENSBURG STATE TEACHERS COLLEGE

Harvey A. Gross, York, from December 1, 1938, for the term of four years, and until his successor is qualified.

MEMBER OF THE BOARD OF TRUSTEES OF LOCK HAVEN STATE TEACHERS COLLEGE

(Mrs.) Edith DeWitt, Williamsport, from December 1, 1938, for the term of four years, and until her successor is qualified.

MEMBER OF THE BOARD OF TRUSTEES OF INDIANA STATE TEACHERS COLLEGE

Max C. Sutter, Homer City, from December 1, 1938, for the term of four years, and until his successor is qualified.

MEMBERS OF THE BOARD OF TRUSTEES OF SLIPPERY ROCK STATE TEACHERS COLLEGE

William Z. Mufrin, Butler, from December 1, 1938, for the term of four years, and until his successor is qualified.

Origen K. Bingham, Bridgeville, from December 1, 1938, for the term of four years, and until his successor is qualified.

(Mrs.) Emma Guffey Miller, Slippery Rock, from December 1, 1938, for the term of four years, and until her successor is qualified.

MEMBER OF THE BOARD OF TRUSTEES OF EDINBORO STATE TEACHERS COLLEGE

Edward Pinkney Wroth, Warren, from December 1, 1938, for the term of four years, and until his successor is qualified.

MEMBER OF THE BOARD OF TRUSTEES OF CLARION STATE TEACHERS COLLEGE

Clarence C. Klein, Swissvale, from December 1, 1938, for the term of four years, and until his successor is qualified.

MEMBERS OF THE STATE PLANNING BOARD

Roy E. Brownmiller, Pottsville, from December 1, 1938, until November 18, 1939, or until such time prior thereto when his term of office as Secretary of Highways may expire, and until his successor is appointed and qualified.

Henry Hornbostel, Pittsburgh, from December 1, 1938, for the term of five years, and until his successor is qualified.

Otto T. Mallery, Philadelphia, from December 1, 1938, for the term of five years, and until his successor is qualified.

Also the following persons to be MEMBERS OF THE COUNTY BOARDS OF ASSISTANCE, for the terms set opposite their names, and until their successors are duly appointed and qualified.

ADAMS COUNTY

D. C. Jacobs, Arendtsville, from December 1, 1938 until December 31, 1938.

(Mrs.) Bess Bixler, New Oxford, from December 1, 1938 until December 31, 1938.

(Miss) Evelyn C. Altoff, Littlestown, from December 1, 1938 until December 31, 1939.

C. A. Wills, Fairfield, from December 1, 1938 until December 31, 1939.

Charles B. Dougherty, Gettysburg, from December 1, 1938 until December 31, 1940.

F. V. Topper, McSherrystown, from December 1, 1938 until December 31, 1940.

(Mrs.) Mary K. McClean, Gettysburg, from December 1, 1938 until December 31, 1940.

ALLEGHENY COUNTY

Charles Aquadro, Pittsburgh, from December 1, 1938 until December 31, 1940.

S. Leo Ruslander, Pittsburgh, from December 1, 1938 until December 31, 1939.

William S. Doty, Pittsburgh, from December 1, 1938 until December 31, 1940.

Bernard L. Flynn, Crafton, from December 1, 1938 until December 31, 1939.

Ben G. Graham, Pittsburgh, from December 1, 1938 until December 31, 1940.

Clinton S. Golden, Pittsburgh, from December 1, 1938 until December 31, 1938.

(Mrs.) Frances Lutz, Pittsburgh, from December 1, 1938 until December 31, 1938.

(Mrs.) Nellie C. Wisser, Dravosburg, from December 1, 1938 until December 31, 1939.

(Mrs.) Hilda G. Henrici, Coraopolis, from December 1, 1938 until December 31, 1938.

ARMSTRONG COUNTY

J. P. Turping, Kittanning, from December 1, 1938 until December 31, 1938.

(Mrs.) Mary McLaughlin, Freeport, from December 1, 1938 until December 31, 1938.

Earl Artman, Ford City, from December 1, 1938 until December 31, 1939.

(Mrs.) Mary M. Geary, Parkers Landing, from December 1, 1938 until December 31, 1940.

Tony G. Badiali, South Bethlehem, from December 1, 1938 until December 31, 1940.

(Mrs.) Edith Dunn, Kittanning, from December 1, 1938 until December 31, 1939.

BEAVER COUNTY

O. H. Locke, Monaca, from December 1, 1938 until December 31, 1939.

Milton Selkovits, Aliquippa, from December 1, 1938 until December 31, 1938.

D. J. Maloney, New Brighton, from December 1, 1938 until December 31, 1939.

George L. Werner, Freedom, from December 1, 1938 until December 31, 1939.

(Mrs.) Emily Howe, Beaver, from December 1, 1938 until December 31, 1940.

(Mrs.) Bessie Javens, Rochester, from December 1, 1938 until December 31, 1940.

(Mrs.) Agnes Perrott, Beaver Falls, from December 1, 1938 until December 31, 1940.

BEDFORD COUNTY

John C. Dibert, Pavia, from December 1, 1938 until December 31, 1938.

Herman Fetter, New Enterprise, from December 1, 1938 until December 31, 1939.

Herman Barkman, Clearville, from December 1, 1938 until December 31, 1940.

(Mrs.) Mary Smith, Bedford, from December 1, 1938 until December 31, 1940.

D. R. Sipes, Everett, from December 1, 1938 until December 31, 1940.

John A. Topper, Hyndman, from December 1, 1938 until December 31, 1939.

(Mrs.) Annie Ross, Saxton, from December 1, 1938 until December 31, 1938.

BERKS COUNTY

Francis L. Klemmer, Reading, from December 1, 1938 until December 31, 1938.

(Mrs.) Alice I. Focht, Birdsboro, from December 1, 1938 until December 31, 1938.

Charles William Hollenbacher, Reading, from December 1, 1938 until December 31, 1939.

Joseph A. Martin, Reading, from December 1, 1938 until December 31, 1939.

(Mrs.) Emma H. Dry, Kutztown, from December 1, 1938 until December 31, 1940.

(Mrs.) Florence G. Luft, Wyomissing, from December 1, 1938 until December 31, 1940.

(Mrs.) Minnie M. Mays, Weiser Park, from December 1, 1938 until December 31, 1940.

BLAIR COUNTY

Lawrence Schrenk, Altoona, from December 1, 1938 until December 31, 1938.

Claude E. Snyder, Altoona, from December 1, 1938 until December 31, 1938.

(Mrs.) Beatrice Moffit, Altoona, from December 1, 1938 until December 31, 1939.

(Mrs.) Jennie Walters, Claysburg, from December 1, 1938 until December 31, 1939.

(Mrs.) Helen Clark, Altoona, from December 1, 1938 until December 31, 1940.

(Mrs.) Nellie Hogue, Altoona, from December 1, 1938 until December 31, 1940.

John Edward Ardell, Tyrone, from December 1, 1938 until December 31, 1940.

BRADFORD COUNTY

Alan J. Donlon, Athens, from December 1, 1938 until December 31, 1938.

(Mrs.) Charlotte L. Davidson, Towanda, from December 1, 1938 until December 31, 1939.

Martin R. Stalford, Wyalusing, from December 1, 1938 until December 31, 1939.

(Mrs.) Catherine H. Laux, Sayre, from December 1, 1938 until December 31, 1940.

(Mrs.) Frances H. Murray, South Waverly, from December 1, 1938, until December 31, 1940.

John Snedeker, Troy, from December 1, 1938 until December 31, 1940.

John F. Beirne, Towanda, from December 1, 1938 until December 31, 1938.

BUCKS COUNTY

(Mrs.) Gretchen M. Hibbs, Bristol, from December 1, 1938 until December 31, 1938.

(Mrs.) Della Garver, Ivyland, from December 1, 1938 until December 31, 1939.

(Mrs.) Rose C. Flood, New Hope, from December 1, 1938 until December 31, 1940.

(Mrs.) Mary Elizabeth McKinstry, Doylestown, from December 1, 1938 until December 31, 1940.

J. Latta Jones, Doylestown, from December 1, 1938 until December 31, 1938.

BUTLER COUNTY

(Mrs.) Florence C. VonKrogh, Butler, from December 1, 1938 until December 31, 1938.

(Mrs.) Elva F. Beck, Karns City, from December 1, 1938 until December 31, 1938.

(Mrs.) Maude N. Patterson, Butler, from December 1, 1938 until December 31, 1939.

(Mrs.) Elizabeth L. Campbell, Butler, from December 1, 1938 until December 31, 1939.

Harry Daly, Butler, from December 1, 1938 until December 31, 1940.

(Mrs.) Callie Knox, Zelienople, from December 1, 1938 until December 31, 1940.

Harry T. Rattigan, Butler, from December 1, 1938 until December 31, 1940.

CAMBRIA COUNTY

Elvin Overdorff, Johnstown, from December 1, 1938 until December 31, 1938.

Charles E. Overberger, Barnesboro, from December 1, 1938 until December 31, 1939.

Blair Pawlowski, Spangler, from December 1, 1938 until December 31, 1939.

(Mrs.) Naomi Van H. Shettig, Ebensburg, from December 1, 1938 until December 31, 1940.

Frank J. Pentrack, Johnstown, from December 1, 1938 until December 31, 1940.

George C. Hoppel, Patton, from December 1, 1938 until December 31, 1940.

(Mrs.) Catherine Q. McGuire, Johnstown, from December 1, 1938 until December 31, 1938.

CAMERON COUNTY

E. P. Larson, Emporium, from December 1, 1938 until December 31, 1938.

(Mrs.) Perna Gaskill Klees, Emporium, from December 1, 1938 until December 31, 1938.

(Mrs.) Ella Bailey, Sinnemahoning, from December 1, 1938 until December 31, 1939.

(Miss) Nellie Whiting, Sterling Run, from December 1, 1938 until December 31, 1939.

Charles T. Crone, Emporium, from December 1, 1938 until December 31, 1940.

(Mrs.) Edna Schwab, Emporium, from December 1, 1938 until December 31, 1940.

James Moran, Emporium, from December 1, 1938 until December 31, 1940.

CARBON COUNTY

John Garrett, Summit Hill, from December 1, 1938 until December 31, 1938.

James Kelly, Lansford, from December 1, 1938 until December 31, 1938.

David S. Kistler, Weatherly, from December 1, 1938 until December 31, 1939.

(Mrs.) Josephine Quinn, Lansford, from December 1, 1938 until December 31, 1939.

(Mrs.) Bertha M. Binder, East Mauch Chunk, from December 1, 1938 until December 31, 1940.
Leon A. Stemler, Palmerton, from December 1, 1938 until December 31, 1940.

CENTRE COUNTY

Lloyd Boob, Millheim, from December 1, 1938 until December 31, 1938.
(Mrs.) Henrietta N. Willard, State College, from December 1, 1938 until December 31, 1938.
Swengle Smith, Bellefonte, from December 1, 1938 until December 31, 1939.
Russell Spangler, Bellefonte, from December 1, 1938 until December 31, 1939.
(Mrs.) Lona Johnson, Philipsburg, from December 1, 1938 until December 31, 1940.
(Mrs.) Catherine Kilpatrick, Bellefonte, from December 1, 1938 until December 31, 1940.
John Searly, Bellefonte, from December 1, 1938 until December 31, 1940.

CHESTER COUNTY

(Mrs.) Emma R. Garrett, Sugartown, from December 1, 1938 until December 31, 1938.
Ray Waldron, West Chester, from December 1, 1938 until December 31, 1938.
(Mrs.) Mary E. O'Donnell, Phoenixville, from December 1, 1938 until December 31, 1939.
(Mrs.) Mabel Baer, Oxford, from December 1, 1938 until December 31, 1939.
Samuel Dickey, Lincoln University, from December 1, 1938 until December 31, 1940.
(Mrs.) Edith Owens, Parkesburg, from December 1, 1938 until December 31, 1940.

CLARION COUNTY

(Miss) Anna B. Graham, Clarion, from December 1, 1938 until December 31, 1938.
(Mrs.) Sarah Campbell Rankin, Clarion, from December 1, 1938 until December 31, 1938.
Dale Kriebel, West Montere, from December 1, 1938 until December 31, 1939.
(Mrs.) Leda R. Elder, Clarion, from December 1, 1938 until December 31, 1939.
(Mrs.) Minnie Wilson Colner, Clarion, from December 1, 1938 until December 31, 1940.
A. M. Hepler, New Bethlehem, from December 1, 1938 until December 31, 1940.

CLEARFIELD COUNTY

Roll B. Thompson, Clearfield, from December 1, 1938 until December 31, 1938.
Joseph Shankle, DuBois, from December 1, 1938 until December 31, 1939.
George B. Kirk, Kylertown, from December 1, 1938 until December 31, 1939.
(Miss) Mary White, Morrisdale, from December 1, 1938 until December 31, 1940.
(Mrs.) Mary Webb, Houtzdale, from December 1, 1938 until December 31, 1940.

CLINTON COUNTY

George Betts, Avis, from December 1, 1938 until December 31, 1938.
Edw. P. Jones, Renovo, from December 1, 1938 until December 31, 1938.
(Mrs.) Edith Bossart, Avis, from December 1, 1938 until December 31, 1939.
J. L. Lubrecht, Lock Haven, from December 1, 1938 until December 31, 1939.
(Mrs.) Mary I. Betts, Lock Haven, from December 1, 1938 until December 31, 1940.
W. A. Morris, Loganton, from December 1, 1938 until December 31, 1940.
(Mrs.) Gertrude Wheeler, Westport, from December 1, 1938 until December 31, 1940.

COLUMBIA COUNTY

K. L. Pollock, Berwick, from December 1, 1938 until December 31, 1938.
L. G. Weller, Aristes, from December 1, 1938 until December 31, 1938.
(Mrs.) Helen Bernhard, Bloomsburg, from December 1, 1938 until December 31, 1939.
(Mrs.) Inez Brewington, Benton, from December 1, 1938 until December 31, 1939.
Ellis Artley, Catawissa, from December 1, 1938 until December 31, 1940.
A. G. Everett, Benton, from December 1, 1938 until December 31, 1940.

CRAWFORD COUNTY

Wm. A. Cobb, Cambridge Springs, from December 1, 1938 until December 31, 1938.
Howard L. Moore, Cochran, from December 1, 1938 until December 31, 1938.
Emmett A. Allen, Guys Mills, from December 1, 1938 until December 31, 1939.
(Mrs.) Jeannette W. Hood Beatty, Meadville, from December 1, 1938 until December 31, 1939.
W. C. Arthur, Meadville, from December 1, 1938 until December 31, 1940.
(Mrs.) Ella H. Bayliss, Titusville, from December 1, 1938 until December 31, 1940.
John J. McAndrews, Coneautville, from December 1, 1938 until December 31, 1940.

CUMBERLAND COUNTY

(Mrs.) Rachel Boyd Hollar, Shippensburg, from December 1, 1938 until December 31, 1940.
(Miss) Margaret M. Moser, Mechanicsburg, from December 1, 1938 until December 31, 1938.
Charles A. Goodyear, Carlisle, from December 1, 1938 until December 31, 1939.
(Mrs.) Helen S. Faller, Carlisle, from December 1, 1938 until December 31, 1940.
(Mrs.) Merte Kehr, Camp Hill, from December 1, 1938 until December 31, 1940.
(Mrs.) Nancy H. Spahr, Mechanicsburg, from December 1, 1938 until December 31, 1940.

DAUPHIN COUNTY

H. M. Kirkpatrick, Harrisburg, from December 1, 1938 until December 31, 1938.
Frank A. Robbins, Steelton, from December 1, 1938 until December 31, 1938.
(Mrs.) Belle K. Kunkel, Harrisburg, from December 1, 1938 until December 31, 1939.
Elwood Moffett, Williamstown, from December 1, 1938 until December 31, 1939.
E. R. Eckenrode, Harrisburg, from December 1, 1938 until December 31, 1940.
Charles S. Davis, Steelton, from December 1, 1938 until December 31, 1940.
(Mrs.) Gabriella C. Gilbert, Harrisburg, from December 1, 1938 until December 31, 1940.

DELAWARE COUNTY

(Mrs.) Winifred Bonner, Yeadon, from December 1, 1938 until December 31, 1940.
George W. Wilkins, Lansdowne, from December 1, 1938 until December 31, 1938.
Leslie P. Hill, Cheyney, from December 1, 1938 until December 31, 1938.
Raymond Loughhead, Chester, from December 1, 1938 until December 31, 1939.
D. Montford Melchior, Lansdowne, from December 1, 1938 until December 31, 1939.
(Mrs.) Ann T. Monihan, Ridley Park, from December 1, 1938 until December 31, 1940.
(Mrs.) Henrietta G. S. Jaquette, Swarthmore, from December 1, 1938 until December 31, 1940.

ELK COUNTY

(Mrs.) Kathryn Gardner, Ridgway, from December 1, 1938 until December 31, 1938.
 John F. O'Leary, St. Marys, from December 1, 1938 until December 31, 1938.
 (Mrs.) Susan Geary, Ridgway, from December 1, 1938 until December 31, 1939.
 W. Scott Williams, Ridgway, from December 1, 1938 until December 31, 1939.
 Edward G. Smith, St. Marys, from December 1, 1938 until December 31, 1940.
 John H. Cartwright, Ridgway, from December 1, 1938 until December 31, 1940.
 (Mrs.) Anna M. Kaul, St. Marys, from December 1, 1938 until December 31, 1940.

ERIE COUNTY

Olin W. Bracken, Corry, from December 1, 1938 until December 31, 1939.
 (Mrs.) Anne Celina Haule, Erie, from December 1, 1938 until December 31, 1939.
 E. C. Dalton, Wesleyville, from December 1, 1938 until December 31, 1940.
 P. J. Grant, Erie, from December 1, 1938 until December 31, 1940.
 Leo J. Omelian, Erie, from December 1, 1938 until December 31, 1940.
 Homer S. Brown, Erie, from December 1, 1938 until December 31, 1938.

FAYETTE COUNTY

Herman H. Will, Uniontown, from December 1, 1938 until December 31, 1940.
 (Mrs.) Alonzo C. Hagan, Uniontown, from December 1, 1938 until December 31, 1939.
 Chas. Weihe, Connellsville, from December 1, 1938 until December 31, 1938.
 (Mrs.) Anna Manoli, Republic, from December 1, 1938 until December 31, 1939.
 (Mrs.) Virginia Brown Newell, Uniontown, from December 1, 1938 until December 31, 1938.
 (Mrs.) Alberta Bendik, Uniontown, from December 1, 1938 until December 31, 1940.
 John J. Campbell, Uniontown, from December 1, 1938 until December 31, 1940.

FOREST COUNTY

(Mrs.) Cecile Elizabeth Baughman, Marienville, from December 1, 1938 until December 31, 1938.
 (Mrs.) Anna Belle Schall, Tidioute, from December 1, 1938 until December 31, 1939.
 Myron Fielman, Marienville, from December 1, 1938 until December 31, 1940.
 Forest Huff, Clarington, from December 1, 1938 until December 31, 1939.
 James C. Bowman, Tionesta, from December 1, 1938 until December 31, 1940.
 (Miss) Helen Landers, Tionesta, from December 1, 1938 until December 31, 1940.
 George H. Reed, Tionesta, from December 1, 1938 until December 31, 1938.

FRANKLIN COUNTY

W. B. O'Rear, Waynesboro, from December 1, 1938 until December 31, 1938.
 S. G. Coons, Dry Run, from December 1, 1938 until December 31, 1938.
 (Mrs.) Elizabeth S. Sellers, Greencastle, from December 1, 1938 until December 31, 1939.
 John W. Warehime, Waynesboro, from December 1, 1938 until December 31, 1939.
 Eckert Miller, Mercersburg, from December 1, 1938 until December 31, 1940.
 (Mrs.) Emma Elizabeth W. Hutton, Chambersburg, from December 1, 1938 until December 31, 1940.
 John Holden, Chambersburg, from December 1, 1938 until December 31, 1940.

FULTON COUNTY

William J. Lowe, McConnellsburg, from December 1, 1938, until December 31, 1938.
 Frank Stinson, McConnellsburg, from December 1, 1938 until December 31, 1938.
 (Mrs.) Rebecca Stevens, McConnellsburg, from December 1, 1938, until December 31, 1939.
 (Mrs.) Bertha Kirk, Warfordsburg, from December 1, 1938, until December 31, 1939.
 (Mrs.) Lena McClam, Hustontown, from December 1, 1938, until December 31, 1940.
 (Mrs.) Grace Sheetz, McConnellsburg, from December 1, 1938, until December 31, 1940.
 (Mrs.) Ethel Duffey, Webster Mills, from December 1, 1938, until December 31, 1940.

GREENE COUNTY

W. Robert Thompson, Waynesburg, from December 1, 1938, until December 31, 1938.
 (Mrs.) Ocie H. Clark, Waynesburg, from December 1, 1938, until December 31, 1938.
 John Rapchak, Nemacolin, from December 1, 1938 until December 31, 1939.
 James Null, New Freeport, from December 1, 1938 until December 31, 1939.
 (Mrs.) Esther Parker Wood, Waynesburg, from December 1, 1938 until December 31, 1940.
 (Mrs.) Edith Bailey Purman, Waynesburg, from December 1, 1938 until December 31, 1940.
 (Mrs.) Brenda McClure Donley, Mt. Morris, from December 1, 1938 until December 31, 1940.

HUNTINGDON COUNTY

(Mrs.) Elizabeth Adams, Mt. Union, from December 1, 1938 until December 31, 1938.
 Henry Stafford, Huntingdon, from December 1, 1938 until December 31, 1938.
 Boyd Ewing, Orbisonia, from December 1, 1938 until December 31, 1939.
 (Mrs.) Fern Neff, Huntingdon, from December 1, 1938 until December 31, 1940.
 (Mrs.) Lillian McGarvey, Sharleysburg, from December 1, 1938 until December 31, 1940.
 Roy I. Grove, Alexandria, from December 1, 1938 until December 31, 1939.

INDIANA COUNTY

(Mrs.) Frances Woodburn, Indiana, from December 1, 1938 until December 31, 1938.
 (Miss) Elizabeth Stonoback, Black Lick, from December 1, 1938 until December 31, 1939.
 George C. Martin, Clymer, from December 1, 1938 until December 31, 1940.
 John Ghizzoni, Homer City, from December 1, 1938 until December 31, 1940.
 (Mrs.) Bessie P. Kunkle, Shelocta, from December 1, 1938 until December 31, 1939.
 Charles G. Frothero, Heene, from December 1, 1938 until December 31, 1940.

JEFFERSON COUNTY

(Mrs.) Charlotte Britten, Brockway, from December 1, 1938 until December 31, 1938.
 (Mrs.) Adaline S. Corbett, Summerville, from December 1, 1938 until December 31, 1938.
 Thomas C. McQuown, Big Run, from December 1, 1938, until December 31, 1939.
 Leo D. Sullivan, Punxsutawney, from December 1, 1938 until December 31, 1939.
 (Miss) Cynthia Wehrle, Reynoldsville, from December 1, 1938 until December 31, 1940.
 (Mrs.) Hazel Edelblute, Reynoldsville, from December 1, 1938 until December 31, 1940.
 (Mrs.) Minnie Dillman, Brookville, from December 1, 1938 until December 31, 1940.

JUNIATA COUNTY

Jacob L. Groninger, Port Royal, from December 1, 1938 until December 31, 1938.

(Mrs.) Mary Headings, McAlisterville, from December 1, 1938 until December 31, 1938.

Banks L. Swartz, McAlisterville, from December 1, 1938 until December 31, 1939.

(Mrs.) Pearl Basom, Richfield, from December 1, 1938 until December 31, 1939.

Allen I. Klinger, Liverpool, from December 1, 1938 until December 31, 1940.

Bryan Crawford, McCoysville, from December 1, 1938 until December 31, 1940.

Harvey C. Hass, Mexico, from December 1, 1938 until December 31, 1940.

LACKAWANNA COUNTY

S. U. Colbassani, Old Forge, from December 1, 1938 until December 31, 1938.

John Hart, Mayfield, from December 1, 1938 until December 31, 1938.

Michael Holod, Dickson City, from December 1, 1938 until December 31, 1939.

Thomas A. Dempsey, Scranton, from December 1, 1938 until December 31, 1939.

(Mrs.) Katherine M. Butler, Archbald, from December 1, 1938 until December 31, 1940.

(Mrs.) Elizabeth Kraemer, Scranton, from December 1, 1938 until December 31, 1940.

James B. Rosenfeld, Scranton, from December 1, 1938 until December 31, 1940.

LANCASTER COUNTY

P. Harry Wohlsen, Lancaster, from December 1, 1938 until December 31, 1938.

Wm. E. Alexander, Lancaster, from December 1, 1938 until December 31, 1938.

(Mrs.) Laura Burtz Royce, Columbia, from December 1, 1938 until December 31, 1939.

(Mrs.) Katherine Flinn Foltz, Kinzer, from December 1, 1938 until December 31, 1939.

(Mrs.) Eleanor Swift Howell, Lancaster, from December 1, 1938 until December 31, 1940.

Wallace R. Knerr, Denver, from December 1, 1938 until December 31, 1940.

George W. Hensel, Jr., Quarryville, from December 1, 1938 until December 31, 1940.

LAWRENCE COUNTY

(Mrs.) Blanche Sampson, Volant, from December 1, 1938 until December 31, 1938.

D. D. Valiensi, New Castle, from December 1, 1938 until December 31, 1938.

Harry H. Davies, New Castle, from December 1, 1938 until December 31, 1939.

(Mrs.) Bernice Shannon, New Castle, from December 1, 1938 until December 31, 1939.

G. S. Bennett, New Castle, from December 1, 1938 until December 31, 1940.

P. F. Butz, New Castle, from December 1, 1938 until December 31, 1940.

S. D. Johnston, Ellwood City, from December 1, 1938 until December 31, 1940.

LEBANON COUNTY

Elwood Schwenk, Lebanon, from December 1, 1938 until December 31, 1938.

John J. Lawley, Lebanon, from December 1, 1938 until December 31, 1938.

(Mrs.) Clara Johnston, Lebanon, from December 1, 1938 until December 31, 1939.

(Mrs.) Helen Krause, Lebanon, from December 1, 1938 until December 31, 1940.

(Mrs.) Addie Dinah Brenner, Lebanon, from December 1, 1938 until December 31, 1940.

(Mrs.) Ernestine Turner Weber, Lebanon, from December 1, 1938 until December 31, 1940.

LEHIGH COUNTY

William A. Gibson, Allentown, from December 1, 1938 until December 31, 1938.

Albert D. Gomery, Allentown, from December 1, 1938 until December 31, 1938.

Thos. L. Smyth, Allentown, from December 1, 1938 until December 31, 1939.

(Mrs.) Melba Hennemuth, Emaus, from December 1, 1938 until December 31, 1939.

(Mrs.) Anna O'Brien, Allentown, from December 1, 1938 until December 31, 1940.

(Mrs.) Edna Zweifel, Bethlehem, from December 1, 1938 until December 31, 1940.

(Mrs.) Cora Gangewere, Allentown, from December 1, 1938 until December 31, 1940.

LUZERNE COUNTY

Frank Correale, Hazleton, from December 1, 1938 until December 31, 1938.

Abram Salsburg, Wilkes-Barre, from December 1, 1938 until December 31, 1938.

John B. Gallagher, Wilkes-Barre, from December 1, 1938 until December 31, 1939.

Franklin Hill, Nanticoke, from December 1, 1938 until December 31, 1940.

(Mrs.) Mary Agnes Gillis, Wilkes-Barre, from December 1, 1938 until December 31, 1940.

(Mrs.) May Conlon Mundy, Wilkes-Barre, from December 1, 1938 until December 31, 1940.

Charles K. Dewees, Forty Fort, from December 1, 1938 until December 31, 1939.

LYCOMING COUNTY

(Mrs.) Isabella Fairfax, Williamsport, from December 1, 1938 until December 31, 1938.

(Mrs.) Sylvia B. Hays, Williamsport, from December 1, 1938 until December 31, 1939.

(Mrs.) Alice Delaney, Williamsport, from December 1, 1938 until December 31, 1939.

Kenneth D. Poust, Hughesville, from December 1, 1938 until December 31, 1940.

Joseph A. London, Jersey Shore, from December 1, 1938 until December 31, 1940.

James W. Foresman, Williamsport, from December 1, 1938 until December 31, 1940.

McKEAN COUNTY

Elisha K. Kane, Kane, from December 1, 1938 until December 31, 1940.

(Miss) Bernice Horne, Bradford, from December 1, 1938 until December 31, 1940.

Martin E. Hanson, Bradford, from December 1, 1938 until December 31, 1939.

(Mrs.) Beulah Lee Finney, Bradford, from December 1, 1938 until December 31, 1939.

Edward M. O'Neill, Bradford, from December 1, 1938 until December 31, 1940.

MERCER COUNTY

R. E. English, Grove City, from December 1, 1938 until December 31, 1938.

W. W. Richardson, Mercer, from December 1, 1938 until December 31, 1938.

(Miss) Myrtle L. Allen, Sharon, from December 1, 1938 until December 31, 1939.

(Mrs.) Mildred Clark, Sharpsville, from December 1, 1938 until December 31, 1939.

Stephen B. Doyle, Sharon, from December 1, 1938 until December 31, 1940.

Charles D. Rissell, Greenville, from December 1, 1938 until December 31, 1940.

Geo. Frankel, Farrell, from December 1, 1938 until December 31, 1940.

MIFFLIN COUNTY

(Mrs.) Edith M. Jones, Burnham, from December 1, 1938 until December 31, 1938.

W. H. Allison, Lewistown, from December 1, 1938 until December 31, 1939.

(Mrs.) Marian U. Hoffman, Lewistown, from December 1, 1938 until December 31, 1939.

P. M. Headings, Lewistown, from December 1, 1938 until December 31, 1940.

T. C. Matthews, Lewistown, from December 1, 1938 until December 31, 1940.

Charles C. Duck, Lewistown, from December 1, 1938 until December 31, 1940.

James H. Goss, Lewistown, from December 1, 1938 until December 31, 1938.

MONROE COUNTY

Ernest H. Wycoff, Stroudsburg, from December 1, 1938 until December 31, 1938.

(Mrs.) Leila M. Beers, Stroudsburg, from December 1, 1938 until December 31, 1939.

(Mrs.) Helen M. Hoffman, East Stroudsburg, from December 1, 1938 until December 31, 1940.

(Mrs.) Hazel S. Achterman, Stroudsburg, from December 1, 1938 until December 31, 1940.

(Mrs.) Elmira Shafer, Gilbert, from December 1, 1938 until December 31, 1940.

MONTGOMERY COUNTY

(Mrs.) Agnes O'Neil, Conshohocken, from December 1, 1938 until December 31, 1938.

Harry K. Bush, Pottstown, from December 1, 1938 until December 31, 1940.

(Mrs.) Jeane R. French, Collegeville, from December 1, 1938 until December 31, 1939.

(Mrs.) Lillian L. Strauss, Ashbourne, from December 1, 1938 until December 31, 1940.

James J. Kane, Bridgeport, from December 1, 1938 until December 31, 1939.

Willis B. Bergey, Telford, from December 1, 1938 until December 31, 1940.

(Miss) Marjorie N. McCoy, Haverford, from December 1, 1938 until December 31, 1938.

MONTOUR COUNTY

(Mrs.) Erma T. Deily, Danville, from December 1, 1938 until December 31, 1938.

Harry Hinshillwood, Danville, from December 1, 1938 until December 31, 1938.

Chas. Peifer, Danville, from December 1, 1938 until December 31, 1939.

(Mrs.) Eloise Shultz, Mooresburg, from December 1, 1938 until December 31, 1939.

(Mrs.) Mary F. Wagner, Danville, from December 1, 1938 until December 31, 1940.

(Mrs.) Blanche Baynhan, Danville, from December 1, 1938 until December 31, 1940.

(Mrs.) Mary Perry, Danville, from December 1, 1938 until December 31, 1940.

NORTHAMPTON COUNTY

(Mrs.) Jennie Kubilus, Nazareth, from December 1, 1938 until December 31, 1938.

(Mrs.) Matland Raines, Pen Argyl, from December 1, 1938 until December 31, 1938.

David Brillhardt, Bethlehem, from December 1, 1938 until December 31, 1939.

(Mrs.) Dora Levin, Easton, from December 1, 1938 until December 31, 1940.

Charles P. Warner, Easton, from December 1, 1938 until December 31, 1940.

NORTHUMBERLAND COUNTY

Mike Kotanciek, Shamokin, from December 1, 1938 until December 31, 1938.

James Leavens, Shamokin, from December 1, 1938 until December 31, 1938.

Silas Nayfield, Mount Carmel, from December 1, 1938 until December 31, 1939.

Wm. Buckley, Mount Carmel, from December 1, 1938 until December 31, 1939.

(Mrs.) Loretta Houtz, Sunbury, from December 1, 1938 until December 31, 1940.

R. B. McCay, Sunbury, from December 1, 1938 until December 31, 1940.

(Mrs.) Irene Clinger, Milton, from December 1, 1938 until December 31, 1940.

PERRY COUNTY

G. Thomas Adams, Shermansdale, from December 1, 1938 until December 31, 1938.

(Miss) Mabel O. Ellenberger, Marysville, from December 1, 1938 until December 31, 1939.

(Mrs.) May S. Sharp, Newport, from December 1, 1938 until December 31, 1939.

B. Stiles Duncan, Duncannon, from December 1, 1938 until December 31, 1940.

Edward L. Holman, New Bloomfield, from December 1, 1938 until December 31, 1940.

PHILADELPHIA COUNTY

(Mrs.) Elsie Pfaelzer, Philadelphia, from December 1, 1938 until December 31, 1938.

Louis Schmidt, Philadelphia, from December 1, 1938 until December 31, 1938.

Vincent DeVergiliis, Philadelphia, from December 1, 1938 until December 31, 1938.

Philip C. Staples, Philadelphia, from December 1, 1938 until December 31, 1939.

Henry P. Cheatham, Philadelphia, from December 1, 1938 until December 31, 1939.

Joseph D. Burke, Philadelphia, from December 1, 1938 until December 31, 1940.

(Mrs.) Rose Anna Piekarski, Philadelphia, from December 1, 1938 until December 31, 1940.

Louis Heiland, Philadelphia, from December 1, 1938 until December 31, 1940.

John J. Cregan, Philadelphia, from December 1, 1938 until December 31, 1940.

Robert Weinstein, Philadelphia, from December 1, 1938 until December 31, 1939.

PIKE COUNTY

(Mrs.) Virginia S. Black, Milford, from December 1, 1938 until December 31, 1938.

Joseph Mager, Matamoras, from December 1, 1938 until December 31, 1939.

(Mrs.) Ethel Schumacher, Matamoras, from December 1, 1938 until December 31, 1939.

Raymond Hessberger, Lackawaxen, from December 1, 1938 until December 31, 1940.

(Mrs.) Katherine Grimm, Greentown, from December 1, 1938 until December 31, 1940.

George E. Darragh, Dingmans Ferry, from December 1, 1938 until December 31, 1940.

POTTER COUNTY

(Mrs.) Emma K. Grover, Ulysses, from December 1, 1938 until December 31, 1938.

Walter T. Palmer, Shinglehouse, from December 1, 1938 until December 31, 1938.

Claude Valentine, Roulette, from December 1, 1938 until December 31, 1939.

(Mrs.) Lenore Marie Carroll, Genesee, from December 1, 1938 until December 31, 1939.

(Mrs.) Mary Burt, Coudersport, from December 1, 1938 until December 31, 1940.

SCHUYLKILL COUNTY

I. A. Seltzer, Ringtown, from December 1, 1938 until December 31, 1938.

(Mrs.) Ann Pepper, Ashland, from December 1, 1938 until December 31, 1938.

(Mrs.) Nan Kenney, Mahanoy City, from December 1, 1938 until December 31, 1939.

Charles B. Williams, Pottsville, from December 1, 1938 until December 31, 1939.

Martin Brennan, Heckscherville, from December 1, 1938 until December 31, 1940.

(Mrs.) Helen Chaikowski, Shenandoah, from December 1, 1938 until December 31, 1940.

Ed. Marazas, Minersville, from December 1, 1938 until December 31, 1940.

SNYDER COUNTY

John O. Parry, Port Trevorton, from December 1, 1938 until December 31, 1938.

George Rhoads, Shamokin Dam, from December 1, 1938 until December 31, 1938.

(Mrs.) Phoebe Wetzel, Selinsgrove, from December 1, 1938 until December 31, 1939.

David Owens, Selinsgrove, from December 1, 1938 until December 31, 1940.

Cloyd Zeiders, Freeburg, from December 1, 1938 until December 31, 1940.

(Mrs.) Wilhelmina Stetler, Middleburg, from December 1, 1938 until December 31, 1940.

(Mrs.) Victoria Harrison, Beaver Springs, from December 1, 1938 until December 31, 1939.

SOMERSET COUNTY

(Mrs.) Tereša Baughman, Windber, from December 1, 1938 until December 31, 1938.

(Mrs.) Jane G. Brown, Meyersdale, from December 1, 1938 until December 31, 1938.

John P. Manning, Somerset, from December 1, 1938 until December 31, 1939.

Frank R. Coder, Sr., Somerset, from December 1, 1938 until December 31, 1939.

(Mrs.) Margaret Gilbert, Jennerstown, from December 1, 1938 until December 31, 1940.

(Mrs.) Louise Miller, Somerset, from December 1, 1938 until December 31, 1940.

(Mrs.) Ruey F. Picking, Somerset, from December 1, 1938 until December 31, 1940.

SULLIVAN COUNTY

(Mrs.) Floye Davis Henning, Dushore, from December 1, 1938 until December 31, 1938.

(Mrs.) Nellie Marie Kanally, Hills Grove, from December 1, 1938 until December 31, 1938.

Frank V. Rohe, Dushore, from December 1, 1938 until December 31, 1939.

George Dietrick, Laporte, from December 1, 1938 until December 31, 1939.

(Miss) Anna M. Finan, Mildred, from December 1, 1938 until December 31, 1940.

Ralph Hugo, Forkeville, from December 1, 1938 until December 31, 1940.

James P. McGee, Lopez, from December 1, 1938 until December 31, 1940.

SUSQUEHANNA COUNTY

Mark B. Lake, South Montrose, from December 1, 1938 until December 31, 1938.

John W. Murphy, Susquehanna, from December 1, 1938 until December 31, 1939.

Michael Skubic, Forest City, from December 1, 1938 until December 31, 1940.

Michael J. O'Reilly, St. Joseph, from December 1, 1938 until December 31, 1940.

(Mrs.) Mary B. Donnelly, New Milford, from December 1, 1938 until December 31, 1940.

(Mrs.) Winifred Meehan, Montrose, from December 1, 1938 until December 31, 1939.

TIOGA COUNTY

Arthur H. Dartt, Mellsboro, from December 1, 1938 until December 31, 1938.

William Trowbridge, Westfield, from December 1, 1938 until December 31, 1938.

Thomas J. Birmingham, Morris, from December 1, 1938 until December 31, 1939.

Stanley J. Hudzinski, Morris Run, from December 1, 1938 until December 31, 1939.

John J. Preston, Mansfield, from December 1, 1938 until December 31, 1940.

(Mrs.) Edna Mae Fleitz, Mansfield, from December 1, 1938 until December 31, 1940.

UNION COUNTY

(Mrs.) Laura VonNeida, Laurelton, from December 1, 1938 until December 31, 1938.

Charles DeWire, Lewisburg, from December 1, 1938 until December 31, 1938.

(Mrs.) Blanche A. Ehrhart, Mifflinburg, from December 1, 1938 until December 31, 1939.

Charles Zeller, Lewisburg, from December 1, 1938 until December 31, 1939.

Harry Barber, Lewisburg, from December 1, 1938 until December 31, 1940.

Floyd Huff, White Deer, from December 1, 1938 until December 31, 1940.

VENANGO COUNTY

(Mrs.) Eleanor Jenkins McLaughlin, Oil City, from December 1, 1938 until December 31, 1938.

W. Robert Webb, Franklin, from December 1, 1938 until December 31, 1938.

Maurice Splain, Oil City, from December 1, 1938 until December 31, 1939.

Emmett E. Bailey, Oil City, from December 1, 1938 until December 31, 1939.

(Mrs.) Lillian Karns, Franklin, from December 1, 1938 until December 31, 1940.

(Mrs.) Agnes F. Carmichael, Franklin, from December 1, 1938 until December 31, 1940.

(Miss) Winnie Egbert, Oil City, from December 1, 1938 until December 31, 1940.

WARREN COUNTY

(Mrs.) Minnie Haggerty, Sugar Grove, from December 1, 1938 until December 31, 1938.

Leonard Swanson, Warren, from December 1, 1938 until December 31, 1939.

(Mrs.) Margaret Cecelia Harris, Tidioute, from December 1, 1938 until December 31, 1940.

(Mrs.) Mary McCracken, East Warren, from December 1, 1938 until December 31, 1940.

(Mrs.) Bessie Elder, Sheffield, from December 1, 1938 until December 31, 1940.

(Mrs.) Nellie G. Walker, Warren, from December 1, 1938 until December 31, 1939.

WASHINGTON COUNTY

Ralph W. Martin, Fredericktown, from December 1, 1938 until December 31, 1938.

Robert Crawford, Richeyville, from December 1, 1938 until December 31, 1938.

(Mrs.) Gladys Parry, Elrama, from December 1, 1938 until December 31, 1939.

Henry Sheaff, Canonsburg, from December 1, 1938 until December 31, 1940.

Samuel White, Claysville, from December 1, 1938 until December 31, 1940.

(Mrs.) Dorothy Richey, Burgettstown, from December 1, 1938 until December 31, 1940.

W. C. Edwards, California, from December 1, 1938 until December 31, 1939.

WAYNE COUNTY

Lyle Swingle, Lake Ariel, from December 1, 1938 until December 31, 1938.

(Mrs.) Lydia Dietrich, Aldenville, from December 1, 1938 until December 31, 1938.

(Mrs.) Lottie M. S. Brennenman, Honesdale, from December 1, 1938 until December 31, 1939.

George Gilchrist, Lake Como, from December 1, 1938 until December 31, 1939.

(Mrs.) Emma Martin, Goldsboro, from December 1, 1938 until December 31, 1940.

(Mrs.) Mae Thorpe Osborn, Honesdale, from December 1, 1938 until December 31, 1940.

(Miss) Bridget Corcoran, Hawley, from December 1, 1938 until December 31, 1940.

WESTMORELAND COUNTY

(Mrs.) Mary McDonough Dinsmore, New Kensington, from December 1, 1938 until December 31, 1938.

(Miss) Nell Duke Shafon, from December 1, 1938 until December 31, 1938.

(Mrs.) Margaret Flavin, Monessen, from December 1, 1938 until December 31, 1939.

(Mrs.) Mary Ann Noel, Derry, from December 1, 1938 until December 31, 1940.

Edward Sterling, Vandergrift, from December 1, 1938 until December 31, 1940.

J. Claire Manson, Jeannette, from December 1, 1938 until December 31, 1940.

WYOMING COUNTY

(Mrs.) Helen Smith, Nicholson, from December 1, 1938 until December 31, 1938.

(Mrs.) Lillian Auvil, Noxen, from December 1, 1938 until December 31, 1939.

(Mrs.) Hilda C. Vaughn, Mehoopany, from December 1, 1938 until December 31, 1940.

(Mrs.) Mary Quinn, Meshoppen, from December 1, 1938 until December 31, 1940.

B. L. Billings, Tunkhannock, from December 1, 1938 until December 31, 1938.

YORK COUNTY

(Mrs.) Nellie Neely, High Rock, from December 1, 1938 until December 31, 1938.

(Mrs.) Helen J. Appell, York, from December 1, 1938 until December 31, 1938.

Bertram R. Moore, York, from December 1, 1938 until December 31, 1939.

(Mrs.) Lois Rinchardt, York, from December 1, 1938 until December 31, 1939.

(Mrs.) Edythe Brenneman, York, from December 1, 1938 until December 31, 1940.

(Mrs.) Lorma Myers, Hanover, from December 1, 1938 until December 31, 1940.

H. C. Ulmer, York, from December 1, 1938 until December 31, 1940.

GEORGE H. EARLE.

RECESS

Mr. EALY. Mr. President, I move that the Senate do now take a recess for twenty-five minutes.

Mr. OWLETT. Mr. President, I second the motion.

The motion was agreed to.

ANNOUNCEMENTS BY THE SECRETARY

There will be a meeting of the Democratic Senators in the office of the Secretary of the Senate.

There will be a meeting of the Committee on Executive Nominations in the office of the President Pro Tempore.

AFTER RECESS

The PRESIDENT. The time of recess having elapsed the Senate will be in order.

Mr. SHAPIRO. Mr. President, I ask unanimous consent to present a bill at this time. Mr. President, in presenting this bill I should like to state that at the last session of the Legislature the Governor appointed a committee known as the City Charter Commission of Philadelphia. Senator Woodward of Philadelphia, my colleague and myself are members of that Commission. That Commission has prepared a bill for a new city charter and two supplementary bills. On behalf of Senator Woodward and myself I read in place and present the following bills.

Mr. President, due to the fact that Committee appointments have not been announced I ask that these bills be laid on the table until they may be referred to some appropriate committee.

The PRESIDENT. Is there any objection?

The Chair hears none.

REPORT FROM COMMITTEE

Mr. EALY. Mr. President, I am directed by the Committee on Executive Nominations to report with favorable recommendations the following nominations of His Excellency the Governor for positions in his Cabinet.

Commonwealth of Pennsylvania,

Governor's Office, Harrisburg, January 17, 1939.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor to nominate for the advice and consent of the Senate the following:

SECRETARY OF THE COMMONWEALTH

Miss Sophia M. R. O'Hara, Wilkes-Barre, Luzerne County, for appointment as Secretary of the Commonwealth, to serve until superseded, vice David L. Lawrence.

ATTORNEY GENERAL

Claude Trexler Reno, Allentown, Lehigh County, for appointment as Attorney General, to serve until superseded, vice Guy K. Bard.

ADJUTANT GENERAL

Edward Martin, Washington, Washington County, for appointment as Adjutant General, to serve until the third Tuesday of January, 1943, and until his successor shall have been appointed and qualified, vice Frederick B. Kerr.

INSURANCE COMMISSIONER

Matthew H. Taggart, Sunbury, Northumberland County, for appointment as Insurance Commissioner, to serve until the third Tuesday of January, 1943, and until his successor shall have been appointed and qualified, vice Owen B. Hunt.

SECRETARY OF BANKING

Robert W. Doty, 2041 Whitehall Street, Harrisburg, Dauphin County, for appointment as Secretary of Banking, to serve until the third Tuesday of January, 1943, and until his successor shall have been appointed and qualified, vice Irland McK. Beckman.

SECRETARY OF AGRICULTURE

John H. Light, Lebanon, Lebanon County, for appointment as Secretary of Agriculture, to serve until the third Tuesday of January, 1943, and until his successor shall have been appointed and qualified, vice J. Hansell French.

SECRETARY OF PROPERTY AND SUPPLIES

Rodger Rowland, New Castle, Lawrence County, for appointment as Secretary of Property and Supplies, to serve until the third Tuesday of January, 1943, and until his successor shall have been appointed and qualified, vice Arthur Colegrove.

SECRETARY OF FORESTS AND WATERS

G. Albert Stewart, Clearfield, Clearfield County, for appointment as Secretary of Forests and Waters, to serve until the third Tuesday of January, 1943, and until his successor shall have been appointed and qualified, vice James F. Bogardus.

SECRETARY OF MINES

John Ira Thomas, Philipsburg, Centre County, for appointment as Secretary of Mines, to serve until the third Tuesday of January, 1943, and until his successor shall have been appointed and qualified, to fill a vacancy.

SECRETARY OF HIGHWAYS

I. Lamont Hughes, Pittsburgh, Allegheny County, for appointment as Secretary of Highways, to serve until the

third Tuesday of January, 1943, and until his successor shall have been appointed and qualified, vice Roy E. Brownmiller.

SECRETARY OF HEALTH

John J. Shaw, Philadelphia, Philadelphia County, for appointment as Secretary of Health, to serve until the third Tuesday of January, 1943, and until his successor shall have been appointed and qualified, vice Edith MacBride-Dexter.

COMMISSIONER OF PENNSYLVANIA MOTOR POLICE

Lynn G. Adams, Harrisburg, Dauphin County, for appointment as Commissioner of the Pennsylvania Motor Police, to serve until the third Tuesday of January, 1943, and until his successor shall have been appointed and qualified, vice Percy W. Foote.

SECRETARY OF LABOR AND INDUSTRY

Lewis G. Hines, Philadelphia, Philadelphia County, for appointment as Secretary of Labor and Industry, to serve until the third Tuesday of January, 1943, and until his successor shall have been appointed and qualified, vice Ralph M. Bashore.

SECRETARY OF WELFARE

E. Arthur Sweney, Greensburg, Westmoreland County, for appointment as Secretary of Welfare, to serve until the third Tuesday of January, 1943, and until his successor shall have been appointed and qualified, vice Charles I. Engard.

SECRETARY OF REVENUE

William J. Hamilton, Jr., Philadelphia, Philadelphia County, for appointment as Secretary of Revenue, to serve until the third Tuesday of January, 1943, and until his successor shall have been appointed and qualified, vice J. Griffith Boardman.

SECRETARY OF PUBLIC ASSISTANCE

Howard L. Russell, Upper Darby, Delaware County, for appointment as Secretary of Public Assistance, to serve until the third Tuesday of January, 1943, and until his successor shall have been appointed and qualified, vice Arthur W. Howe, Jr.

ARTHUR H. JAMES.

EXECUTIVE SESSION

By unanimous consent,

A motion was made by Mr. OWLETT and Mr. MALLERY

That Rule 38 which requires nominations made by the Governor lie over one day be dispensed with, and the Senate do now resolve itself into Executive Session, for the purpose of acting on the foregoing nominations.

Which was agreed to.

Whereupon,

A motion was made by Mr. OWLETT and Mr. MALLERY

That the Senate do advise and consent to said nominations.

On the question,

Will the Senate agree to the motion?

Mr. SHAPIRO. Mr. President, I object.

Mr. OWLETT. Mr. President, I now move to suspend Rule 38 which declares that nominations made by the Governor to lie on the table one day be dispensed with and the Senate do now resolve into Executive Session for the purpose of acting on the foregoing nominations which have just been reported by the Committee on Executive Nominations.

Mr. MALLERY. Mr. President, I second the motion.

Mr. SHAPIRO. Mr. President, I object. I should like to speak on the motion.

The PRESIDENT. I will read this rule for the information of this Senate "The consent of two-thirds of the members of the Senate will be necessary to dispense with any rule."

Mr. SHAPIRO. Mr. President, I think it is incumbent and fair that we should make our position plain just as the Republican majority has made its position plain to us. The action of this Senate, the Republican majority have today taken against our protest, we consider involves the organization of the Senate and we feel that this Senate can conduct no business until it conforms to the order of business. Because the minutes have been laid on the table, the minutes of the session of January 3, 1938, and because there its no approval of the organization of this Senate, we take the position that we can not and should not be called upon to vote upon any confirmation by the Senate. We want to record our objections on a pervious action in reconsideration without the proper vote and without the proper authority the approval of the minutes this morning in the session of January 3, 1939, and we ask for roll call and intend to vote no.

Mr. OWLETT. Mr. President, for the information of the Senate I desire to state that we deemed the Journal was merely a record of what took place on January 3. The vote by which that Journal was approved this morning has been reconsidered and the record laid on the table. I suggest, Mr. President, that that in no way affects the fact that a proceeding was had on January 3, 1939 no matter how illegal part of that proceeding may have been. It does not affect the original organization in so far as the action taken in that meeting on January 3, 1939 was proper but it leaves open the Journal so that this Senate if it finds that this Journal needs correction may correct it. I submit therefore, Mr. President, that the point raised by the gentleman from Philadelphia was not well taken.

May I also call the Senate's attention to the fact that from time immemorial it has been the custom and the practice of the Senate of Pennsylvania on the day that the Governor is inaugurated to submit to this Senate for consideration the Cabinet and has been the universal practice, Mr. President, for this Senate to suspend Rule 38 requiring the nominations be laid on the table one day and to give immediate consideration because this body has heretofore recognized that when the Governor is inducted into office it is necessary that if this Government is to function that he have his official family. Now I take it, Mr. President, that the Governor can not insist that the Senate take everyone of his nominations if there is serious objection to one of them or if the Senate is not satisfied as to the qualification of any nominee. I do take it that the Senate has no right to arbitrarily refuse to confirm the whole of the Governor's Cabinet and in that connection may I call the Senate's attention to the statement made by the Senator from Philadelphia, Mr. Shapiro, in this Senate just last November 21, and it has been made repeatedly on the floor of this Senate that the Governor's Cabinet was his official family and that was his arm in the functioning of the Government of this State.

Governor James has been elected Governor of the Commonwealth by the people of Pennsylvania and I state to my friends on the left, that the people of Pennsylvania expect that this Senate will not arbitrarily block

the functioning of any Governor or this new Governor, and may I call attention to my friends on the left that four years ago when Governor Earle was elected Governor of the Commonwealth we had thirty-four Republican Senators in this body and the very day that Governor Earle was sworn in office we gave unanimous consent for suspension of Rule 38 and we unanimously confirmed every single member of Governor Earle's Cabinet. Now I say to my friends, That I do not believe that you want it to go out over the State of Pennsylvania that you men propose to arbitrarily block the functioning of this new administration. I do not believe that the people of Pennsylvania will stand for this Senate arbitrarily rejecting the Cabinet of Governor James because the people of Pennsylvania expect us to give Governor James a chance of having his administration functioning in a normal regular way. So I say, Mr. President, that the objection of the Senator from Philadelphia, who himself has repeatedly stated on the floor of this Senate that a Governor is entitled to fair consideration on the merits of his Cabinet Nominations and that he intended to vote for the Governor's Cabinet. I say that when he rises here at this time a question that because merely the record of what took place January 3, has been laid upon the table so that we can correct the part of that record that is not right, I say that when he raises a point of order that it is not well taken.

Mr. President I also want to call the attention of my friends on the left that the fact at the last Special Session of this Senate which adjourned after the election on November the 8th, the Committee on Executive Nominations brought out on the floor of this Senate every single Cabinet position and we promptly confirmed them by unanimous vote, all the Republicans voting for them and at this time, Mr. President, the Senator from Philadelphia had this to say and I read from the Journal of the Senate of November 21, 1938, "Mr. Shapiro. Mr. President, the Senate has just confirmed the seven nominees for Cabinet offices and has rejected three nominees because, apparently, their terms may extend beyond January 17th. I want to recall to the minds of some of the members of the Senate now present that in 1935, when I sat on the other side of the House, I made the statement then concerning the incoming Governor, the present Governor, that that Governor was not my candidate but that he was my Governor. I want to repeat that statement now and say that while Mr. James was not my candidate, on the 17th of January he will be my Governor, and so far as I am concerned I will go along in every method that he suggests to provide better conditions for the citizens of the Commonwealth of Pennsylvania." Those are the words of the Senator from Philadelphia, Mr. Shapiro.

Governor James has sent to this Senate the names of men for his Cabinet and has in effect said that these men will help him provide better conditions for the citizens of the Commonwealth of Pennsylvania. I therefore wish to make it clear, Mr. President, that if my friends and colleagues on the left see fit to vote against the motion to suspend Rule 38 so that we can not consider these nominations today, that is giving notice to the State of Pennsylvania and to the people of Pennsylvania that they are going to do everything they can to block the successful administration of Judge Arthur H. James.

Mr. SHAPIRO. Mr. President, I hope in the future at least, my colleagues and the people of Pennsylvania will permit a Senator to finish speaking without interruption. I tried, but my friend from Tioga, as most of our colleagues, have tried to make these debates a matter of legislation and not personal. I agree with all that the Senator has read from my previous remarks. They are not new. I cannot be in error because I have always been consistent on that point. It is true I was a member of the Republican party, and I was here elected as a Republican Senator. I did not know that it was such news today. However, I am glad that the strangers are now informed of that fact. I have given equal service to the Republican party and to the Democratic party. Both with the same desire to do so as my duty as a citizen, and as a public official. I think it is much better for the people when a candidate considers his party duty, and I say that it does not make any difference to me whether I am a Democrat or a Republican when I walk into this Senate. The gentleman has referred to the record. If he will look into the record he will find that all of the approvals that he speaks of were made after the Journal was approved. If the gentleman of this Senate will approve the Journal of the Senate as it occurred on January 3rd, 1939, I am quite sure all of us will proceed with the regular order of business and approve these people. I am going to say this. I know what occurred during the Session of January 3rd, and before that, and I have indirectly in passing referred to some of the methods used by what they called the Republican majority. At the proper time that question will be aired. I do not want to go into that now. I promised I would not complain, I would be a good sport and not complain about any action as long as they have the vote. I know you have 26 votes. I am not going to cry about it or lose any sleep over it. I am going to vote for every bill that is for the interests of the people and I am sure that you will get that cooperation from every member of this Senate. I do not think Governor James had anything to do with what occurred with these proceedings. I do not think that what we are doing today has any indication or should be any indication to the Governor that we intend to interfere with his business. I think the Governor, himself, would suggest that last week is past, the Journal is here. Let us proceed to business. When that is done you will get from the Democratic Senators, the support of your cabinet officers, more than that you will get the support of any bill that is for the interest of the people.

Let us not fool each other. We have both been playing politics and I am frank to confess that I do not like the politics that we were compelled to play on January 3rd. I stated then and I repeat now that politics were played before that by the Republicans. The actions which they took I resented, and I expressed my opinion on the floor for the purpose of letting the people know what can happen when you mix politics to such an extent as were exhibited here on January 3rd and before that time. I am not here to oppose any of these men. I am here to insist that you be just as good a sport about the vote as we are going to be about your twenty-six votes. Two weeks ago Tuesday, the President Pro Tempore was elected by the so-called legal body as you term it. Since then your President Pro Tempore has signed payrolls, the Senate has been organized. If you want to scrap about that record and journal, then you are not interested in

the Governor's business, if you proceed until you approve that journal, the people of Pennsylvania will be the judges and we will have to stand for that judgment.

Mr. OWLETT. Mr. President, I ask leave to interrogate the Senator from Philadelphia, Mr. Shapiro.

The PRESIDENT. Will the Senator from Philadelphia, Mr. Shapiro permit himself to be interrogated?

Mr. SHAPIRO. Mr. President, I will.

Mr. OWLETT. Mr. President, I would like to ask the Senator from Philadelphia, Mr. Shapiro, if we are to understand from his remarks, if we at this time proceed to correct and approve the journal of January 3rd, whether I am to understand that after that journal is so corrected and approved, if he and his colleagues will then vote for the approval of the cabinet of the Governor?

Mr. SHAPIRO. Mr. President, I desire to add and amendment that the word 'corrected' be stricken out and then my answer is yes.

Mr. OWLETT. Mr. President, I ask for an answer to my question. I ask that if we should now proceed to correct and approve the journal of January 3rd, whether he can assure me and my colleagues that the Cabinet would be approved?

Mr. SHAPIRO. Mr. President, the gentleman asked me whether I beat my wife as often as I used to. I insist that the journal did not need any correction. Of course, my friends on the other side did not like the journal. We are going to be sports about it because he has the twenty-six votes. He may correct it in a way that we don't like. Understand I am speaking now for the Caucus and I am bound by the Caucus and shall go along in that because it cannot be pointed to by the gentleman from Tioga. In the Senate History it is indicated that a journal of one week was corrected and then the approval of the Governor's cabinet. I want to be plain and not misunderstood. I mean very frankly this is an effort on the part of the Republican party as we see it to upset what was done on January 3rd, because the President Pro Tempore was elected by the Republicans. The only thing that can be upset is about one hundred appointments that have been made to clerks of committees, page boys, etc., and things of that kind, who probably depend and are looking forward to that job for their livelihood. I do not think that the Republicans think it is necessary and I don't think if you are really interested in the welfare of the Commonwealth of Pennsylvania, and you don't mean that you want those jobs and you want the Governor helped, we are ready to help you, by basically approving the Governor's appointments to the Cabinet. It is not good sportsmanship for the other side to upset records in which they participated. We have known differences and as we see it we do not like the decision today; and I for one won't complain about them because I don't think you get anywhere. The rule works both ways.

Mr. OWLETT. Mr. President, will the gentleman from Philadelphia, Mr. Shapiro submit to further interrogation?

The PRESIDENT. Will the Senator from Philadelphia, Mr. Shapiro, permit himself to be further interrogated?

Mr. SHAPIRO. Mr. President, I will.

Mr. OWLETT. Mr. President, I desire then to ask the Senator from Philadelphia whether we are to understand that the Democratic members of this Senate are offering their votes on the serious matter of the consideration of the Governor's Cabinet on the auction block. And in effect saying to us, it is true duly elected members of the Senate

of Pennsylvania and sworn as such to do our duty as Senators, and giving fair consideration on all matters before us, and hoping without hope of reward, I now ask Senator Shapiro if we are to understand that they are now placing on the auction block in consideration for our approval of an illegal proceedings, that they are asking that consideration for them to do their duty as Senators in this Senate.

Mr. SHAPIRO. Mr. President, I do not expect to be a candidate in this Senate for the next two years, maybe not at all, so that if this is a political speech I am not interested.

I know Dr. Ruth. He sat in our Caucus and he told me to speak for him, and he resents the action of the Senators in not being sportsmen enough about adopting a proceedings. I don't think the Reverend Doctor Ruth would place his vote on the auction block. I know Senator Reed. I don't think he is offering anything on candidate in this Senate for the next two years, maybe Senator Rice. He knows the rest of the men who have been his colleagues in this Senate Chamber, and he knows where the auction block is and where to go for it.

QUESTION OF PARLIAMENTARY INQUIRY

Mr. OWLETT. Mr. President, I rise to a question of parliamentary inquiry.

The PRESIDENT. The Senator will state his question of parliamentary inquiry.

Mr. OWLETT. Mr. President, as I understand it, this is a motion to suspend that part of Rule 38, which requires that nominations made by the Governor lie on the table one day, and the Senate resolve itself into Executive Session for the purpose of considering those nominations. Do I understand correctly that a vote 'aye' is to suspend the rule.

The PRESIDENT. That is the way the Chair understands it.

Mr. SHAPIRO. Mr. President, I want to make one thing very clear. Either today or tomorrow we are going to vote on these nominations. Our real purpose is that maybe by tomorrow morning, our colleagues may use some better judgment than what they are using today.

And the question recurring,

Will the Senate agree to the motion?

And the question recurring,

Will the Senate agree to the motion?

The yeas and nays were required by Mr. SHAPIRO and were as follows, viz:

YEAS—26.

Bartlett,	Farrell,	Mallery,	Stevenson
Chapman,	Gelder,	Miller,	Tallman,
Crowe,	Geltz,	Owlett,	Thomas,
Detrick,	Heyburn,	Pierson,	Walker,
Ealy,	Homsher,	Scarlett,	Wolfenden,
Edmonds,	James,	Snowden,	Woodward,
Eroe,	Letzler,		

NAYS—21.

Cavalcante,	Haluska,	Lanius,	Reed,
Coleman,	Jacobs,	Levin,	Rice,
Dent,	Jaspan,	McCreesh,	Ruth,
DiSilvestro,	Kilgallen,	McGinnis,	Shapiro,
Frey,	Kunkel,	Mundy,	Sipe,
Gilson,			

So the question was determined in the affirmative.

MOTION TO RECONSIDER PROCEEDINGS IN JOURNAL OF JANUARY THIRD.

Mr. OWLETT. Mr. President, I now move that the Journal of January 3rd be taken from the table for further consideration.

Mr. MALLERY. Mr. President, I second the motion.

Mr. SHAPIRO. Mr. President, I second the motion.

The motion was agreed to.

Mr. OWLETT. Mr. President, on January 3rd, 1939, action was taken in this Senate to elect a President Pro Tempore of this Body; A Secretary of the Senate; a Chief Clerk of the Senate; a Librarian of the Senate, for the adoption of rules, for the election of officers, and clerks and other employes of the Senate during this present session. On all of these matters, when the roll was called the names of three duly elected qualified Senators were excluded from the roll, over the protest of me and other Republican Senators of this Body. The Journal of this Senate, January 3rd, 1939, will show that on the votes of these various officers, and the adoption of the various rules, the names of the Senator from Lycoming, Mr. Snowden, the Senator from Mercer, Mr. Thomas, and the Senator from Clearfield, Mr. Letzler, were not included in the roll, their names were not called and their votes were not recorded, although they were in their respective seats and duly sworn by Judge Albert S. Millar, from Philadelphia County, after having duly received a certificate of their election and after the returns from their Senatorial Districts had been presented to the Senate by the Secretary of the Commonwealth and read for the information of the Senate and showed their election by an overwhelming majority. Each of these Senators were excluded from the deliberations of this Body by the illegal and unconstitutional acts of the then presiding officer as he had already ruled by permitting only twenty-two members to vote, which is less than a quorum.

MOTION TO RECONSIDER ELECTION OF OFFICERS

Mr. OWLETT. Mr. President, I now move that the roll on the election of the President Pro Tempore of the Senate, the Secretary of the Senate, the Chief Clerk of the Senate, the Senate Librarian, the roll on the motion electing the other officers of this body, be corrected and completed by calling the names of said three Senators, have their vote recorded, and that true, correct and legal results of said action on said motion be announced and those entitled to the various offices on said motion be duly and legally determined and that the Journal of January 3, 1939, must be corrected in accordance with this motion.

Mr. MALLERY. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

POINT OF ORDER

Mr. SHAPIRO. Mr. President, I rise to a point of order.

The PRESIDENT. The Senator from Philadelphia, Mr. Shapiro, will state his point of order.

Mr. SHAPIRO. Mr. President, inasmuch as this is in effect nothing less than a reconsideration of the action of the Senate on January 3, the gentlemen who makes the motion to reconsider should state that he has voted with the majority.

The PRESIDENT. The point of order is not well taken by the Senator from Philadelphia. I rule that the motion to be in order and the Clerk shall call the roll.

The spectators must maintain order.

Mr. CAVALCANTE. Mr. President, I wish to interrogate the gentleman from Tioga, Mr. Owlett.

The PRESIDENT. Will the Senator from Tioga permit himself to be interrogated?

Mr. OWLETT. Mr. President, I will.

Mr. CAVAVLCANTE. Mr. President, the gentleman from Tioga in his motion has stated the action taken by the former President of the Senate was unconstitutional. Will the gentleman from Tioga enlighten his colleagues here and point specifically to what part of the constitution he refers or to what section was violated.

Mr. OWLETT. Mr. President, I will be very happy to enlighten the Senator and his colleagues in that regard. If the Chair will bare with me just a moment until I find this section.

In answer to the question of the Senator from Fayette, Mr. Cavalcante, I desire to call his attention to Article 2, Section 10, of the Constitution of Pennsylvania which requires that on all actions taken by the Senate a quorum must vote. Mr. President, at the time the vote was taken to which the Senator refers to and the Chair has already ruled that it was illegal and unconstitutional, namely, the vote excluding the three Senators, the presiding officer of the Senate only permitted twenty-two Senators to vote although there were forty-seven Senators in their seats in this Body. I do not think it takes much of a constitutional lawyer to follow when the presiding officer repeatedly had excluded all but twenty-two members of a body, which is less than a quorum, in order to pass on matters that are constitutional and legal just as the Chair has ruled in order to pass some of their motions.

Mr. CAVALCANTE. Mr. President, I appreciate the gentleman from Tioga has the legal ability to construe the legal provisions of the Constitution but at least a man who would dare to claim some credit ought to be able to read the English and if the gentleman would read the section that he has referred to, "A majority of each House shall constitute a quorum * * *" but it does not say that that majority can pass a bill by a majority of those elected, not present, and if the gentleman from Tioga who knows so much about the Constitution and constitutional law will say that a majority of the Senators duly qualified and under oath in this Body vote for the proposition that he is now maintaining and that he now says is unconstitutional and unlawful.

Mr. OWLETT. Mr. President, not wishing to prolong this discussion may I say to the gentleman from Westmoreland, I as sorry, I mean the gentleman from Fayette.

Mr. SHAPIRO. Mr. President, before the sorrow gets too great I move that we proceed to a vote.

Mr. OWLETT. Mr. President, I only want to take this much time. In 23 LRA. 354 in which this general question was ruled—

Mr. CAVALCANTE. Mr. President, was that rule in Nazi Germany or Soviet Russia?

Mr. OWLETT. Mr. President, that was decided in good old United States.

And the question recurring,

Will the Senate agree to the motion?

The yeas and nays were required by Mr. Cavalcante and were as follows, viz:

YEAS—25.

Bartlett,	Gelder,	Mallery,	Stevenson,
Chapman,	Geltz,	Miller,	Tallman,
Crowe,	Heyburn,	Owlett,	Thomas,
Deitrick,	Homsher,	Pierson,	Walker,
Ealy,	James,	Scarlett,	Wolfenden,
Edmonds,	Letzler,	Snowden,	Woodward,
Farrell,			

NAYS—22.

Cavalcante,	Gilson,	Lanlus,	Reed,
Coleman,	Haluska,	Levin,	Rice,
Dent,	Jacobs,	McCreesh,	Ruth,
DiSilvestro,	Jaspan,	McGinnis,	Shapiro,
Eroe,	Kilgallen,	Mundy,	Sipe,
Frey,	Kunkel,		

So the question was determined in the affirmative.

RECONSIDERATION OF ELECTION OF PRESIDENT PRO TEMPORE

Mr. OWLETT. Mr. President, the roll call on the Journal of January 3, will show that the gentleman from Susquehanna, Mr. Gelder, was a nominee together with the Senator from Adams, Mr. Rice, for President Pro Tempore of this Body, that he received twenty-three votes and the Senator from Adams received twenty-two votes. I now ask that the motion to ascertain and record the votes of the Senator from Lycoming, Mr. Snowden, the Senator from Mercer, Mr. Thomas, and the Senator from Clearfield, Mr. Letzler, for the purpose of correcting and completing the said roll call and that the Journal of January 3, 1939 be corrected in accordance therewith.

Mr. MALLERY. Mr. President, I second the motion.

POINT OF ORDER

Mr. CAVALCANTE. Mr. President, I rise to a point of order.

The PRESIDENT. The Senator from Fayette, Mr. Cavalcante, will state his point of order.

Mr. CAVALCANTE. Mr. President, the President Pro Tempore having taken his oath of office the motion of the gentleman from Tioga is out of order.

The PRESIDENT. The Chair rules that point of order is not well taken.

POINT OF ORDER

Mr. SHAPIRO. Mr. President, I would request a ruling, Mr. President. I find myself in the same position as Senator Owlett was last Tuesday and I assure you I will take it in as good grace as he did. If it was not so that the Senator is asking for reconsideration of the action of the Senate and therefore must disclose that he voted with the majority, having failed to do so, I suggest that the motion is out of order.

The point of order is not well taken.

Mr. CAVALCANTE. Mr. President, I wish to interrogate the Senator from Susquehanna, Mr. Gelder.

The PRESIDENT. Will the Senator from Susquehanna, Mr. Gelder, permit himself to be interrogated?

Mr. GELDER. Mr. President, I will.

Mr. CAVALCANTE. Mr. President, will the gentleman from Susquehanna state whether he has already assumed his oath as President Pro Tempore, whether he has lawfully executed the duties pertaining to that office?

Mr. GELDER. Mr. President, I have assumed the office of President Pro Tempore and have taken the oath of office and have discharged such duties as have come before me, I have, however, up to the present time—

Mr. CAVALCANTE. Mr. President, thank you very much.

The PRESIDENT. The Clerk will call the roll.

The roll was called and was as follows:

For Mr. GELDER

Letzler	Snowden,	Thomas,
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The PRESIDENT. The roll call on the election of the President Pro Tempore having been completed I hereby announce that Honorable Frederick T. Gelder received twenty-six votes and the Honorable John S. Rice twenty-two votes and I hereby declare the Honorable Frederick T. Gelder elected President Pro Tempore of the Senate by a vote of twenty-six votes to twenty-two votes.

RECONSIDERATION OF ELECTION OF SECRETARY OF THE SENATE

Mr. OWLETT. Mr. President, pursuant to the motion already adopted I now call the Chair's attention to the fact that the roll was called and on the election of Secretary of the Senate and that John C. Morlock received twenty-three votes and George F. Holmes received twenty-two votes and said names of the three Senators, Messrs. Snowden, Thomas and Letzler not having been recorded on that call and I ask that their vote be now ascertained and the said roll be completed and corrected in order that the Journal may be completed and corrected for the Session of January 3, 1939.

Mr. SHAPIRO. Mr. President, I desire to say here and now the record notes that the gentlemen who here are permitted to vote and those who are about to vote now have been by resolution adopted, referred to a special committee and their election held in abeyance until action by that committee. I merely ask that that be noted on the record.

POINT OF ORDER

Mr. CAVALCANTE. Mr. President, I rise to a point of order.

The PRESIDENT. The Senator from Fayette, Mr. Cavalcante, will state his point of order.

Mr. CAVALCANTE. Mr. President, the term office and duties of the employees included in the motion by the Senator from Tioga are guided by the Act of Assembly of 1919 and the motion made by the gentleman is not in conformity with that act of Assembly.

The PRESIDENT. The point of order of the Senator from Fayette is not well taken and the Clerk is directed to call the names of the three Senators.

For Mr. HOLMES

Letzler,	Snowden,	Thomas,
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The PRESIDENT. The roll call shows that George F. Holmes received twenty-five votes and that John C. Morlock received twenty-three votes. I hereby declare George F. Holmes elected Secretary of the Senate.

RECONSIDERATION OF ELECTION OF CHIEF CLERK

Mr. OWLETT. Mr. President, on the election of the Chief Clerk of the Senate the Journal of the Senate will show that Mr. Dennis J. Mulvihill received twenty-three votes and that William J. Ridge received twenty-two votes, with the three Senators mentioned before not having been included in said roll. For the purpose of completing said roll I move that the said three names be now called and entered on the Journal.

Mr. SHAPIRO. Mr. President, I desire the record to record the fact that these gentlemen whose names are about to be called are three members whose question of election was referred to a Committee on Elections and no action has been taken and no report has been received and the motion of the Senator from Tioga, Mr. Owlett, is out of order, in addition to which the gentlemen making the motion to reconsidered the action of the Senate did not vote in the majority and the Senator is out of order.

The PRESIDENT. The remarks will be noted in the Journal.

The roll was called and was as follows:

For Mr. RIDGE

Letzler, Snowden, Thomas,

The PRESIDENT. The roll call shows that Dennis J. Mulvihill received twenty-three votes and the William J. Ridge received twenty-five votes and I hereby declare William J. Ridge elected Chief Clerk of the Senate.

RECONSIDERATION OF ELECTION OF SENATE LIBRARIAN

Mr. OWLETT. Mr. President, on the election of the Senate Librarian, when the roll was called, Alex S. Cooper received twenty-two votes and Thomas J. Callahan received twenty-three votes. The three Senators hereinbefore mentioned were not permitted to vote, I now move that said roll call be completed and corrected and order that the Journal of January 3, 1939 may be completed and corrected accordingly.

POINT OF ORDER

Mr. CAVALCANTE. Mr. President, I rise to a point of order.

The PRESIDENT. The only thing in order now is the calling of the roll.

Mr. CAVALCANTE. Mr. President, you had better read something about Parliamentary Law!

The roll was called and was as follows:

For Mr. COOPER

Letzler, Snowden, Thomas,

The PRESIDENT. It now appears that Alex S. Cooper has been elected Senate Librarian having received twenty-five votes and Thomas J. Callahan having received twenty-three votes.

Mr. DENT. Mr. President, who recorded the vote just taken?

The PRESIDENT. The Clerk.

Mr. DENT. Mr. President, who is the Clerk?

Mr. OWLETT. I suggest that the new Clerk has not been sworn in yet, and will not take office until then.

Mr. CAVALCANTE. Mr. President, the old Clerk is only entitled to hold office until ten days after the third of January or until his successor is duly elected and qualified.

Mr. OWLETT. That is not according to the rules or the Constitution regardless of how you rule.

Mr. DENT. Who rules?

The PRESIDENT. I ruled that he has been elected.

Mr. DENT. Mr. President, I appeal from the decision of the Chair.

Mr. MUNDY. Mr. President, I second the appeal.

Mr. OWLETT. I move that the appeal of the Senator from Westmoreland, Mr. Dent, from the ruling of the Chair, be laid on the table.

Mr. MALLERY. Mr. President, I second the motion.

Mr. DENT. Mr. President, I move—

POINT OF ORDER

Mr. OWLETT. Mr. President, I rise to a point of order.

Mr. DENT. Mr. President,

The PRESIDENT. The motion to lay on the table is not debateable.

Mr. DENT. Mr. President, I know it is not debateable. I know Parliamentary Law even if you do not. I move that the motion just made whereby the motion that I made be laid on the table—

The PRESIDENT. The motion is out of order.

MOTION TO ADJOURN

Mr. DENT. Mr. President, I move that we now adjourn.

Mr. FREY. Mr. President, I second the motion.

QUESTION OF PARLIAMENTARY INQUIRY

Mr. OWLETT. Mr. President, I rise to a question of Parliamentary Inquiry.

Mr. DENT. The motion to adjourn is not debateable.

Mr. OWLETT. Mr. President. As I take it we are voting on the motion to adjourn. I ask the Senate to vote "no."

Mr. SHAPIRO. Mr. President,—

The PRESIDENT. There is nothing in order but the calling of the roll.

MOTION TO ADJOURN WITHDRAWN

Mr. DENT. Mr. President, as the maker of that motion I am entitled to talk. I withdraw my motion to adjourn.

Mr. FREY. Mr. President, I withdraw my second to Mr. Dent's motion.

QUESTION OF PARLIAMENTARY INQUIRY

Mr. OWLETT. Mr. President, am I correct in my understanding that we are now voting on the motion to lay the appeal of the Senator from Westmoreland, Mr. Dent, on the table.

The PRESIDENT. That is correct.

Mr. OWLETT. Mr. President, I ask the Senate to vote "aye."

Mr. SHAPIRO. Mr. President, I understand in your talk this morning that you had not intended being arbitrary in any of your rulings.

Mr. DENT. Mr. President, I wish to recede from my position to appeal from decision of the Chair.

Mr. MUNDY. Mr. President, I withdraw my second.

The PRESIDENT. You withdraw the appeal?

Mr. DENT. Absolutely!

Mr. OWLETT. Mr. President, I now ask that the three newly elected officers of the Senate, the new Secretary of the Senate, George F. Holmes, Chief Clerk of the Senate, William J. Ridge, and Librarian of the Senate, Alex S. Cooper be sworn in by Judge Albert S. C. Millar.

The PRESIDENT. The Senate will come to order and the Senators will take their Seats.

The oath of office was then administered by Judge Albert S. C. Millar to the newly elected Secretary of the Senate, George F. Holmes, Chief Clerk of the Senate,

William J. Ridge and Librarian of the Senate, Alex S. Cooper.

The PRESIDENT. I request the said newly elected officers take their place at the desk and request the retiring officers to leave and to turn over any books or papers in their possession pertaining to their duties.

Mr. CAVALCANTE. Mr. President,

The PRESIDENT. Will the gentleman yield just a moment?

Mr. CAVALCANTE. Mr. President, with pleasure.

The PRESIDENT. The Chair recognizes the Senator from Fayette, Mr. Cavalcante.

Mr. CAVALCANTE. Mr. President, I rise to a question of personal privilege.

The PRESIDENT. The Senator from Fayette, Mr. Cavalcante, will state his question of personal privilege.

POINT OF ORDER

Mr. OWLETT. Mr. President, I rise to a point of order at this time.

The PRESIDENT. The Senator from Tioga, Mr. Owlett, will state his point of order.

Mr. OWLETT. Mr. President, I dislike to interrupt the Senator from Fayette and I rise to raise this point of order because we have had this motion that we complete certain roll calls and there are some further roll calls to complete. I would like to ask the Senator from Fayette if he would not defer his question until we finish the work provided for in this motion.

Mr. CAVALCANTE. Mr. President, let the Clerk expunge what I have already said in the record and I shall yield the floor at this time to the Senator from Tioga, Mr. Owlett.

RECONSIDERATION OF ELECTION OF OFFICERS AND EMPLOYEES

Mr. OWLETT. Mr. President, I now ask that the roll shall be called on the resolution by which it was attempted on January 3, to fill the various offices in this Senate and I call the President's attention to the fact that the Journal will show that there were twenty three votes in favor of their election and that the three Senators named here before were excluded from voting. I therefore ask that pursuant to the motion adopted today for the purpose of completing and correcting the roll call of said resolution, the names of the three Senators, the Senator from Lycoming, Mr. Snowden, the Senator from Mercer, Mr. Thomas, and the Senator from Clearfield, Mr. Letzler, be called.

The PRESIDENT. The Clerk is hereby directed to call the roll of the three names of the Senators just named.

Mr. SHAPIRO. Mr. President, I desire to object to the request for the reasons stated on the record and further it is in effect a motion to reconsider and the gentleman has not voted in the affirmative on the original motion in addition to which the resolution was introduced under act of 1919, under which these employees now hold office.

The PRESIDENT. The point of order is not well taken.

The roll of the Senators was called and was as follows:

NAY

Letzler Snowden Thomas

The PRESIDENT. The vote on the election of officers and employees of the Senate is twenty-five "ayes" and

twenty-three "ayes." The motion is therefore not agreed to and those named in said motion are hereby declared not elected.

MOTION TO RECONSIDER ADOPTION OF RULES OF THE SENATE

Mr. OWLETT. Mr. President, the only other matter included in the motion that was adopted by the Senate with reference to completion of the roll call has to do with the roll call on adoption of the Rules. After conferring with my colleague the Senator from Philadelphia, Mr. Shapiro, we have agreed to defer that until after a recess which has been requested.

The PRESIDENT. Before a motion to recess is made the Senator from Fayette desires to make a statement.

QUESTION OF PERSONAL PRIVILEGE

Mr. CAVALCANTE. Mr. President, I rise to a question of personal privilege.

The PRESIDENT. The Senator from Fayette, Mr. Cavalcante, will state his question of personal privilege.

Mr. CAVALCANTE. Mr. President, this great Commonwealth has come a long way since the first colonists landed on the shores of the Delaware in the year 1638 and established the colony of New Sweden. The people who were born and who have lived within the limits of this Commonwealth have seen the political government pass from the Indian to the Swede; from the Swede to the Dutch; from the Dutch to the English and from the English to the American.

The same people have seen the wilderness yield to the hand of husbandry while the bowels of the earth have yielded up the God-hidden minerals for the disposition of mankind; where once the Indian wigwam stood now rise a million schools, churches and commodious homes. The tiny political government in Printz Hall on Tinicum Island on the Delaware has become the mighty political government in this magnificent granite monument on the banks of the beautiful Susquehanna.

This Commonwealth has enjoyed and suffered the crowned sway of mighty kings and monarchs. It has endured subjection to proprietary lordship and royal despotism. It is the present belief of people that we are now enjoying the blessings of a civil and religious liberty that is defined and guarded by a written Constitution which has been solemnly ordained and established at the instance and will of the people of this Commonwealth. Events within our immediate knowledge urge us at this time to diagnose the formability of this written Constitution to stay the hand of public officials from despotically using the powers of Government entrusted to them.

It is axiomatic that under our Constitution the powers of government are divided among three branches, namely:

- (1) The Legislature
- (2) The Executive, and
- (3) The Judiciary.

Article 2, section 1, of the Constitution provides:

"The legislative power of this Commonwealth shall be vested in a General Assembly which shall consist of a Senate and House of Representatives."

Article 4, section 2, of the same Constitution provides inter alia:

"The supreme executive power shall be vested in the governor, ———."

Article 5, section 1, of the same Constitution provides:

"The Judicial power of this Commonwealth shall be vested in a Supreme Court, in Courts of Common Pleas, courts of Oyer and Terminer and General Jail Delivery, courts of Quarter sessions of the Peace, Orphans' courts, Magistrates' Courts and any such other courts as the General Assembly may from time to time establish."

It is also axiomatic that under our constitution these three governmental branches are supreme each in its respective sphere and each is endowed with power to repel the encroachment of the others. If this were not true, the bloody struggles of the people to abolish despotism from our political government was all in vain.

With these few scattered observations in mind let us scan the recent actions of the Judiciary in matters touching this Senate. On December First, 1936, Mr. P. J. Henney, became a member of this Senate from the forty-fifth Senatorial District for a term of four years. In 1937, while still a member of this Senate, Mr. Henney was elected to the office of Coroner in Allegheny County and entered upon the duties of that office on the first Monday of January 1938. Thereafter Mr. Henney discharged the duties of both these offices without objection until shortly after the general election of November Eighth, 1938. From a political standpoint the results of this last election and the defection of the gentleman from Delaware, Mr. Reyburn left this Senate evenly divided with twenty-five Democrats and twenty-five Republican members. His Excellency, the Lieutenant Governor, was expected to cast the vote to break the tie and give the Democrats the control of this Senate. To forestall this and to take control of the Senate from the Democrats the leaders of the Republican party instituted proceedings in the Courts of Allegheny County against Mr. Henney upon the grounds that the office of Senator was incompatible with that of Coroner. These proceedings finally came up for a hearing before the Supreme Court at Philadelphia at a special session of the court due to the keen interest evinced by the Chief Justice. In the Levin case the Chief Justice was much irked that his court was asked to meet to hear arguments in that case in advance of the regular argument list. Undoubtedly, in the mind of the Chief Justice the Henney case was first because Mr. Levin had already been knocked out by a lower court.

To date no opinion has been filed in the Henney case and no order has been entered in the case. It is authoritatively reported that the Chief Justice did informally express his opinion that the office of Senator and that of Coroner were incompatible because the office of Coroner involved the exercise of state wide powers in the issuance of subpoenas and that Mr. Henney should make a selection before a certain date. It is also reported that on that certain date Mr. Henney's attorney delivered to the Chief Justice a paper addressed to his Excellency, Thomas A. Kennedy, Lieutenant Governor, and purportedly to be the resignation of Mr. Henney from the office of Senator effective immediately. The Supreme Court dockets show that this paper was entered as of record in that court. It is unexplained why Mr. Henney's resignation was delivered to the Chief Justice of the Supreme Court instead of the presiding officer of the body of which Mr. Henney was a member. Surely the Chief Justice was familiar with the law in this matter as declared by the courts of the land. It is as follows:

"Sec. 132. MODE OF RESIGNATION. A resignation of a public office to be effective, must be made with the intention of relinquishing the office, accompanied by the act of relinquishment. It is not necessary that a resignation

from a public office be couched in any particular words, it being only necessary that the incumbent evince a purpose to relinquish the office. Where no particular mode of resigning an office is provided by constitutional or statutory requirements, no formal method is necessary; it may be by parol, or it may be implied."

"Sec. 133. TO WHOM TENDERED. In the absence of statutory provisions regulating the matter, the resignation should be tendered, in the case of appointive office, to the person or body having the power to appoint a successor, but if the office is elective, it should be tendered to the power authorized to call an election to fill the vacancy. Where a statute provides that all resignations of office shall be tendered in writing to the one having the power to fill the vacancy, a resignation tendered to any other person is a nullity."

Now, the Chief Justice is a learned and honorable man. He surely knows that under the decisions of his own court the question in Mr. Henney's case becomes moot immediately upon the acceptance of the resignation by the Senate and not the Supreme Court.

Hence, it is a sure bet that the Chief Justice will emit a sigh of relief when the Republican members of this Senate will have accepted Mr. Henney's resignation. This will relieve the learned and honorable Chief Justice from the arduous task of declaring the office of Senator incompatible with that of Coroner as informally expressed by him. The learned Chief Justice knows that he will find no constitutional or statutory warranty to support his position. Let us help the learned and honorable Chief Justice a little.

Article 2, section 6, of the Constitution provides:

"No Senator or Representative shall, during the time for which he shall have been elected, be appointed to any civil office under this Commonwealth, and no member of Congress or other person holding any office (except of Attorney-at-law or in the militia) under the United States or this Commonwealth shall be a member of either House during his continuance in office."

Under this provision Mr. Henney cannot during the time for which he was elected Senator, "be appointed to any civil office," nor can he hold any office "under this Commonwealth." Mr. Henney was not "appointed to any civil office." The only question to be determined, therefore, by the Supreme Court was whether the Office of Coroner is an office "under this Commonwealth" or whether it is a local office. This question is not a hard one if the learned and honorable Chief Justice would read the Constitution. Let us see what the Constitution itself says about State and Local officers.

In Article 12, section 1, of the Constitution we find this significant classification;

"All officers whose selection is not provided for in this Constitution, shall be elected or appointed as may be directed by law: Provided, that elections of State officers shall be held on a general election day, and elections of local officers shall be held on a municipal election day ———."

Is a Coroner elected "on a general election day" or is he elected "on a municipal election day?" Surely the Chief Justice can read English. The Coroner is elected "on a municipal election day." This should be sufficient proof that the Coroner is a local officer and not one "under this Commonwealth." If, however, this is not sufficient proof to the learned and honorable Chief Justice then

Article 14, section 1, of the same Constitution should dispell all doubt. That section provides as follows:

"County officers shall consist of sheriffs, coroners, prothonotaries, register of wills, recorders of deeds, commissioners, treasurers, surveyors, auditors or controllers, clerks of the courts, district attorneys and such others as may from time to time be established by law ———."

Can there now be any doubt in the minds of the Supreme Court that the office of Coroner is a local and county office? In view of these subsisting constitutional precepts, upon what stretch of the imagination and strained Judicial construction can the office of Coroner be declared to be a state office?

Article 14, section 2, of the Constitution provides:

"County officers shall be elected at the municipal elections and shall hold their offices for the term of four years, beginning on the first Monday of January next after their election ———"

Surely there can be no doubt as to the meaning of this language and that it applies to the office of Coroner.

If the Constitution does not declare the office of Senator incompatible with that of Coroner, may the Supreme Court by Judicial fiat create the incompatibility? Let us again look to the Constitution for an answer to this question.

Article 12, section 2, provides inter alia:

"———The General Assembly may by law declare what offices are incompatible."

Hence, the power to declare incompatibility between public offices belongs to the "General Assembly" and not to the Chief Justice nor to the Supreme or other courts. A diligent examination of our statutory law will show that the "General Assembly" has exercised this power repeatedly.

The Act of 1874 P. L. 186 has declared the following offices to be incompatible:

(1) Any office or appointment of profit and trust under the government of the United States and that of

- a. Justice of the Peace
- b. Notary Public
- c. Mayor
- d. Recorder
- e. Burgess of any city, corporate town or borough.
- f. Alderman of any city, corporate town or borough.
- g. Resident physican of the lazaretto.
- h. Constable.
- i. Judge, inspector or clerk of election.

(2) The office of associate judge and justice of the peace shall be incompatible with each other.

(3) No district attorney shall be eligible to a seat in the Legislature, or to any other office under the laws and Constitution of the state, during his continuance in office.

(4) No county commissioner shall be eligible to serve as a member of the board of health or director of the public schools, during his continuance in office.

(5) No alderman or practicing attorney shall be eligible to the office of an inspector of the county prison.

(6) No person shall at the same time, be a member of more than one of the following bodies, to-wit:

- a. City councils
- b. Guardians of the poor
- c. Board of health
- d. Inspectors of county prison nor shall any person be a member of any these bodies, who is at the same time a salaried officer under the same or under any of them.

(7) Section 15 of this Act is a substantial rescript of Article 2, section 6, of the Constitution.

(8) No member of council of any city shall be eligible to any office, employment or agency directly chosen by councils, or either branch of them, during the term for which he shall have been elected to councils.

(9) No member of city councils shall hold any office or employment in the choice of city councils during the term for which he shall have been elected.

(10) Member of city councils shall not hold any city or county offices in the choice of the people, while serving as a member of councils.

(11) No person shall be capable of holding and exercising the office of school director, constable, path-master or commissioner of roads, and that of township or borough auditor.

(12) Under the Act of 1911, section 207, P. L. 318, the offices of Mayor, chief Burgess, county commissioner, district attorney; city, borough or township or township treasurer; city councilman, township commissioner, road supervisor, tax collector, assessor, assistant assesor, comptroller, auditor, or constable—are incompatible with that of school director.

(13) Under the Act of 1915, section 1, P. L. 579, a member of council in any municipality shall not be eligible to the office of school director and a school director shall not be eligible to the office of a member of council.

(14) Under the Act of 1915, Chapter 7, Article 2, section 2, P. L. 394, no member of Congress or any person holding any office or appointment of profit or trust under the Government of the United States shall be capable of holding the office of Burgess.

These references, Mr. President, clearly indicate that the General Assembly has exercised the power to declare what offices shall be incompatible. The only county office declared to be incompatible with that of a member of the Legislature is that of District Attorney.

If the General Assembly wished to declare the other county offices incompatible with that of a seat in the Legislature they would have done so.

It is unfortunate that the learned and Honorable Chief Justice has undertaken to exercise this legislative power through Judicial fiat. I care not what partisans may think about it. In my humble opinion of the conduct of the Chief Justice in the Henney case was down right Judicial tyranny and unless his hand is stayed our democratic form of government will be endangered.

HOUSE MESSAGE

TIME OF NEXT MEETING

The Clerk of the House of Representatives being introduced informed the Senate that the House has concurred in Resolution from the Senate as follows:

In the Senate, January 17, 1939.

Resolved (if the House of Representatives concur), That when the Senate adjourns this week it reconvene on Monday evening, January 23, at nine o'clock; and when the House of Representatives adjourns this week it reconvene on Monday evening, January 23, at eight o'clock.

RECESS

Mr. OWLETT. Mr. President, I move that the Senate do now take a recess until 8:00 a. m. today.

Mr. MALLERY. Mr. President, I second the motion. The motion was agreed to.

ANNOUNCEMENTS BY THE SECRETARY

There will be a Caucus of the Republican Senators in the office of the President Pro Tempore during the recess.

There will be a caucus of the Democratic Senators in the office of the Secretary during the Recess.

AFTER RECESS

The PRESIDENT. The time of recess having elapsed the Senate will be in order.

The PRESIDENT. The Chair will clear the table.

The communications from the Governor will be read by the Clerk.

POSTAGE ON LEGISLATIVE JOURNAL

Commonwealth of Pennsylvania,

Governor's Office, Harrisburg, Pa., January 16, 1939.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed a resolution of the Senate and House of Representatives authorizing the Chief Clerk of the Senate and the Chief Clerk of the House of Representatives to make proper arrangements for the necessary postage, in order that the Legislative Journal may be mailed according to the requirements of the Post Office Department, etc.

GEORGE H. EARLE

LEGISLATIVE INAUGURAL COMMITTEE

Commonwealth of Pennsylvania,

Governor's Office, Harrisburg, Pa., January 6, 1939.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed Senate Concurrent Resolution authorizing the appointment of a Legislative Inaugural Committee making an appropriation, etc.

GEORGE H. EARLE

RECONSIDERATION OF ADOPTION OF RULES

Mr. OWLETT. Mr. President, the Journal of January 3, will show that a resolution was submitted for the adoption of the Rules of procedure and a vote was taken thereof, the result being twenty-three votes for the adoption of said rule and twenty-two against. The roll on said resolution did not contain the names of the three Senators heretofore mentioned. I now ask that the roll be completed and corrected accordingly and that the Journal of January 3 be completed accordingly.

Mr. SHAPIRO. Mr. President, I object on the grounds that this is merely a reconsideration and the gentleman, not having voted in the majority, is not entitled to make this motion. I ask that the motion be declared out of order.

The PRESIDENT. The Clerk will proceed to call the roll.

NAY

Letzler. Snowden. Thomas.

The PRESIDENT. It now appears that said roll having been completed and corrected shows twenty-five votes opposing the adoption of the rules and twenty-three in favor of the adoption of the rules and they are therefore not adopted.

Mr. OWLETT. Mr. President, I now move that the Journal of the Session of January 3, 1939 be corrected and completed according to the new roll calls taken and

the further reading be dispensed with and that it be approved and corrected and completed according to the action taken here tonight.

Mr. MALLERY. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

The yeas and nays were required by Mr. Shapiro and were as follows, viz:

YEAS—25.

Bartlett.	Gelder.	Mallery.	Stevenson.
Chapman.	Geltz.	Miller.	Tallman.
Crowe.	Heyburn.	Owlett.	Thomas.
Detrick.	Homsher.	Pierson.	Walker.
Ealy.	James.	Carlett.	Wolfenden.
Edmonds.	Letzler.	Snowden.	Woodward.
Farrell.			

NAYS—22.

Caualcante.	Gilson.	Lanius.	Reed.
Coleman.	Haluska.	Levin.	Rice.
Dent.	Jacobs.	McCreesh.	Ruth.
DiSilvestro.	Jaspan.	McGinnis.	Shapiro.
Eroe.	Kilgallen.	Mundy.	Sipe.
Frey.	Kunkel.		

So the question was determined in the affirmative.

LEAVE OF ABSENCE

Mr. SHAPIRO. Mr. President, I ask unanimous consent to ask for leave of absence at this time.

The PRESIDENT. Is there any objection?

Mr. SHAPIRO. Mr. President, I should have not neglected to ask leave of absence for my colleague, Senator Stiefel who is ill.

The PRESIDENT. Are there any objections? The Chair hears none. The leave is granted.

ADOPTION OF RULES

Mr. GELDER offered the following resolution which was twice read:

In the Senate, January 17, 1939.

Resolved, That the Standing Rules of the Senate during the Regular Session of 1937 be adopted for the government of the Senate during the Regular Session of 1939, with the exception of Rule 16 which is hereby amended to read as follows:

Rule 16. When a question has been once made and carried in the affirmative or negative, it shall be in order for any two members of the majority to move the reconsideration thereof. When the Senate has been equally divided on a question, or a bill shall have failed to pass, by reason of not having a constitutional majority, it shall be in order for any two who voted in the negative to move the reconsideration thereof.

Provided however, that no motion for the reconsideration of any vote shall be in order after a bill, resolution, report, amendment or motion upon which the vote was taken shall have gone out of the possession of the Senate.

Provided, further that no motion for reconsideration shall be in order unless made on the same day on which the vote was taken, or within the next five days of actual session of the Senate thereafter.

Provided further, however, that a motion to remove the President pro tempore or any other officer or employee of the Senate, or to reconsider the appointment or election of the President pro tempore, or any other officer or employee of the Senate, shall require the consent of two-thirds of all members elected to the Senate.

Also with the exception of Rule 23 which is hereby amended as follows:

Rule 23. There shall be the following Standing Committees:

Committee on Aeronautics
Committee on Agriculture

Committee on Appropriations
 Committee on Banking
 Committee on Corporations
 Committee on County Government
 Committee on Elections
 Committee on Education
 Committee on Executive Nominations
 Committee on Federal Relations
 Committee on Finance
 Committee on Forestry, Game and Fish
 Committee on Highways
 Committee on Insurance
 Committee on Judiciary General
 Committee on Judiciary Special
 Committee on Labor and Industry
 Committee on Law and Order
 Committee on Military Affairs
 Committee on Mines and Mining
 Committee on Municipal Government
 Committee on Public Health
 Committee on Public Utilities
 Committee on Rules
 Committee on State Government
 Committee on Welfare, Public Assistance and Pensions.

The members and the Chairman of the said Standing Committees shall be appointed by the President pro tempore as soon after his election as possible. All vacancies occurring in said committees by resignation or otherwise shall be filled by the President pro tempore.

The President pro tempore shall be ex-officio a member of all Standing Committees and included in the number of committee members herein provided and he shall be Chairman of the Committee on Rules.

The several above committees shall consist of the following:

Aeronautics, Agriculture County Government, Education, Finance, Labor and Industry, Law and Order, and State Government, fifteen (15) Senators each; Appropriations, Judiciary General, twenty-one (21) Senators each; Banking and Mines and Mining, fourteen (14) Senators each; Corporations and Municipal Government, thirteen (13) Senators each; Elections and Executive Nominations, seven (7) Senators each; Federal Relations, ten (10) Senators; Forestry, Game and Fish and Welfare, Public Assistance and Pensions, sixteen (16) Senators each; Highways, eighteen (18) Senators; Insurance, Military Affairs and Public Utilities, twelve (12) Senators each; Judiciary Special nine (9) Senators; Public Health, eleven (11) Senators; Rules, six (6) Senators.

Also with the exception of Rule 25 which is hereby amended as follows:

Rule 25. The rules and proceedings of the Senate shall be observed, in the Committee of the Whole, excepting that a member may speak oftener than twice on the same subject. In Committee Whole, the previous question cannot be called, the yeas and nays required, nor can there be an appeal from the decision of the chairman.

And further, with the exception of Rule 29 which is hereby amended to read as follows:

Rule 29. The consent of two thirds of the members present shall be necessary to suspend any rule.

The consent of two-thirds of all members elected to the Senate shall be necessary to alter, change, or amend these rules.

On the question,

Will the Senate agree to the resolution?

POINT OF ORDER

Mr. SHAPIRO. Mr. President, this is another motion which in affect is to reconsider the previous action of this Senate and I expect requires that the gentlemen voting in the majority from Susquehanna vote in the affirmative which he did not. I therefore rise to a point of order.

The PRESIDENT. The Senator from Philadelphia, Mr. Shapiro will state his point of order.

Mr. SHAPIRO. The motion is out of order. The Senator

did not vote with the majority. Also since this is a change of the existing rules it requires a two-thirds vote.

Mr. OWLETT. Mr. President, I suggest that this point of order is not well taken for the reason that the action of this Senate, in completing the roll had the effect of completing the Journal.

The PRESIDENT. The point of order is well taken.

Mr. SHAPIRO. Mr. President, I desire to interrogate the Senator from Tioga, Mr. Owlett.

The PRESIDENT. Will the Senator from Tioga, Mr. Owlett permit himself to be interrogated?

Mr. OWLETT. Mr. President, very gladly.

Mr. SHAPIRO. Mr. President do I understand that the gentleman from Tioga that the Senate has been operating without any rules?

Mr. OWLETT. Mr. President, I take the position that the rules which were claimed to have been adopted in the Senate on January 3, were not legally adopted because three Senators legally entitled to vote in the legislative body were deprived of that vote. No legislative body can act without rules. We have gone on the assumption they were illegally adopted and were therefore not adopted at all. The rules we are now submitting are the procedure for this body. That is the position I take.

Mr. SHAPIRO. Mr. President, I merely wish the record to be correct. The gentleman from Tioga said we have had no Rules all day. I would like that corrected. If not I would like to know at which point during the day we have had no rules or when the new ones begin.

Mr. OWLETT. Mr. President, I submit, Mr. President that the statements I have just made states our positions and does not clarify records.

Mr. CAVALVANTE. Mr. President, I would like to interrogate the Senator from Tioga, Mr. Owlett.

The PRESIDENT. Will the Senator from Tioga, Mr. Owlett permit himself to be interrogated?

Mr. OWLETT. Mr. President, very gladly.

Mr. CAVALCANTE. Mr. President, some time ago the Senator made a motion to suspend Rule 38. May I ask which Rule 38 he means?

Mr. OWLETT. Mr. President, as I stated a few moments ago some rules were stated by the then President of the Senate to have been adopted, and we today have proceeded under those rules. They were illegally adopted because three Senators did not vote for them. It has been determined that those rules were not adopted at all. I maintain, Mr. President, in answer to the interrogation of the Senator from Fayette, that a Legislative body may act under regular rules of legislative procedure and that is what we have done today.

Mr. DENT. Mr. President, if that is so, Mr. President, why did the gentleman from Tioga make a motion to suspend Rule 38 in order to confirm the appointments of the Governor.

Mr. OWLETT. Mr. President, I think I have answered the question for the record.

QUESTION OF PARLIAMENTARY INQUIRY

Mr. OWLETT. Mr. President, I rise to a question of parliamentary inquiry.

The PRESIDENT. The Senator from Tioga, Mr. Owlett, will state his question of parliamentary inquiry.

Mr. OWLETT. Mr. President, on the adoption of the resolution introduced by the Senator from Susquehanna,

Mr. Gelder as chairman of the Rules Committee the vote "Aye" will support the adoption of the resolution.

The PRESIDENT. That is correct.
The yeas and nays were required by Mr. Cavalcante and were as follows, viz:

YEAS—26.			
Bartlett,	Farrell,	Mallery,	Stevenson,
Chapman,	Gelder,	Miller,	Tallman,
Crowe,	Geitz,	Owlett,	Thomas,
Deltrick,	Heyburn,	Pierson,	Walker,
Ealy,	Homsher,	Scarlett,	Wolfenden,
Edmonds,	James,	Snowden,	Woodward,
Eroe	Letzler,		

NAYS—21.			
Cavalcante,	Haluska,	Lanius,	Reed,
Coleman,	Jacobs,	Levin,	Rice,
Dent,	Jaspan,	McCreesh,	Ruth,
DiSilvestro,	Kilgallen,	McGinnis,	Shapiro,
Frey,	Kunkel,	Mundy,	Sipe,
Gilson,			

So the question was determined in the affirmative.
Mr. HALUSKA. Mr. President, am I to understand the Rules adopted just now are in effect?

The PRESIDENT. They are.
Mr. HALUSKA. Mr. President, I am informed under the new Rules smoking is prohibited in the Senate. Is that right?

Mr. OWLETT. Mr. President, I am glad to see my colleague, Mr. Haluska, lighting his cigar.
Mr. President, I now move that Rule 38 which requires Nominations made by the Governor to lie on the table one day be dispensed with and the Senate do now resolve itself into Executive Session to act on the nominations reported at today's session, being the nominations by the Governor for his Cabinet.

Mr. MALLERY. Mr. President, I second the motion.
The motion was agreed to.

Mr. OWLETT. Mr. President, I suggest that the names be voted on as in one vote.

Mr. SHAPIRO. Mr. President, the Democratic members of the Senate have caucused on these names. I regret exceedingly that we have interfered with some of the Republican members of the Senate enjoying a social function tonight that is in the minds of many of the Republican Senators. I am sure it is not in the minds of the Democrats. I am quite sure that you will all agree that the affairs of the State are more important than this social function tonight.

I would like to say for the purpose of record and for the purpose of explaining the position which the Democratic members of the Senate will take on these nominations. We regret exceedingly that there was no precedent at least for the action of the Senate majority tonight. We feel that Lieutenant-Governor Kennedy's reputation as a parliamentarian and as a fair man are sufficient to answer, if one is needed, for the fact that he did what he felt was the rule in the action which he took. As he said and when he did need parliamentary ruling to support his action he quoted it for any member of the Senate at that time.

I am expressing the thought with all due respect to the present Chair of this Senate that it may be the novelty of the situation in which he finds himself for the reason for some of the rulings that we have had here today. That will be a matter or those who care to go further with the proceedings. For the purpose of good government we feel that we have taken a fair, honest and I think a real pur-

pose and position which was necessary in order to dis-close what may happen when rules and laws are disre-garded. We may be entirely wrong but what we have done in response to an inquiry if the proceedings of January 3, were approved, we would vote on the Cabinet members, I was speaking for the Caucus and my answer was "no." I was not prepared to say that we would do that.

The rules have been corrected. We do not agree. The same rule that we suggested also applies to us at least so we felt in Caucus, that the Governor we are quite sure has had no hand in these proceedings. We feel that he is the Governor. I personally feel that he is my Governor I feel that we can go along with him and along with each other if our purpose will be for good Government. We have the right to furnish him with our assistance to carry out any program which he may conceive, if that program is for the good of the people of the Commonwealth. We suggest to him that probably he and other Governors of the Commonwealth should pay a little more attention to the activity to the leadership in the Senate that some of the things that have occurred should not occur in the future. We do not feel that we are justified in opposing his ap-pointments just because somebody would not agree with us for some things which were done in the Senate which was wrong and we sincerely believe everything was wrong. We do not feel that that is sufficient justification for op-posing the nominations of the Governor and we do feel that we have the right and we hope that in the future it will be exercised whenever necessary to know about the men who are suggested here, whether they are quali-fied, whether there is any reason why they should not be appointed and where we find that there is some question we propose to object.

So that there will be no misunderstanding we can see no reason why we should give bent to any spleen or de-bate upon these candidates and after all they are not in this fight. If they had anything to say, they would say "let us get down to business and leave us out of this fight." As far as we are able to ascertain at present we are will-ing and happy to go along with the recommendations with the exception of two names to which I am about to refer. Lynn G. Adams, for Commissioner of Pennsylvania Motor Police, William J. Hamilton, Jr., Philadelphia, for the appointment as Secretary of Revenue. In fairness to these men, I want to say now that the mere fact we are abjecting to them should be no implication of our con-fidence in them. We have had a discussion about these two names and we want an opportunity to ascertain the fact and we want to have the Democratic Senators re-presented on the Committee on Executive Nominations so that we may question them on that subject. They have come before us and if we are satisfied that they are en-titled to their rights of appointment we will be glad to remove our objections. We are now ready to vote in favor of the other members of the Cabinet. You may bring them all up if you want to, we are not prepared to vote for the confirmation of all of them. It is perfectly agreeably to us that the rest being voted upon as a whole excepting these two.

QUESTION OF PARLIAMENTARY INQUIRY

Mr. OWLETT. Mr. President, I rise to a question of parliamentary inquiry.

The PRESIDENT .The Senator from Tioga, Mr. Owlett will state his question of parliamentary inquiry.

Mr. OWLETT. Mr. President, do I understand that a vote will now be taken to obtain the consent of two-thirds of the Senate for the approval of the Cabinet as follows:

Miss S. M. R. O'Hara, as Secretary of the Commonwealth.

Claude Trexler Reno, for Attorney General.

Edward Martin, as Adjutant General.

Matthew H. Taggart, as Insurance Commissioner.

Robert W. Doty, Secretary of Banking.

John H. Light Secretary of Agriculture.

Rodger Rowland, as Secretary of Property and Supplies.

G. Albert Stewart, as Secretary of Forest and Waters.

John Ira Thomas, as Secretary of Mines.

I. Lamont Hughes, as Secretary of Highways.

John J. Shaw, as Secretary of Health.

Lewis G. Hines, as Secretary of Labor and Industry.

E. Arthur Sweeney, as Secretary of Welfare.

Howard L. Russell, as Secretary of Public Assistance.

The PRESIDENT. That is correct.

Mr. OWLETT. Mr. President, I ask that the nominations I have just enumerated be voted on together.

The yeas and nays were taken and were as follows, viz:

YEAS—47.

Bartlett,	Frev,	Lanius,	Ruth,
Cavalcante,	Gelder,	Letzler,	Scarlett,
Chapman,	Geltz,	Levin,	Shapiro,
Coleman,	Gilson,	Mallery,	Sipe
Crowe,	Haluska,	McCreesh,	Snowden,
Deltrick,	Heyburn,	McGinnis,	Stevenson,
Dent,	Homsher,	Miller,	Tallman,
DiSilvestro,	Jacobs,	Mundy,	Thomas,
Ealy,	James,	Owlett,	Walker,
Edmonds,	Jaspan,	Pierson,	Wolfenden,
Eroe,	Kilgallen,	Reed,	Woodward,
Farrell,	Kunkel,	Rice,	

NAYS—0.

So the question was determined in the affirmative.

Mr. CAVALCANTE. Mr. President, for the information of some of my colleagues may the Clerk read the list of those we have just confirmed.

The Clerk proceeded to read the list of the foregoing nominations for the Governor's cabinet.

MOTION TO RECOMMIT

Mr. EALY. Mr. President, I move that the nominations of the Governor for the appointment of Lynn G. Adams as Commissioner of the Pennsylvania Motor Police, and William J. Hamilton, Jr., as Secretary of Revenue, be re-committed to the Committee on Executives Nominations.

Mr. WOODWARD. Mr. President, I second the motion.

The motion was agreed to.

Mr. OWLETT. Mr. President, I move that the Executive Session do now arise.

Mr. WOODWARD. Mr. President, I second the motion.

The motion was agreed to.

APPOINTMENT OF COMMITTEE TO ATTEND CONFERENCE OF THE COUNCIL OF STATE GOVERNMENT IN WASHINGTON, D. C.

The PRESIDENT. The President Pro Tempore directs me to announce the Committee of the Senate to attend a meeting of the counsel of State Government in Washington, D. C., January 18th to 21st. Senators Woodward, Mallery, Edmunds, DiSilvestro, Shapiro.

ANNOUNCEMENT BY THE SECRETARY

The Democratic Senators are requested to attend Caucus at 7.00 o'clock next Monday evening in the Senate Caucus Room.

LEAVES OF ABSENCE.

Mr. GILSON. Mr. President, I would like to ask leave absence for tomorrow's session.

The PRESIDENT. Is there any objection? The Chair hears none, leave is granted.

Mr. SHAPIRO. Mr. President, I would like to ask leave of absence for tomorrow's session.

The PRESIDENT. Is there any objection? The Chair hears none, leave is granted.

ADJOURNMENT

Mr. OWLETT. Mr. President, I move that the Senate now adjourn until Wednesday, January 18, 1939 at 1:00 o'clock p. m.

Mr. EALY. Mr. President, I second the motion.

The motion was agreed to.

The Senate adjourned at 10.21 o'clock, p. m., until Wednesday, January 18, 1939 at 1.00 o'clock p. m.

HOUSE OF REPRESENTATIVES

TUESDAY, JANUARY 17, 1939

The House met at 10.00 a. m.

The SPEAKER (Ellwood J. Turner) in the Chair.

PRAYER

The Chaplain, Rev. Walter Evans Deibler, offered the following prayer:

Eternal God, Creator of us all, we humbly bow our hearts before Thee as we invoke Thy blessings upon the meeting of this Assembly. With Thy servants of old, we most sincerely declare "hitherto hath the Lord helped us." We thank Thee for all faithful servants of the State, who have guided the destinies of our people. We are to that without Thee we cannot do anything. Therefore we come to Thee, O God, for the help that we need. We believe that Thou art and that Thou art a rewarder of those who diligently seek Thee. Grant, we beseech Thee, O God, to give to the officers and members of this House the wisdom that cometh from above. We hear Thee say "He that lacketh wisdom let him ask of God who giveth cheerfully and upbraideth not." Remember with us the citizens of this Commonwealth, all public officials and those who are in authority. Wilt Thou rule and over rule for the good of all and give us prosperity and peace that thy land may be blest, that Thy kingdom may be advanced and Thy name given honor and glory through Jesus Christ our Lord. Amen.

JOURNAL APPROVED

The SPEAKER. The Clerk will read the Journal of yesterday. The Clerk proceeded to read the Journal of yesterday's proceedings, when, on motion of Mr. Bronson the further reading was dispensed with and the Journal approved.

BILLS INTRODUCED AND REFERRED

By Mr. MOONEY.

HOUSE BILL No. 8.

An Act making an appropriation to the Saint Francis Hospital, Pittsburgh, Pennsylvania.

Referred to the Committee on Appropriations.

By Mr. FALKENSTEIN.

HOUSE BILL No. 9.

An Act to amend clause (b) of section nine of the act, approved the twenty-fourth day of June, one thousand nine hundred and thirty-seven (P. L. 2051), entitled "An act relating to public assistance; providing for and regulating assistance to certain classes of persons designated and defined as dependent children, aged persons, blind persons and other persons requiring relief; providing for the administration of this act by the Department of Public Assistance and county boards of assistance hereby created for this purpose; authorizing the Department of Public Assistance to cooperate with, and to accept and disburse moneys received from, the United States Government for assistance to such persons; providing for the liquidation of the State Emergency Relief Board, Boards of Trustees of the Mothers' Assistance Fund, and Boards of Trustees of Pension Fund for the Blind; and repealing laws relating to mothers' assistance, pensions for the blind, old age assistance, and the State Emergency Relief Board," by reducing the age limit for, and increasing the amount of, old age assistance, subject to approval of the electors' approval; and providing for an election thereon.

Referred to the Committee on Welfare.

By Mr. FALKENSTEIN.

HOUSE BILL No. 10.

An Act providing for the conducting of, and legalizing, lotteries by the State, and dedicating the net revenue received therefrom to the payment of old age assistance; creating a State Lottery Commission; making appropriations; and providing for a referendum of the electors hereon.

Referred to the Committee on Law and Order.

By Mr. FALKENSTEIN.

HOUSE BILL No. 11.

An Act regulating the use of the highways by persons operating bicycles; providing for the registration of bicycles with the Department of Revenue; prescribing certain duties upon such department and upon owners of bicycles, magistrates, aldermen and justices of the peace.

Referred to the Committee on Motor Vehicles.

By Messrs. JIROLANIO and BALLIET.

HOUSE BILL No. 12.

An Act to amend section two thousand one of the act approved the twenty-third day of June, one thousand nine hundred and thirty-one (P. L. 932), entitled "An act relating to cities of the third class; and amending, revising and consolidating the law relating thereto," by fixing minimum compensation for patrolmen in such cities.

Referred to the Committee on Cities—Third Class.

By Mr. MELCHIORRE.

HOUSE BILL No. 13.

An Act regulating horse racing, with wagering on the results thereof; providing for the licensing of race tracks, race horse owners, riders, trainers, stewards, and officials for such racing; imposing license fees; creating a departmental administrative commission within the Department of Agriculture for the administration of this act; requiring the revenues accruing under this act to be deposited in a special fund in the State Treasury; and appropriating the moneys in such funds; imposing penalties; and repealing inconsistent legislation.

Referred to the Committee on Law and Order.

By Mr. JIROLANIO.

HOUSE BILL No. 14.

An Act to amend section four, as amended, and section seventeen of the act, approved the twenty-first day of May, one thousand nine hundred and thirty-one (P. L. 149), entitled "An act imposing a State tax, payable by those herein defined as distributors, on liquid fuels used or sold and delivered within the Commonwealth, which are ordinarily, practically, and commercially usable in internal combustion engines for the generation of power; providing for the collection and lien of the tax, and the distribution and use of the proceeds thereof; requiring such distributors to secure permits, to file corporate surety bonds and reports, and to retain certain records; imposing duties on retail dealers, common carriers, county commissioners and such distributors; providing for regards; imposing certain costs on counties; conferring powers and imposing duties on certain State officers and departments; providing for refunds; imposing penalties and making an appropriation," by providing for refunds of taxes paid on liquid fuels consumed for purposes other than the operation of motor vehicles on the public highways, motor boats on the waters, and air craft over this Commonwealth, providing penalties, and providing for the suspension of this act under certain conditions.

Referred to the Committee on Ways and Means.

By Mr. JIROLANIO.

HOUSE BILL No. 15.

An Act to repeal the act, approved the eighth day of September, one thousand nine hundred and thirty-eight (P. L. 30), entitled "An act making an appropriation to the Department of Public Instruction to pay rentals and expenses in connection with public school buildings constructed or improved by the General State Authority."

Referred to the Committee on Appropriations.

By Mr. JIROLANIO.

HOUSE BILL No. 16.

An Act to amend section four thousand three hundred and twenty of the act, approved the twenty-third day of June, one thousand nine hundred thirty-one (P. L. 932), entitled "An act relating to cities of the third class; and amending, revising and consolidating the law relating thereto," by making it mandatory for cities of the third class to establish pension funds for firemen.

Referred to the Committee on Cities—Third Class.

By Mr. ROSENFELD.

HOUSE BILL No. 17.

An Act prohibiting judges from participating in political activities of any character or from being candidates for any political office, other than judicial office, and making same sufficient grounds for impeachment and removal from office.

Referred to the Committee on Judiciary General.

By Mr. ROSENFELD.

HOUSE BILL No. 18.

An Act to regulate the sale, storage, offering or exposing for sale of fireworks, defining fireworks and providing for licensing and regulation of the manner of using fireworks; and providing license fees and penalties.

Referred to the Committee on Municipal Corporations.

By Mr. MATTHEW J. WELSH.

HOUSE BILL No. 19.

An Act to amend clause (c) of section four of the act, approved the twenty-second day of June, one thousand nine hundred and thirty-one (P. L. 720), entitled "An act providing for the taking over by the Commonwealth, under certain terms, conditions and limitations, of certain streets in cities of the second class, second Class A, and third class as State highways, and for the improvement, construction, reconstruction, resurfacing and maintenance by the Commonwealth of certain defined widths of said streets; imposing duties on such cities and on

public utility companies using such streets; providing that no assessment shall be made upon the Commonwealth in the elimination of any grade crossing thereon; authorizing cities, persons, associations, or corporations to enter into agreements with the Commonwealth to bear a portion of the cost of construction or maintenance; providing for the assessment of certain portions of the cost of street improvements on abutting property owners; regulating the replacement of certain facilities of public utility companies; prohibiting the opening of said streets after improvement without a permit, and providing penalty therefor; regulating the maintenance of detours; authorizing the increase of city indebtedness in certain cases; and appropriating money in the Motor License Fund for the purpose of this act," imposing the construction, reconstruction and maintenance of certain structures on the Commonwealth.

Referred to the Committee on Highways.

By Messrs. O'NEILL and MUNLEY.

HOUSE BILL No. 20.

An Act making an appropriation from the Motor License Fund to the Department of Highways, for the purpose of reimbursing distressed boroughs for previous expenditures on state-aided highways.

Referred to the Committee on Highways.

By Mr. HAINES.

HOUSE BILL No. 21.

An Act to amend sections four hundred thirteen and seven hundred ten, and to further amend section five hundred ten, of the act approved the first day of May one thousand nine hundred and twenty-nine (P. L. 905), entitled "An act for the protection of the public safety; regulating the use of highways, and the operation of vehicles, tractors, street cars, trackless trolley omnibuses, bicycles, pedestrians, and the riding of animals upon the highways of this Commonwealth; providing for the titling, including liens, encumbrances, and legal claims; registration of certain vehicles and licensing the operators thereof, upon payment of prescribed fees; prescribing and limiting the powers of local authorities to deal with the subject matter of this act; conferring powers and imposing duties upon the Department of Revenue, the Department of Highways, peace officers, mayors, burgesses, magistrates, aldermen, justices of the peace, the courts and the clerks thereof, owners of vehicles, and garage keepers; providing that records are admissible as evidence; imposing upon owners, counties, cities, boroughs, incorporated towns, townships, within the Commonwealth, liability for damages caused by the negligent operation of their motor vehicles; imposing penalties; imposing certain costs upon counties; providing for the disposition of fines, forfeitures, fees, and miscellaneous receipts; making an appropriation and providing for refunds," by changing the registration year and adjusting registration fees.

Referred to the Committee on Motor Vehicles.

By Mr. JAMES.

HOUSE BILL No. 22.

An Act making an appropriation to The Glen Mills Schools situate in Delaware County, Pennsylvania.

Referred to the Committee on Appropriations.

By Mr. LOVETT.

HOUSE BILL No. 23.

An Act to amend paragraph (c) of section three of the act, approved the twenty-eighth day of May, one thousand nine hundred thirty-seven (P. L. 955), entitled "An act to promote public health, safety, morals, and welfare by declaring the necessity of creating public bodies, corporate and politic, to be known as housing authorities to engage in slum clearance, and to undertake projects, to provide dwelling accommodations for persons of low income; providing for the organization of such housing authorities; defining their powers and duties; providing

for the exercise of such powers, including the acquisition of property by purchase, gift or eminent domain, the renting and selling of property, and including borrowing money, issuing bonds, and other obligations, and giving security therefor; prescribing the remedies of obligees of housing authorities; authorizing housing authorities to enter into agreements, including agreement with the United States, the Commonwealth, and political subdivisions and municipalities thereof; defining the application of zoning, sanitary, and building laws and regulations to projects built or maintained by such housing authorities; exempting the property and securities of such housing authorities from taxation; and imposing duties and conferring powers upon the State Board of Housing, and certain other State officers and departments," redefining the term "city" so as to include third class cities with a population of twenty thousand population or over.

Referred to the Committee on Cities—Third Class.

By Mr. BRETHERICK.

HOUSE BILL No. 24.

An Act prohibiting any political subdivision from imposing any income or occupation tax upon non-residents.

Referred to the Committee on Municipal Corporations.

By Mr. CURRAN.

HOUSE BILL No. 25.

An Act to amend section four hundred and thirteen and to further amend section five hundred and ten of the act, approved the first day of May, one thousand nine hundred and twenty-nine (P. L. 905), entitled "An act for the protection of the public safety; regulating the use of highways, and the operation of vehicles, tractors, street cars, trackless trolley omnibuses, bicycles, pedestrians, and the riding of animals upon the highways of this Commonwealth; providing for the titling, including liens, encumbrances, and legal claims; registration of certain vehicles and licensing the operators thereof, upon payment of prescribed fees; prescribing and limiting the powers of local authorities to deal with the subject matter of this act; conferring powers and imposing duties upon the Department of Revenue, the Department of Highways, peace officers, mayors, burgesses, magistrates, aldermen, justices of the peace, the courts and the clerks thereof, owners of vehicles and garage keepers; providing that records are admissible as evidence; imposing upon owners, counties, cities, boroughs, incorporated towns, townships, within the Commonwealth, liability for damages caused by the negligent operation of their motor vehicles; imposing penalties; imposing certain costs upon counties; providing for the disposition of fines, forfeitures, fees, and miscellaneous receipts; making an appropriation; and providing for refunds," by changing the date of expiration of registration cards and plates, and withdrawing discretionary power of the Secretary of Revenue to extend the expiration date of registration plates.

Referred to the Committee on Motor Vehicles.

By Messrs. ROSE and ANDREWS. HOUSE BILL No. 26.

An Act to repeal the act, approved the fifth day of June, one thousand nine hundred and thirty-seven (P. L. 1670), entitled "An act to amend section three of the act, approved the twenty-seventh day of April, one thousand nine hundred and twenty-seven (P. L. 465), entitled 'An act to provide for the safety of persons employed, housed, or assembled in certain buildings and structures not in cities of the first class, second class, and second class A, by requiring certain construction and ways of egress, equipment, and maintenance providing for the licensing of projectionists; requiring the submission of plans for examination and approval; providing for the promulgation of rules and regulations for the enforcement of this act; providing for the enforcement of this act by the Department of Labor and Industry and, in certain cases, by the chiefs of fire departments in cities of the third class; providing penalties for violations of the provisions of this act; and repealing acts, as amended, requiring buildings

to be equipped with certain equipment in connection with gas meters to prevent or retard the escape of gas."

Referred to the Committee on Judiciary Special.

By Mr. SKALE.

HOUSE BILL No. 27.

An Act extending the jurisdiction of magistrates to certain actions in trespass.

Referred to the Committee on Judiciary General.

By Mr. SARRAF.

HOUSE BILL No. 28.

An Act to regulate the sale of sulfamilamide and its derivatives in the interest of public health.

Referred to the Committee on Public Health and Sanitation.

By Mr. CURRAN.

HOUSE BILL No. 29.

An Act to add section four hundred one and one-tenth to, and to amend paragraph (c) of section four hundred two, section four hundred four, paragraph (a) of section four hundred five as amended, and paragraphs (a) and (b) of section five hundred one of the act, approved the first day of May, one thousand nine hundred and twenty-nine (P. L. 905), entitled "An act for the protection of the public safety; regulating the use of highways and the operation of vehicles, tractors, street cars, trackless trolley omnibuses, bicycles, pedestrians, and the riding of animals upon the highways of this Commonwealth; providing for the titling, including liens, encumbrances, and, legal claims; registration of certain vehicles and licensing the operators thereof, upon payment of prescribed fees, prescribing and limiting the powers of local authorities to deal with the subject matter of this act; conferring powers and imposing duties upon the Department of Revenue, the Department of Highways, peace officers, mayors, burgesses, magistrates, aldermen, justices of the peace, the courts and the clerks thereof, owners of vehicles, and garage keepers; providing that records are admissible as evidence; imposing upon owners, counties, cities, boroughs, incorporated towns, townships, within the Commonwealth, liability for damages caused by the negligent operation of their motor vehicles; imposing penalties; imposing certain costs upon counties; providing for the disposition of fines, forfeitures, fees, and miscellaneous receipts; making an appropriation and providing for refunds," providing for the annual renewals of motor vehicle registrations by the county treasurers acting as agents of the Department of Revenue; fixing the fees therefore to be retained by the county and providing for the disposition thereof.

Referred to the Committee on Motor Vehicles.

By Mr. SCHROPE.

HOUSE BILL No. 30.

An Act to amend section one hundred and four of the act, approved the second day of June, one thousand nine hundred and fifteen (P. L. 736), entitled as amended "An act defining the liability of an employer to pay damages for injuries received by an employe in the course of employment; establishing an elective schedule of compensation; providing procedure for the determination of liability and compensation thereunder; and prescribing penalties," as reenacted and amended, by extending the benefits of the Workmen's Compensation Act to volunteer firemen contracting any illness, through the performance of their duties.

Referred to the Committee on Workmen's Compensation.

By Mr. SARRAF.

HOUSE BILL No. 31.

An Act to amend section one of the act, approved the twenty-first day of June, one thousand nine hundred thirty-seven (P. L. 1967), entitled "An act requiring all terminal airports maintaining regular scheduled flights, and all radio transmission stations used for air navigation purposes, to maintain auxiliary aerial night lighting equipment, and

an auxiliary source of electric current for the same; and providing penalties," by requiring all electrical wiring connected therewith, be submerged.

Referred to the Committee on Public Utilities.

By Mr. SKALE.

HOUSE BILL No. 32.

An Act to amend paragraph (b) of section nine of the act, approved the twenty-fourth day of June, one thousand nine hundred and thirty-seven (P. L. 2051), entitled "An act relating to public assistance; providing for and regulating assistance to certain classes of persons designated and defined as dependent children, aged persons, blind persons and other persons requiring relief; providing for the administration of this act by the Department of Public Assistance and county boards of assistance hereby created for this purpose; authorizing the Department of Public Assistance to cooperate with, and to accept and disburse moneys received from, the United States Government for assistance to such persons; providing for the liquidation of the State Emergency Relief Board, Boards of Trustees of the Mothers' Assistance Fund, and Boards of Trustees of Pension Fund for the Blind; and repealing laws relating to mothers' assistance, pensions for the blind, old age assistance, and the State Emergency Relief Board," by reducing the age at which persons shall be entitled to old age assistance.

Referred to the Committee on Welfare.

By Mr. BREThERICK.

HOUSE BILL No. 33.

An Act making an appropriation to the Taylor Hospital, Ridley Park, Pennsylvania.

Referred to the Committee on Appropriations.

By Mr. BREThERICK.

HOUSE BILL No. 34.

An Act to amend section ten of the act, approved the twenty-first day of May, one thousand nine hundred and thirty-one (P. L. 149), entitled "An act imposing a State tax, payable by those herein defined as distributors, on liquid fuels used or sold and delivered within the Commonwealth, which are ordinarily, practically, and commercially usable in internal combustion engines for the generation of power; providing for the collection and lien of the tax, and the distribution and use of the proceeds thereof; requiring such distributors to secure permits, to file corporate surety bonds and reports, and to retain certain records; imposing duties on retail dealers, common carriers, county commissioners, and such distributors; providing for rewards; imposing certain costs on counties; conferring powers and imposing duties on certain State officers and departments; providing for refunds; imposing penalties; and making an appropriation," as amended, providing that moneys in the Liquid Fuels Tax Fund shall be distributed to cities, boroughs, towns and townships instead of counties.

Referred to the Committee on Counties.

By Messrs. ANDREWS and ROSE. HOUSE BILL No. 35.

An Act to amend clause (a) of section nine of the act, approved the twenty-fourth day of June, one thousand nine hundred thirty-seven (P. L. 2051), entitled "An act relating to public assistance; providing for and regulating assistance to certain classes of persons designated and defined as dependent children, aged persons, blind persons and other persons requiring relief; providing for the administration of this act by the Department of Public Assistance and county boards of assistance hereby created for this purpose; authorizing the Department of Public Assistance to cooperate with, and to accept and disburse moneys received from, the United States Government for assistance to such persons; providing for the liquidation of the State Emergency Relief Board, Boards of Trustees of the Mothers' Assistance Fund, and Boards of Trustees of Pension Fund for the Blind; and repealing laws relating to mothers' assistance, pension for the blind, old age

assistance, and the State Emergency Relief Board; by further defining dependent children to include those whose mothers do not earn in excess of a certain monthly sum.

Referred to the Committee on Welfare.

By Mr. BROAD.

HOUSE BILL No. 36.

An Act to amend the first paragraph and clause (d) of section nine of the act, approved the twenty-fourth day of June, one thousand nine hundred thirty-seven, entitled "An act relating to public assistance; providing for and regulating assistance to certain classes of persons designated and defined as dependent children, aged persons, blind persons and other persons requiring relief; providing for the administration of this act by the Department of Public Assistance and county boards of assistance hereby created for this purpose; authorizing the Department of Public Assistance to cooperate with, and to accept and disburse moneys received from the United States Government for assistance to such persons; providing for the liquidation of the State Emergency Relief Board, Boards of Trustees of the Mothers' Assistance Fund, and Boards of Trustees of Pension Fund for the Blind; and repealing laws relating to mothers' assistance, pensions for the blind, old age assistance, and the State Emergency Relief Board," by increasing the amount of pensions paid to widows.

Referred to the Committee on Welfare.

By Mr. BROAD.

HOUSE BILL No. 37.

An Act to amend paragraph (b) of section nine of the act, approved the twenty-fourth day of June, one thousand nine hundred and thirty-seven, entitled "An act relating to public assistance; providing for and regulating assistance to certain classes of persons designated and defined as dependent children, aged persons, blind persons and other persons requiring relief; providing for the administration of this act by the Department of Public Assistance and county boards of assistance hereby created for this purpose; authorizing the Department of Public Assistance to cooperate with, and to accept and disburse moneys received from, the United States Government for assistance to such persons; providing for the liquidation of the State Emergency Relief Board, Boards of Trustees of the Mothers' Assistance Fund, and Boards of Trustees of Pension Fund for the Blind; and repealing laws relating to mothers' assistance, pensions for the blind, old age assistance, and the State Emergency Relief Board," by reducing the age of which persons shall be entitled to old age assistance.

Referred to the Committee on Welfare.

By Mr. BOYD.

HOUSE BILL No. 38.

An Act to amend Sections Three, Four, Five and Nine of the act, approved the twenty-eight day of June, one thousand nine hundred and thirty-five (Pamphlet Laws, four hundred sixty-three), entitled (as amended), "An Act providing for the incorporation, as bodies corporate and politic, of 'Authorities' for municipalities, counties, and townships; defining the same; prescribing the rights, powers and duties of such Authorities; authorizing such Authorities to acquire, construct, improve, maintain, and operate projects, and to borrow money and issue bonds therefor; providing for the payment of such bonds, and prescribing the rights of the holders thereof; conferring the right of eminent domain on such Authorities; authorizing such Authorities to enter into contracts with and to accept grants from the Federal Government or any agency thereof; and for other purposes," as amended, by omitting the requirement that the resolution or ordinance of the intention to organize an Authority shall set forth the proposed Articles of Incorporation; by including gas works, gas manufacturing and gas distributing systems as projects to be undertaken by an Authority; by authorizing a longer term for the bonds issued by an Au-

thority and making them legal investments for trust funds, etc.; and by including gas works, gas manufacturing and gas distributing systems and water supply works as facilities which might be transferred to an Authority.

Referred to the Committee on Municipal Corporations.

By Mr. ALSPACH.

HOUSE BILL No. 39.

An Act to amend sections four hundred and thirteen and seven hundred and ten and to further amend section five hundred and ten of the act approved the first day of May, one thousand nine hundred and twenty-nine (P. L. 905), entitled "An act for the protection of the public safety; regulating the use of highways, and the operation of vehicles, tractors, street cars, trackless trolley omnibuses, bicycles, pedestrians, and the riding of animals upon the highways of this Commonwealth; providing for the titling, including liens, encumbrances, and legal claims; registration of certain vehicles and licensing the operators thereof, upon payment of prescribed fees; prescribing and limiting the powers of local authorities to deal with the subject matter of this act; conferring powers and imposing duties upon the Department of Revenue, the Department of Highways, peace officers, mayors, burgesses, magistrates, aldermen, justices of the peace, the court and the clerks thereof, owners of vehicles, and garage keepers; providing that records are admissible as evidence; imposing upon owners, counties, cities, boroughs, incorporated towns, townships, within the Commonwealth, liability for damages caused by the negligent operation of their motor vehicles; imposing penalties; imposing certain costs upon counties; providing for the disposition of fines, forfeitures, fees, and miscellaneous receipts; making an appropriation and providing for refunds," by changing the registration year and adjusting registration fees.

Referred to the Committee on Motor Vehicles.

By Mr. CURRAN.

HOUSE BILL No. 40.

An Act to further amend subsection two of section one, and section three of the act, approved the first day of July one thousand nine hundred and nineteen (P. L. 717), entitled "An act fixing the number, compensation, mileage, and duties of the officers and employees of the General Assembly, and providing for their election or appointment, term of office, and manner of filling vacancies," by reestablishing the office of resident clerk in the House of Representatives; creating the office of executive secretary to the chief clerk and resident clerk; fixing their compensation, and the duties of the resident clerk; and providing for their election and appointment.

Referred to the Committee on State Government.

By Mr. MATTHEWS.

HOUSE BILL No. 41.

An Act to further amend section one of the act, approved the twenty-first day of May, one thousand nine hundred and thirty-one (P. L. 147), entitled "An act placing upon the Commonwealth the responsibility for the construction and maintenance of certain bridges on State highway routes or continuations of State highway routes in boroughs, incorporated towns, cities of the Third Class and townships, under certain conditions and restrictions, and appropriating money in the motor license fund for such purposes; providing for a limitation of the Commonwealth's liability for reconstruction and maintenance, in certain cases, under orders of court or the Public Service Commission; providing for the Commonwealth to succeed to the rights of the county under certain existing agreements or contracts; authorizing the department to issue licenses to public service companies for occupancy of such bridges in accordance with existing laws, subject to certain conditions and restrictions; providing for the crediting of certain moneys to the motor license fund, and providing for the return to the county or disposal of said bridges in certain cases; and repealing certain acts with reference to county bridges," by providing for

the lighting of bridges taken over by the Commonwealth at the expense of the Commonwealth.

Referred to the Committee on Highways.

By Messrs. McKINNEY and MUIR.

HOUSE BILL No. 42.

An Act to amend sections four hundred thirteen and seven hundred ten of the act, approved the first day of May, one thousand nine hundred and twenty-nine (P. L. 905), entitled "An act for the protection of the public safety; regulating the use of highways, and the operation of vehicles, tractors, street cars, trackless trolley omnibuses, bicycles, pedestrians, and the riding of animals upon the highways of this Commonwealth; providing for the titling, including liens, encumbrances and legal claims; registration of certain vehicles and licensing the operators thereof, upon payment of prescribed fees; prescribing and limiting the powers of local authorities to deal with the subject matter of this act; conferring powers and imposing duties upon the Department of Revenue, the Department of Highways, peace officers, mayors, burgesses, magistrates, aldermen, justices of the peace, the courts and the clerks thereof, owners of vehicles, and garage keepers; providing that records are admissible as evidence; imposing upon owners, counties, cities, boroughs, incorporated towns, townships, within the Commonwealth, liability for damages caused by the negligent operation of their motor vehicles; imposing penalties; imposing certain costs upon counties; providing for the disposition of fines, forfeitures, fees, and miscellaneous receipts; making an appropriation and providing for refunds," changing the registration year for motor vehicles, trailers and semi-trailers and adjusting registration fees.

Referred to the Committee on Motor Vehicles.

By Mr. OMINSKY.

HOUSE BILL No. 43.

An act to amend section nine hundred ten and clause (e) of section nine hundred fifty-one of the act, approved the third day of June, one thousand nine hundred and thirty-seven, entitled "An act concerning elections, including general, municipal special and primary election, the nomination of candidates, primary and election expenses and election contests; creating and defining membership of county boards of election; imposing duties upon the Secretary of the Commonwealth, courts, county boards of elections, county commissioners; imposing penalties for violation of the act, and codifying, revising and consolidating the laws relating thereto; and repealing certain acts and parts of acts relating thereto; and repealing certain acts and parts of acts relating to elections," by prohibiting any judge of a court of record from being a candidate for any other public office during his incumbency.

Referred to the Committee on Judiciary General.

By Mr. OMINSKY.

HOUSE BILL No. 44.

An Act to repeal the act, approved the first day of December, one thousand nine hundred and thirty-eight, entitled "An act making an appropriation to the Department of Property and Supplies for the payment of rates, rentals and other charges that may become due on leases and other contracts executed with the General State Authority, for the use and occupancy of various projects, structures, buildings and facilities of the Authority, or for the services rendered by the Authority or its projects."

Referred to the Committee on Appropriations.

By Mr. LONG.

HOUSE BILL No. 45.

An Act providing for and regulating joint purchases by counties of the first class with all political subdivisions and courts of record therein; and designating the purchasing agency therefor.

Referred to Committee on Cities—First Class.

By Mr. LONG.

HOUSE BILL No. 46.

An Act to add section one thousand eight hundred forty-three and one tenth to the act, approved the third day of June, one thousand nine hundred and thirty-seven (P. L. 1333), entitled "An act concerning elections, including general, municipal, special and primary elections, the nominations of candidates, primary and election expenses and election contests; creating and defining membership of county boards of elections; imposing duties upon the Secretary of the Commonwealth, courts, county boards of elections, county commissioners; imposing penalties for violation of the act, and codifying, revising and consolidating the laws relating thereto; and repealing certain acts and parts of acts relating to elections," by prohibiting political parties, committees, or members thereof from assessing upon or demanding from public officials contributions for political purposes.

Referred to Committee on Elections.

By Mr. LONG.

HOUSE BILL No. 47.

An Act authorizing savings banks to establish life insurance departments; providing procedure and prerequisites.

Referred to Committee on Banking.

By Mr. LONG.

HOUSE BILL No. 48.

An Act to reenact the act, approved the second day of June, one thousand nine hundred and thirty-seven, entitled "An act authorizing courts of common pleas to stay writs of execution against, and tax sales of, certain real property in certain cases; providing for the continuance of return days of writs of execution; and authorizing sales thereon without issuance of further writs, and exempting mortgages issued under the National Housing Act."

Referred to Committee on Judiciary General.

By Mr. LONG.

HOUSE BILL No. 49.

An Act to add clause (u) to section one thousand one hundred and seven of the act, approved the third day of June, one thousand nine hundred and thirty-seven (P. L. 1333), entitled "An act concerning elections, including general, municipal, special and primary and election expenses and election contests; creating and defining membership of county boards of elections; imposing duties upon the Secretary of the Commonwealth, courts, county boards of elections, county commissioners; imposing penalties for violation of the act, and codifying, revising and consolidating the laws relating thereto; and repealing certain acts and parts of acts relating to elections," by requiring that voting machines carry the names of candidates printed to enable electors to vote without difficulty.

Referred to the Committee on Elections.

By Mr. LONG.

HOUSE BILL No. 50.

An Act to further amend section one of the act, approved the seventeenth day of June, one thousand nine hundred thirteen (P. L. 507), entitled "An act to provide revenue for State and county purposes, and, in cities co-extensive with counties, for city and county purposes; imposing taxes upon certain classes of personal property; providing for the assessment and collection of the same; providing for the duties and compensation of prothonotaries and recorders in connection therewith; and modifying existing legislation which provided for raising revenue for State purposes," by excepting from the tax therein imposed public loans of political subdivisions of this Commonwealth.

Referred to the Committee on Ways and Means.

By Mr. LONG.

HOUSE BILL No. 51.

An Act to amend section eighteen, as amended and renumbered section seventeen, and section eighteen,

as added, of the act, approved the twenty-second day of June, one thousand nine hundred and thirty-five (P. L. 414), entitled "An act to provide revenue for State purposes; imposing taxes upon certain classes of personal property; providing for the assessment, collection, and lien of the same, and the distribution of the proceeds thereof; imposing duties on executors, administrators, registers of wills, recorders of deeds, prothonotaries, and court clerks, and on persons, copartnerships, associations, banks, national banks, trust companies, and other corporations receiving deposits of money, and on certain corporations and limited partnerships, conferring powers and imposing duties on certain State officers and departments; imposing penalties; and making an appropriation," by exempting from taxation scrip, bonds, certificates and evidences of indebtedness assumed or on which interest is paid by political subdivisions.

Referred to the Committee on Ways and Means.

By Mr. LONG. HOUSE BILL No. 52.

An Act lapsing all unobligated balances of appropriations made for any purpose by any act, approved prior to January first, one thousand nine hundred and thirty-five.

Referred to the Committee on Appropriations.

By Mr. SKALE. HOUSE BILL No. 53.

An Act to amend the first paragraph and subsection (b) of section nine of the act, approved the twenty-fourth day of June, one thousand nine hundred and thirty-seven (P. L. 2051), entitled "An act relating to public assistance; providing for and regulating assistance to certain classes of persons designated and defined as dependent children, aged persons, blind persons and other persons requiring relief; providing for the administration of this act by the Department of Public Assistance and county boards of assistance hereby created for this purpose; authorizing the Department of Public Assistance to cooperate with, and to accept and disburse moneys received from, the United States Government for assistance to such persons; providing for the liquidation of the State Emergency Relief Board, Boards of Trustees of the Mothers' Assistance Fund, and Boards of Trustees of Pension Fund for the Blind; and repealing laws relating to mothers' assistance pensions for the blind, old age assistance, and the State Emergency Relief Board," by increasing the pension to aged persons.

Referred to the Committee on Welfare.

By Mr. MORAN. HOUSE BILL No. 54.

An Act to prohibit the possession and use of certain gases and weapons for the suppression of riots and tumults or in connection with labor disputes; providing penalties; and providing for certain exceptions.

Referred to the Committee on Judiciary General.

By Mr. MORAN. HOUSE BILL No. 55.

An Act to amend the title and section one of the act, approved the twenty-ninth day of June, one thousand nine hundred and twenty-three (P. L. 972), entitled "An act to protect the public safety by prohibiting the discharge of firearms or other weapons within one hundred and fifty yards of any dwelling house or residence while hunting or trapping for wild birds or wild animals of any kind without the consent of the owner or tenant thereof, and prohibiting the destruction and abuse of certain property by persons while hunting or trapping," by increasing the distance in which the discharge of firearms is prohibited; and further regulating the same.

Referred to the Committee on Game.

By Mr. MORAN. HOUSE BILL No. 56.

An Act requiring aliens to register with the Department of Labor and Industry and to carry and, upon proper

demand, to exhibit identification cards; prohibiting the issuing of certain registrations and licenses to, or the employment of aliens under certain circumstances; and prescribing penalties.

Referred to the Committee on State Government.

By Mr. MORAN. HOUSE BILL No. 57.

An Act requiring locksmiths and keymakers to have all persons ordering the making of keys for motor vehicles standing upon the highways or in public places, to produce the ownership cards covering such motor vehicles; and providing penalties.

Referred to the Committee on Motor Vehicles.

By Mr. ELY. HOUSE BILL No. 58.

An Act to promote the public safety by requiring wreckers, garagemen and repairmen removing damaged motor vehicles from roads, streets and highways to clear debris created by the collision and wreck from sidewalks, roads, streets, and highways, and imposing penalties.

Referred to the Committee on Motor Vehicles.

By Mr. SARRAF. HOUSE BILL No. 59.

An Act consolidating all school districts within any county of the second class into a single school district of the first class; abolishing existing school districts and terminating the terms of the directors, treasurers, secretaries and solicitors thereof; defining the powers and duties of such consolidated school districts and of the directors and officers thereof; providing for the compensation of school directors; providing for the election by the school directors of a school controller and treasurer and making the treasurer of such school district the tax collector thereof; vesting the property and rights of such abolished school districts in the consolidated district and preserving existing rights and liabilities and repealing inconsistent laws.

Referred to the Committee on Education.

By Mr. MORAN. HOUSE BILL No. 60.

An Act to provide revenue for state and county purposes, and in cities coextensive with counties, for city and county purposes; imposing taxes upon certain classes of personal property; providing for the assessment and collection of the same; providing for the duties and compensation of prothonotaries and recorders in connection therewith; conferring powers and imposing duties on certain county and city officers, and on the State Department of Revenue and fixing penalties.

Referred to the Committee on Ways and Means.

By Mr. MORAN. HOUSE BILL No. 61.

A Joint Resolution proposing an amendment to section three, article four of the Constitution of the Commonwealth of Pennsylvania.

Referred to the Committee on Constitutional Amendments.

By Mr. MORAN. HOUSE BILL No. 62.

An Act to exempt certain homesteads from taxation.

Referred to the Committee on Judiciary General.

By Mr. MORAN. HOUSE BILL No. 63.

An Act authorizing cities, boroughs, towns and townships to construct, acquire, own, operate, control, sell and lease facilities for the production, generation, transmission, distribution or furnishing of natural or artificial gas, electricity, steam or water, or the collection, disposition

or treatment of sewage, and to furnish or render such services to the public within or beyond their corporate limits or both; conferring the power of eminent domain; conferring certain powers and imposing certain duties on such municipalities and the controller or auditors thereof; providing for and authorizing the incorporation and election of a board of directors to operate and manage such works, and defining its powers and duties; conferring certain powers and imposing certain duties on the Pennsylvania Public Utility Commission; and prescribing penalties.

Referred to the Committee on Public Utilities.

By Mr. MORAN. HOUSE BILL No. 64.

An Act relating to local taxation; establishing a system in counties of the second, third, fourth, fifth, sixth, seventh and eighth classes for the collection of county, borough, town, township, school and poor taxes with certain exceptions through the county treasurers as county tax collectors and city tax collectors in cities of the second Class: A and third class; providing for a referendum to ascertain the will of the electors in each county (except counties of the first class), as to the acceptance of this act; providing that the act shall apply to all of the aforesaid counties in the event the referendum provisions are held unconstitutional; defining the rights, powers and duties of the collectors of county, borough, town, township, school and poor district taxes in certain counties; defining the rights, powers and duties of such taxing units; regulating the date of making and certifying of tax levies; abolishing the office of county, borough, town, township, school and poor district tax collectors, except county treasurers and certain tax collectors in cities upon the expiration of existing terms and in cases of vacancies; imposing certain duties upon the Department of Internal Affairs; defining certain criminal offenses; imposing penalties and creating liens and repealing existing laws.

Referred to the Committee on Municipal Corporations.

By Mr. O'CONNOR. HOUSE BILL No. 65.

An Act to amend section one thousand two hundred one of the act approved the first day of May, one thousand nine hundred twenty-nine, entitled "An act for the protection of the public safety; regulating the use of highways, and the operation of the vehicles, tractors, street cars, trackless trolley omnibuses, bicycles, pedestri-ans, and the riding of animals upon the highways of this Commonwealth; providing for the titling, including liens, encumbrances, and legal claims; registration of certain vehicles and licensing the operators thereof, upon payment of prescribed fees; prescribing and limiting the powers of local authorities to deal with the subject matter of this act; conferring powers and imposing duties upon the Department of Revenue, the Department of Highways, peace officers, mayors, burgesses, magistrates, aldermen, justices of the peace, the courts and the clerks thereof, owners of vehicles, and garage keepers; providing that records are admissible as evidence; imposing upon owners, counties, cities, boroughs, incorporated towns, townships, within the Commonwealth, liability for damages caused by the negligent operation of their motor vehicles; imposing penalties; imposing certain costs upon counties; providing for the disposition of fines, forfeitures, fees, and miscellaneous receipts; making an appropriation and providing for refunds," as amended, providing that action brought charging violations of the summary provisions of said act shall be brought before the nearest magistrate.

Referred to the Committee on Motor Vehicles.

By Mr. O'CONNOR. HOUSE BILL No. 66.

An Act to reenact subsection twenty, as amended, and to reenact and amend subsection twenty-five of section one thousand two hundred and ten of the act, approved the eighteenth day of May, one thousand nine

hundred and eleven, entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue, and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith," by changing the amount of payments by the Commonwealth for the minimum salaries of members of the teaching and supervisory staffs of elementary schools, junior high schools and high schools.

Referred to the Committee on Education.

By Mr. O'CONNOR. HOUSE BILL No. 67.

A Joint Resolution proposing an amendment to article fourteen, section one of the Constitution of the Commonwealth of Pennsylvania.

Referred to the Committee on Constitutional Amendments.

By Mr. MORAN. HOUSE BILL No. 68.

An Act making an appropriation to the Braddock General Hospital Braddock, Pennsylvania.

Referred to the Committee on Appropriations.

By Mr. MORAN. HOUSE BILL No. 69.

An Act making an appropriation to the Ladies of the Grand Army of the Republic Home Department of Pennsylvania at Hawkins Station, Allegheny County, Pennsylvania.

Referred to the Committee on Appropriations.

By Mr. O'CONNOR. HOUSE BILL No. 70.

A Joint Resolution proposing an amendment to section eight article four of the Constitution of the Commonwealth of Pennsylvania.

Referred to the Committee on Constitutional Amendments.

By Mr. O'CONNOR. HOUSE BILL No. 71.

An Act to amend section two of the act approved the twentieth day of June, one thousand nine hundred and nineteen (P. L. 521) entitled "An act providing for the imposition and collection of certain taxes upon the transfer of property passing from a decedent who was a resident of this Commonwealth at the time of his death, and of property within this Commonwealth of a decedent who was a non-resident of the Commonwealth at the time of his death; and making it unlawful for any corporations of this Commonwealth, or national banking association located therein, to transfer the stock or such corporation or banking association, standing in the name of any such decedent, until the tax on the transfer thereof has been paid; and providing penalties and citing certain acts for repeal," as amended, allowing additional deductions to ascertain the value of estates for the calculation of the tax imposed by this act.

Referred to the Committee on Ways and Means.

By Mr. O'CONNOR. HOUSE BILL No. 72.

An Act to amend section one hundred seventy-one of the act, approved the second day of May, one thousand nine hundred and twenty nine (P. L. 1278), entitled "An act relating to counties of the second, third, fourth, fifth, sixth, seventh and eighth classes; and revising, amending, and consolidating the laws relating thereto," as amended, providing for the number and compensation of the members of the board of viewers in counties of the third and fourth classes.

Referred to the Committee on Counties.

By Mr. O'CONNOR.

HOUSE BILL No. 73.

An Act making an appropriation to the Cresson Volunteer Fire Company for the protection of State property.

Referred to the Committee on Appropriations.

By Mr. CALVIN.

HOUSE BILL No. 74.

An Act to amend section two hundred and seventy-eight of the act approved the second day of May, one thousand nine hundred and twenty-nine (P. L. 1278), entitled "An act relating to the counties of the second, third, fourth, fifth, sixth, seventh and eighth classes; and revising, amending and consolidating the laws relating thereto," as amended, providing for the appointment, the term, and compensation of county detectives in counties of the fifth class.

Referred to the Committee on Counties.

By Mr. CALVIN.

HOUSE BILL No. 75.

An Act to amend section four thousand three hundred and twenty of the act approved the twenty-third day of June, one thousand nine hundred and thirty-one (P. L. 932), entitled "An act relating to cities of the third class; and amending, revising, and consolidating the law relating thereto," making it mandatory upon each such city to establish a firemen's pension fund.

Referred to the Committee on Cities—Third Class.

By Mr. O'CONNOR.

HOUSE BILL No. 76.

A Joint Resolution proposing an amendment to article four, section twenty-one of the Constitution of the Commonwealth of Pennsylvania.

Referred to the Committee on Constitutional Amendments.

By Mr. O'CONNOR.

HOUSE BILL No. 77.

An Act to amend subsections six and seven of section one thousand two hundred and ten of the act, approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special, or local or any parts thereof, that are or may be inconsistent therewith," as amended, changing the minimum annual compensation of the members of the teaching and supervisory staff in school districts of the third and fourth classes.

Referred to the Committee on Education.

By Mr. HOLLAND.

HOUSE BILL No. 78.

An Act to amend section two hundred and one of the act, approved the twenty-second day of May, one thousand nine hundred and thirty-three entitled, "An act relating to taxation; designating the subjects property and persons subject to and exempt from taxation for all local purposes; providing for, and regulating the assessment and valuation of persons, property and subjects of taxation for county purpose and for the use of those municipal and quasi-municipal corporations which levy their taxes on county assessments, and valuations; amending revising and consolidating the law relating thereto; and repealing existing laws", making the real estate of public service companies subject to taxation and providing certain exceptions.

Referred to the Committee on Public Utilities.

By Mr. ROSENFELD.

HOUSE BILL No. 79.

An Act to permit judges in all criminal cases when sentence is deferred, to have thirty days in which to impose such sentence.

Referred to the Committee on Judiciary Special.

RESOLUTIONS INTRODUCED AND REFERRED

By Mr. TRONZO.

RESOLUTION No. 2.

In the House of Representatives, January 16, 1939.

Whereas, The appropriation by Congress of only \$725,-00,000 for the Works Progress Administration will cause the dismissal of 97,000 WPA workers in Pennsylvania; and

Whereas, The great majority of dismissed WPA workers will, with their dependents, be thrown upon the relief rolls of this Commonwealth; and

Whereas, The present financial resources of this Commonwealth cannot absorb such a huge increase in relief requirements; and

Whereas, The only course then open to this Commonwealth would be the reduction of individual relief payments, the imposition of new taxes, or the passing of an unbearable burden to the local taxpayers; and

Whereas, Both political parties in this Commonwealth are pledged to the continuance of WPA, the maintenance of adequate relief, and the avoidance of new burdens for State and local taxpayers; and

Whereas, The dismissal of 97,000 WPA workers in this State will reduce living standards, lower purchasing power, promote insecurity and injure business; therefore be it

Resolved, That this House respectfully petition the Senate and House of Representatives of the Congress of the United States, to allay this danger to this Commonwealth by restoring the WPA appropriation to \$875,000,000 as recommended by President Roosevelt.

Referred to Committee on Federal Relations.

By Messrs. MALLOY and SCHWAB.

RESOLUTION No. 3.

In the House of Representatives, January 16, 1939.

Whereas, The newspaper strike in Wilkes-Barre has stopped publication of three daily and one Sunday newspaper for more than three months; and

Whereas, several hundred employes of those newspapers have been idle, seriously affecting the purchasing power of their families, and injuring business; and

Whereas, The community of Wyoming Valley, with more than 350,000 persons has been seriously inconvenienced by the absence of newspapers,

Resolved, That the House of Representatives of the Commonwealth of Pennsylvania hereby calls upon the publishers of Wilkes-Barre and the Newspaper Guild of Wilkes-Barre promptly to resume negotiations seeking to terminate this prolonged and costly strike on an honorable basis.

Referred to the Committee on Printing.

By Mr. FLANAGAN. (Concurrent) RESOLUTION No. 4.

In the House of Representatives, January 16, 1939.

Whereas, The foundation, tradition and welfare of our Nation and State are unalterably based on a Democratic form of government, guaranteeing freedom of religious worship, freedom of speech, freedom of the press, and freedom of assembly; and

Whereas, The cause of democracy and liberty is being assailed in many parts of the world and the people of many nations are being deprived of all individual liberty and voice in governments; and

Whereas, There are groups of people in our State and Nation who espouse the cause of foreign governments in preference to our own, and who seek to bring into being in our State and Nation authoritarian or dictatorial government.

Resolved, (if the Senate concur) That the General Assembly hereby unalterably condemns the efforts of proponents of fascism or communism or any other "ism" to foist their dictatorial ideologies upon the people of this State and Nation, and reaffirms and reasserts its support and conviction in a Democratic government of a free people.

Referred to the Committee on Law and Order.

By Mr. ROSENFELD.

(Concurrent) RESOLUTION No. 5.

In the House of Representatives, January 16, 1939.

Whereas, The United States of America and the Commonwealth of Pennsylvania was founded by those who sought peace and security, and

Whereas, The world is now engaged in a mad race to arm and prepare for war, and

Whereas, At this stage of civilization it is time for the nations of the world to stop and think of peace rather than war, and

Whereas, Every effort ought to be made and every step taken to establish peace for all mankind, therefore be it

Resolved, (if the Senate Concur) That the General Assembly of the Commonwealth of Pennsylvania does hereby memorialize the President of the United States, the Secretary of State, and the Congress of the United States to call a World Peace Conference to be held in Philadelphia to which shall be invited the duly authorized representatives of all of the nations of the world in the interests of peace, and be it further

Resolved, That a copy of this resolution be transmitted to the President of the United States, to his Secretary of State, to the Clerk of the Senate and the House of Representatives of the United States and to the members of Congress and of the United States Senate elected from the Commonwealth of Pennsylvania.

Referred to the Committee on Federal Relations.

REPORT OF WESTERN SAVING FUND SOCIETY

The SPEAKER laid before the House the report of the Auditors of the Western Saving Fund Society for the year 1938, which was read by the clerk.

(For report see Appendix.)

REPORT FROM COMMITTEE

Mr. NORMAN WOOD from the Committee on Agriculture, reported as committed, House Resolution No. 1.

RESOLUTION NO. 1

Mr. NORMAN WOOD called up Resolution No. 1 and asked and obtained unanimous consent for its immediate consideration.

The resolution was twice read, considered and adopted as follows:

In the House of Representatives, January 16, 1939.

Whereas, Pennsylvania Farm Products Show is the largest winter agricultural exposition in America and its attendance is increasing every year and

Whereas, The number of visitors exhibitors demonstrators contestants judges and participants requiring rooming accommodations during the Farm Show taxes the capacity of hotels boarding houses tourist homes and private residences in Harrisburg and vicinity and

Whereas, The present annual dates of the Farm Products Show conflict every two years with the first full week of the regular session of the General Assembly and conflict every four years with the Inauguration of the Governor of the Commonwealth both conflicts being to the discomfort of citizens desiring to attend these events and having business with the General Assembly and

Whereas, Members of the Farm Show Committee at a recent meeting indicated informally their willingness to have the dates of the Farm Show changed in order to avoid conflicts and to afford better accommodations for those attending the exposition therefore be it

Resolved, That the House of Representatives call upon the State Farm Products Show Commission to give serious consideration forthwith to setting the dates of the annual Farm Show in a week which will not conflict with the Inauguration of the Governor or with a week when the General Assembly is customarily sitting

RESOLUTION

REPORT OF SLATE COMMITTEE

Mr. WINNER offered a resolution and asked and obtained unanimous consent for its immediate consideration.

The resolution was twice read as follows:

In the House of Representatives, January 17, 1939.

Resolved, That the following employees be appointed in the House of Representatives:

CHIEF SERGEANT-AT-ARMS

William B. Kemper, 8014 Ridge Avenue, Philadelphia, Pa.

CHIEF ASSISTANT SERGEANT-AT-ARMS

William Reed McLain, Big Run, Pa.

ASSISTANT SERGEANT-AT-ARMS

Daniel Ryan, 1014 Wallace Street, Philadelphia, Pa.
William Felton, 850 Perkiomen Street, Philadelphia, Pa.
Joseph Harman, 2447 79th Avenue, Philadelphia, Pa.
Fred P. Long, 4615 Ashburne St., Philadelphia, Pa.
William Schaffer, 1211 South 54th St., Philadelphia, Pa.
Robert Scheck, 2312 Cedar Street, Philadelphia, Pa.
Thomas A. Arena, 301 West Wayne Ave., Wayne, Pa.
Alvin Sieber, 1101 Park St., McKeesport, Pa.
Edward C. Hilliard, 448 Third St., Pitcairn, Pa.
Bernard Steinfeld, 921 Eleventh St., Beaver, Pa.
John Y. Turner, 251 Radcliff St., Bristol, Pa.
William J. Lotz, 524 Davidsville Road, Willow Grove, Pa.

Claude I. Hacker, 106 Susquehanna Ave., Lansdale, Pa.
Jacob H. Erb, McClure, Pa.

DAY WATCHMAN

Joseph Juliana, 722 New Market St., Philadelphia, Pa.

NIGHT WATCHMAN

Edward Adams, 1302 Wallace St., Harrisburg, Pa.

DESK CLERKS

John Caldwell, 7504 Boyer St., Philadelphia, Pa.
William J. Lescure, Jr., Harrisburg, Pa.

CUSTODIAN WASH ROOM

Ralph Costin, 515 S. 16th St., Philadelphia, Pa.

CUSTODIAN BASEMENT

Wm. E. Roeder, 210 Walnut St., York, Pa.

CUSTODIAN COMMITTEE ROOM

George D. Sheely, New Oxford, Pa.

SUPERINTENDENT FOLDING ROOM

Alexander MacDonald, Jr., 1513 Pine St., Scranton, Pa.

PASTERS AND FOLDERS

Frank Ramagano, 736 Christian St., Philadelphia, Pa.
W. Raymond Miller, Liberty, Pa.
John R. Prosser, 426 Wayne Avenue, Ellwood, Pa.
Charles A. Lantz, Milroy, Pa.
Austin H. Davenport, Waymart, Pa.
Louis K. Weintz, Matamoras, Pa.
John T. Silverwood, Winfield, Pa.
Earl F. James, Oil City, Pa.

READING CLERK

Wm. Chas. Bracken, 3108 Brownsville Road, Pittsburgh, Pa.

ASSISTANT READING CLERK

O. E. Martin, New Providence, Pa.

POSTMASTER

Edward J. Parks, Duquesne Way, Sewickley, Pa.

ASSISTANT POSTMASTER

William S. Livengood, Sr., 304 Broadway, Myersdale, Pa.

MESSENGER POST OFFICE

Wilbert D. Imbrie, Harrisville, Pa.

ASSISTANT MESSENGER POST OFFICE

Ronald N. Tyson, 643 Reading Avenue, West Reading, Pa.

Charles W. Reeder, 655 Wildwood Blvd., Williamsport, Pa.

Albert Redding, Jr., 716 Deshong St., Chester, Pa.

CLERKS TO COMMITTEE

Mason Garner, 6336 Morrowfield Ave., Pittsburgh, Pa.
Mrs. Jean Moore, 477 Perrysville Ave., Westview, Pa.
Grace Putman, Towanda, Pa.
Elizabeth H. Shropshire, West Creek Road, Emporium, Pa.

Antoinette S. Giddings, Leechburg, Pa.
Henrietta J. Shope, 318 Park Ave., Clearfield, Pa.
J. T. Stewart, Jr., 717 School St., Indiana, Pa.
Ellen Ida Thiel, 328 N. 5th St., Lebanon, Pa.
Marie Casazza, 240 N. 4th St., Allentown, Pa.
Robt. C. Madge, 101 Case Ave., Sharon, Pa.
Robert W. Chilton, 126 Drexel Rd., Ardmore, Pa.
Robert D. Herman, Northumberland, Pa.

ASSISTANT CLERK

Herbert S. Robertson, 206 Dewey Ave., Edgewood, Pa.

TRANSCRIBING CLERKS

Lucille M. Ellenberger, R. D. 6, Kittanning, Pa.
Rosalie N. Joseph, 413 N. Martin St., Titusville, Pa.
William H. MacDowell, Franklin, Pa.
George A. Comer, McConnellsburg, Pa.
Frank G. Whitbeck, 515 Division St., Clarks Summit, Pa.
Robt. A. Moore, 251 S. Mercer St., Greenville, Pa.
L. A. Malone, Burgettstown, Pa.
J. Howard Manifold, 515 Linden Ave., York, Pa.

PAGES

James E. Brown, 443 North West St., Carlisle, Pa.
James C. Westhafer, 21 East Green St., Mechanicsburg, Pa.

Richard Jury, Millersburg, Pa.
Fred Barbush, Chestnut and Court Sts., Harrisburg, Pa.
Richard Miller, Rifa St., Hershey, Pa.
Carl Sine, 2033 Logan St., Harrisburg, Pa.
Ansel Rudy, 2035 Zerkler St., Harrisburg, Pa.
Leslie Frye, Jr., 335 Boos St., Harrisburg, Pa.
Benjamin Foltz, 612 Kelker St., Harrisburg, Pa.
Edwin Brubaker, Jr., 416 Peilly St., Harrisburg, Pa.
Robert Myers, 125 Herr St., Harrisburg, Pa.
David Stineman, 1214 North 15th St., Harrisburg, Pa.
Wm. Mahoney, 245 South 18th St., Harrisburg, Pa.
Henry Scholl, 284 South Fourth St., Columbia, Pa.
Samuel Weaver High, Blue Bell, Pa.
Gilson E. Geib, 12 South Main St., Marysville, Pa.
Gerald Glendenin, 408 Maple Ave., Marysville, Pa.
Earnest Reich, Elizabethtown, Pa.
Jesse Armstrong, 221 East King St., York, Pa.
Harry Howard, 349 Oak Lane, York, Pa.
John McDaniels, York, Pa.

JOURNAL CLERK

Archibald C. Kantner, 14 Chestnut St., Cressona, Pa.

ASSISTANT JOURNAL CLERK

Alvin Bunzel, R. D. 4, Norristown, Pa.

MESSAGE CLERK

Wilfred J. Mountain, 41 East Church St., Corry, Pa.

On the question,

Will the House adopt the resolution?

Mr. HERBERT B. COHEN. Mr. Speaker, I desire to interrogate the gentleman from Montgomery, Mr. Winner.

The SPEAKER. Will the gentleman from Montgomery permit himself to be interrogated?

Mr. WINNER. I will, Mr. Speaker.

Mr. HERBERT B. COHEN. Mr. Speaker, I desire to inquire of the gentleman from Montgomery how the numerical number of the present appointees differs from the numerical number of the appointees who are sought to be appointed by this resolution.

Mr. WINNER. Will the gentleman state that question again, I did not understand him, Mr. Speaker.

Mr. HERBERT B. COHEN. Mr. Speaker, I desire to inquire of the gentleman from Montgomery the difference in number between the employees of the House at the present time and the employees of the House who are sought to be appointed by the report of the Slate Committee.

Mr. WINNER. Mr. Speaker, the number that is being sought to be appointed by this resolution is about the same as those employed at the present time.

Mr. HERBERT B. COHEN. Mr. Speaker, is there any difference in the number.

Mr. WINNER. Mr. Speaker, there might be a slight increase. With that slight increase we anticipate a little more efficiency.

Mr. HERBERT B. COHEN. Mr. Speaker, does the gentleman from Montgomery know the numerical increase exactly?

Mr. WINNER. Mr. Speaker, I don't know that.

On the question recurring,

Will the House adopt the resolution?

It was adopted.

OATH OF OFFICE ADMINISTERED TO EMPLOYEES

The SPEAKER administered the oath of office to the employees of the House.

ANNOUNCEMENT

The SPEAKER. The employees will meet in the House Caucus Room, which is on the third floor, at 4:30 this afternoon.

SENATE MESSAGES

TIME OF NEXT MEETING

The Clerk of the Senate being introduced presented an extract from the Journal of the Senate, which was read as follows:

In the Senate, January 17, 1939.

Resolved (If the House of Representatives concur) that when the Senate adjourns this week it reconvene on Monday evening, January 23, 1939 at 9:00 o'clock; and when the House of Representatives adjourns this week it reconvene on Monday evening, January 23, 1939, at 8:00 o'clock.

Ordered, That the Clerk present the same to the House of Representatives for its concurrence.

On the question,

Will the House concur in the resolution of the Senate?

It was concurred in.

Ordered, That the Clerk inform the Senate accordingly.

NOTIFICATION FROM SENATE

A Committee on the part of the Senate being introduced, informed that the Senate will be ready at 11.00 o'clock to proceed to the front of the Capitol to attend the inaugural ceremonies.

The Speaker thanked the Committee on the part of the Senate.

RECESS

The SPEAKER. If there are no objections the Chair is about to declare a recess until 4.00 p. m. Are there objections? The Chair hears none and declares a recess until 4.00 p. m.

AFTER RECESS

The House reconvened at 4.00 p. m.

The SPEAKER (Ellwood J. Turner) in the Chair.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER: The Chair desires at this time to thank the Committee on Committees, the Slate Committee and the Committee on Seating, engaged in the work of preparing the House for organization. The Chair feels that the committees have performed their duties in a very satisfactory manner and at this time desires to discharge the Committee on Seating, with the thanks of the membership. The Slate Committee and the Committee on Committees will have to continue for the time being because there are still some appointments to be made and I believe we have not as yet received the assignments of the minority members to a few places on the committees.

BILLS INTRODUCED AND REFERRED

By Mr. VOORHEES.

HOUSE BILL No. 80.

An Act to amend sections one and two of the act, approved the twenty-first day of June, one thousand nine hundred and thirty-seven (P. L. 1937), entitled "An act authorizing the Supreme Court of Pennsylvania to prescribe rules of practice and procedure in civil actions at law and in equity in certain courts of this Commonwealth, to prescribe rules and regulations for the conduct of any general business, either civil or criminal, by judges of any court of record; authorizing the courts of common pleas to prescribe and adopt local rules, not inconsistent with such general rules of the Supreme Court of Pennsylvania; authorizing the Supreme Court of Pennsylvania to appoint a Procedural Rules Committee, and to fix and define its powers and duties; imposing duties on judges and other officers of every court of record," by including the municipal court of Philadelphia.

Referred to the Committee on Judiciary General.

By Mr. O'CONNOR.

HOUSE BILL No. 81.

An Act making an appropriation to aid certain school districts.

Referred to the Committee on Appropriations.

COMMUNICATION

The SPEAKER laid before the House a communication from the Pennsylvania Bar Association which was read by the Clerk.

Referred to the Committee on Judiciary General.

COMMUNICATION FROM THE GOVERNOR

The Secretary to the Governor being introduced, presented a communication in writing from His Excellency the Governor, which was read as follows:

APPOINTMENT OF SECRETARY TO THE GOVERNOR

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, January 17, 1939.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have appointed Mr. J. Paul Pedigo, of Philadelphia, to be Secretary to the Governor.

ARTHUR H. JAMES.

GREETINGS TO SECRETARY TO GOVERNOR

The SPEAKER. The Chair wishes at this time to greet the Secretary to His Excellency, the Governor of the Commonwealth, and welcomes him on his first visit to the bar of the House, and assures him that the House and its officers and employees will be pleased to cooperate with him at all times.

SECRETARY TO THE GOVERNOR. Mr. Speaker, the Secretary would like to thank you.

PRINTING OF GOVERNOR'S INAUGURAL ADDRESS

Mr. WOODSIDE. Mr. Speaker, I move that the inaugural address of Governor Arthur H. James be printed in full in the Legislative Journal.

The motion was agreed to.

INAUGURAL ADDRESS OF GOVERNOR

GOVERNOR ARTHUR H. JAMES: Seventy days ago the people of this Commonwealth wrote a second Declaration of Independence. This declaration in effect was a statement of principles; not new ones, but a re-affirmation of faith in those unfailing guideposts along the lanes of human rights and constitutional government.

On November 8th last, you voted for the principles of honesty, thrift and integrity in government; for reawakened initiative; for common sense in the relations of your government with industry, labor, agriculture and all the other groups which make up our population.

You voted to restore the Ship of State to control by the people, and to set sail on a course charted by the compass of constitutional democracy and two-party government.

Your election called me from the hills of Plymouth to become your servant, charged with leading in an enterprise in which we have joint responsibilities. That enterprise is making Pennsylvania a self-supporting state in which her one-time prosperity may flourish anew.

You imposed upon me a solemn trust to do my utmost to see that your wishes be carried out.

A few minutes ago I took the oath of office and now address you as your Governor. I desire that my first act as executive head of Pennsylvania be to reaffirm all the pledges which I have made to the men and women of this state, as well as those contained in the Republican platform, and to promise you that I will spare no effort in attempting to return Pennsylvania to her proper place in the sun.

The problems facing our state are large and complex. They are far more than one man, unaided, could hope to solve. I have no magic wand, no rabbit-in-a-hat, no Alladin's lamp. But I do have faith in the courage and enterprise of the people of Pennsylvania, in their intelligence and spirit of cooperation, and I bring to the office of governor a full measure of my own courage and energy.

In the tasks before our state, I want to help—and I

want also to be helped. I will need, and I now call for, the aid and support and encouragement and patience and cooperation of all the men and women of this state, of whatever race, creed, party or color, that together we may do for Pennsylvania the things which need to be done.

Especially do I call for cooperation by those who are in business and commerce—who, whether in a large way or a small, are employers. It is through the instrumentality of business and industry that Pennsylvania can hope to free herself from the distressing twin burdens of taxation and human misery which are presented by widespread unemployment.

Previous administrations have placed emphasis upon unemployment. Today I should like to place the emphasis upon employment. I hope to see employment grow steadily until every idle man who wants a job can have one. To accomplish that, we need the aid and confidence and forbearance of business men throughout the state.

The administration is going to try to help industry, and in return, industry must try to help the state.

In line with campaign promises, I propose the organization of a new branch of state government, a Department of Commerce, which will strive to halt the flight of industry from Pennsylvania and which likewise will endeavor to bring back to our state industries which already have left.

Specifically, this new Department will be empowered to do the following: first, provide means whereby the advantages of Pennsylvania as an industrial state may be pointed out to those seeking sites for their industries; second, provide an opportunity for public hearings for complaints of adverse industrial conditions in the state; and third, provide a means whereby specific recommendations may emanate for the remedy or improvement of conditions affecting the expansion of business and industry.

By placing under this department a sufficient number of functions at present miscast elsewhere in the state administration, its operation should be made possible without additional cost to the taxpayer, while efficiency will be improved by coordinating all state activities in the three lines specified.

One of the principal tasks of this new department will be to investigate and correct punitive legislation directed against industry, whether overtaxation or otherwise. I have every confidence that the legislature will subject to thorough and sympathetic scrutiny all suggestions originating from the body or elsewhere looking to the remedying of improper obstacles in the path of industrial revival.

Pennsylvania has reawakened to the fact, already known to both labor and industry, that in this age of keen competition, a customer for the state's mining, industrial or agricultural products is hard to get, and once lost is doubly hard to get back.

The great market which we must revive and reopen is our own home market. We can make no better contribution to the national welfare than by restoring the full buying power of our ten million people.

That can be accomplished; it will and must be done. Many things will contribute to accomplishing it. The most important, of course, is large scale reemployment at adequate wages. Another is by means of anything which encourages both the production and the consumption of Pennsylvania-made goods. We want no trade fences, no

economic barriers, around our state; but most decidedly we want to help those who help us.

By means of this new organization, Pennsylvania will be able to advertise Pennsylvania's advantages throughout the world, and at the same time will be able to offer to industry a new and friendly relationship a new measure of sympathetic encouragement.

What Pennsylvania needs is a new kind of pump-priming. She needs a Private Pump-Priming Program for Prosperity in Pennsylvania—and I believe that the new Department of Commerce can promote exactly that. The pump which needs priming in this state is the pump of confidence. The springs of hate and fear and discouragement have been flowing freely, and their bitter waters have left a bad taste in everyone's mouth. We need now to build for the future with hope and faith and courage. We need to bring private money out of hiding and put it to work. We want more pump-priming by private capital and individual initiative, and less of it by public moneys and partisan greed.

Overspending and overtaxation have dried up the wells from which the waters of industrial life should flow. If the many experiments which have been tried upon us in recent years have no other value, they at least have demonstrated that neither man nor state can get rich by spending all he owns or can borrow. In the words of the famous Pennsylvanian whose birthday this is—as Benjamin Franklin wrote in his *Poor Richard's Almanac*: "He who goes a-borrowing goes a-sorrowing."

Overspending is only another name for an evil philosophy of government which is as old as civilization—and which never has been known to work successfully, the theory of inflation. It remained for the New Deal philosophy to re-dress inflation and to rename it pump-priming.

By means of constitutional principles first set down on Pennsylvania soil more than a century and a half ago, Pennsylvania and the United States grew great together. Issues and crises were taken in their stride. But in the midst of the world-wide economic depression of a few years ago, our people suffered from a still more distressing depression—a spiritual depression—which led them to harken to the voice of the charmer and to abandon the one beacon which had always guided Pennsylvania aright, the guiding principles of constitutional American government.

Driven by fear and hopelessness and self-pity, which were fostered and nurtured for political advancements, Pennsylvania has spent years of time and millions of dollars in hysterical experimentations which have accomplished but few of the benefits promised by their promoters, and instead have mortgaged our future, weakened the control of the people over their own government, and threatened us with chaos.

We know now how unwise most of this conduct was. Instead of striving so hard to attain blessings which we had not, we would have been wiser to count the many blessings we had, the loss of which has been so seriously threatened by certain governmental policies and experiments.

One of the theme songs heard during this period was a hymn of hate against industry, sung into the ears of the men and women of this state until they were beguiled into forgetting that when we burn down the house of industry,

we are burning down the house in which all of Pennsylvania lives.

Last November, Pennsylvania voted for a more sane and helpful relationship between business and the state government. She voted for encouragement of job-giving industries, and for an end to punitive taxation, over-regulation, and other sprags in the wheels of industry.

But the men and women of this state accepted at its full face value an implied promise from industry and business and commerce—a promise that operators of business would do their share in helping find employment for the state's idle. Industry must contribute to, as well as benefit from, the resumption of normal activity in Pennsylvania.

Let there be no misunderstanding on another point: business in Pennsylvania must not attempt to escape proper responsibility to its employees, proper methods and proper working conditions; it must not try to dodge reasonable taxation.

Certain acts which have been passed in recent years, covering the relations between employers and employees, will have to be amended, but this is not because fault is to be found with the purposes of these laws, nor with the protections they attempt to offer. Instead, the reason these laws must be changed is that as they now stand they not only are not workable, but are so burdensome that they prevent the attainment of the very objectives for which they were enacted.

I do not propose to weaken proper regulation of business, either by ignoring the enforcement of just and sound laws, nor by placing my signature on legislation which in my judgment would weaken such proper regulation.

We will have no return to rule by overlords of industry during my administration.

But neither will we have rule by overlords of labor. The men and women of Pennsylvania have voiced in no uncertain terms their conviction that political bosses have no place in labor unions. We have seen too many of the evils caused by the activities of politically-inspired, power-seeking labor leaders—especially when their greedy enterprises are backed and subsidized with public money. Labor spokesmen of this type do not speak for the working men and women of the state, but only for themselves and for the selfish cliques and purposes which they openly or secretly represent.

For too long, labor and industry have suffered and in the end both have registered net losses from failure to cooperate with each other. The vote cast by the men and women of Pennsylvania last fall was an appeal for labor and industry to clasp hands in cooperation and to refrain from controversy at least until normal employment is re-established. The tyranny of either group can be tolerated no longer in Pennsylvania—and it is unmistakably to the advantage of those who make up these groups that they be led to work in harmony with each other, with the state government standing by as the impartial friend of both.

With cooperation of this type, Pennsylvania can take her present problems in her stride. Difficulties and hardships are nothing new to Pennsylvania. She grew great overcoming hardships. She kept her hand on the plow and her feet on the ground when all of her area except one small corner was rugged wilderness. More than once she has seen part of her territory held by armed invaders, and has rallied to drive them out—courageous, steadfast,

and serenely sure of her own power. Pennsylvania has taken disaster, loss, reversal and crisis in her stride before; she can do it again.

More than that, again and again when the nation's fate has trembled in the balance, it has been Pennsylvania which turned the scales. She was a leader from the first—not for mere geographic reasons has she always been called the Keystone State.

The human resources of courage and hope and fortitude are still within our boundaries, just as are the mineral and other natural resources; our mines are still full of coal, our streams full of water, our valleys and hills still teem with productivity and fertile lands.

It is squarely up to the leaders of industry, of labor, of commerce and of agriculture to band themselves into an army of progress. This is nothing new; our fathers before us did it, and so can we.

We have all the materials at our fingertips—mills and mines and factories; cities and hamlets and farmlands; a great seaport and a great lakeport and a splendid network of rail and highway communication between. We do not even lack funds with which to begin, for idle money is filling almost every bank in the state.

"Ill fares the land, to hastening ills a prey,
"Where wealth accumulates, and men decay."

As I take my seat in the conning tower of the Pennsylvania Ship of State, and scan the horizon with anxious eyes, I am beginning to see the reefs and storm clouds around which we must steer.

Repeatedly during my campaign, I said that no man could tell in advance what we would find when we entered the Governor's office, and never have I felt more forefully the truth of that statement than right now. The first job which the new administration faces is to take inventory, to determine what the financial condition of the state actually is. We must diagnose before we prescribe. The results of this inventory will be made public as soon as they are available, which probably will be within a few days. We know already that there is a large deficit in sight before the end of the biennium, and that the state government has been led into a scale of living far from warranted by any income now in sight. We shall have to wait, however, for a detailed accounting before it can be determined just what is necessary for us to do to live within our means.

At this time I want to make it clear that we propose to make a continuing rendition of stewardship during my term in office, so that the voters and taxpayers of Pennsylvania may know at all times the fiscal condition of their state. This is your problem as well as mine. It is one in which are needed your suggestions, your cooperation, your loyalty and your patience, quite as much as are needed the determination of the executive and legislative branches of government to prepare and enact a program of solution. For your information about your government, I shall maintain an open door policy in every office, from that of the Governor down.

Part of the picture which must be clarified is the extent to which Pennsylvania is being called upon to carry the national burden. We must determine how much money is being taken out of Pennsylvania for the national coffers, and whether this state is getting its fair and proper return.

Much has been said about governmental spending, and

Pennsylvania last summer and fall saw methods which raised grave doubts of the propriety and impartiality of the Federal disbursements. But the question of Federal taxation is quite as important to Pennsylvania. It may be that at the seat of Pennsylvania's financial problems lie national taxation policies which fall too heavily upon industrial states such as ours.

Pennsylvania wants to pay her proper share of the national costs. She is more than willing, even anxious, to extend her helping hand to any other communities which may have more distress and suffering than Pennsylvania has. But in the present crisis, in which we have fallen far behind most other states in employment, in which we ourselves may be in grave need of help, it would be manifestly unfair for this state to be expected to pay a disproportionately large sum of national cost without an equally large ratio of return.

At the proper time I shall submit to Washington Pennsylvania's request for further PWA, WPA and similar grants. There is no reason to expect anything but a favorable response to these requests, since it is my intention to do my full share in seeing that such moneys are expended for precisely the purpose for which they were raised—honestly expended for worth-while projects that will furnish employment to men and women who otherwise would have to be supported by relief.

It is to be hoped that Congress will see the wisdom of putting control of the WPA back into the States and removing it completely from political domination.

We recognize the relief problem as one of the most pressing confronting us, and it shall receive our constant attention to the end that justice may be done to all concerned.

The vote of Pennsylvania last fall was an edict that politics must be banished from direct relief and from madework relief as well. We have promised to divorce relief from politics, and I am glad to take the opportunity afforded by this address to carry out that pledge.

I have requested your new Attorney General, as his first official act, to draw up a bill re-enacting the anti-macing laws which were secretly repealed two years ago. That new bill I now hold in my hand, and do hereby formally submit it to the legislature, with my earnest recommendation for its speedy enactment.

This bill makes it a penal offense for any one to demand money for political purposes from any person who receives money from the state—whether a state employee, a person on relief or madework payrolls, a recipient of pensions, or anyone doing business with the state. That bill, once passed and enforced, will go a long way towards stamping out the political relief racket. Relief will come out of politics, and politics will come out of relief. We will cure most of the relief ills by pulling out the teeth of politics.

It is common knowledge that a large share of the relief funds in this state have been diverted to political purposes. A survey will be needed to determine how much saving can be effected by confining relief expenditures to relief purposes, and I shall instruct the new Secretary of Public Assistance to take such steps as are necessary to make such a survey and report his findings at the earliest possible moment.

In this connection, however, I want to repeat my pledge and that of the Republican party, that every person in

Pennsylvania who needs relief will get it; there is no thought of curtailing relief to the unfortunate. It is even more to the advantage of those dependent upon relief than to those who pay the bills, that Pennsylvania get its money's worth out of these expenditures; and that waste, straw bosses and political misuse of the funds be eliminated. We must see to it that political drones improperly placed upon the relief rolls are ousted, and at the same time we must put on the relief rolls any unfortunates who were taken off or kept off for political reasons.

Relief must be humanized; it must be prompt and adequate, honestly and fairly administered; and it must come out of politics.

During the campaign repeatedly I pledged myself to restore the tri-part form of government divided by the constitution into executive, legislative and judiciary.

I reiterate my pledge of not permitting the executive hand to interfere with the functions of either of the other two branches. I ask and shall accord full cooperation with those branches, to the end that the best interests of the whole people may be served.

For the past few years we have seen executive interference and domination of the legislative and judicial branches carried to a point which put us on the brink of disaster. That practice here and now comes to an end, so far as Pennsylvania is concerned.

The objectives ahead of Pennsylvania are well known, and the voice of the people as expressed in last Fall's election was unmistakable. I pledge my full cooperation with the legislature in working for those objectives. I am fully convinced that your Senators and Representatives will likewise strive to steer your government towards those goals.

I can pledge also the cooperation of that extension of executive authority, the new cabinet. The personnel of this body I submit to you as evidence of my good faith when I said during the campaign that I have no interests in the creation or furtherance of a political machine. Those whom I have named are competent, experienced, and qualified for their duties. They have been chosen because of their character and ability, and because of their interest in seeing that the responsibilities of these departments are fully and properly met.

They are especially well qualified to do their full share in the huge task of running the state administration through the wringer—of helping to squeeze out waste and duplication and graft. This is the largest immediate task before us.

Time will not permit me to review all of the problems lying before the new administration, nor to discuss in detail the program and pledges to which this administration is committed. The subjects which I have mentioned today, I have taken up more from the point of view of policy than of new laws. I have called for little in the way of new legislation. I do that advisedly, because I feel that Pennsylvania has hastily skipped too many legislative grades in recent years. I wish us to proceed slowly, to know in each case exactly where we are going before we plunge ahead.

My failure to mention in this address such problems as those of milk control, home rule, highways, coal, the liquor traffic, or other special issues, is not intended to minimize their importance, nor to indicate any intention not to carry out all the pledges contained in my own campaign speeches or in the Republican party platform. These problems will all receive attention, and my pledges will not be forgot-

ten. I hereby reaffirm these pledges, and promise that steps will be taken to carry them out just as rapidly as is possible. These pledges were not the fruit of mere political love; they were part of a sound and considered program which grew out of a sincere and honest purpose to work for the betterment of our state and the happiness of our people.

As I said earlier, I take office today not only as the chief executive, but also as the servant, of ten million people. I want you to know that I take office with pride, with humility, and with a deep determination to do everything within my power to assist Pennsylvania as she marches forward through new frontiers toward the happiness and prosperity she so richly deserves.

What I have said before I say again—that today I feel responsibility to only two masters, my own conscience and the voice of the men and women of Pennsylvania. That does not mean that I will blindly follow popular whims merely because they are popular; I have no such intention. What I do will be those things which in my heart and mind I believe to be for the best interests of the people in our state.

If there be times when my course of action displeases some, may you be so generous as to believe that I am doing my best as I see it. Far more than even the greatest prosperity for Pennsylvania do I desire that the human rights and liberties of our people be protected and maintained.

To quote Benjamin Franklin once more: "They that can give up essential liberty to obtain a little temporary safety deserve neither liberty nor safety."

He wrote that of Pennsylvania and of Pennsylvanians, and never was more truly expressed the undying determination of the Keystone state to hew to the line of human rights.

I am deeply appreciative of the great honor you have bestowed upon me, but I am not unmindful of the fact that you have placed in me your confidence and your hope and I in return will keep burning brightly the light that has been Pennsylvania for two centuries and more.

My sincerest wish is so to govern Pennsylvania that I may

complete my term of office with the approval of my own conscience, backed with an inner conviction that, whether success or failure crowns my efforts, I can still truthfully tell myself that I tried honestly and faithfully and diligently to do those things which I believed to be for the best interests of the whole people.

The spirit that shall guide my every act as governor of this great commonwealth was voiced more than two thousand years ago by the prophet Micah: "To do justly, and to love mercy, and to walk humbly with thy God."

RULES COMMITTEE APPOINTED

The SPEAKER: The Chair appoints as the Committee on Rules, Mr. Woodside, Chairman, Messrs. Norman Wood, Yeakel, Hamilton and Schrack.

ANNOUNCEMENTS BY THE SPEAKER

The SPEAKER: The Chair desires to advise the members that it is the expectation to meet Monday night, Tuesday and Wednesday of next week, the purpose being to give an opportunity for the organization and meeting of committees. A number of bills have been filed and have been referred. The chairmen are requested to pick up the bills in the Speaker's office and be prepared to present them to the committees next week. Assignment of rooms and the times of meeting will be worked out between now and Monday. It is requested of the chairmen of the committees to be here Monday afternoon so that if any questions arise as to the time of the meetings we may be able to take them up.

The Chair desires to request the employees of the House to assemble in the House Caucus room at 4.30 p. m. today.

ADJOURNMENT

Mr. WOODSIDE. Mr. Speaker, I move that this House do now adjourn until Monday, January 23, 1939, at 8:00 p. m.

The motion was agreed to, and (at 4.24 p. m.) the House adjourned until Monday, January 23, 1939, at 8.00 p. m.

Legislative Journal.

Session 1939.

133d of the General Assembly.

Vol. 23

HARRISBURG, PA., WEDNESDAY, JANUARY 18, 1939.

No. 5.

SENATE

WEDNESDAY, January 18th, 1939.

The Senate met at 1:00 o'clock, p. m.

The PRESIDENT, (Lieutenant Governor Samuel S. Lewis) in the Chair.

PRAYER

The Chaplain, Rev. George Walker Buckner, LL.D., offered the following prayer:

Eternal One, whose angel encampeth round about them that fear Him; who imparteth life to His beloved in sleep—We thank Thee for the light and promises of another day. Anoint our eyes for its opportunities; bestow wisdom for its problems; sanctify our hearts for its duties.

A disturbing word comes to use of the serious illness of one who for many years was an honored member of this body. His life like our own, is in the loving care of Him who doeth all things well, yet our anxious human hearts cry out to Thee! We think also of one, the widowed consort of another senator, but recently gone to his reward, mother of a worthy son, who here takes up the unfinished task of the father. Humble, helpless and submissive, our Father, we yield to Thee; yet Thou knowest the instincts of our hearts and Thou art Good!

Our Father, give us to know the meaning and value of prayer. Often we waste words with one another; yet "They that wait upon the Lord shall renew their strength; they shall mount up with wings, as eagles; they shall run, and not be weary; they shall walk, and not faint."

May the Grace of our Lord be with us. Amen.

JOURNAL APPROVED

The PRESIDENT. A quorum of the Senate being present the Clerk will read the Journal of the preceding session.

The Clerk proceeded to read the Journal of the preceding session.

Mr. OWLETT. Mr. President, I move that the further reading of the Journal, of January 17th be dispensed with and the Journal be approved.

Mr. MALLERY. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

The yeas and nays were required by Mr. Cavalcante and were as follows, viz:

YEAS—23.

Bartlett.	Farrell.	Mallery.	Stevenson.
Chapman.	Gelder.	Miller.	Tallman.
Crowe.	Geltz.	Owlett.	Thomas.
Detrick.	Hemsher.	Pierson.	Walker.
Ealy.	James.	Scarlett.	Wolfenden.
Edmonds.	Letzler.	Snowden.	

NAYS—11.

Cavalcante,	Haluska,	McCreesh,	Ruth,
Coleman,	Kunkel,	McGinnis,	Sipe,
Eroe,	Lantus,	Reed,	

So the question was determined in the affirmative.

POINT OF INFORMATION

Mr. CAVALCANTE. Mr. President, I rise to a point of information.

The PRESIDENT. The gentleman will state his point of information.

Mr. CAVALCANTE. Mr. President, does the record show that the name of Senator Henney was called and that he did not answer?

The PRESIDENT. That was an error. His name had been called.

QUESTION OF PARLIAMENTARY INQUIRY

Mr. CAVALCANTE. Mr. President, I rise to another question of Parliamentary Inquiry.

The PRESIDENT. The Senator from Tioga, Mr. Owlett, will state his point of inquiry.

Mr. CAVALCANTE. Mr. President, does the roster of this Senate show that Mr. Henney is a member of this Senate or not?

Mr. GELDER. Mr. President, we have seen in the newspapers that Senator Henney has sent his resignation to the Senate, and I would suggest that the Secretary of the Senate be instructed by the Chair to inquire from the former Secretary of the Senate and see to it immediately whether or not he received a letter of resignation from Senator Henney.

Mr. CAVALCANTE. Mr. President, I would like to say something on that. I have merely raised a point of information to know whether the roster of this Senate on this day contains the name of Senator Henney. I am not interested in what newspapers say and what they do not say. I want to know whether the roster of the Senate contains the name of Senator Henney.

Mr. GELDER. Mr. President, we are not interested in what the newspapers say, except that we did find out the facts ourselves, the only facts that we have been able to find out is by way of the newspapers. We would like to know why some facts in the Senate have not been made known to us and we are still trying to find them out.

Mr. REED. Mr. President, with reference to the remark that the Senator from Susqueanna, Mr. Gelder has just made, he ought to be more specific. If he has any specific facts on what he said, we would like to know what they are.

Mr. GELDER. Mr. President, that is exactly what we are trying to do. We want to know the status of Senator

Henney. I want to know whether or not he sent in his resignation. I understand that steps are now being taken to ascertain that information.

Mr. REED. Mr. President, I thought that perhaps there were other facts he had in mind. If there are, we would like to know about it.

Mr. OWLETT. Mr. President, I can name him one fact that has been kept from us. There were some papers served on the Lieutenant Governor Thomas Kennedy, and the officer who served them informed me that he had been instructed by the Supreme Court to serve them on the whole body of the Senate. It was the resignation of Senator Henney, and I asked the Lieutenant Governor to read for the information of the Senate what those papers were. This, he refused to do. This information was kept from the body of this Senate.

Mr. CAVALCANTE. Mr. President, I think I am entitled to have my information from the Chair. What I want to know is whether the roster of this Senate contains the name of Senator Henney today?

Mr. GELDER. Mr. President, I move that the Senate be at ease until the Secretary of the Senate has contacted the former Secretary of the Senate.

Mr. HEYBURN. Mr. President, I second the motion. The motion was agreed to.

The PRESIDENT. In reply to the gentleman from Fayette, Mr. Cavalcante, the retiring Secretary of the Senate is not available at this time, and the Secretary of the Senate is trying to make further inquiry and report back to the Senate.

POINT OF INFORMATION

Mr. CAVALCANTE. Mr. President, I rise to a further point of information. May the Clerk inform this Senate whether the last roll call shows that Senators Deitrick and Woodward as having voted?

POINT OF ORDER

Mr. OWLETT. Mr. President, I rise to a point of order.

The PRESIDENT. The gentleman will state his point of order.

Mr. OWLETT. Mr. President, the roll call has been announced without objection.

Mr. CAVALCANTE. Mr. President, I am not questioning the roll call. I am asking for information from the Chair. I want to know whether the records show on this roll whether Senators Deitrick and Woodward voted or not. I have the right to know that.

Mr. OWLETT. Mr. President, I suggest that the journal is the best place to locate that information.

Mr. CAVALCANTE. Mr. President, I want to know now. I don't want to know next year or the next decade.

The PRESIDENT. The roll indicates that Senators Deitrick and Woodward both voted.

Mr. CAVALCANTE. Mr. President, I impute no wrong doings to the President of this Senate, but I wish to inform the Senator that when the roll was called Senator Woodward did not answer to the roll call. Nor was he present in the Hall of this Senate.

Mr. GELDER. Mr. President, the members of the Senate certainly have no way of knowing at this time whether or not Senators Deitrick and Woodward were within the Hall of the Senate when the roll was called. The Senator

from Fayette, Mr. Cavalcante slipped up on his rights, if he failed to call the attention to the facts that the recording clerks were in error regarding the proceedings.

Mr. CAVALCANTE. Mr. President, in answer to the distinguished President Pro Tempore of this Senate, I would say that the Senator from Fayette was not guiding the pencil of the clerk during the calling of the roll and there was no way of my knowing whether the clerk marked Senator Woodward as voting or not, and after the Chair announced the results of the roll call, there is no way for the Senator from Fayette County to obtain that except by asking for the information, and after receiving this information, it is shown that the clerk marked Senator Woodward as voting, when he was not actually in the Senate. Then the Senator from Fayette or any other Senator has a just right to object to the inclusion of the name of Senator Woodward as having voted on the roll call.

Mr. OWLETT. Mr. President, I think it is rather unfortunate that the Senator from Fayette seems to wish to impute the motive of any employee. I happen to notice the son of one of the Democratic Senators was the one that handed up the roll call in question, and not the Clerk who called the roll. I am sure that he did not make an intentional change in the roll call. I am sure that it was an error. I think that it is most unfortunate that the Senator from Fayette would impute that the son of our colleague, Senator Lanius would make an incorrect roll call.

Mr. CAVALCANTE. Mr. President, in answer to the gentleman from Tioga, I am not imputing any wrong on anybody. I merely asked a point of information to see whether an error was made, and when I asked for the information the gentleman from the other side of the house, objected to my receiving this information. I imputed no wrong doing and I apologize if my words inferred any wrong doing. I merely wanted that roll call checked and I didn't want it to show that Dr. Woodward voted when he did not vote and was not here.

Mr. GELDER. Mr. President, the members of the Senate have no objection to the Senator from Fayette seeking information as to what the roll call revealed. We certainly would have objection to the Senator changing the roll call simply on the assertion of the Senator from Fayette, and then questioning about Senators whose names are in question and stating whether or not they voted. I am very sure that at least one of the Senators was in the hall of the house this morning. One of the Senators is at his desk at the present time. We cannot change the roll simply on the assertion of the gentleman from Fayette no matter how much confidence we have in him that the roll call was wrong.

Mr. CAVALCANTE. Mr. President, I have not questioned the vote of Senator Deitrick, although when his name was called, I did not hear his name answered. He may have been in the hall of the Senate somewhere, I did not hear his voice. When I turned around, he was not in his seat at that time. He is here now. I am not questioning his vote on the roll call, but the vote of Senator Woodward, I do question because he was not here.

Mr. GELDER. Mr. President, the Senator was here.

Mr. CAVALCANTE. Mr. President, he was not here when the roll was called.

MEMBER OF SENATE COMMITTEE TO ATTEND
CONFERENCE OF COUNCIL OF STATE GOVERN-
MENT IN WASHINGTON, D. C.

The President Pro Tempore wishes me to announce the appointment of the Senator from Delaware, Mr. Heyburn in place of the Senator from Blair, Mr. Mallery, as a representative of the Senate at the Conference of the Council of State Governments at Washington.

HOUSE MESSAGES

HOUSE BILLS FOR CONCURRENCE

The Clerk of the House of Representatives being introduced presented for concurrence bills of the House, as follows:

House Bill No. 1, (Senate Bill No. 4), entitled:

An Act transferring money from the Motor License Fund to the General Fund and providing for the subsequent return from the General Fund of the transferred money.

Which was committed to the Committee on Executive Nominations.

House Bill No. 2, (Senate Bill No. 5), entitled:

An Act transferring money from the Liquor License Fund to the General Fund and providing for the subsequent return from the General Fund of the transferred money.

Which was committed to the Committee on Executive Nominations.

House Bill No. 3, (Senate Bill No. 6), entitled:

An Act transferring money from the Liquid Fuels Tax Fund to the General Fund and providing for the subsequent return from the General Fund of the transferred money.

Which was committed to the Committee on Executive Nominations.

House Bill No. 4, (Senate Bill No. 7), entitled:

An Act transferring money from the State Insurance Fund to the General Fund and providing for the subsequent return from the General Fund of transferred money.

Which was committed to the Committee on Executive Nominations.

House Bill No. 5, (Senate Bill No. 8), entitled:

An Act making a deficiency appropriation to the Department of Public Assistance for the purposes of carrying out the Public Assistance Law for the two fiscal years ending May thirty-first, one thousand nine hundred thirty-nine.

Which was committed to the Committee on Executive Nominations.

RECESS

Mr. OWLETT. Mr. President, I move that the Senate do now recess until 3.30 o'clock p. m.

Mr. GELDER. Mr. President I second the motion.
The motion was agreed to.

AFTER RECESS

The PRESIDENT. The time of recess having elapsed the Senate will be in order.

Mr. GELDER. Mr. President, I present herewith a list of the standing committee appointments for the Session of 1939.

The PRESIDENT. They will be read by the clerk.
The Clerk proceeded to read the Committees as follows:

SENATE COMMITTEES

AERONAUTICS—15

Messrs. Bartlett, Chairman,	Dent,
Chapman,	DiSilvestro,
Geltz,	Haluska,
Miller,	Coleman,
James,	Levin,
Snowden,	Gelder, ex-officio.
Thomas,	
Ruth,	

AGRICULTURE—15

Messrs. Scarlett, Chairman,	Lanius,
Owlett,	Rice,
Hmosher,	Jacobs
Heyburn,	Sipe,
Snowden,	Gilson,
Stevenson,	Kunkel,
Crowe,	Gelder, ex-officio.
Letzler,	

APPROPRIATIONS—21

Messrs. Ealy, Chairman,	Farrell,
Woodward,	Bartlett,
Pierson,	Rice,
Mallery,	Cavalcanti,
Deitrick,	Shapiro,
Scarlett,	McGinnis,
Wolfenden,	Haluska,
Heyburn,	Kilgallen,
James,	Stiefel,
Stevenson,	Gelder, ex-officio.
Edmonds,	

BANKING—14

Messrs. Edmonds, Chairman,	Geltz,
Pierson,	Frey,
Mallery,	Shapiro,
Deitrick,	Gilson,
Scarlett,	Jacobs,
Heyburn,	Kilgallen,
Snowden,	Gelder, ex-officio.

CORPORATIONS—13

Messrs. Walker, Chairman,	Cavalcante,
Woodward,	DiSilvestro,
Pierson,	Jaspan,
Letzler,	Dent,
Edmonds,	Sipe,
Bartlett,	Gelder ex-officio.
Geltz,	

COUNTY GOVERNMENT—15

Messrs. Geltz, Chairman,	Thomas,
Ealy,	Lanius,
Mallery,	Haluska,
Scarlett,	McGinnis
Wolfenden,	Jaspan,
Hmosher,	Coleman,
Bartlett,	Gelder, ex-officio.
James,	

EDUCATION—15

Messrs. Hmosher, Chairman,	Crowe,
Deitrick,	Ruth,
Wolfenden,	

EDUCATION—CONTINUED

Edmonds,	Eroe,
Farrell,	Mundy,
Letzler,	Sipe,
Stevenson,	Levin,
Tallman,	Gelder, ex-officio.

ELECTIONS—9

Messrs. Farrell, Chairman,	
Pierson,	Geltz,
Owlett,	Eroe,
James,	Frey,
Miller,	Gelder, ex-officio.

EXECUTIVE NOMINATIONS—7

Messrs. Ealy, Chairman,	
Woodward,	Deitrick,
Chapman,	Wolfenden,
Owlett,	Gelder, ex-officio.

FEDERAL RELATIONS—10

Messrs. Woodward, Chairman,	
Edmonds,	Dent,
Stevenson,	McCreesh,
Crowe,	Stiefel,
Thomas,	Levin,
	Gelder, ex-officio.

FINANCE—15

Messrs. Owlett, Chairman,	
Woodward,	Tallman,
Ealy,	Rice,
Chapman,	Cavalcante,
Pierson,	Shapiro,
Deitrick,	Reed,
Heyburn,	Dando,
Edmonds,	Gelder, ex-officio.

GAME, FISHERIES & FORESTS—16

Messrs. Crowe, Chairman,	
Scarlett,	Miller,
Wolfenden,	Rice,
Heyburn,	Ruth,
Letzler,	Reed,
Snowden,	Mundy,
Thomas,	Dando,
Stevenson,	McCreesh,
Walker,	Gelder, ex-officio.

HIGHWAYS—18

Messrs. Snowden, Chairman,	
Ealy,	Crowe,
Owlett,	Thomas,
Mallery,	Lanius,
Deitrick,	Eroe,
Wolfenden,	Kilgallen,
Homsher,	DiSilvestro,
Geltz,	Sipe,
Letzler,	Coleman,
	Gelder, ex-officio.

INSURANCE—12

Messrs. Wolfenden, Chairman,	
Heyburn,	Walker,
Bartlett,	Frey,
Crowe,	Kunkel,
Farrell,	DiSilvestro,
Letzler,	Stiefel,
	Gelder, ex-officio.

JUDICIARY GENERAL—21

Messrs. Mallery, Chairman,	
Woodward,	Bartlett,
Ealy,	Farrell,
Owlett,	Reed,
Heyburn,	Cavalcante,
Edmonds,	Shapiro,
Geltz,	McGinnis,
Stevenson,	Jacobs,
Tallman,	Kilgallen,
Walker,	Gilson,
James,	Gelder, ex-officio.

JUDICIARY SPECIAL—9

Messrs. James, Chairman,	
Chapman,	Dando,
Pierson,	Frey,
Tallman,	McCreesh,
Snowden,	Gelder, ex-officio.

LABOR AND INDUSTRY—15

Messrs. Heyburn, Chairman,	
Chapman,	Farrell,
Owlett,	Dent,
Scarlett,	Mundy,
Pierson,	Jacobs,
Homsher,	Stiefel,
Tallman,	McGinnis,
James,	Gelder, ex-officio.

LAW AND ORDER—15

Messrs. Letzler, Chairman,	
Ealy,	Lanius,
Chapman,	Ruth,
Mallery,	Jacobs,
Homsher,	Gilson,
Heyburn,	Eroe,
Thomas,	McCreesh,
	Gelder, ex-officio.

MILITARY AFFAIRS—12

Messrs. Miller, Chairman,	
Mallery,	Rice,
Wolfenden,	Haluska,
Bartlett,	DiSilvestro,
Crowe,	Kunkel,
Walker,	Jaspan,
	Gelder, ex-officio.

MINES AND MINING—14

Messrs. Thomas, Chairman,	
Ealy,	Stevenson,
Mallery,	Haluska,
Deitrick,	Dando,
Miller,	Dent,
Letzler,	Mundy,
Crowe,	Coleman,
	Gelder, ex-officio.

MUNICIPAL GOVERNMENT—13

Messrs. Stevenson, Chairman,	
Chapman,	Woodward,
Owlett,	Shapiro,
Mallery,	Dando,
Homsher,	Kilgallen,
Tallman,	McCreesh,
Thomas,	Gelder, ex-officio.

PUBLIC HEALTH—11

Messrs. Chapman, Chairman,	
Woodward,	Ruth,
Deitrick,	Mundy,
Farrell,	Jaspan,
Walker,	Sipe,
Bartlett,	Gelder, ex-officio.

PUBLIC UTILITIES—12

Messrs. Pierson, Chairman,	
Owlett,	Snowden,
Mallery,	Frey,
Scarlett,	Reed,
Tallman,	McGinnis,
Miller,	Jaspan,
	Gelder, ex-officio,

RULES—6

Messrs. Gelder, Chairman,	
Chapman,	Wolfenden,
Owlett,	Rice,

STATE GOVERNMENT—15

Messrs. Tallman, Chairman,	
Woodward,	Farrel,
Ealy,	Eroe,
Pierson,	Gilson,
Edmonds,	Stiefel,
Miller,	Kunkel,
Walker,	Levin,
Snowden,	Gelder, ex-officio,

WELFARE, PUBLIC ASSISTANCE AND PENSIONS—16

Messrs. Deitrick, Chairman,	
Ealy,	James,
Chapman,	Miller,
Pierson,	Lanius,
Scarlett,	Rice,
Homsher,	Reed,
Walker,	Cavalcante,
Geltz,	Kunkel,
	Gelder, ex-officio,

BILLS RE-REFERRED

Mr. EALY. Mr. President, this morning because the committees have not regularly been appointed, Senate Bills 4, 5, 6, 7, and 8 were referred to the Committee on Executive Nominations. I desire to report these bills back to the Senate asking that they be referred to the Committee on Appropriations.

Mr. EALY, from the Committee on Executive Nominations returned to the Senate, Senate Bill No. 4, (House Bill No. 1), entitled:

An Act transferring money from the Motor License Fund to the General Fund and providing for the subsequent return from the General Fund of the transferred money.

Which was re-referred to the Committee on Appropriations.

He also returned to the Senate, Senate Bill No. 5, (House Bill No. 2), entitled:

An Act transferring money from the Liquor License Fund to the General Fund and providing for the subsequent return from the General Fund of the transferred money.

Which was re-referred to the Committee on Appropriations.

He also returned to the Senate, Senate Bill No. 6, (House Bill No. 5), entitled:

An Act transferring money from the Liquid Fuels Tax Fund to the General Fund and providing for the subsequent return from the General Fund of the transferred money.

Which was re-referred to the Committee on Appropriations.

He also returned to the Senate, Senate Bill No. 7, (House Bill No. 4), entitled:

An Act transferring money from the State Insurance

Fund to the General Fund and providing for the subsequent return from the General Fund of the transferred money.

Which was re-referred to the Committee on Appropriations.

He also returned to the Senate Senate Bill No. 8, (House Bill No. 5), entitled:

An Act making a deficiency appropriation to the Department of Public Assistance for the purposes of carrying out the Public Assistance Law for the two fiscal years ending May thirty-first, one thousand nine hundred thirty-nine.

Which was re-referred to the Committee on Appropriations.

QUESTION OF PARLIAMENTARY INFORMATION

Mr. CAVALCANTE. Mr. President, before we recessed, I raised a question of information. At that time the Chair advised that the information was not in no hands because the clerk was not here. Since the recess, I have made a personal investigation an inquiry and I am authoritatively informed by the State Treasurer and confirmed by the Auditor General that Senator Henney was paid his initial payment for his salary for this session. Now I again inquire whether the name of Senator Henney is on the roster.

Mr. GELDER. Mr. President, for the information of the Senate and the President of the Senate before he has made answer to the Senator from Fayette, I want to say that Senator Henney's check was issued by the State Treasurer. I am very much of the impression unless the State Treasurer had broken faith with me that his check is in escrow at the present time, and that Senator Henney's check has not been released and that he as not received a check. So that the other Senators could get their checks and to avoid complication in the bookkeeping of the State Treasurer's Department, at their request certified the check of the members with the understanding that certain checks were to be placed in escrow, and not released except upon authorization from me or the direction from me that they be returned to the Treasury Department. That agreement was made with the Auditor General and the State Treasurer.

Mr. CAVALCANTE. Mr. President, I appreciate the explanation, but I am interested in that I be shown the courtesy of a member of this Senate, by being informed by the clerk whether the name of Senator Henney is on the roster.

The PRESIDENT. In reply to the inquiry of the gentleman from Fayette, the name of Mr. Henney is on the roster, but he has not presented himself here and we have no knowledge of what his status is, and the tally sheets were printed before this Senate convened and that is the reason why his name is called.

LEAVE OF ABSENCE

Mr. CAVALCANTE. Mr. President, I am requested by some of my colleagues who know Senator Henney, and at this time I ask leave of absence for him for the reason that he is engaged at other duties at this time.

POINT OF ORDER

Mr. OWLETT. Mr. President, I rise to a point of order. The PRESIDENT. The Senator from Tioga, Mr. Owlett, will state his point of order.

Mr. OWLETT. Mr. President, in reference to the leave of absence of Mr. Henney, I want to call the Senate's at-

tention to the record of the Journal of January third, 1939, which will show on that day that the paper was served on the then Lieutenant Governor, Thomas Kennedy, presiding over this Senate by an officer of the Supreme Court. The then Lieutenant Governor refused to advise the Senate the contents of this paper, but the members of this Senate have knowledge that Mr. Henney resigned from this body and pursuant to that information that came to the members that he did resign, he has not been present in this Senate. I therefore suggest at this time that no leave of absence should be granted to him until it is ascertained whether his resignation was served upon the proper officers of the Senate. If he did resign from this body and if that resignation was served on the proper officers of the Senate as I am advised that it was, he is not a member of this Senate and therefore leave of absence could not be granted to him.

Mr. GELDER. Mr. President, I would like to interrogate the gentleman from Fayette.

The PRESIDENT. Will the Senator from Fayette, Mr. Cavalcante, permit himself to be interrogated.

Mr. CAVALCANTE. Mr. President, I will.

Mr. GELDER. Mr. President, I would like to ask the Senator from Fayette whether or not the Senator from Allegheny County has asked him to ask for a leave of absence for him.

Mr. CAVALCANTE. Mr. President, I made that clear. I stated that my colleagues of this Senate who are familiar with Senator Henney in Pittsburgh know that he is engaged in other duties and is not here. It is upon that information that I have asked for a leave of absence for my colleague, Senator Henney.

Mr. GELDER. Mr. President, then are we to understand from the Senator from Fayette that Senator Henney has not actually asked him to obtain a leave of absence.

Mr. CAVALCANTE. No Mr. President, and may I interrogate the gentleman from Tioga, Senator Owlett.

The PRESIDENT. Will the Senator from Tioga, Mr. Owlett, permit himself to be interrogated?

Mr. OWLETT. Mr. President, I will.

Mr. CAVALCANTE. Mr. President, will the gentleman from Tioga advise this Senate under what authority the Supreme Court of this State can serve papers upon this Senate concerning the resignation of Senator Henney when under the law and the Constitution the person to receive the resignation in this particular office is the power authorized to call an election to fill the vacancy, which is the President of this Senate.

Mr. OWLETT. Mr. President, do I understand the interrogation of the Senator from Fayette to be an inquiry to me as to what authority the Supreme Court had in taking its action. Is that the inquiry.

Mr. CAVALCANTE. Mr. President, that is what I would like to know.

Mr. OWLETT. Mr. President, unfortunately I am not a member of the Supreme Court and cannot answer the question.

Mr. CAVALCANTE. Mr. President, apparently the gentleman from Tioga is not a member today, but yet he seems to be very familiar with the contents of the paper that was never read in the Senate and never brought to the attention of this Senate. Probably the gentleman from Tioga may be better informed by the Supreme Court than most of us.

Mr. OWLETT. Mr. President, for the information of the

Senate I might be able to enlighten the membership, the officer that came here to this Senate on January the Third, I met in the hotel and he told me he had been directed by the Supreme Court to serve papers on this body and he asked me if he could get in the Senate Chamber. I said there would not be anybody to prevent him from entering. I thought he would not have any difficulty in getting here. He said I have the signed resignation of Mr. Henney, delivered by Senator Henney to the Supreme Court in pursuant to the order which the Supreme Court had made to him directing him to resign as a State Senator or resign from the office of Coroner. He had elected to resign from the State Senate and handed his resignation to the Court. He told me he had been deputized by the Supreme Court to serve that resignation on this Body. That is how I knew why he was up here when the presiding, Thomas Kennedy, had the paper served on him he threw it on the floor and refused to give this body information as to what was in the paper.

Mr. CAVALCANTE. Mr. President, will the gentleman inform his colleagues if this officer is the same man whose name is before this body now for confirmation as Secretary of Revenue?

Mr. OWLETT. Mr. President, the gentleman I referred to is the Sheriff of Philadelphia County who told me that he had been deputized by the Supreme Court to serve the paper. He was carrying out his duty under that direction.

Mr. CAVALCANTE. Mr. President, did the gentleman inform the deputy that it was an invasion of the dignity and sanction of the Senate to invade the rostrum to attempt to serve a Judicial process on a person of this Legislative body which is a coordinating branch of State Government.

Mr. OWLETT. Mr. President, I did not, because it was not a Judicial paper. It was a resignation directed to this Senate.

Mr. MCGINNIS. Mr. President, I understand that the Supreme Court has made no order in this case. There is not a thing on the docket. I have been advised that no order has been made by the Supreme Court and whether his resignation is here or not, it surely has not been accepted and he is a member of this Senate and his name should remain on the roster.

The PRESIDENT. For the information of the Senator from Allegheny I stated that his name is on the roster.

POINT OF LEGISLATIVE INQUIRY

Mr. OWLETT. Mr. President, I rise to a point of Legislative inquiry.

The PRESIDENT. The Senator from Tioga, Mr. Owlett, will state his point of legislative inquiry.

Mr. OWLETT. Mr. President, I desire to inquire where we are now.

Mr. CAVALCANTE. The Chair will please instruct the gentleman on that question of inquiry. I know where I am.

The PRESIDENT. The Senator from Fayette, Mr. Cavalcante, stated that at the request of his colleagues he asked for a leave of absence for the gentleman from Allegheny, Mr. Henney.

Mr. OWLETT. Mr. President, I move that the request be laid on the table.

Mr. MALLERY. Mr. President, I second the motion.

The yeas and nays were required by Mr. Cavalcante and were as follows, viz:

YEAS--23.

Bartlett,	Farrell,	Mallery,	Stevenson,
Chapman,	Gelder,	Miller,	Tallman,
Crowe,	Geltz,	Owlett,	Thomas,
Edwards,	James,	Scarlett,	Wolfenden,
Edmonds,	Letzler,	Snowden,	

NAYS--11.

Cavalcante,	Haluska,	McCreesh,	Ruth,
Coleman,	Kunkel,	McGinnis,	Sipe,
Erce,	Lantus,	Reed,	

So the question was determined in the affirmative.

BILLS REFERRED

The PRESIDENT. The Committees having been appointed since the three bills which were introduced at yesterday's Session were received, they will be referred to Committee.

Messrs. SHAPIRO and WOODWARD read in their place and presented to the Chair Senate Bill No. 1, entitled:

An Act to amend sections three and eight of the act, approved the thirtieth day of March, one thousand nine hundred and thirty-seven (P. L. 115), entitled "An act to provide for the permanent personal registration of electors in cities of the first class as a condition of their right to vote at elections and primaries and their enrollment as members of political parties as a further condition of their right to vote at primaries; prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors; and prescribing the powers and duties of citizens, parties, bodies of electors, registration commissions, commissioner, registrars, inspector of registration, and other appointees of registration commission, election officers, municipal, officers, departments and bureaus, police officers, courts, judges, prothonotaries, sheriffs, county commissioners, peace officers, county treasurers, county controllers, registrars of vital statistics, real estate brokers, rental agents, certain public service companies, persons, firms, and corporations operating vehicles for moving furniture and household goods, and boards of school directors; and imposing penalties," by providing that the registration commission is to consist of the county commissioners instead of appointed commissioners and by providing that appropriations to carry out the act are to be made in the same manner as other appropriations are made.

Which was committed to the Committee on Municipal Government.

They also read in their places and presented to the Chair Senate Bill No. 2, entitled:

An act for the better government of cities of the first class of the Commonwealth by providing, among other things, for a councilmanic form of government with a council elected by proportional representation and with a city manager selected by council; the creation, abolition and change of departments and the addition to departments of certain functions pertaining to parks, detention and correction, planning within the city, weights and measures, and dependent, neglected, incorrigible and delinquent children; improvement of the civil service; increased control over finances by requiring balanced current and capital budgets and by greater control over the collection of charges, fees and taxes, and over payments of salaries and other expenditures out of the city treasury; improvements in the making and revision of assessments; the grant of home rule to such cities; and penalties.

Which was committed to the Committee on Municipal Government.

They also read in their places and presented to the Chair Senate Bill No. 3, entitled:

An act regulating and improving the civil service of counties of the first class; defining certain crimes; imposing penalties; and repealing all acts or part of acts inconsistent with this Act.

Which was committed to the Committee on Municipal Government.

REPORT FROM COMMITTEE

Mr. EALY. Mr. President, yesterday under a motion introduced there by Senator Gelder there was referred to Committee on Executive Nominations, not only the nominations of the incoming Governor of his Cabinet but also nominations made by Governor Earle excepting Notaries Public. I am directed by the Committee on Executive Nominations to report out these nominations made by Governor Earle in order that the request of the incoming Governor may be complied with.

NOMINATIONS BY THE GOVERNOR

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, January 3, 1939.
To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor to nominate for the advice and consent of the Senate the following:

MEMBER ARMORY BOARD

Colonel A. S. Janeway, Phoenixville, Chester County, for appointment as a member of the Armory Board of the State of Pennsylvania, until the third Tuesday of January and qualified, vice Major General Wm. G. Price, Jr., resigned.

MEMBER UNION COUNTY BOARD OF ASSISTANCE

Philip K. Frederick, (Democrat) Lewisburg, Union County, for appointment as a member of the Union County Board of Assistance, for the term ending December 31, 1940, vice Ralph E. Page, resigned.

GEORGE H. EARLE.

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, January 17, 1939.
To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor to nominate for the advice and consent of the Senate the following:

MEMBER STATE BOARD OF HOUSING

Roland R. Randall, 1211 Chestnut Street, Philadelphia, Philadelphia County, for appointment as a member of the State Board of Housing, until August 17, 1941, vice Arthur Shrigley, deceased.

GEORGE H. EARLE.

BRIGADIER GENERAL--PENNSYLVANIA NATIONAL GUARD

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, January 17, 1939.
To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor to nominate for the advice and consent of the Senate the following:

Robert McKune Vail, 20 South Pierce Street, Wilkes-Barre, Luzerne County, for appointment as Brigadier General, Pennsylvania National Guard, until annulled, vice William Swan McLean, Jr., deceased.

GEORGE H. EARLE.

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, January 17, 1939.
To the Honorable, the Senate of the Commonwealth of
Pennsylvania:

In conformity with law, I have the honor to nominate
for the advice and consent of the Senate the following:

MEMBER CHESTER COUNTY BOARD OF ASSISTANCE

Eugene Derrickson, Jr., (Democrat) Kennett Square,
Chester County, for appointment as a member of the
Chester County Board of Assistance, for the term ending
December 31, 1940, vice W. L. Kay, resigned.

MEMBER FAYETTE COUNTY BOARD OF ASSISTANCE

Rev. T. E. Duffield, (Democrat) 17 William Street,
Uniontown, Fayette County, for appointment as a member
of the Fayette County Board of Assistance, for the term
ending December 31, 1940, vice Rev. Herman H. Will,
resigned.

MEMBERS NORTHAMPTON COUNTY BOARD OF ASSISTANCE

Wood L. Moore, (Republican) 138 Pennsylvania Avenue,
Easton, Northampton County, for appointment as a member
of the Northampton County Board of Assistance, for the
term ending December 31, 1940, vice Miss Fannie
Henry resigned.

John Field Oldt, (Democrat) 916 Fairfield Avenue,
Easton, Northampton County for appointment as a member
of the Northampton County Board of Assistance, for the
term ending December 31, 1941, vice William H. Price,
resigned.

JUSTICE OF THE PEACE

Chester J. Baugher, Aspers, Adams County, for appoint-
ment as Justice of the Peace in the Township of Men-
allen, Adams County, until the first Monday in January,
1940, vice E. E. Eppelman, whose term expired.

ALDERMAN CITY OF CARBONDALE

James F. Farrell, 183 Terrace Street, Carbondale, Lacka-
wanna County, for appointment as Alderman in the
Fourth Ward of the City of Carbondale, Lackawanna
County, until the first Monday in January, 1940, vice
William H. Kelly, resigned.

JUSTICE OF THE PEACE

W. S. Hall, Trexlertown, Lehigh County, for appoint-
ment as Justice of the Peace in the Township of Upper
Macungie, Lehigh County, until the first Monday in Jan-
uary, 1940, vice Harvey A. Walbert, deceased.

Anthony Marcavage, Arnouts Addition, St. Clair,
Schuylkill County, for appointment as Justice of the
Peace in the Township of New Castle, Schuylkill County,
until the first Monday in January, 1940, vice Joseph
Klimes, whose term expired.

David J. Smith, R. F. D. 2, Pottsville, Schuylkill County,
for appointment as Justice of the Peace in the Township
of New Castle, Schuylkill County, until the first Monday
in January, 1940, vice William G. Gittens, deceased.

P. T. Lonergan, 11 Church Street, Montrose, Susque-
hanna County, for appointment as Justice of the Peace in
the Borough of Montrose, Susquehanna County, until the
first Monday in January, 1940, vice F. I. Lott, resigned.

GEORGE H. EARLE.

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, Pa., January 3, 1939.
To the Honorable, the Senate of the Commonwealth of
Pennsylvania:

In conformity with law, I have the honor to nominate
for the advice and consent of the Senate, the following:

SECRETARY OF PROPERTY AND SUPPLIES

Arthur Colegrove, Corry, from December 1, 1938, until
the third Tuesday of January, 1939, and until his successor
shall have been appointed and qualified.

MEMBERS OF THE STATE BOARD OF PUBLIC ASSISTANCE

(Mrs.) Anna Ewing Cort, Greensburg, from December 1,
1938, until the third Tuesday of January, 1941, and until
her successor shall have been appointed and qualified.

John G. Watson, Pittsburgh, from December 1, 1938,
until the third Tuesday of January, 1940, and until his suc-
cessor shall have been appointed and qualified.

William J. Brennan, Scranton, from December 1, 1938,
until the third Tuesday of January, 1940, and until his
successor shall have been appointed and qualified.

Neil Chrisman, Wilkes-Barre, from December 1, 1938,
until the third Tuesday of January, 1939, and until his
successor shall have been appointed and qualified.

Arthur W. Howe, Jr., Bowmansdale, from December 1,
1938, until the third Tuesday of January, 1939, and until
his successor shall have been appointed and qualified.

Joseph N. Gorson, Philadelphia, from December 1, 1938,
until the third Tuesday of January, 1942, and until his
successor shall have been appointed and qualified.

MEMBER OF THE ADVISORY HEALTH BOARD

Leonard M. Sandston, Pittsburgh, from December 1,
1938, until the third Tuesday of January, 1939, and until
his successor shall have been appointed and qualified.

MEMBER OF THE STATE BOARD FOR THE EXAMINATION OF PUBLIC ACCOUNTANTS

Sidney G. Handler, Harrisburg, from December 1, 1938,
for the term of four years, and until his successor is ap-
pointed and qualified.

MEMBER OF THE STATE DENTAL COUNCIL AND EXAMINING BOARD

Andrew J. Heffernan, Wilkes-Barre, from December 1,
1938, for the term of six years, and until his successor is
appointed and qualified.

W. A. McCready, Pittsburgh, from December 1, 1938,
for the term of six years, and until his successor is ap-
pointed and qualified.

Thomas P. Fox, Philadelphia, from December 1, 1938,
for the term of six years, and until his successor is ap-
pointed and qualified.

R. E. Swivel, Huntingdon, from December 1, 1938, for
the term of six years, and until his successor is appointed
and qualified.

MEMBER OF THE STATE COUNCIL OF EDUCATION

Francis R. Cope, Jr., Dimock, from December 1, 1938,
for the term of six years, and until his successor is ap-
pointed and qualified.

MEMBER OF THE STATE BOARD OF UNDERTAKERS

Frank M. Regan, Scranton, from December 1, 1938, un-
til August 31, 1944, and until his successor shall have been
appointed and qualified.

MEMBERS OF THE STATE BOARD OF VETERINARY MEDICAL EXAMINERS

H. F. Broude, Harrisburg, from December 1, 1938, until
the third Tuesday of January, 1939, and until his successor
shall have been appointed and qualified.

Earl S. Pickup, Union City, from December 1, 1938, until
the third Tuesday of January, 1939, and until his succes-
sor shall have been appointed and qualified.

R. J. Potteiger, Selinsgrove, from December 1, 1938,
until the third Tuesday of January, 1939, and until his suc-
cessor shall have been appointed and qualified.

Edward R. Owen, Lawton, from December 1, 1938,
until the third Tuesday of January, 1939, and until his
successor shall have been appointed and qualified.

MEMBER OF THE STATE BOARD OF OPTOMETRICAL EXAMINERS

C. C. Law, Harrisburg, from December 1, 1938, for the
term of four years, and until his successor is appointed and
qualified.

MEMBERS OF THE BOARD OF TRUSTEES OF THE
PENNSYLVANIA STATE COLLEGE

J. Hale Steinman, Lancaster, from December 1, 1938, until July 1, 1940, and until his successor is appointed and qualified.

S. Forry Laucks, York, from December 1, 1938, until July 1, 1940, and until his successor is appointed and qualified.

Frederick A. Heim, Williamsport, from December 1, 1938, until July 1, 1941, and until his successor is appointed and qualified.

P. J. Denman, Bradford, from December 1, 1938, until July 1, 1941, and until his successor is appointed and qualified.

MEMBER OF THE PENNSYLVANIA LIQUOR
CONTROL BOARD

Leo A. Crossen, Philadelphia, from December 1, 1938, until November 29, 1943, and until his successor shall have been appointed and qualified.

MEMBERS OF THE REGISTRATION COMMISSION IN
AND FOR THE CITY OF SCRANTON

(Miss) Anna R. Hannon, Scranton, from December 1, 1938, until January 3, 1942, and until her successor is appointed and qualified.

Louis Schumacher, Scranton, from December 1, 1938, until January 3, 1942, and until his successor is appointed and qualified.

Bert Price, Scranton, from December 1, 1938, until January 3, 1942, and until his successor is appointed and qualified.

Patrick Davitt, Scranton, from December 1, 1938, until January 3, 1942, and until his successor is appointed and qualified.

MEMBER OF THE PENNSYLVANIA GAME
COMMISSION

Ross L. Leffler, McKeesport, from December 1, 1938, until the third Tuesday of January, 1943, and until his successor is appointed and qualified.

MEMBERS OF THE STATE BOARD OF OCCUPATIONAL
EXAMINERS

Emanuel Jacobson, Philadelphia, from December 1, 1938, for the term of four years, and until his successor is appointed and qualified.

H. D. Pearson, Erie, from December 1, 1938, for the term of four years, and until his successor is appointed and qualified.

H. M. Vastine, Harrisburg, from December 1, 1938, for the term of four years, and until his successor is appointed and qualified.

MEMBERS OF THE STATE BOARD OF EXAMINERS
OF ARCHITECTS

James W. Minick, Camp Hill, from December 1, 1938, for the term of six years, until his successor is appointed and qualified.

George I. Lovatt, Philadelphia, from December 1, 1938, for the term of six years, and until his successor is appointed and qualified.

MEMBERS OF THE ANTHRACITE MINE INSPECTORS'
EXAMINING BOARD

William Bush, Pottsville, from December 1, 1938, until the third Tuesday of January, 1939, and until his successor shall have been appointed and qualified.

John A. Cooner, Scranton, from December 1, 1938, until the third Tuesday of January, 1939, and until his successor shall have been appointed and qualified.

Anthony M. Strish, Larksville, from December 1, 1938, until the third Tuesday of January, 1939, and until his successor shall have been appointed and qualified.

Cornelius McElheny, Morea, from December 1, 1938, until the third Tuesday of January, 1939, and until his successor shall have been appointed and qualified.

Earl Strack, West Hazleton, from December 1, 1938, until the third Tuesday of January, 1939, and until his successor shall have been appointed and qualified.

MEMBER OF THE PENNSYLVANIA PUBLIC UTILITY
COMMISSION

John Sullivan, Broomall, from December 1, 1938, for the residue of the term ending April 1, 1941, and until his successor shall be duly appointed and shall be qualified.

MEMBER OF THE VALLEY FORGE PARK
COMMISSION

Frederick S. Fox, Norristown, from December 1, 1938, until the third Tuesday of January, 1939, and until his successor shall have been appointed and qualified.

MEMBER OF THE STATE ART COMMISSION

Warren Powers Laird, Philadelphia, from December 1, 1938, until the third Tuesday of January, 1939, and until his successor shall have been appointed and qualified.

MEMBER OF THE BOARD OF TRUSTEES OF
PENNSYLVANIA SOLDIERS' ORPHAN SCHOOL

(Mrs.) Florence Marie Miller, New Cumberland, from December 1, 1938, for the term of four years, and until her successor is qualified.

MEMBER OF THE STATE COUNCIL FOR THE BLIND

Isaac Dornblum, Philadelphia, from December 1, 1938, for the term of four years, and until his successor is appointed and qualified.

MEMBER OF THE STATE WELFARE COMMISSION

(Mrs.) Eleanor Robb Lineaweaver, Haverford, from December 1, 1938, until the third Tuesday of January, 1939, and until her successor shall have been appointed and qualified.

MEMBERS OF THE BANKING BOARD

Francis J. Rue, Philadelphia, from December 1, 1938, until September 1, 1943, and until his successor is duly appointed and qualified.

Samuel R. Rosenbaum, Philadelphia, from December 1, 1938, until September 1, 1945, and until his successor is duly appointed and qualified.

MEMBER OF THE STATE ATHLETIC COMMISSION

Jules E. Aronson, Philadelphia, from December 1, 1938, for the term of two years, and until his successor is appointed and qualified.

MEMBERS OF THE STATE VETERANS COMMISSION

R. E. Conway, York, from December 1, 1938, until the third Tuesday of January, 1939, and until his successor shall have been appointed and qualified.

Mark L. Tingley, Blossburg, from December 1, 1938, until the third Tuesday of January, 1939, and until his successor shall have been appointed and qualified.

John G. Rainey, Pittsburgh, from December 1, 1938, until the third Tuesday of January, 1939, and until his successor shall have been appointed and qualified.

Thomas E. Gvngell, Philadelphia, from December 1, 1938, until the third Tuesday of January, 1939, and until his successor shall have been appointed and qualified.

MEMBER OF THE BOARD OF TRUSTEES OF
EASTERN STATE PENITENTIARY

Matthew H. McCloskey, Jr., Overbrook, Philadelphia, from December 1, 1938, for the term of four years, and until his successor is qualified.

MEMBERS OF THE BOARD OF TRUSTEES OF
ALLENTOWN STATE HOSPITAL

Frank F. Hausman, Allentown, from December 1, 1938, for the term of four years, and until his successor is qualified.

Stanley K. Weaver, Allentown, from December 1, 1938, for the term of four years, and until his successor is qualified.

Ralph Chadwick Worrell, Springtown, from December 1, 1938, for the term of four years, and until his successor is qualified.

Thomas J. Butler, Bethlehem, from December 1, 1938, for the term of four years, and until his successor is qualified.

Lewis M. Ralph, Easton, from December 1, 1938, for the term of four years, and until his successor is qualified.

Robert Hinkle, Bethlehem, from December 1, 1938, for the term of four years, and until his successor is qualified.

Roger R. Rupp, Lehigh, from December 1, 1938, for the term of four years, and until his successor is qualified.

Charles F. Smith, Topton, from December 1, 1938, for the term of four years, and until his successor is qualified.

Forrest D. Grim, Allentown, from December 1, 1938, for the term of four years, and until his successor is qualified.

MEMBER OF THE BOARD OF TRUSTEES OF FARVIEW STATE HOSPITAL

Edward J. Healey, Jr., Carbondale, from December 1, 1938, for the term of four years, and until his successor is qualified.

MEMBERS OF THE BOARD OF TRUSTEES OF NORRISTOWN STATE HOSPITAL

Joseph Knox Fornance, Norristown, from December 1, 1938, for the term of four years, and until his successor is qualified.

George Moore, Philadelphia, from December 1, 1938, for the term of four years, and until his successor is qualified.

MEMBER OF THE BOARD OF TRUSTEES OF WARREN STATE HOSPITAL

J. Theodore Valone, Warren, from December 1, 1938, for the term of four years, and until his successor is qualified.

MEMBER OF THE BOARD OF TRUSTEES OF LAUREL- TON STATE VILLAGE

Catharine Johnston, New Bloomfield, from December 1, 1938, for the term of four years, and until her successor is qualified.

MEMBER OF THE BOARD OF TRUSTEES OF POLK STATE SCHOOL

C. E. Mullen, Cambridge Springs, from December 1, 1938, for the term of four years, and until his successor is qualified.

MEMBER OF THE BOARD OF TRUSTEES OF CONNELLSVILLE STATE HOSPITAL

Harry G. Brown, Connellsville, from December 1, 1938, for the term of four years, and until his successor is qualified.

L. S. Elliot, Connellsville, from December 1, 1938, for the term of four years, and until his successor is qualified.

Henry DeVivo, Connellsville, from December 1, 1938, for the term of four years, and until his successor is qualified.

W. H. Soisson, Sr., Connellsville, from December 1, 1938, for the term of four years, and until his successor is qualified.

M. Aaron, Connellsville, from December 1, 1938, for the term of four years, and until his successor is qualified.

W. J. B. Mayo, Melcroft, from December 1, 1938, for the term of four years, and until his successor is qualified.

Arthur Page, Mt. Pleasant, from December 1, 1938, for the term of four years, and until his successor is qualified.

Geo. Strickler, Vanderbilt, from December 1, 1938, for the term of four years, and until his successor is qualified.

(Mrs.) Nan Ruth Patterson Marietta, Connellsville, from December 1, 1938, for the term of four years, and until her successor is qualified.

MEMBERS OF THE BOARD OF TRUSTEES OF PHILIPSBURG STATE HOSPITAL

J. Emory McGowan, Tyrone, from December 1, 1938, for the term of four years, and until his successor is qualified.

W. Ludwig Erb, Philippsburg, from December 1, 1938, for the term of four years, and until his successor is qualified.

MEMBERS OF THE BOARD OF TRUSTEES OF NANTICOKE STATE HOSPITAL

Frank Boguszewski, Nanticoke, from December 1, 1938, for the term of four years, and until his successor is qualified.

John Dorris, Nanticoke, from December 1, 1938, for the term of four years, and until his successor is qualified.

John Dorak, Nanticoke, from December 1, 1938, for the term of four years, and until his successor is qualified.

J. F. Hill, Nanticoke, from December 1, 1938, for the term of four years, and until his successor is qualified.

Albert Rees, Nanticoke, from December 1, 1938, for the term of four years, and until his successor is qualified.

W. E. Weineck, Nanticoke, from December 1, 1938, for the term of four years, and until his successor is qualified.

C. K. Albertson, Benton, from December 1, 1938, for the term of four years, and until his successor is qualified.

Enoch Thomas, Wilkes-Barre, from December 1, 1938, for the term of four years, and until his successor is qualified.

F. E. Donnelly, Wilkes-Barre, from December 1, 1938, for the term of four years, and until his successor is qualified.

MEMBER OF THE BOARD OF TRUSTEES OF SHAMOKIN STATE HOSPITAL

Martin F. Snella, Shamokin, from December 1, 1938, for the term of four years, and until his successor is qualified.

MEMBERS OF THE BOARD OF TRUSTEES OF HAZLETON STATE HOSPITAL

Thomas Kennedy, Hazleton, from December 1, 1938, for the term of four years, and until his successor is qualified.

T. E. Snyder, Hazleton, from December 1, 1938, for the term of four years, and until his successor is qualified.

George B. Markle, Jr., Hazleton, from December 1, 1938, for the term of four years, and until his successor is qualified.

Joseph G. Sarricks, Freeland, from December 1, 1938, for the term of four years, and until his successor is qualified.

W. S. Carter, Hazleton, from December 1, 1938, for the term of four years, and until his successor is qualified.

J. F. Gallagher, Freeland, from December 1, 1938, for the term of four years, and until his successor is qualified.

John Yourishin, Hazleton, from December 1, 1938, for the term of four years, and until his successor is qualified.

MEMBERS OF THE BOARD OF TRUSTEES OF SCRANTON STATE HOSPITAL

Michael J. Noone, Scranton, from December 1, 1938, for the term of four years, and until his successor is qualified.

Vincent Gallizzi, Pittston, from December 1, 1938, for the term of four years, and until his successor is qualified.

MEMBER OF THE BOARD OF TRUSTEES OF LOCUST MOUNTAIN STATE HOSPITAL

Thomas M. Kerrigan, Gilberton, from December 1, 1938, for the term of four years, and until his successor is qualified.

MEMBERS OF THE BOARD OF TRUSTEES OF PENN- SYLVANIA STATE ORAL SCHOOL FOR THE DEAF

Matthew J. Lynott, Scranton, from December 1, 1938, for the term of four years, and until his successor is qualified.

Carl Graff, Scranton, from December 1, 1938, for the term of four years, and until his successor is qualified.

Norman Harris, Scranton, from December 1, 1938, for the term of four years, and until his successor is qualified.

MEMBERS OF THE BOARD OF TRUSTEES OF PENNSYLVANIA INDUSTRIAL SCHOOL

Walter F. Enfield, Bedford, from December 1, 1938, for the term of four years, and until his successor is qualified.

Swengel H. Smith, Bellefonte, from December 1, 1938, for the term of four years, and until his successor is qualified.

MEMBERS OF THE BOARD OF TRUSTEES OF STATE INDUSTRIAL HOME FOR WOMEN

(Mrs.) Nellie Lee Bok, Philadelphia, from December 1, 1938, for the term of four years, and until her successor is qualified.

(Mrs.) Eleanor R. Lineaweaver, Haverford, from December 1, 1938, for the term of four years, and until her successor is qualified.

MEMBERS OF THE BOARD OF TRUSTEES OF THE PHILADELPHIA STATE HOSPITAL

Earl D. Bond, Philadelphia, from December 1, 1938, for the term of four years, and until his successor is qualified.

Victor Moore, Philadelphia, from December 1, 1938, for the term of four years, and until his successor is qualified.

William A. Schnader, Philadelphia, from December 1, 1938, for the term of four years, and until his successor is qualified.

Harry Shapiro, Philadelphia, from December 1, 1938, for the term of four years, and until his successor is qualified.

Wilmer Krusen, Philadelphia, from December 1, 1938, for the term of four years, and until his successor is qualified.

William H. Godfrey, Philadelphia, from December 1, 1938, for the term of four years, and until his successor is qualified.

Thomas Evans, Philadelphia, from December 1, 1938, for the term of four years, and until his successor is qualified.

Paul C. Lewis, Philadelphia, from December 1, 1938, for the term of four years, and until his successor is qualified.

Frank J. G. Dorsey, Philadelphia, from December 1, 1938, for the term of four years, and until his successor is qualified.

MEMBER OF THE PENNSYLVANIA LABOR RELATIONS BOARD

J. Dress Pannell, Harrisburg, from December 1, 1938, until June 2, 1941, and until his successor is appointed and qualified.

MEMBERS OF THE EMPLOYMENT BOARD

(Miss) Julia M. Kernan, Pittsburgh, from December 1, 1938, until the third Tuesday of January, 1939, and until her successor shall have been appointed and qualified.

Calvin J. Friedberg, Mahanoy City, from December 1, 1938, until the third Tuesday of January, 1939, and until his successor shall have been appointed and qualified.

Walter Pytko, Philadelphia, from December 1, 1938, until the third Tuesday of January, 1939, and until his successor shall have been appointed and qualified.

MEMBERS OF THE BOARD OF ARBITRATION OF CLAIMS

James W. Cullen, Sayre, from December 1, 1938, until July 21, 1943, and until his successor shall be duly appointed and qualified.

Howard F. Sigler, Camp Hill, from December 1, 1938, until July 21, 1941, and until his successor shall be duly appointed and qualified.

MEMBERS OF THE BUILDING AND LOAN BOARD

John E. Allen, Philadelphia, from December 1, 1938, until September 1, 1943, and until his successor is duly appointed and qualified.

Francis E. McGill, Philadelphia, from December 1, 1938, until September 1, 1945, and until his successor is duly appointed and qualified.

George L. Transue, Easton, from December 1, 1938, until September 1, 1943, and until his successor is duly appointed and qualified.

John P. Volk, Pittsburgh, from December 1, 1938, until September 1, 1945, and until his successor is duly appointed and qualified.

Norman E. Clark, New Castle, from December 1, 1938, until September 1, 1941, and until his successor is duly appointed and qualified.

A. E. Sheller, Altoona, from December 1, 1938, until September 1, 1941, and until his successor is duly appointed and qualified.

Thomas A. Logue, Philadelphia, from December 1, 1938, until September 1, 1939, and until his successor is duly appointed and qualified.

A. L. Bingham, New Brighton, from December 1, 1938, until September 1, 1939, and until his successor is duly appointed and qualified.

MEMBERS OF THE STATE BOARD OF HOUSING

George Evans, Pittsburgh, from December 1, 1938, until August 17, 1942, and until his successor is appointed and qualified.

George Kohn, Allentown, from December 1, 1938, until August 17, 1940, and until his successor is appointed and qualified.

Alfred Hagen, Scranton, from December 1, 1938, until August 17, 1939, and until his successor is appointed and qualified.

William B. Ramsey, Philadelphia, from December 1, 1938, for the term of five years, and until his successor is appointed and qualified.

MEMBERS OF THE DELAWARE RIVER JOINT COMMISSION

James P. Clark, Philadelphia, from December 1, 1938, for the term of five years, and until his successor shall have been appointed and qualified.

George Gordon Meade, Philadelphia, from December 1, 1938, for the term of five years, and until his successor shall have been appointed and qualified.

MEMBER OF THE STATE BRIDGE AND TUNNEL COMMISSION

Leonard Shaffer, Philadelphia, from December 1, 1938, until the third Tuesday of January, 1939, and until his successor shall have been appointed and qualified.

MEMBERS OF THE NAVIGATION COMMISSION FOR THE DELAWARE RIVER AND ITS NAVIGABLE TRIBUTARIES

John F. Smoyer, Bristol, from December 1, 1938, for the term of four years, and until his successor is appointed and qualified.

Allyn T. Sayre, Swarthmore, from December 1, 1938, for the term of four years, and until his successor is appointed and qualified.

Louis Kapelski, Chester, from December 1, 1938, for the term of four years, and until his successor is appointed and qualified.

MEMBER OF THE BOARD OF TRUSTEES OF PENNSYLVANIA SOLDIERS' AND SAILORS' HOME

Walter E. Nick, Erie, from December 1, 1938, for the term of four years and until his successor is qualified.

MEMBER OF THE SEVENTY-FIFTH ANNIVERSARY OF THE BATTLE OF GETTYSBURG

Willis D. Hall, Glen Campbell, from December 1, 1938, until annulled.

MEMBER OF THE BUSHY RUN BATTLEFIELD COMMISSION

H. L. Good, Irwin, from December 1, 1938, until the third Tuesday of January, 1939, and until his successor shall have been appointed and qualified.

UNEMPLOYMENT COMPENSATION REFEREES

Harry F. Bigler, Clearfield, from December 1, 1938, until the third Tuesday of January, 1939, and until his successor shall have been appointed and qualified.

Michael J. Boyle, Johnstown, from December 1, 1938, until the third Tuesday of January, 1939, and until his successor shall have been appointed and qualified.

James Brady, Scranton, from December 1, 1938, until the third Tuesday of January, 1939, and until his successor shall have been appointed and qualified.

Maurice J. Coughlin, Erie, from December 1, 1938, until the third Tuesday of January, 1939, and until his successor shall have been appointed and qualified.

Jacob Echard, Uniontown, from December 1, 1938, until the third Tuesday of January, 1939, and until his successor shall have been appointed and qualified.

David M. Gerry, Williamsport, from December 1, 1938, until the third Tuesday of January, 1939, and until his successor shall have been appointed and qualified.

F. Merle Mackin, Exeter, from December 1, 1938, until the third Tuesday of January, 1939, and until his successor shall have been appointed and qualified.

John P. McAllister, Ambridge, from December 1, 1938, until the third Tuesday of January, 1939, and until his successor shall have been appointed and qualified.

Prall B. Rhoades, Pottsville, from December 1, 1938, until the third Tuesday of January, 1939, and until his successor shall have been appointed and qualified.

Irwin A. Swiss, Pittsburgh, from December 1, 1938, until the third Tuesday of January, 1939, and until his successor shall have been appointed and qualified.

James F. Dougherty, Crum Lynne, from December 1, 1938, until the third Tuesday of January, 1939, and until his successor shall have been appointed and qualified.

Leo I. S. Conway, Philadelphia, from December 1, 1938, until the third Tuesday of January, 1939, and until his successor shall have been appointed and qualified.

Joseph F. McElwee, Norristown, from December 1, 1938, until the third Tuesday of January, 1939, and until his successor shall have been appointed and qualified.

Harry Busser, York Haven, from December 1, 1938, until the third Tuesday of January, 1939, and until his successor shall have been appointed and qualified.

MEMBER OF THE PENNSYLVANIA TURNPIKE COMMISSION

Edward N. Jones, Pittsburgh, from December 1, 1938, until June 4, 1945, and until his successor is appointed and qualified.

MEMBERS OF THE BOARD OF TRUSTEES OF WEST CHESTER STATE TEACHERS COLLEGE

Robert F. Anderson, West Chester, from December 1, 1938, for the term of four years, and until his successor is qualified.

(Mrs.) Mary T. Farrell, West Chester, from December 1, 1938, for the term of four years, and until her successor is qualified.

MEMBER OF THE BOARD OF TRUSTEES OF MILLERSVILLE STATE TEACHERS COLLEGE

Walter I. Anderson, York, from December 1, 1938, for the term of four years, and until his successor is qualified.

MEMBER OF THE BOARD OF TRUSTEES OF EAST STROUDSBURG STATE TEACHERS COLLEGE

John J. McDonald, Scranton, from December 1, 1938, for the term of four years, and until his successor is qualified.

MEMBER OF THE BOARD OF TRUSTEES OF MANSFIELD STATE TEACHERS COLLEGE

Martin Stalford, Wyalusing, from December 1, 1938, for the term of four years, and until his successor is qualified.

MEMBER OF THE BOARD OF TRUSTEES OF BLOOMSBURG STATE TEACHERS COLLEGE

Thomas F. Farrell, Wilkes-Barre, from December 1, 1938, for the term of four years, and until his successor is qualified.

H. Monte Smith, Bloomsburg, from December 9, 1938, for the term of four years, and until his successor is qualified.

MEMBER OF THE BOARD OF TRUSTEES OF SHIP-PENSBURG STATE TEACHERS COLLEGE

Harvey A. Gross, York, from December 1, 1938, for the term of four years, and until his successor is qualified.

MEMBER OF THE STATE BOARD OF TRUSTEES OF LOCK HAVEN STATE TEACHERS COLLEGE

(Mrs.) Edith DeWitt, Williamsport, from December 1, 1938, for the term of four years, and until her successor is qualified.

MEMBER OF THE BOARD OF TRUSTEES OF INDIANA STATE TEACHERS COLLEGE

Max C. Sutter, Homer City, from December 1, 1938, for the term of four years, and until his successor is qualified.

MEMBERS OF THE BOARD OF TRUSTEES OF SLIPPERY ROCK STATE TEACHERS COLLEGE

William Z. Murrin, Butler, from December 1, 1938, for the term of four years, and until his successor is qualified.

Origen K. Bingham, Bridgeville, from December 1, 1938, for the term of four years, and until his successor is qualified.

(Mrs.) Emma Guffey Miller, Slippery Rock, from December 1, 1938, for the term of four years, and until her successor is qualified.

MEMBERS OF THE BOARD OF TRUSTEES OF EDINBORO STATE TEACHERS COLLEGE

Edward Pinkey Wroth, Warren, from December 1, 1938, for the term of four years, and until his successor is qualified.

MEMBER OF THE BOARD OF TRUSTEES OF CLARION STATE TEACHERS COLLEGE

Clarence C. Klein, Swissvale, from December 1, 1938, for the term of four years, and until his successor is qualified.

MEMBERS OF THE STATE PLANNING BOARD

Roy E. Brownmiller, Pottsville, from December 1, 1938, until November 18, 1939, or until such time prior thereto when his term of office as Secretary of Highways may expire, and until his successor is appointed and qualified.

Henry Hornbostel, Pittsburgh, from December 1, 1938, for the term of five years, and until his successor is qualified.

Otto T. Mallery, Philadelphia, from December 1, 1938, for the term of five years, and until his successor is qualified.

Also the following persons to be MEMBERS OF THE COUNTY BOARDS OF ASSISTANCE, for the terms set opposite their names; and until their successors are duly appointed and qualified.

ADAMS COUNTY

D. C. Jacobs, Arendtsville, from December 1, 1938 until December 31, 1938.

(Mrs.) Bess Bixler, New Oxford, from December 1, 1938 until December 31, 1938.

(Miss) Evelyn C. Altoff, Littlestown, from December 1, 1938 until December 31, 1939.

C. A. Wills, Fairfield, from December 1, 1938 until December 31, 1939.

Charles B. Dougherty, Gettysburg, from December 1, 1938 until December 31, 1940.

F. V. Topper, McSherrystown, from December 1, 1938 until December 31, 1940.

(Mrs.) Mary K. McClean, Gettysburg, from December 1, 1938 until December 31, 1940.

ALLEGHENY COUNTY

Charles Aquadro, Pittsburgh, from December 1, 1938 until December 31, 1940.

S. Leo Ruslander, Pittsburgh, from December 1, 1938 until December 31, 1939.

William S. Doty, Pittsburgh, from December 1, 1938 until December 31, 1940.

Bernard L. Flynn, Crafton, from December 1, 1938 until December 31, 1939.

Ben G. Graham, Pittsburgh, from December 1, 1938 until December 31, 1940.

Clinton S. Golden, Pittsburgh, from December 1, 1938 until December 31, 1938.

(Mrs.) Frances Lutz, Pittsburgh, from December 1, 1938 until December 31, 1938.

(Mrs.) Nellie C. Wisser, Dravosburg, from December 1, 1938 until December 31, 1939.

(Mrs.) Hilda G. Henrici, Coraopolis, from December 1, 1938 until December 31, 1938.

ARMSTRONG COUNTY

J. P. Turping, Kittanning, from December 1, 1938 until December 31, 1938.

(Mrs.) Mary McLaughlin, Freeport, from December 1, 1938 until December 31, 1938.

Earl Artman, Ford City, from December 1, 1938 until December 31, 1939.

(Mrs.) Mary M. Geary, Parkers Landing, from December 1, 1938 until December 31, 1940.

Tony G. Badiali, South Bethlehem, from December 1, 1938 until December 31, 1940.

(Mrs.) Edith Dunn, Kittanning, from December 1, 1938 until December 31, 1939.

BEAVER COUNTY

O. H. Locke, Monaco, from December 1, 1938 until December 31, 1938.

Milton Selkovits, Aliquippa, from December 1, 1938 until December 31, 1938.

D. J. Maloney, New Brighton, from December 1, 1938 until December 31, 1939.

George L. Werner, Freedom, from December 1, 1938 until December 31, 1939.

(Mrs.) Emily Howe, Beaver, from December 1, 1938 until December 31, 1940.

(Mrs.) Bessie Javens, Rochester, from December 1, 1938 until December 31, 1940.

(Mrs.) Agnes Perrott, Beaver Falls, from December 1, 1938 until December 31, 1940.

BEDFORD COUNTY

John C. Dibert, Pavia, from December 1, 1938 until December 31, 1938.

Herman Fetter, New Enterprise, from December 1, 1938 until December 31, 1939.

Herman Barkman, Clearville, from December 1, 1938 until December 31, 1940.

(Mrs.) Mary Smith, Bedford, from December 1, 1938 until December 31, 1940.

John A. Topper, Hyndman, from December 1, 1938 until December 31, 1939.

(Mrs.) Annie Ross, Saxton, from December 1, 1938 until December 31, 1938.

BERKS COUNTY

Francis L. Klemmer, Reading, from December 1, 1938 until December 31, 1938.

(Mrs.) Alice I. Focht, Birdsboro, from December 1, 1938 until December 31, 1938.

Charles William Hollenbacher, Reading, from December 1, 1938 until December 31, 1939.

Joseph A. Martin, Reading, from December 1, 1938 until December 31, 1939.

(Mrs.) Emma H. Dry, Kutztown, from December 1, 1938 until December 31, 1940.

(Mrs.) Florence J. Luft, Wyomissing, from December 1, 1938 until December 31, 1940.

(Mrs.) Minnie M. Mays, Weiser Park, from December 1, 1938 until December 31, 1940.

BLAIR COUNTY

Lawrence Schrenk, Altoona, from December 1, 1938 until December 31, 1938.

Claude E. Snyder, Altoona, from December 1, 1938 until December 31, 1938.

(Mrs.) Beatrice Moffitt, Altoona, from December 1, 1938 until December 31, 1939.

(Mrs.) Jennie Walters, Claysburg, from December 1, 1938 until December 31, 1939.

(Mrs.) Helen Clark, Altoona, from December 1, 1938 until December 31, 1940.

(Mrs.) Nellie Hogue, Altoona, from December 1, 1938 until December 31, 1940.

John Edward Ardell, Tyrone, from December 1, 1938 until December 31, 1940.

BRADFORD COUNTY

Alan J. Donlon, Athens, from December 1, 1938 until December 31, 1938.

(Mrs.) Charlotte L. Davidson, Towanda, from December 1, 1938 until December 31, 1939.

Martin R. Stafford, Wyalusing, from December 1, 1938 until December 31, 1939.

(Mrs.) Catherine H. Laux, Sayre, from December 1, 1938 until December 31, 1940.

(Mrs.) Frances H. Murray, South Waverly, from December 1, 1938 until December 31, 1940.

John Snedeker, Troy, from December 1, 1938 until December 31, 1940.

John F. Beirne, Towanda, from December 1, 1938 until December 31, 1938.

BUCKS COUNTY

(Mrs.) Gretchen M. Hibbs, Bristol, from December 1, 1938 until December 31, 1938.

(Mrs.) Della Garver, Ivyland, from December 1, 1938 until December 31, 1939.

(Mrs.) Rose C. Flood, New Hope, from December 1, 1938 until December 31, 1940.

(Mrs.) Mary Elizabeth McKinstry, Doylestown, from December 1, 1938 until December 31, 1940.

J. Latta Jones, Doylestown, from December 1, 1938 until December 31, 1938.

BUTLER COUNTY

(Mrs.) Florence C. VonKrogh, Butler, from December 1, 1938 until December 31, 1938.

(Mrs.) Elva F. Beck, Karns City, from December 1, 1938 until December 31, 1938.

(Mrs.) Maude N. Patterson, Butler, from December 1, 1938 until December 31, 1939.

(Mrs.) Elizabeth L. Campbell, Butler, from December 1, 1938 until December 31, 1939.

Harry Daly, Butler, from December 1, 1938 until December 31, 1940.

(Mrs.) Callie Knox, Zelienople, from December 1, 1938 until December 31, 1940.

Harry T. Rattigan, Butler, from December 1, 1938 until December 31, 1940.

CAMBRIA COUNTY

Elvin Overdorff, Johnstown, from December 1, 1938 until December 31, 1938.

Charles E. Overberger, Barnesboro, from December 1, 1938 until December 31, 1939.

Blair Pawlowski, Spangler, from December 1, 1938 until December 31, 1939.

Frank J. Pentrack, Johnstown, from December 1, 1938 until December 31, 1940.

George C. Hoppel, Patton, from December 1, 1938 until December 31, 1940.

(Mrs.) Catherine Q. McGuire, Johnstown, from December 1, 1938 until December 31, 1938.

CAMERON COUNTY

E. P. Larson, Emporium, from December 1, 1938 until December 31, 1938.

(Mrs.) Perna Gaskill Klees, Emporium, from December 1, 1938 until December 31, 1938.

(Mrs.) Ella Bailey, Sinnemahoning, from December 1, 1938 until December 31, 1939.

(Miss) Nellie Whiting, Sterling Run, from December 1, 1938 until December 31, 1939.

Charles T. Crone, Emporium, from December 1, 1938 until December 31, 1940.

(Mrs.) Edna Schwab, Emporium, from December 1, 1938 until December 31, 1940.

James Moran, Emporium, from December 1, 1938 until December 31, 1940.

CARBON COUNTY

John Garrett, Summitt Hill, from December 1, 1938 until December 31, 1938.

James Kelly, Lansford, from December 1, 1938 until December 31, 1938.

David S. Kistler, Weatherly, from December 1, 1938 until December 31, 1939.

(Mrs.) Josephine Quinn, Lansford, from December 1, 1938 until December 31, 1939.

(Mrs.) Bertha M. Binder, East Mauch Chunk, from December 1, 1938 until December 31, 1940.
Leon A. Stemler, Palmerton, from December 1, 1938 until December 31, 1940.

CENTRE COUNTY

Lloyd Boob, Millheim, from December 1, 1938 until December 31, 1938.
(Mrs.) Henrietta N. Willard, State College, from December 1, 1938 until December 31, 1938.
Swengle Smith, Bellefonte, from December 1, 1938 until December 31, 1939.
Russell Spangler, Bellefonte, from December 1, 1938 until December 31, 1939.
(Mrs.) Lona Johnson, Philipsburg, from December 1, 1938 until December 31, 1940.
(Mrs.) Catherine Kilpatrick, Bellefonte, from December 1, 1938 until December 31, 1940.
John Spearly, Bellefonte, from December 1, 1938 until December 31, 1940.

CHESTER COUNTY

(Mrs.) Emma R. Garrett, Sugartown, from December 1, 1938 until December 31, 1938.
Ray Waldron, West Chester, from December 1, 1938 until December 31, 1938.
(Mrs.) Mary E. O'Donnell, Phoenixville, from December 1, 1938 until December 31, 1939.
(Mrs.) Mabel Baer, Oxford, from December 1, 1938 until December 31, 1939.
Samuel Dickey, Lincoln University, from December 1, 1938 until December 31, 1940.
(Mrs.) Edith Owens, Parkesburg, from December 1, 1938 until December 31, 1940.

CLARION COUNTY

(Miss) Anna B. Graham, Clarion, from December 1, 1938 until December 31, 1938.
(Mrs.) Sarah Campbell Rankin, Clarion, from December 1, 1938 until December 31, 1938.
Dale Kriebble, West Monterey, from December 1, 1938 until December 31, 1939.
(Mrs.) Leda R. Elder, Clarion, from December 1, 1938 until December 31, 1939.
(Mrs.) Minie Wilson Collner, Clarion, from December 1, 1938 until December 31, 1940.
A. M. Hepler, New Bethlehem, from December 1, 1938 until December 31, 1940.

CLEARFIELD COUNTY

Roll B. Thompson, Clearfield, from December 1, 1938 until December 31, 1938.
Joseph Shankle, DuBois, from December 1, 1938 until December 31, 1939.
George B. Kirk, Kylertown, from December 1, 1938 until December 31, 1939.
(Miss) Mary White, Morrisdale, from December 1, 1938 until December 31, 1940.
(Mrs.) Mary Webb, Houtzdale, from December 1, 1938 until December 31, 1940.

CLINTON COUNTY

George Betts, Avis, from December 1, 1938 until December 31, 1938.
Edw. P. Jones, Renovo, from December 1, 1938 until December 31, 1938.
(Mrs.) Edith Bossart, Avis, from December 1, 1938 until December 31, 1939.
J. L. Lubrecht, Lock Haven, from December 1, 1938 until December 31, 1939.
(Mrs.) Mary I. Betts, Lock Haven, from December 1, 1938 until December 31, 1940.
W. A. Morris, Loganton, from December 1, 1938 until December 31, 1940.
(Mrs.) Gertrude Wheeler, Westport, from December 1, 1938 until December 31, 1940.

COLUMBIA COUNTY

K. L. Pollock, Berwick, from December 1, 1938 until December 31, 1938.
L. G. Weller, Aristes, from December 1, 1938 until December 31, 1938.
(Mrs.) Helen Bernhard, Bloomsburg, from December 1, 1938 until December 31, 1939.
(Mrs.) Inez Brewington, Benton, from December 1, 1938, until December 31, 1939.
Ellis Artley, Catawissa, from December 1, 1938 until December 31, 1940.
A. G. Everett, Benton, from December 1, 1938, until December 1, 1940.

CRAWFORD COUNTY

Wm. A. Cobb, Cambridge Springs, from December 1, 1938 until December 31, 1938.
Howard L. Moore, Cochran, from December 1, 1938 until December 31, 1938.
Emmett A. Allen, Guys Mills, from December 1, 1938 until December 31, 1939.
(Mrs.) Jeannette W. Hood Beatty, Meadville, from December 1, 1938 until December 31, 1939.
W. C. Arthur, Meadville, from December 1, 1938 until December 31, 1940.
(Mrs.) Ella H. Bayliss, Titusville, from December 1, 1938 until December 31, 1940.
John A. McAndrews, Conneautville, from December 1, 1938 until December 31, 1940.

CUMBERLAND COUNTY

(Mrs.) Rachel Boyd Hollar, Shippensburg, from December 1, 1938 until December 31, 1938.
(Miss) Margaret M. Moser, Mechanicsburg, from December 1, 1938 until December 31, 1938.
Charles A. Goodyear, Carlisle, from December 1, 1938 until December 31, 1939.
(Mrs.) Helen S. Faller, Carlisle, from December 1, 1938 until December 31, 1940.
(Mrs.) Merte Kehr, Camp Hill, from December 1, 1938 until December 31, 1940.
(Mrs.) Nancy H. Spahr, Mechanicsburg, from December 1, 1938 until December 31, 1940.

DAUPHIN COUNTY

H. M. Kirkpatrick, Harrisburg, from December 1, 1938 until December 31, 1938.
Frank A. Robbins, Steelton, from December 1, 1938 until December 31, 1938.
(Mrs.) Belle K. Kunkel, Harrisburg, from December 1, 1938 until December 31, 1939.
Elwood Moffett, Williamstown, from December 1, 1938 until December 31, 1939.
E. R. Eckenrode, Harrisburg, from December 1, 1938 until December 31, 1940.
Charles S. Davis, Steelton, from December 1, 1938 until December 31, 1940.
(Mrs.) Gabriella C. Gilbert, Harrisburg, from December 1, 1938 until December 31, 1940.

DELAWARE COUNTY

(Mrs.) Winifred Bonner, Yeadon, from December 1, 1938 until December 31, 1940.
George W. Wilkins, Lansdowne, from December 1, 1938 until December 31, 1938.
Leslie P. Hill, Cheyney, from December 1, 1938 until December 31, 1938.
Raymond Loughhead, Chester, from December 1, 1938 until December 31, 1939.
D. Montford Melchier, Lansdowne, from December 1, 1938 until December 31, 1939.
(Mrs.) Ann T. Monihan, Ridley Park, from December 1, 1938 until December 31, 1940.
(Mrs.) Henrietta G. S. Jaquette, Swarthmore, from December 1, 1938 until December 31, 1940.

ELK COUNTY

(Mrs.) Kathryn Gardner, Ridgway, from December 1, 1938 until December 31, 1938.

John F. O'Leary, St. Marys, from December 1, 1938 until December 31, 1938.

(Mrs.) Susan Geary, Ridgway, from December 1, 1938 until December 31, 1939.

W. Scott Williams, Ridgway, from December 1, 1938 until December 31, 1939.

Edward G. Smith, St. Marys, from December 1, 1938 until December 31, 1940.

John H. Cartwright, Ridgway, from December 1, 1938 until December 31, 1940.

(Mrs.) Anna M. Kaul, St. Marys, from December 1, 1938 until December 31, 1940.

ERIE COUNTY

Olin W. Bracken, Corry, from December 1, 1938 until December 31, 1939.

(Mrs.) Anne Celina Haule, Erie from December 1, 1938 until December 31, 1939.

E. C. Dalton, Wesleyville, from December 1, 1938 until December 31, 1940.

P. J. Grant, Erie from December 1, 1938 until December 31, 1940.

Leo J. Omclian, Erie, from December 1, 1938 until December 31, 1940.

Homer S. Brown, Erie, from December 1, 1938 until December 31, 1938.

FAYETTE COUNTY

Herman H. Will, Uniontown, from December 1, 1938 until December 31, 1940.

(Mrs.) Alonzo C. Hagan, Uniontown, from December 1, 1938 until December 31, 1939.

Chas. Weihe, Connellsville, from December 1, 1938 until December 31, 1938.

(Mrs.) Anna Manoli, Republic, from December 1, 1938 until December 31, 1939.

(Mrs.) Virginia Brown Newell, Uniontown, from December 1, 1938 until December 31, 1938.

(Mrs.) Alberta Bendik, Uniontown, from December 1, 1938 until December 31, 1940.

John J. Campbell, Uniontown, from December 1, 1938 until December 31, 1940.

FORREST COUNTY

(Mrs.) Cecile Elizabeth Baughman, Marienville, from December 1, 1938 until December 31, 1938.

(Mrs.) Anna Belle Schall, Tidioute, from December 1, 1938 until December 31, 1939.

Myron Fielman, Marienville, from December 1, 1938 until December 31, 1940.

Forest Huff, Clarrington, from December 1, 1938 until December 31, 1939.

James C. Bowman, Tionesta, from December 1, 1938 until December 31, 1940.

(Miss) Helen Landers, Tionesta, from December 1, 1938 until December 31, 1940.

George H. Reed, Tionesta, from December 1, 1938 until December 31, 1938.

FRANKLIN COUNTY

W. B. O'Rear, Waynesboro, from December 1, 1938 until December 31, 1938.

S. G. Coons, Dry Run, from December 1, 1938 until December 31, 1938.

(Mrs.) Elizabeth S. Sellers, Greencastle, from December 1, 1938 until December 31, 1938.

John W. Warehime, Waynesboro, from December 1, 1938 until December 31, 1938.

(Mrs.) Emma Elizabeth W. Hutton, Chambersburg, from December 1, 1938 until December 31, 1940.

John Holden, Chambersburg, from December 1, 1938 until December 31, 1940.

FULTON COUNTY

William J. Lowe, McConnellsburg, from December 1, 1938 until December 31, 1938.

Frank Stinson, McConnellsburg, from December 1, 1938 until December 31, 1938.

(Mrs.) Rebecca Stevens, McConnellsburg, from December 1, 1938 until December 31, 1939.

(Mrs.) Bertha Kirk, Warfordsburg, from December 1, 1938 until December 31, 1939.

(Mrs.) Lena McClain, Hustontown, from December 1, 1938 until December 31, 1940.

(Mrs.) Grace Sheiz, McConnellsburg, from December 1, 1938 until December 31, 1940.

(Mrs.) Ethel Dufley, Webster Mills, from December 1, 1938 until December 31, 1940.

GREENE COUNTY

W. Robert Thompson, Waynesburg, from December 1, 1938 until December 31, 1938.

(Mrs.) Cicie H. Clarke, Waynesburg, from December 1, 1938 until December 31, 1938.

John Rapchak, Nemacolin, from December 1, 1938 until December 31, 1939.

James Null, New Freeport, from December 1, 1938 until December 31, 1939.

(Mrs.) Esther Parker Wood, Waynesburg, from December 1, 1938 until December 31, 1940.

(Mrs.) Edith Bailey Purman, Waynesburg, from December 1, 1938 until December 31, 1940.

(Mrs.) Brenda McClure Donley, Mt. Morris, from December 1, 1938 until December 31, 1940.

HUNTINGDON COUNTY

(Mrs.) Elizabeth Adams, Mt. Union, from December 1, 1938 until December 31, 1938.

Henry Stafford, Huntingdon, from December 1, 1938 until December 31, 1938.

Boyd Ewing, Orbisonia, from December 1, 1938 until December 31, 1939.

(Mrs.) Fern Naff, Huntingdon, from December 1, 1938 until December 31, 1940.

(Mrs.) Lillian McGarvey, Shirleysburg, from December 1, 1938 until December 31, 1940.

Roy I. Grove Alexandria, from December 1, 1938 until December 31, 1939.

INDIANA COUNTY

(Mrs.) Frances Woodburn, Indiana, from December 1, 1938 until December 31, 1938.

(Miss) Elizabeth Stoneback, Black Lick, from December 1, 1938 until December 31, 1939.

George C. Martin, Clymer, from December 1, 1938 until December 31, 1940.

John Ghizzoni, Homer City, from December 1, 1938 until December 31, 1940.

(Mrs.) Bertha Kunkle, Shelocta, from December 1, 1938 until December 31, 1939.

Charles G. Prothero, Home, from December 1, 1938 until December 31, 1940.

JEFFERSON COUNTY

(Mrs.) Charlotte Britten, Brockway, from December 1, 1938 until December 31, 1938.

(Mrs.) Adaline S. Corbett, Summerville, from December 1, 1938 until December 31, 1938.

Thomas C. McQuown, Big Run, from December 1, 1938 until December 31, 1939.

Leo D. Sullivan, Punxsutawney, from December 1, 1938 until December 31, 1940.

(Miss) Cynthia Wehrle, Reynoldsville, from December 1, 1938 until December 31, 1940.

(Mrs.) Minnie Dillman, Brookville, from December 1, 1938 until December 31, 1940.

JUNIATA COUNTY

Jacob L. Groninger, Port Royal, from December 1, 1938 until December 31, 1938.

(Mrs.) Mary Headings, McAlisterville, from December 1, 1938 until December 31, 1938.

Banks L. Swartz, McAlisterville, from December 1, 1938 until December 31, 1939.
 (Mrs.) Pearl Basom, Richfield, from December 1, 1938 until December 31, 1939.
 Allen I. Klinger, Liverpool, from December 1, 1938 until December 31, 1940.
 Bryan Crawford, McCoysville, from December 1, 1938 until December 31, 1940.
 Harvey C. Haas, Mexico, from December 1, 1938 until December 31, 1940.

LACKAWANNA COUNTY

S. U. Colbassani, Old Forge, from December 1, 1938 until December 31, 1938.
 John Hart, Mayfield, from December 1, 1938 until December 31, 1938.
 Michael Holod, Dickson City, from December 1, 1938 until December 31, 1939.
 Thomas A. Dempsey, Scranton, from December 1, 1938 until December 31, 1939.
 (Mrs.) Katherine M. Butler, Archbald, from December 1, 1938 until December 31, 1940.
 (Mrs.) Elizabeth Kraemer, Scranton, from December 1, 1938 until December 31, 1940.
 James B. Rosenfeld, Scranton, from December 1, 1938 until December 31, 1940.

LANCASTER COUNTY

P. Harry Wohlson, Lancaster, from December 1, 1938 until December 31, 1938.
 Wm. E. Alexander, Lancaster, from December 1, 1938 until December 31, 1938.
 (Mrs.) Laura Burtz Royce, Columbia, from December 1, 1938 until December 31, 1939.
 (Mrs.) Katherine Flinn Foltz, Kinzer, from December 1, 1938 until December 31, 1939.
 (Mrs.) Eleanor Swift Howell, Lancaster, from December 1, 1938 until December 31, 1940.
 Wallace R. Knerr, Denver, from December 1, 1938 until December 31, 1940.
 George W. Hensel, Jr., Quarryville, from December 1, 1938 until December 31, 1940.

LAWRENCE COUNTY

(Mrs.) Blanche Sampson, Volant, from December 1, 1938 until December 31, 1938.
 D. D. Valiensi, New Castle, from December 1, 1938 until December 31, 1938.
 Harry H. Davies, New Castle, from December 1, 1938 until December 31, 1939.
 (Mrs.) Bernice Shannon, New Castle, from December 1, 1938 until December 31, 1939.
 G. S. Bennett, New Castle, from December 1, 1938 until December 31, 1940.
 P. F. Butz, New Castle, from December 1, 1938 until December 31, 1940.
 S. D. Johnson, Ellwood City, from December 1, 1938 until December 31, 1940.

LEBANON COUNTY

Elwood Schwenk, Lebanon, from December 1, 1938 until December 31, 1938.
 John J. Lawley, Lebanon, from December 1, 1938 until December 31, 1938.
 (Mrs.) Clara Johnston, Lebanon, from December 1, 1938 until December 31, 1939.
 (Mrs.) Helen Krause, Lebanon, from December 1, 1938 until December 31, 1940.
 (Mrs.) Addie Dinah Brenner, Lebanon, from December 1, 1938 until December 31, 1940.
 (Mrs.) Ernestine Turner Weber, Lebanon, from December 1, 1938 until December 31, 1940.

LEHIGH COUNTY

William A. Gibson, Allentown, from December 1, 1938 until December 31, 1938.
 Albert D. Gomery, Allentown, from December 1, 1938 until December 31, 1938.

Thos. L. Smyth, Allentown, from December 1, 1938 until December 31, 1939.
 (Mrs.) Melba Hennemuth, Emaus, from December 1, 1938 until December 31, 1939.
 (Mrs.) Anna O'Brien, Allentown, from December 1, 1938 until December 31, 1940.
 (Mrs.) Edna Zweifel, Bethlehem, from December 1, 1938 until December 31, 1940.
 (Mrs.) Cora Gangewere, Allentown, from December 1, 1938 until December 31, 1940.

LUZERNE COUNTY

Frank Correale, Hazleton, from December 1, 1938 until December 31, 1938.
 Abram Salsburg, Wilkes-Barre, from December 1, 1938 until December 31, 1938.
 John B. Gallagher, Wilkes-Barre, from December 1, 1938 until December 31, 1939.
 Franklin Hill, Nanticoke, from December 1, 1938 until December 31, 1940.
 (Mrs.) Mary Agnes Gillis, Wilkes-Barre, from December 1, 1938 until December 31, 1940.
 (Mrs.) Mary Conlon Mundy, Wilkes-Barre, from December 1, 1938 until December 31, 1940.
 Charles K. Dewees, Forty Fort, from December 1, 1938 until December 31, 1939.

LYCOMING COUNTY

(Mrs.) Isabella Fairfax, Williamsport, from December 1, 1938 until December 31, 1938.
 (Mrs.) Sylvia B. Hays, Williamsport, from December 1, 1938 until December 31, 1939.
 (Mrs.) Alice Delaney, Williamsport, from December 1, 1938 until December 31, 1939.
 Kenneth D. Poust, Hughesville, from December 1, 1938 until December 31, 1940.
 Joseph A. London, Jersey Shore, from December 1, 1938 until December 31, 1940.
 James W. Foresman, Williamsport, from December 1, 1938 until December 31, 1940.

McKEAN COUNTY

Elisha K. Kane, Kane, from December 1, 1938 until December 31, 1940.
 (Miss) Bernice Horne, Bradford, from December 1, 1938 until December 31, 1940.
 Martin E. Hanson, Bradford, from December 1, 1938 until December 31, 1939.
 (Mrs.) Beulah Lee Finney, Bradford, from December 1, 1938 until December 31, 1939.
 Edward M. O'Neill, Bradford, from December 1, 1938 until December 31, 1940.

MERCER COUNTY

R. E. English, Grove City, from December 1, 1938 until December 31, 1938.
 W. W. Richardson, Mercer, from December 1, 1938 until December 31, 1938.
 (Miss) Myrtle L. Allen, Sharon, from December 1, 1938 until December 31, 1939.
 (Mrs.) Mildred Clark, Sharpsville, from December 1, 1938 until December 31, 1939.
 Stephen B. Doyle, Sharon, from December 1, 1938 until December 31, 1940.
 Charles D. Rissel, Greenville, from December 1, 1938 until December 31, 1940.
 Geo. Frankel, Farrell, from December 1, 1938 until December 31, 1940.

MIFFLIN COUNTY

(Mrs.) Edith M. Jones, Burnham, from December 1, 1938 until December 31, 1938.
 W. H. Allison, Lewistown, from December 1, 1938 until December 31, 1939.
 (Mrs.) Marian U. Hoffman, Lewistown, from December 1, 1938 until December 31, 1939.
 P. M. Headings, Lewistown, from December 1, 1938 until December 31, 1940.

T. C. Matthews, Lewistown, from December 1, 1938 until December 31, 1940.
 Charles C. Duck, Lewistown, from December 1, 1938 until December 31, 1940.
 James H. Goss, Lewistown, from December 1, 1938 until December 31, 1938.

MONROE COUNTY

Ernest H. Wycoff, Stroudsburg, from December 1, 1938 until December 31, 1938.
 (Mrs.) Leila M. Beers, Stroudsburg, from December 1, 1938 until December 31, 1939.
 (Mrs.) Helen M. Hoffman, East Stroudsburg, from December 1, 1938 until December 31, 1940.
 (Mrs.) Hazel S. Achterman, Stroudsburg, from December 1, 1938 until December 31, 1940.
 (Mrs.) Elmira Shafer, Gilbert, from December 1, 1938 until December 31, 1940.

MONTGOMERY COUNTY

(Mrs.) Agnes O'Neil, Conshohocken, from December 1, 1938 until December 31, 1938.
 Harry K. Bush, Pottstown, from December 1, 1938 until December 31, 1940.
 (Mrs.) Jeanne R. French, Collegeville, from December 1, 1938 until December 31, 1939.
 (Mrs.) Lillian L. Strauss, Ashbourne, from December 1, 1938 until December 31, 1940.
 James J. Kane, Bridgeport, from December 1, 1938 until December 31, 1939.
 Willis B. Bergey, Telford, from December 1, 1938 until December 31, 1940.
 (Miss) Marjorie N. MacCoy, Haverford, from December 1, 1938 until December 31, 1938.

MONTOUR COUNTY

(Mrs.) Erma T. Deily, Danville, from December 1, 1938 until December 31, 1938.
 Harry Hinshillwood, Danville from December 1, 1938 until December 31, 1938.
 Chas. Peifer, Danville, from December 1, 1938 until December 31, 1939.
 (Mrs.) Eloise Shultz, Mooresburg, from December 1, 1938 until December 31, 1939.
 (Mrs.) Mary F. Wagner, Danville, from December 1, 1938 until December 31, 1940.
 (Mrs.) Blanche Baynhan, Danville, from December 1, 1938 until December 31, 1940.
 (Mrs.) Mary Perry, Danville, from December 1, 1938 until December 31, 1940.

NORTHAMPTON COUNTY

(Mrs.) Jennie Kubilus, Nazareth, from December 1, 1938 until December 31, 1938.
 (Mrs.) Maitland Raines, Pen Argyl, from December 1, 1938 until December 31, 1938.
 David Brillhardt, Bethlehem, from December 1, 1938 until December 31, 1939.
 (Mrs.) Dora Levin, Easton, from December 1, 1938 until December 31, 1940.
 Charles P. Warner, Easton, from December 1, 1938 until December 31, 1940.

NORTHUMBERLAND COUNTY

Mike Kotancick, Shamokin, from December 1, 1938 until December 31, 1938.
 James Leavens, Shamokin, from December 1, 1938 until December 31, 1938.
 Silas Nayfield, Mount Carmel, from December 1, 1938 until December 31, 1939.
 Wm. Buckley, Mount Carmel, from December 1, 1938 until December 31, 1939.
 (Mrs.) Loretta Houtz, Sunbury, from December 1, 1938 until December 31, 1940.
 R. B. McCay, Sunbury, from December 1, 1938 until December 31, 1940.
 (Mrs.) Irene Clinger, Milton, from December 1, 1938 until December 31, 1940.

PERRY COUNTY

G. Thomas Adams, Shermansdale, from December 1, 1938 until December 31, 1938.
 (Miss) Mabel O. Ellenberger, Marysville, from December 1, 1938 until December 31, 1939.
 (Mrs.) May S. Sharp, Newport, from December 1, 1938 until December 31, 1939.
 B. Stiles Duncan, Duncannon, from December 1, 1938 until December 31, 1940.
 Edward L. Holman, New Bloomfield, from December 1, 1938 until December 31, 1940.

PHILADELPHIA COUNTY

(Mrs.) Elsie Pfaelzer, Philadelphia, from December 1, 1938 until December 31, 1938.
 Louis Schmidt, Philadelphia, from December 1, 1938 until December 31, 1938.
 Vincent DeVergiliis, Philadelphia, from December 1, 1938 until December 31, 1938.
 Philip C. Staples, Philadelphia, from December 1, 1938 until December 31, 1939.
 Henry P. Cheatham, Philadelphia, from December 1, 1938 until December 31, 1939.
 Joseph D. Burke, Philadelphia, from December 1, 1938 until December 31, 1940.
 (Mrs.) Rose Anna Piekarski, Philadelphia, from December 1, 1938 until December 31, 1940.
 Louis Heiland, Philadelphia, from December 1, 1938, until December 31, 1940.
 John J. Cregan, Philadelphia, from December 1, 1938 until December 31, 1940.
 Robert Weinstein, Philadelphia, from December 1, 1938 until December 31, 1939.

PIKE COUNTY

(Mrs.) Virginia S. Black, Milford, from December 1, 1938 until December 31, 1938.
 Joseph Mager, Matamoras, from December 1, 1938 until December 31, 1939.
 (Mrs.) Ethel Schumacher, Matamoras, from December 1, 1938 until December 31, 1939.
 Raymond Hessberger, Lackawaxen, from December 1, 1938 until December 31, 1940.
 (Mrs.) Katherine Grimm, Greentown, from December 1, 1938 until December 31, 1940.
 George E. Darragh, Dingmans Ferry, from December 1, 1938 until December 31, 1940.

POTTER COUNTY

(Mrs.) Emma K. Grover, Ulysses, from December 1, 1938 until December 31, 1938.
 Walter T. Palmer, Shinglehouse, from December 1, 1938 until December 31, 1938.
 Claude Valentine, Roulette, from December 1, 1938 until December 31, 1939.
 (Mrs.) Lenore Marie Carroll, Genesee, from December 1, 1938 until December 31, 1939.
 (Mrs.) Mary Burt, Coudersport, from December 1, 1938 until December 31, 1940.

SCHUYLKILL COUNTY

I. A. Seltzer, Ringtown, from December 1, 1938 until December 31, 1938.
 (Mrs.) Ann Pepper, Ashland, from December 1, 1938 until December 31, 1938.
 (Mrs.) Nan Kenney, Mahanoy City, from December 1, 1938 until December 31, 1939.
 Charles B. Williams, Pottsville, from December 1, 1938 until December 31, 1939.
 Martin Brennan, Heckscherville, from December 1, 1938 until December 31, 1940.
 (Mrs.) Helen Chaikowski, Shenandoah, from December 1, 1938 until December 31, 1940.
 Ed. Marazas, Minersville, from December 1, 1938 until December 31, 1940.

SNYDER COUNTY

John O. Parry, Port Trevorton, from December 1, 1938 until December 31, 1938.
 George Rhoads, Shamokin Dam, from December 1, 1938 until December 31, 1938.

(Mrs.) Phoebe Wetzel, Selinsgrove, from December 1, 1938 until December 31, 1939.

David Owens, Selinsgrove, from December 1, 1938 until December 31, 1940.

Cloyd Zeiders, Freeburg, from December 1, 1938 until December 31, 1940.

(Mrs.) Wilhelmina Stetler, Middleburg, from December 1, 1938 until December 31, 1940.

(Mrs.) Victoria Harrison, Beaver Springs, from December 1, 1938 until December 31, 1939.

SOMERSET COUNTY

(Mrs.) Teresa Baughman, Windber, from December 1, 1938 until December 31, 1938.

(Mrs.) Jane G. Brown, Meyersdale, from December 1, 1938 until December 31, 1938.

John P. Manning, Somerset, from December 1, 1938 until December 31, 1939.

Frank R. Coder, Sr., Somerset, from December 1, 1938 until December 31, 1939.

(Mrs.) Margaret Gilbert, Jennerstown, from December 1, 1938 until December 31, 1940.

(Mrs.) Louise Miller, Somerset, from December 1, 1938 until December 31, 1940.

(Mrs.) Ruey F. Picking, Somerset, from December 1, 1938 until December 31, 1940.

SULLIVAN COUNTY

(Mrs.) Floye Davis Henning, Dushore, from December 1, 1938 until December 31, 1938.

(Mrs.) Nellie Marie Kanally, Hills Grove, from December 1, 1938 until December 31, 1938.

Frank V. Rohe, Dushore, from December 1, 1938 until December 31, 1939.

George Dietrick, Laporte, from December 1, 1938 until December 31, 1939.

(Miss) Anna M. Finan, Mildred, from December 1, 1938 until December 31, 1940.

Ralph Hugo, Forkville, from December 1, 1938 until December 31, 1940.

James P. McGee, Lopez, from December 1, 1938 until December 31, 1940.

SUSQUEHANNA COUNTY

Mark B. Lake, South Montrose, from December 1, 1938 until December 31, 1938.

John W. Murphy, Susquehanna, from December 1, 1938 until December 31, 1939.

Michael Skubic, Forest City, from December 1, 1938 until December 31, 1940.

Michael J. O'Reilly, St. Joseph, from December 1, 1938 until December 31, 1940.

(Mrs.) Mary B. Donnelly, New Milford, from December 1, 1938 until December 31, 1940.

(Mrs.) Winifred Meehan, Montrose, from December 1, 1938 until December 31, 1939.

TIOGA COUNTY

Arthur H. Dartt, Wellsboro, from December 1, 1938 until December 31, 1938.

William Trowbridge, Westfield, from December 1, 1938 until December 31, 1938.

Thomas J. Birmingham, Morris, from December 1, 1938 until December 31, 1939.

Stanley J. Hudzinski, Morris Run, from December 1, 1938 until December 31, 1939.

John J. Preston, Mansfield, from December 1, 1938 until December 31, 1940.

(Mrs.) Edna Mae Fleitz, Mansfield, from December 1, 1938 until December 31, 1940.

UNION COUNTY

(Mrs.) Laura VonNeida, Laurelton, from December 1, 1938 until December 31, 1938.

Charles DeWine, Lewisburg, from December 1, 1938 until December 31, 1938.

(Mrs.) Blanche A. Eberhart, Millburg, from December 1, 1938 until December 31, 1939.

Charles Zeller, Lewisburg, from December 1, 1938 until December 31, 1939.

Harry Barber, Lewisburg, from December 1, 1938 until December 31, 1940.

Floyd Huff, White Deer, from December 1, 1938 until December 31, 1940.

VENANGO COUNTY

(Mrs.) Eleanor Jenkins McLaughlin, Oil City, from December 1, 1938 until December 31, 1938.

W. Robert Webb, Franklin, from December 1, 1938 until December 31, 1938.

Maurice Splain, Oil City, from December 1, 1938 until December 31, 1939.

Emmett E. Bailey, Oil City, from December 1, 1938 until December 31, 1939.

(Mrs.) Lillian Karns, Franklin, from December 1, 1938 until December 31, 1940.

(Mrs.) Agnes F. Carmichael, Franklin, from December 1, 1938 until December 31, 1940.

(Miss) Winnie Egbert, Oil City, from December 1, 1938 until December 31, 1940.

WARREN COUNTY

(Mrs.) Minnie Haggerty, Sugar Grove, from December 1, 1938 until December 31, 1938.

Leonard Swanson, Warren, from December 1, 1938 until December 31, 1939.

(Mrs.) Margaret Cecelia Harris, Tidioute, from December 1, 1938 until December 31, 1940.

(Mrs.) Mary McCracken, East Warren, from December 1, 1938 until December 31, 1940.

(Mrs.) Bessie Elder, Sheffield, from December 1, 1938 until December 31, 1940.

(Mrs.) Nellie G. Walker, Warren, from December 1, 1938 until December 31, 1939.

WASHINGTON COUNTY

Ralph W. Martin, Fredericktown, from December 1, 1938 until December 31, 1938.

Robert Crawford, Richeyville, from December 1, 1938 until December 31, 1938.

(Mrs.) Gladys Parry, Elrama, from December 1, 1938 until December 31, 1939.

Henry Sheaff, Canonsburg, from December 1, 1938 until December 31, 1940.

Samuel White, Claysville, from December 1, 1938 until December 31, 1940.

(Mrs.) Dorothy Richey, Burgettstown, from December 1, 1938 until December 31, 1940.

W. C. Edwards, California, from December 1, 1938 until December 31, 1939.

WAYNE COUNTY

Lyle Swingle, Lake Ariel, from December 1, 1938 until December 31, 1938.

(Mrs.) Lydia Dietrich, Aldenville, from December 1, 1938 until December 31, 1938.

(Mrs.) Lottie M. S. Breneman, Honesdale, from December 1, 1938 until December 31, 1939.

George Gilchrist, Lake Como, December 1, 1938 until December 31, 1939.

(Mrs.) Emma Martin, Goldsboro, from December 1, 1938 until December 31, 1940.

(Mrs.) Mae Thorpe Osborn, Honesdale, from December 1, 1938 until December 31, 1940.

(Miss) Bridget Corcoran, Hawley, from December 1, 1938 until December 31, 1940.

WESTMORELAND COUNTY

(Mrs.) Mary McDonough Dinsmore, New Kensington, from December 1, 1938 until December 31, 1938.

(Miss) Nell Duke, Shafton, from December 1, 1938 until December 31, 1938.

(Mrs.) Margaret Flavin, Monessen, from December 1, 1938 until December 31, 1939.

(Mrs.) Mary Ann Noel Derry, from December 1, 1938 until December 31, 1940.

Edward Sterling, Vandergrift, from December 1, 1938 until December 31, 1940.

J. Claire Manson, Jeannette, from December 1, 1938 until December 31, 1940.

WYOMING COUNTY

(Mrs.) Helen Smith, Nicholson, from December 1, 1938 until December 31, 1938.

(Mrs.) Lillian Auvil, Noxen, from December 1, 1938 until December 31, 1939.

(Mrs.) Hilda C. Vaughn, Mehoopany, from December 1, 1938 until December 31, 1940.

(Mrs.) Mary Quinn, Meshoppen, from December 1, 1938 until December 31, 1940.

B. L. Billings, Tunkhannock, from December 1, 1938 until December 31, 1938.

YORK COUNTY

(Mrs.) Nellie Neely, High Rock, from December 1, 1938 until December 31, 1938.

(Mrs.) Helen J. Appell, York, from December 1, 1938 until December 31, 1938.

Bertram R. Moore, York, from December 1, 1938 until December 31, 1939.

(Mrs.) Lois Rinehardt, York, from December 1, 1938 until December 31, 1939.

(Mrs.) Edythe Brenneman, York, from December 1, 1938 until December 31, 1940.

(Mrs.) Lorma Myers, Hanover, from December 1, 1938 until December 31, 1940.

H. C. Ulmer, York, from December 1, 1938 until December 31, 1940.

GEORGE H. EARLE.

EXECUTIVE SESSION

By unanimous consent,

A motion was made by Mr. OWLETT and Mr. MALLERY

That Rule 38, which requires nominations made by the Governor, to lie on the table one day be dispensed with, and the Senate do now resolve itself into Executive Session, for the purpose of acting upon all the nominations reported at to-day's session.

Which was agreed to.

Whereupon,

A motion was made by Mr. OWLETT and Mr. MALLERY

That the Senate do now return to the Governor nominations made by his predecessor in office reported at today's Session.

On the question,

Will the Senate agree to the motion?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—34.

Bartlett,	Farrell,	Mallery,	Scarlett,
Cavalcante,	Gelder,	McCreesh,	Sipe,
Chapman,	Geltz,	McGinnis,	Snowden,
Coleman,	Haluska,	Mitler,	Stevenson,
Crowe,	Homsher,	Owlett,	Tallman,
Deltrick,	James,	Pierson,	Thomas,
Ealy,	Kunkel,	Reed,	Walker,
Edmonds,	Lanius,	Ruth,	Wolfenden,
Eroe,	Letzler,		

NAYS—0.

Two-thirds of all the Senators having voted "aye" the question was determined in the affirmative.

CONSIDERATION OF EXECUTIVE NOMINATIONS

NOTARIES PUBLIC

Mr. OWLETT. Mr. President, I move that the Senate do now proceed to the consideration of Nominations for

appointment as Notaries Public, sent to the Senate, January 3, 17, and 18, 1939 by His Excellency, the Governor of the Commonwealth.

Mr. MALLERY. Mr. President, I second the motion.

The motion was agreed to.

The Nominations were read as follows:

Commonwealth of Pennsylvania,

Governor's Office, Harrisburg, January 3, 1939.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointment as Notaries Public, for terms of four years to compute from the date of confirmation:

ALLEGHENY

Miss Edith D. Dierst, Pittsburgh, 135 S. Highland Ave.

Miss Betty Etzler, Swissvale.

Miss Edna V. Reish, Pittsburgh, 218 Frick Bldg.

Pearley A. Ullum, Homestead.

BEAVER

J. Leonard Solomon, Beaver Falls.

BERKS

Mrs. Cora Bard Miller, Reading.

BLAIR

Miss Helen L. Lingenfelter, Hollidaysburg.

CHESTER

Thomas M. McCracken, Phoenixville.

DELAWARE

Miss Margaret Mullen, Media.

FAYETTE

Miss Myra Conaway, Uniontown.

LACKAWANNA

William A. Bush, Olyphant.

LANCASTER

Mrs. Kathryn P. Darlington, Lancaster.

LAWRENCE

Carl L. Leathers, New Castle.

MONTGOMERY

Charles L. Campbell, Jr., Twp. of Lower Merion, Bala-Cynwyd.

Mrs. Dorothy M. Hoover, Norristown.

Wm. A. O'Donnell, Jr., Pottstown.

PHILADELPHIA

Miss Nan M. Evans, Phila., 1720 Lincoln Liberty Bldg.

Mrs. Angeline K. Fritz, Phila., Holmesburg Junction, Rhawn, St.

Miss E. Arnedo Jackson, Phila., 1819 Bainbridge St.

Miss Gertrude H. Leidy, Phila., 1600 Walnut Street.

Mrs. Elsy Morris, Phila., 1528 Walnut Street, Integrity Bldg.

Norman Peoples, Phila., 1037 North Delaware Ave.

Chas G. Pilkington, Phila., 3020 Market Street.

Louis N. Shapiro, Phila., 917 Bankers Securities Bldg.

Maurice D. Smith, Phila., Hart Bldg., 1649 N. Broad St.

WASHINGTON

Emmanuel Morris, Washington.

GEORGE H. EARLE

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, January 3, 1939.
To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointment as Notaries Public, for terms of four years to compute from the date of confirmation:

ALLEGHENY

Mrs. Esther R. Exline, Pittsburgh, 2525 Liberty Ave.

BLAIR

George E. Fuoss, Bellwood.

CHESTER

Tom Taylor Miller, West Chester.

DAUPHIN

Kermit I. Daniel, Elizabethtown.

PHILADELPHIA

Walter Stoyan, Phila., 7100 Elmwood Ave.
Harry G. Sugarman, Phila., 3427 Walnut St.

GEORGE H. EARLE

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, January 3, 1939.
To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for reappointment as Notaries Public, for terms of four years to compute from the date set opposite their names:

CHESTER

Joseph P. Wentz, Atglen, January 6, 1939.

McKEAN

Miss Finetta E. McFadden, Bradford, January 6, 1939.

PHILADELPHIA

James A. Moran, Phila., 1805 West Girard Ave., January 7, 1939.

ALLEGHENY

G. D. Shrum, Pittsburgh, 4214 Fifth Avenue, January 14, 1939.

YORK

Elvin C. Luckenbaugh, Spring Grove, January 14, 1939.

LACKAWANNA

J. Mathias Davis, Scranton, January 16, 1939.

LEBANON

Herman T. Runkel, Lebanon, January 26, 1939.

BUCKS

Saverio Aita, Bristol, January 28, 1939.

ALLEGHENY

Miss Frances E. Marian, Pittsburgh, 1119 Plaza Building, January 29, 1939.

BERKS

Mrs. Miriam M. Spiese, Reading, January 29, 1939.

CARBON

Miss Nellie S. Scaboldt, Lehigh, February 2, 1939.

PHILADELPHIA

Miss Margaret M. McKnight, Phila., 208 Washington Square Bldg., 7th and Chestnut Sts., February 5, 1939.

Raymond Gleadall, Phila., 210-212 South 5th Street, February 9, 1939.

WYOMING

Mrs. Elizabeth E. Stevens, Meshoppen, February 11, 1939.

PHILADELPHIA

Miss Margot I. Ahern, Phila., 1907 Packard Bldg., 15th & Chestnut Sts., February 26, 1939.

Clifford H. Gibson, Phila., 819 W. Girard Avenue, March 6, 1939.

LUZERNE

Russell A. Houser, Wilkes-Barre, March 7, 1939.

ALLEGHENY

Peter Sprajcar, McKeesport, March 9, 1939.

VENANGO

Robt. L. Grimm, Emlenton, March 9, 1939.

GEORGE H. EARLE

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, January 3, 1939.
To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for reappointment as Notaries Public, for terms of four years to compute from the date set opposite their names:

ALLEGHENY

Robert P. Murdoch, Pittsburgh, 3440 Forbes Street, January 6, 1939.

LANCASTER

Miss Miriam E. Good, Lancaster, January 6, 1939.

BERKS

Miss Mabel T. Frederick, Reading, January 14, 1939.

BEAVER

Wilson J. Samuels, Beaver Falls, January 18, 1939.

ALLEGHENY

R. D. Paul, Glassport, January 22, 1939.

LEHIGH

Mrs. Marian A. Wilkinson, Allentown, January 22, 1939.

PHILADELPHIA

Edwin C. Young, Phila., 7219 North Broad St., January 24, 1939.

Joseph H. Sundheim, Phila., Land Title Building, January 25, 1939.

FAYETTE

N. N. Karpen, Brownsville, January 29, 1939.

ALLEGHENY

Bresci R. P. Leonard, Pittsburgh, 1110 Jones Law Bldg., 530 Fourth Avenue, February 5, 1939.

PHILADELPHIA

D. Anthony Fascenda, Jr., Phila., 2103 S. 20th St. February 12, 1939.

CARBON

William H. Boyer, Palmerton, February 17, 1939.

BEAVER

Miss Josephine R. Walsh, Midland, February 26, 1939.

PHILADELPHIA

John G. Keck, Phila., 1622 N. Broad St., March 6, 1939.

ADAMS

Mrs. Esther M. Sheely, New Oxford, March 7, 1939.

BUTLER

C. A. Drane, Slippery Rock, March 9, 1939.

DELAWARE

Joseph F. Tercha, Chester, March 9, 1939.

GEORGE H. EARLE

Commonwealth of Pennsylvania;
Governor's Office, Harrisburg, January 3, 1939.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointment as Notaries Public for terms of four years to compute from the date of confirmation:

ALLEGHENY

Miss Lydia A. Kreimeier, Pittsburgh, 235 Brownsville Rd.

Charles Zinsner, West View.

PHILADELPHIA

Miss Christina M. Haslett, Phila., 709 Fidelity-Phila. Trust Bldg.

Samuel J. Kuntz, Phila., 5927 W. Giard Ave.

PIKE

Thomas L. Stadden, Matamoras.

WASHINGTON

R. R. Beierlein, Washington.

GEORGE H. EARLE

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, January 3, 1939.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for reappointment as Notaries Public, for terms of four years to compute from the date set opposite their names:

LANCASTER COUNTY

Victor D. Kling, Leacock Twp., Intercourse, January 4, 1939.

VENANGO COUNTY

Miss Mary B. Eckert, Franklin, January 16, 1939.

WYOMING COUNTY

A. G. Davis, Factoryville, January 31, 1939.

BERKS

Mrs. Jennie Knoblauch, Reading, February 15, 1939.

GEORGE H. EARLE

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, January 3, 1939.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following person for appointment as a Notary Public, for term of four years to compute from the date of confirmation:

ALLEGHENY COUNTY

William Schaffnit, Pittsburgh, 1523 N. Franklin St.

GEORGE H. EARLE

Commonwealth of Pennsylvania,

Governor's Office, Harrisburg, January 3, 1939.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointment as Notaries Public, for terms of four years to compute from the date of confirmation:

ALLEGHENY COUNTY

Wm. E. Ledger, Pittsburgh, 2135 Brownsville Road.

Francis T. Manning, Pittsburgh, 435 Sixth Avenue.

John I. Roche, Pittsburgh, Room 404, 524 Fourth Avenue.

BLAIR COUNTY

Miss D. Lenore Hyle, Altoona.

CRAWFORD COUNTY

Stuart A. Garwood, Linesville.

FAYETTE COUNTY

Eugene E. Fike, Uniontown.

LAWRENCE COUNTY

H. Bruce Franklin, New Castle.

LEHIGH COUNTY

M. M. Wiener, Allentown.

LUZERNE COUNTY

Miss Anne D. Venano, Hazleton.

MONTGOMERY COUNTY

Robert E. Synnestvedt, Bryn Athyn.

PHILADELPHIA COUNTY

Miss Julia V. Avigenis, 3144 Gaul St., Philadelphia.

Mrs. M. H. Kienle, 3223 North Broad St., Philadelphia.

WASHINGTON COUNTY

Matthew A. Powers, Twp. of East Bethlehem, Fredericktown.

GEORGE H. EARLE

Commonwealth of Pennsylvania,

Governor's Office, Harrisburg, January 3, 1939.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointment as Notaries Public, for terms of four years to compute from the date of confirmation:

ALLEGHENY COUNTY

Charles F. Dorwart, Homestead.

William J. Graham, Pittsburgh, Room 824, Frick Building.

Ray A. Lucas, Pittsburgh, 829 Industry St.

Miss Rita Berenice McInerney, Pittsburgh, 202 East Ohio Street, North Side.

Guy Vincent Mendola, Carnegie.

Miss Anna K. Moran, Pittsburgh, 1608 Law & Finance Building.

Miss Alice Mae Neil, Turtle Creek.

Emerson Stilley, Pittsburgh, Union Bank Bldg.

BLAIR COUNTY

W. G. Jacobs, Altoona.

BUTLER COUNTY

John F. Thomas, Zelienople.

CHESTER COUNTY

Mrs. Helen N. Houseworth, Phoenixville.

FAYETTE COUNTY

Miss Pauline Klaas, Redstone Twp., Republic.

LANCASTER COUNTY

R. F. McMurtrie Lancaster.

LEBANON COUNTY

Jerome M. Armille, Lebanon.

LUZERNE COUNTY

Mrs. C. Marie Eshelman, West Pittston.
Haydn J. Richards, Wilkes-Barre.

MIFFLIN COUNTY

Otis J. Pandel, Burnham.

MONTGOMERY COUNTY

Kirke Bryan, Norristown.
John P. Kulick, Bridgeport.
Miss Marie Robinson, Ambler.
Miss Margaret M. Walker, Lower Merion Twp., Lancaster and Lee Avenues, Bryn Mawr.

PHILADELPHIA COUNTY

Peter Batty, Kensington & Luzerne St., Philadelphia.
L. John Behenna, Room 510, 135 S. Second St., Philadelphia.
Lloyd W. Gerhart, 855 N. 4th St., Philadelphia.
Miss Kathleen D. Hughes, 614 Real Estate Trust Bldg., Philadelphia.

VENANGO COUNTY

Robert S. Krug, Rouseville.

GEORGE H. EARLE.

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, January 3, 1939.
To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for reappointment as Notaries Public, for terms of four years to compute from the date set opposite their names:

ALLEGHENY COUNTY

Sigmund Spiegel, McKeesport, January 6, 1939.

CLEARFIELD COUNTY

Joseph T. Carter, Osceola, January 6, 1939.

DELAWARE COUNTY

Harvey G. Pennington, Upper Chichester Twp., Box 202 Boothwyn, January 6, 1939.

PHILADELPHIA COUNTY

Frank H. Gable, 2930 South Sydenham St., Philadelphia, January 6, 1939.
Miss Carrie T. Knight, 3001 Walnut St., Philadelphia, January 6, 1939.
John F. McGill, 4425 Main St., Philadelphia, January 6, 1939.
Ralph D. Staddon, 3720 North Broad St., Philadelphia, January 6, 1939.

VENANGO COUNTY

Robert Martin, Oil City, January 6, 1939.

YORK COUNTY

Arthur W. Sponsler, York, January 6, 1939.

ALLEGHENY COUNTY

Theo. Schleid, Bellevue, January 7, 1939.
J. F. McKenna, Jr., 2602 Grant Bldg., Pittsburgh, January 14, 1939.

BUTLER COUNTY

Lewis W. J. Campbell, Petrolia, January 14, 1939.

CHESTER COUNTY

Dewey A. Hogg, Atglen, January 14, 1939.

LUZERNE COUNTY

Abram Simon, Conyngham Twp., Mocanaqua, January 14, 1939.

PHILADELPHIA COUNTY

Miss Bertha D. Brown, 401 Architects Bldg., January 14, 1939.
Leslie A. Hoffman, 3036 "E" St., Philadelphia, January 14, 1939.
Miss Olive A. Samsel, 1819 Fidelity Philadelphia Trust Bldg., January 14, 1939.

WESTMORELAND COUNTY

Thomas L. Cort, Mount Pleasant, January 14, 1939.

YORK COUNTY

William Y. Naill, Hanover, January 14, 1939.

PHILADELPHIA COUNTY

James J. Doyle, 2363 E. Clearfield St., January 16, 1939.

WASHINGTON COUNTY

Miss N. J. Hammond, Monogahela, January 16, 1939.

LANCASTER COUNTY

J. B. Herr, Lititz, January 17, 1939.

BRADFORD COUNTY

C. Arthur Bullock, Canton, January 18, 1939.

ALLEGHENY COUNTY

A. J. Epstein, Plaza Building, Pittsburgh, January 19, 1939.

DELAWARE COUNTY

Miss Lillian L. Gimble, Upper Darby Twp., January 1, 1939.

LAWRENCE COUNTY

Walter E. Gross, New Castle, January 19, 1939.

NORTHUMBERLAND COUNTY

Miss Florence E. Boyer, Shamokin, January 19, 1939.

PHILADELPHIA COUNTY

Miss Nan M. Aldworth, 2634 E. Clearfield St., Philadelphia, January 19, 1939.
Stephen J. Tieser, 3304 Arch St., Philadelphia, January 19, 1939.

ALLEGHENY COUNTY

Paul J. Friday, 1215 Park Bldg., Pittsburgh, January 20, 1939.

BLAIR COUNTY

Miss Sara R. Hess, Williamsburg, January 20, 1939.

DAUPHIN COUNTY

Miss Mabel P. Wilbar, Harrisburg, January 20, 1939.

LANCASTER COUNTY

Geo. A. Weaver, New Holland, January 20, 1939.

PHILADELPHIA COUNTY

Miss Margaret Crawford, 208 South 4th St., Philadelphia, January 20, 1939.
Miss Margaret Crawford, Philadelphia, January 20, 1939.

WASHINGTON COUNTY

R. James Knox, Washington, January 20, 1939.

WESTMORELAND COUNTY

Russell St. Clair, New Florence, January 20, 1939.

ERIE COUNTY

Geo. K. Frank, Erie, January 21, 1939.

PHILADELPHIA COUNTY

J. Howard Rhoads, 715 Otis Bldg., 16th & Sansom Sts., Philadelphia, January 21, 1939.

BERKS COUNTY

John H. Sponagle, Birdsboro, January 22, 1939.

PHILADELPHIA COUNTY

Mrs. Kathryn S. Glenn, 301 Market St., Philadelphia, January 22, 1939.

WESTMORELAND COUNTY

Lawrence M. Pfaadt, Mount Pleasant, January 22, 1939.

PHILADELPHIA COUNTY

Miss Sara T. Hall, 1848 East Cumberland St., Philadelphia, January 24, 1939.

John J. Guerin, 1916 S. 6th St., Philadelphia, January 28, 1939.

ALLEGHENY COUNTY

Miss Elizabeth C. Mutschler, 309 Anderson St., Pittsburgh, January 29, 1939.

MONTGOMERY COUNTY

Edward E. Long, Plymouth Twp., January 29, 1939.

PHILADELPHIA COUNTY

Jay R. Massey, S. E. Cor 13th & Green Sts., Philadelphia, January 29, 1939.

Miss Stella Irwin, 340 Land Title Bldg., S. W. Cor. Broad & Chestnut Sts., Philadelphia, January 31, 1939.

H. T. Sterling, 417 N. 10th St., Philadelphia, January 31, 1939.

LANCASTER COUNTY

Arthur M. Yeager, Ephrata, February 2, 1939.

PHILADELPHIA COUNTY

Clifford P. Allen, Jr., 2515 Germantown Av., Philadelphia, February 2, 1939.

DELAWARE COUNTY

Miss Nellie M. Finegan, Chester, February 3, 1939.

ALLEGHENY COUNTY

Lewis N. Stevenson, Penn Twp., R. D. 1, Verona, February 5, 1939.

PHILADELPHIA COUNTY

Miss Mary R. McCann, C & Tioga Sts., Philadelphia, February 5, 1939.

ALLEGHENY COUNTY

Herman King, Pittsburgh, 916 N. Homewood Ave., February 7, 1939.

SCHUYLKILL COUNTY

Mrs. Catherine L. Kilker, Girardville, February 7, 1939.

CRAWFORD COUNTY

Miss Jennie E. Kline, Cambridge Springs, February 11, 1939.

ALLEGHENY COUNTY

M. Mosurak, 2920 California Ave., Pittsburgh, February 12, 1939.

PHILADELPHIA COUNTY

Lewis T. Kaelin, 4321 Roosevelt Blvd., Philadelphia, February 15, 1939.

CLEARFIELD COUNTY

Frank Urey, Clearfield, February 21, 1939.

CENTRE COUNTY

Mrs. Marion D. McAlarney, Bellefonte, February 23, 1939.

CAMBRIA COUNTY

Miss Olga M. Pfister, Johnstown, March 6, 1939.

JUNIATA COUNTY

W. A. Martin, Port Royal, March 6, 1939.

PHILADELPHIA COUNTY

Elmer R. Craig, 226 Walnut St., Philadelphia, March 6, 1939.

John J. Kerns, S. W. Cor. 7th & Luzerne Sts., Philadelphia, March 6, 1939.

Francis J. Morrissey, 2558 North Front St., Philadelphia, March 6, 1939.

Pedro P. Polakoff, 1037 N. Delaware Ave., Philadelphia, March 6, 1939.

Samuel Rubin, 3216 W. York St., Philadelphia, March 6, 1939.

CRAWFORD COUNTY

Robert C. Curtis, Cochrantown, March 7, 1939.

ALLEGHENY COUNTY

Max Engelberg, 208 Law & Finance Bldg., Pittsburgh, March 9, 1939.

Clem J. Wandrisco, 820 Grant Bldg., Pittsburgh, March 9, 1939.

BERKS COUNTY

Mrs. Cassie M. Seyfert, Strausstown, March 9, 1939.

DELAWARE COUNTY

Geo. M. Wallace, Jr., Chester, March 9, 1939.

LEBANON COUNTY

Mrs. Stella E. Keller, Heidelberg Twp., March 9, 1939.

PHILADELPHIA COUNTY

Miss J. Bertha Bull, 105 North 5th St., Philadelphia, March 9, 1939.

William R. MacDonald, 2127 N. 17th St., Philadelphia, March 9, 1939.

ALLEGHENY COUNTY

Fred J. Pals, 1619 Morningside Ave., Pittsburgh, March 14, 1939.

BEAVER COUNTY

Miss Ethel M. Cummings, Beaver Falls, April 1, 1939.

PHILADELPHIA COUNTY

Ervin Lyndall, 210 Sumac St., Wissahickon, Philadelphia, April 1, 1939.

George W. Seeds, 503 City Hall Annex, Philadelphia, April 1, 1939.

William I. Greenfield 6501 N. 8th St., Philadelphia, May 11, 1939.

GEORGE H. EARLE.

Commonwealth of Pennsylvania.

Governor's Office, Harrisburg, January 3, 1939.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for reappointment as Notaries Public, for terms of four years to compute from the date set opposite their names:

ALLEGHENY COUNTY

Gerald E. Born, Mount Oliver, January 6, 1939.

J. H. Dewall, Braddock, January 6, 1939.

Miss Margaret J. Grundman, 1607 Oliver Bldg., Pittsburgh, January 6, 1939.

Mrs. Edith B. Gumbel, Clairton, January 6, 1939.

Geo. A. Jones, Jr., 1515 Carson St., Pittsburgh, January 6, 1939.
 Samuel E. Price, 705 Arrott Bldg., Pittsburgh, January 6, 1939.

BEAVER COUNTY

Adams Anderson, Beaver, January 6, 1939.

BERKS COUNTY

Tobias W. Minner, Bally, January 6, 1939.

BLAIR COUNTY

J. E. Ake, Williamsburg, January 6, 1939.
 Cal. G. Griffith, Jr., Altoona, January 6, 1939.

BUTLER COUNTY

Harry Miller, Butler, January 6, 1939.

CRAWFORD COUNTY

Arthur W. Farmer, Meadville, January 6, 1939.

DELAWARE COUNTY

Howard Gallagher, Chester, January 6, 1939.

FAYETTE COUNTY

Joseph Halporn, Uniontown, January 6, 1939.

JEFFERSON COUNTY

Mrs. Mary E. Replogle, Brookville, January 6, 1939.

LACKAWANNA COUNTY

Harry S. Seamans, Scranton, January 6, 1939.

LEBANON COUNTY

Dorman J. Grace, Palmyra, January 6, 1939.

LEHIGH COUNTY

Miss Minerva Kriebel, Allentown, January 6, 1939.

LYCOMING COUNTY

Walter C. Horn, Williamsport, January 6, 1939.

MONTGOMERY COUNTY

Miss Anna M. Klenk, Lower Merion Twp., Ardmore, January 6, 1939.

NORTHUMBERLAND COUNTY

Ely Biow, Sunbury, January 6, 1939.

PHILADELPHIA COUNTY

Harold A. Bolen, 306 Market St., Philadelphia, January 1939.
 Mrs. Dorothy M. Chew, 1532 Fidelity-Phila. Trust Bldg., 23 S. Broad St., Philadelphia, January 6, 1939.
 Jacob J. Duffey, 525 North 52nd St., Philadelphia, January 1939.
 James G. Faunce, 260 South Broad St., Philadelphia, January 6, 1939.
 Mrs. Helen G. Gabell, 1421 Chestnut St., Philadelphia, January 6, 1939.
 Abraham Goldner, 1227 North Broad St., Philadelphia, January 6, 1939.
 Samuel Goldner, 1227 North Broad St., Philadelphia, January 6, 1939.
 Theodore Hug, 230 South 7th St., Philadelphia, January 6, 1939.
 Morris Lieberman, 2053 Germantown Ave., Philadelphia, January 6, 1939.
 Louis Moskowitz, 5702 Spruce St., Philadelphia, January 6, 1939.
 Mrs. Mary B. Plumer, 117 South St., Philadelphia, January 6, 1939.
 Morris H. Starr, 538 N. 4th St., Phila., January 6, 1939.

SCHUYLKILL COUNTY

Guy A. Bowe, Frackville, January 6, 1939.
 A. Hower Glick, Frackville, January 6, 1939.

VENANGO COUNTY

B. H. McMullen, Oil City, January 6, 1939.

WASHINGTON COUNTY

Joseph F. Boyer, Finleyville, January 6, 1939.
 Mrs. Garnett D. Young, Washington, January 6, 1939.

WESTMORELAND COUNTY

Grover E. Flack, Latrobe, January 6, 1939.
 Frank B. Palmer, Greensburg, January 6, 1939.

ALLEGHENY COUNTY

Miss Gertrude Ohl, 320 E. North Ave., General Hospital Pittsburgh, January 7, 1939.
 Miss W. M. Townsend, Swissvale, January 7, 1939.
 W. H. Walter, 20 N. Diamond St., Pgh., Alleg. Jan. 7, 1939.
 W. H. Walter, Pittsburgh, January 7, 1939.

BERKS COUNTY

Miss Mary B. Freed, Boyertown, January 7, 1939.
 Frank J. Printz, Reading, January 7, 1939.

INDIANA COUNTY

M. S. Mitchell, Indiana, January 7, 1939.

NORTHAMPTON COUNTY

Morris J. Dimmick, Hellertown, January 7, 1939.

NORTHUMBERLAND COUNTY

Guy L. Young, Delaware Twp., Dewart, January 7, 1939.

PHILADELPHIA COUNTY

John N. Davis, 2209 S. 6th St., Phila., January 7, 1939.
 Rocco Prete, Philadelphia, January 7, 1939.

BEAVER COUNTY

James A. C. Ruffner, Aliquippa, January 9, 1939.

PHILADELPHIA COUNTY

Bernard J. Arndt, Philadelphia, January 11, 1939.

ALLEGHENY COUNTY

Miss D. Elizabeth Haas, 1618 Inv. Bldg., Pittsburgh, Jan. 11, 1939.
 Lewis W. McIntyre, Keystone Hotel Bldg., Blvd. of the Allies at Wood St., Pittsburgh, January 14, 1939.
 E. Ward Tillotson, 4400 5th Ave., Pgh., Jan. 14, 1939.
 Wm. J. White, West View, January 14, 1939.

BEAVER COUNTY

Frank W. Kelsey, Aliquippa, January 14, 1939.

BLAIR COUNTY

Miss Stella M. Coll, Altoona, January 14, 1939.

DELAWARE COUNTY

J. M. Fronefeld, 3rd, Radnor Twp., Wayne, Jan. 14, 1939.

ERIE COUNTY

Louis J. Rectenwald, Erie, January 14, 1939.

PHILADELPHIA COUNTY

Mrs. Leona Klinger Arndt, 2724 N. 11th St., Philadelphia, January 14, 1939.
 Mrs. Wanda Schurgot Conway, 4207 Germantown Ave., Philadelphia, January 14, 1939.
 George W. Karr, Phila., Saving Fund Bldg., 12 South 12th St., Philadelphia, January 14, 1939.
 Russell L. Schwartz, 500 N. 52nd St., Phila., Jan. 14, 1939.

SCHUYLKILL COUNTY

Mrs. A. D. Mayberry, Mahanoy City, January 14, 1939.

FAYETTE COUNTY

James L. Peigh, Connellsville, January 15, 1939.

PHILADELPHIA COUNTY

George Bree, 1827 N. 31st St., Phila., January 15, 1939.
H. G. Spahmer, Fidelity Mutual Life Ins. Co., Parkway
at Fairmount Ave., Philadelphia, January 15, 1939.
Benjamin Weinroth, 14 S. 3rd St., Phila., Jan. 15, 1939

ALLEGHENY COUNTY

Samuel Glick, Clairton, January 16, 1939.

BERKS COUNTY

Horace P. Fetter, Reading, January 16, 1939.

MONTGOMERY COUNTY

Miss Susanna L. Walton, 4 Central Ave., Horsham Twp.,
Horsham, January 16, 1939.

NORTHUMBERLAND COUNTY

C. Elmer John, Mount Carmel, January 16, 1939.
H. O. Moser, Mount Carmel, January 16, 1939.

PHILADELPHIA COUNTY

Winfield S. H. Knopf, 5727 Germantown Ave., Phila.,
January 16, 1939.

COLUMBIA COUNTY

J. R. Snyder, Catawissa, January 17, 1939.

CRAWFORD COUNTY

Miss Bernice McGinnett, Titusville, January 17, 1939.

McKEAN COUNTY

R. J. Brennan, Bradford, January 17, 1939.
T. Morrison, Bradford, January 17, 1939.

PHILADELPHIA COUNTY

Thomas S. Craven, Phila., 1546 N. 7th St., January 17,
1939.
Jesse C. Douglass, Phila., 2000 N. Broad St., January 17,
1939.
Joseph R. Embery, Jr., Phila., 4700 Frankford Avenue,
January 17, 1939.

ALLEGHENY COUNTY

Clarence F. Hilty, Pittsburgh, Alling & Cory Co., River
Ave. & Alcor St., January 18, 1939.

CAMBRIA COUNTY

Miss Clara M. Saehr, Johnstown, January 18, 1939.

PHILADELPHIA COUNTY

Harry M. McBurney, Phila., 1200 S. 15th St., January 18,
1939.

WYOMING COUNTY

Mrs. Eulalie Piatt Ogden, Tunkhannock, January 18,
1939.

YORK COUNTY

James C. Overmiller, Spring Grove, January 18, 1939.

ALLEGHENY COUNTY

Miss Mary Cohen, Pittsburgh, 1506 Berger Bldg., January
19, 1939.
E. A. Hess, Pittsburgh, 401 Federal Street., January 19,
1939.

DAUPHIN COUNTY

George W. Light, Harrisburg, January 19, 1939.

MERCER COUNTY

Miss Mary Adams, Sharon, January 19, 1939.
George R. Grosscope, Farrell, January 19, 1939.

PHILADELPHIA COUNTY

R. I. Flitcraft, Phila., 1531 Walnut St January 19, 1939.
Harvey Gourley, Phila., 1218 Chestnut St., January 19,
1939.
Karl L. Granzow, Phila., 6901 Elmwood Ave., January
19, 1939.
Miss Rose Marie Kelly, Phila., Bellevue-Stratford Hotel,
Broad and Walnut Sts., January 19, 1939.

PHILADELPHIA COUNTY

Frank A. Molter, Phila., 2632 W. Girard Avenue., January
19, 1939.
Harry Panzer, Phila., 1953 S. 23d S. January 19, 1939.
C. W. Tomlinson, Phila., Penn Mutual Bldg., 530 Walnut
St., January 19, 1939.

WAYNE COUNTY

Miss Rena S. Edgett, Honesdale, January 19, 1939.

CHESTER COUNTY

Edgar I. Griffith, Downingtown, January 20, 1939.

FAYETTE COUNTY

Charles Snider, Brownsville, January 20, 1939.

LANCASTER COUNTY

Geo. L. Keith, Lititz, January 20, 1939.

MONTGOMERY COUNTY

Leon Kohl, Norristown, January 20, 1939.

PHILADELPHIA COUNTY

Jacob S. Blumberg, Phila., 2815 Wharton St., January
20, 1939.
Charles W. Snyder, Jr. Phila., 2600 N. 11th St., January
20, 1939.

SCHUYLKILL COUNTY

Frank J. Laubenstein, Ashland, January 20, 1939.

ALLEGHENY COUNTY

Clyde N. Shaw, McKeesport, January 21, 1939.

CENTRE COUNTY

W. Harrison Walker, Bellefonte, January 21, 1939.

LANCASTER COUNTY

C. G. Engle, Lancaster, January 21, 1939.

MONTGOMERY COUNTY

A. Lincoln Saxton, North Wales, January 21, 1939.

PHILADELPHIA COUNTY

Manning D. Brick, Phila., 1136 Wagner Ave., January 21,
1939.
Wm. Gebhardtshauer, Phila., 2343 N. 22d St., January 21,
1939.
Miss Ellen R. Kroneberger, Phila., 1420 Walnut St., Jan-
uary 21, 1939.
James A. Martin, Phila., 1000 Chestnut Street, January
21, 1939.

ALLEGHENY COUNTY

L. M. Boden, Pittsburgh, 801 Grant Bldg., 4th & Grant,
January 22, 1939.
Mrs. Burhnetta W. Nicholson, Pittsburgh, Physician's
Bldg., 121 University Place., January 22, 1939.

BERKS COUNTY

Miss Josephine Hartman, Reading, January 22, 1939.
Arthur L. Hauer, Reading, January 22, 1939.
Miss Dorothy V. Specht, Reading, January 22, 1939.

CHESTER COUNTY

Richard D. Scattergood, West Chester, January 22, 1939.

FRANKLIN COUNTY

I. L. Shenefelt, Chambersburg, January 22, 1939.

LANCASTER COUNTY

Amos E. Burkholder, Lancaster, January 22, 1939.

PHILADELPHIA COUNTY

Harry Green, Phila., 529 S. 11th St., January 22, 1939.
David F. Hummelbaugh, Phila., 1313 Walnut St., January 22, 1939.
Paul J. Kolsun, Phila., 1807 South 23d Street, January 22, 1939.
Miss Lucy Padula, Phila., 2200 Washington Ave., January 22, 1939.

SCHUYLKILL COUNTY

Carby J. Stack, Shenandoah, January 22, 1939.

WASHINGTON COUNTY

Miss Helene Aber, Washington, January 22, 1939.

ALLEGHENY COUNTY

J. Clyde Miller, Jr., Homestead, January 23, 1939.

ERIE COUNTY

Miss Anna Tierney, Union City, January 23, 1939.

ALLEGHENY COUNTY

Frank J. Busch, Pittsburgh, Kaufmann Dept. Stores, Inc., January 26, 1939.

NORTHUMBERLAND COUNTY

Miss Mildred C. Cawley, Milton, January 26, 1939.

WYOMING COUNTY

Leo N. Reynolds, Nicholson, January 26, 1939.

PHILADELPHIA COUNTY

Herman T. Gruninger, Sr., Phila., 2312 Orthodox St., January 27, 1939.

ALLEGHENY COUNTY

Mrs. Loyola Burgunder, McKees Rocks, January 31, 1939.

LEHIGH COUNTY

Austin A. Gilck, Catasauqua, January 31, 1939.

PHILADELPHIA COUNTY

Nathan Benedict, Phila., 1939 S. 5th St., February 2, 1939.
William H. Betz, Phila., 235 W. Wyoming Ave., February 2, 1939.
Miss Edith L. Wilde, Phila., Willow Grove & Germantown Aves., Chestnut Hill, February 2, 1939.

ALLEGHENY COUNTY

Kier M. Ewing, Verona February 3, 1939.
George P. Kells, Pittsburgh, Farmer's Deposit Nat. Bank, February 3, 1939.

LANCASTER COUNTY

Harold G. Ripple, Lancaster, February 3, 1939.

PHILADELPHIA COUNTY

George Braeunig, Jr., Phila., 5126 N. 5th St., February 3, 1939.
J. Henry Erbee, Phila., 339 Walnut St., February 4, 1939.
William Binder, Phila., 662 N. 15th St., February 6, 1939.

MONTGOMERY COUNTY

George H. Baer, Pottstown, February 7, 1939.
W. H. Weingartner, Lansdale, February 7, 1939.

ERIE COUNTY

Miss Nellie E. Riley, Erie, February 8, 1939.

MONTGOMERY COUNTY

Aaron S. Swartz, Jr., Norristown, February 8, 1939.

ALLEGHENY COUNTY

E. C. Donaghy, Pittsburgh, 435 Sixth Ave., February 9, 1939.

LACKAWANNA COUNTY

Irwin F. Price, Moosic, February 10, 1939.

PHILADELPHIA COUNTY

Henry H. Funk, Phila., S. W. Cor. 13th & Market Sts., February 10, 1939.

PHILADELPHIA COUNTY

Louis J. Suess, Phila., 1015 West Lehigh Ave., February 10, 1939.

WARREN COUNTY

Miss Helen M. Lauffenburger, Warren, February 12, 1939.

PHILADELPHIA COUNTY

William Jeffries, Jr., Phila., 2484 West 79th Ave., February 14, 1939.
Wilbur V. Hopkins, Phila., 21st and Parkway, February 17, 1939.

CENTRE COUNTY

Miss Lillian I. Garbrick, State College, February 19, 1939.

PHILADELPHIA COUNTY

Robert W. Patton, Phila., 3034 N. 16th St., February 19, 1939.

LACKAWANNA COUNTY

George L. Peck, Scranton, February 21, 1939.

LEHIGH COUNTY

H. A. Schantz, Allentown, February 21, 1939.

PHILADELPHIA COUNTY

Clarence A. Goslin, Phila., 902 Bankers Securities Bldg., February 21, 1939.

PHILADELPHIA COUNTY

James G. Herd, Phila., Guarantee Trust Bldg., 1420 Walnut St., February 21, 1939.
Charles B. Zimmerling, Phila., 1420 Walnut Street, February 21, 1939.

WASHINGTON COUNTY

Jess P. Miller, Beallsville, February 21, 1939.

WESTMORELAND COUNTY

W. W. Veigle, Latrobe, February 21, 1939.

PHILADELPHIA COUNTY

August Wagner, Phila., 2400 N. 31st Street, February 23, 1939.

MONTGOMERY COUNTY

Alfred H. Trank, Jenkintown, February 26, 1939.

PHILADELPHIA COUNTY

Earl P. Miles, Phila., 2402 N. 29th Street, February 26, 1939.

ALLEGHENY COUNTY

Joseph G. Rebel, Pittsburgh, 208-212 Grant St., February 28, 1939.

BUTLER COUNTY

Frank W. Smith, Butler, February 28, 1939.

ALLEGHENY COUNTY

Percy A. English, Pittsburgh, Farmers Bank Bldg., March 6, 1939.

PHILADELPHIA COUNTY

Henry Ludwig, Phila., 2300 S. 8th St., March 6, 1939.
E. Roy Olewine, Phila., 904 Lincoln Liberty Bldg., March 6, 1939.

Charles G. Slatcher, Phila., 716 Spruce St., March 6, 1939.
Miss Harriet Weingarten, Phila., Room 801, 1600 Arch St., March 6, 1939.

ALLEGHENY COUNTY

Edward C. Trautman, East McKeesport, March 7, 1939.

PHILADELPHIA COUNTY

H. G. Anson, Phila., Room 1736, Commercial Trust Bldg., 16 S. Broad St., March 7, 1939.

Howard R. Cressman, Phila., 1000 Chestnut St., March 7, 1939.

Paul Gonnelli, Phila., Mitten Bldg., March 7, 1939.

James J. Grady, Phila., 1500 Porter St., March 7, 1939.

Miss Florence E. Harshaw, Phila., 1401 Arch St., March 7, 1939.

ALLEGHENY COUNTY

Sidmund Arnold, Pittsburgh, 985 Union Trust Bldg., March 9, 1939.

Edward J. Misklow, Pittsburgh, 125 North Craig St., March 9, 1939.

David A. Weaver, Pittsburgh, 526 Federal St., March 9, 1939.

ARMSTRONG COUNTY

Harry Braun, Leechburg, March 9, 1939.

BEAVER COUNTY

Stewart C. Moore, Aliquippa, March 9, 1939.

Miss Martha Rhines, Beaver Falls, March 9, 1939.

CAMBRIA COUNTY

Elder C. Kerr, Johnstown, March 9, 1939.

DELAWARE COUNTY

James W. Lukens, Chester, March 9, 1939.

ERIE COUNTY

Cassius C. Bliley, Erie, March 9, 1939.

INDIANA COUNTY

Kenneth R. Orr, Indiana, March 9, 1939.

MONTGOMERY COUNTY

Miss Katherine P. Gallagher, Norristown, March 9, 1939.

Mrs. Elizabeth F. Seigman, Norristown, March 9, 1939.

Miss Ethel M. Wilson, Norristown, March 9, 1939.

PHILADELPHIA COUNTY

George Braeunig, Phila., 5126 N. 5th St., March 9, 1939.
Fred L. Ebinger, Phila., 518 E. Girard Ave., March 9, 1939.

Meyer Hurevitz, Phila., S. W. Cor. 6th & Girard Ave., March 9, 1939.

Francis P. Kelly, Phila., 2901 Wilder St., March 9, 1939.

Theo. E. Nichterlein, Phila., 1304 Lincoln-Liberty Bldg., March 9, 1939.

Miss Bessie Portenar, Phila., Market Street National Bank Bldg., March 9, 1939.

William F. Weniger, Phila., 915 Arch St., March 9, 1939.

ALLEGHENY COUNTY

Wm. M. Duff, Pittsburgh, 200 Frick Bldg., March 10, 1939.

MONTGOMERY COUNTY

John M. Dettra, Norristown, March 16, 1939.

PHILADELPHIA COUNTY

Edmund W. Clarke, Phila., Room 1005, 1600 Arch St., March 26, 1939.

ERIE COUNTY

Wilbur R. Seabrook, Erie, April 1, 1939.

PHILADELPHIA COUNTY

Howard D. Evoy, Phila., 4809 Wayne Ave., Germantown April 1, 1939.

ADAMS COUNTY

Roger J. Keefer, Littlestown, April 9, 1939.

WASHINGTON COUNTY

B. E. York, Washington, April 30, 1939.

PHILADELPHIA COUNTY

Aaron Rabinowitch, Phila., 515 West Wvoming Ave., May 12, 1939.

GEORGE H. EARLE.

Commonwealth of Pennsylvania,

Governor's Office, Harrisburg, January 3, 1939.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointment as Notaries Public, for terms of four years to compute from the date of confirmation:

ALLEGHENY COUNTY

Mrs. Emily A. Bash, Pittsburgh, 725 Frick Building.

Harry R. Burr, Pittsburgh, 32 Blvd. of the Allies.

Miss Gladys Cockcroft, Pittsburgh, 1317 Nobles Lane.

Norton Van V. Coyle, Pittsburgh, St. Nicholas Bldg.

John C. Heck, Wilkensburg.

Miss Elsie Hibala, Pittsburgh, The Pittsburgh Motor Club, Keysone Hotel Bldg., Blvd of the Allies at Wood Street.

David G. Morgan, Pittsburgh, 4233 Murray Avenue.

Edward Paule, Pittsburgh, S. 22d and Mary Sts.

ARMSTRONG COUNTY

O. S. Geiger, Rural Valley.

BERKS COUNTY

Wilbur I. Diefenderfer, Reading.

Miss Doris E. Ketterer, Reading.

Paul A. Matten, Reading.

Fred Stephan, Jr., Reading.

BUCKS COUNTY

George R. Shelly, Doylestown.

BUTLER COUNTY

Miss Frances A. Peaco, Butler.

CAMBRIA COUNTY

Miss Mildred James, Johnstown.

CUMBERLAND COUNTY

Bernard E. Stansfield Mechanicsburg.

DAUPHIN COUNTY

George W. Bricker, Harrisburg.

DELAWARE COUNTY

Miss Anna E. Bisler, Upper Darby Twp., 418 McClatchy Bldg., 69th & Market Sts., Upper Darby.

Miss Catherine G. Kirkman, Chester.

ELK COUNTY

Miss Emma Reiter, St. Marys.

ERIE COUNTY

Clarence J. Rapp, Erie.
Miss Jean M. Verdecchia, Erie.

LACKAWANNA COUNTY

Mrs. Marie H. Kelly, Scranton.
Simon S. Miller, Scranton.
A. W. Walkey, Scranton.

LANCASTER COUNTY

J. Paul Ranck, Lancaster Twp., 977 E. King St., Lancaster, Pa.
John K. Shenk, Lancaster.

LEBANON COUNTY

Mrs. Katherine K. Bucher, Lebanon.
Mrs. Irene E. Yeiser, Myerstown.

LEHIGH COUNTY

Russel J. Geiger, Allentown.
Miss Helen R. O'lerly, Allentown.

LUZERNE COUNTY

Miss Edith M. Albert, Wilkes-Barre.
Miss Sadie Anonello, Pittston.
George B. Brown, Wilkes-Barre.

McKEAN COUNTY

John V. Longshore, Kane.

MONTGOMERY COUNTY

U. G. Funk, Ambler.
Wm. F. K. Ruth, Towamencin Twp., Kulpsville.
Miss Pearl Van Meter, Cheltenham Twp., Elkins Park.

PHILADELPHIA COUNTY

Wilson D. Campbell, Phila., S. W. Cor. 13th & Market Sts.
Miss Florence M. Debring, Phila., 2635 Fidelity-Phila. Trust Bldg.

Miss Helen E. Farmer, Phila., The Bourse.
Daniel A. Gartland, Phila., 1201 Chestnut St.
George W. Goodwin, Phila., 4941 North 5th St.
Mrs. Claudine S. Hagerty, Phila., 3144 Passyunk Ave.
Miss Ethel Jacoby, Phila., 915 Real Estate Trust Bldg.
Wallace O. Lecher, Phila., 12 South 12th Street.
Fred A. Maurer, Phila., 1429 Walnut Street.
Mrs. Anna M. McKnight, 1505 Land Title Bldg.
Xenophon J. Michael, Sun Bldg., 1608 Walnut St.
James D. Miller, Phila., 103 Arch St.
Wm. R. Morrison, Phila., 2228 North 10th St.
George W. Seuffert, Phila., 2936 Locust St.
Nathan Simelsolr., Phila 121 North 9th St.
Howard Smith, Phila., 2401 Reed St.
Maurice Sullivan, Phila., 4515 North 5th St.
W. J. Tully, Phila., 721 Chestnut St.
Miss Gertrude Weisberg, Phila., Phila. Saving Fund Bldg.

SCHUYLKILL COUNTY

John T. Fauls, Pottsville.

TIOGA COUNTY

Elwyn S. Lewis, Wellsboro.

WARREN COUNTY

Miss Lucy M. Jackson, Brokenstraw Twp., Irvine.

WASHINGTON COUNTY

Julien G. Colvin, Monongahela.
Mrs. Bess W. Rankin, Washington.

WESTMORELAND COUNTY

P. J. Coyle, Irwin.
Miss Mary Lee, Latrobe.

GEORGE H. EARLE.

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, January 3, 1939.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for reappointment as Notaries Public, for terms of four years to compute from the date set opposite their names:

ARMSTRONG COUNTY

Miss Pearle John, January 6, 1939.

BERKS COUNTY

Miss Helen B. Gottshall, Boyertown, January 6, 1939.

BLAIR COUNTY

John J. R. Williams, Altoona, January 6, 1939.

CLEARFIELD COUNTY

J. J. Mikelonis, DuBois, January 6, 1939.

CRAWFORD COUNTY

C. G. Mercatoris, Meadville, January 6, 1939.

DAUPHIN COUNTY

Charles A. Groff, Steelton, January 6, 1939.

LYCOMING COUNTY

Mrs. Grace B. Myers, South Williamsport, January 6, 1939.

PHILADELPHIA COUNTY

Thomas H. Cassidy, Jr., Phila., 12 S. 12th St., January 6, 1939.

Alex C. Mowbray, Phila., 1116 S. 54th St., January 6, 1939.
Charles H. Simon, Phila., 5401 DeLancey Street, January 6, 1939.

Mrs. A. R. Sweeney, Phila., 2743 N. 23d St. January 7, 1939.

ALLEGHENY COUNTY

David H. Blayney, Pittsburgh, 810 Commonwealth Bldg., January 14, 1939.

DELAWARE COUNTY

Miss Helena M. Ohlsson, Upper Darby Twp., 59 Long Lane, Upper Darby, January 14, 1939.

LANCASTER COUNTY

Mrs. M. Florence Hagerty, Lancaster Twp., Lancaster County Institution District, E. King St., Lancaster, January 14, 1939.

LUZERNE COUNTY

Cornelius C. Osborne, Kingston, January 14, 1939.

PHILADELPHIA COUNTY

Mrs. Margaret E. Cannon, Phila., Mitten Bank & Trust Co., West City Hall Square, January 14, 1939.

Mrs. Florence W. Elliott, Phila., 1130 Haworth St., Frankford, January 14, 1939.

John M. Graham, Phila., 1710 Summer St., January 14, 1939.

Charles J. Kraus, Jr., Phila., 2802 West Girard Ave., January 14, 1939.

Miss Anna M. Proietta, Phila., 1500 Walnut St. Bldg., Room 1708, January 14, 1939.

Clinton R. Sinnott, Phila., 3936-38 Market St., January 14, 1939.

SCHUYLKILL COUNTY

Joseph F. Doran, Pottsville, January 14, 1939.

CHESTER COUNTY

Mrs. Caroline L. McFarlan, West Chester, January 15, 1939.

LACKAWANNA COUNTY

Samuel H. Chipak, Scranton, January 15, 1939.

PHILADELPHIA COUNTY

Miss Mary E. Clayton, Phila., 911 Liberty Trust Bldg., Broad & Arch Streets, January 15, 1939.

Mrs. Leora S. Lutz, Phila., 5630 Chestnut Street, January 15, 1939.

Miss Amelia E. Lember, Phila., Hotel Philadelphian, 3900 Chestnut Street, January 16, 1939.

Arthur J. Pursell, Phila., 1500 Walnut St., January 16, 1939.

ALLEGHENY COUNTY

Carl W. Geyer, Pittsburgh, 524 Federal St., N. S., January 19, 1939.

Joseph L. Sabino, Rankin, January 19, 1939.

PHILADELPHIA COUNTY

Mrs. Anna B. Baum, Phila., 2554 North 33d Street, January 19, 1939.

POTTER COUNTY

Miss Fannie A. Perkins, Coudersport, January 19, 1939.

SOMERSET COUNTY

Lon L. Morford, Windber, January 19, 1939.

ALLEGHENY COUNTY

Miss Katherine K. George, Pittsburgh, 1924 Oliver Building, January 20, 1939.

MONTGOMERY COUNTY

G. Herbert Jenkins, Norristown, January 20, 1939.

PHILADELPHIA COUNTY

Mrs. Maude Tittermary Smith, Phila., 1323 Morris St., January 20, 1939.

ALLEGHENY COUNTY

Kosto Unkovich, Pittsburgh, American Bank Bldg., January 21, 1939.

LANCASTER COUNTY

J. Guy Eshleman, Lancaster, January 21, 1939.

PHILADELPHIA COUNTY

Harry C. Blase, Phila., 233 N. 10th St., January 21, 1939.

BLAIR COUNTY

Edward Holt, Altoona, January 22, 1939.

CHESTER COUNTY

Mrs. Annie Kalber, Parkesburg, January 22, 1939.

PHILADELPHIA COUNTY

Miss B. D. Gross, Phila., Drexel Bldg., January 22, 1939.

Miss Mabel S. Ogden, Phila., 513 Carpenter Lane, January 22, 1939.

John J. Rutherford, Phila., 825 Lafayette Building, January 22, 1939.

Miss Kathryn A. Summers, Phila., Victory Bldg., 1001 Chestnut St., January 22, 1939.

Walt. C. White, Phila., 15 Bethlehem Pike, January 22, 1939.

YORK COUNTY

Mrs. Marion V. Reinecker, York, January 22, 1939.

ALLEGHENY COUNTY

Robert A. Scott, Wilkinsburg, January 24, 1939.

LACKAWANNA COUNTY

Walter Briggs, Scranton, January 24, 1939.

PHILADELPHIA COUNTY

Mrs. Mildred G. Jenkins, Phila., 1400 Girard Trust Bldg., January 24, 1939.

ADAMS COUNTY

Felix V. Topper, McSherrystown, January 25, 1939.

ALLEGHENY COUNTY

G. R. McDonald, Turtle Creek, January 25, 1939.

YORK COUNTY

G. R. Goodfellow, Hanover, January 25, 1939.

LANCASTER COUNTY

Miss Esther Shear, Lancaster, January 26, 1939.

PHILADELPHIA COUNTY

Miss Helen M. Dougherty, Phila., 1528 Walnut St., January 26, 1939.

LEHIGH COUNTY

Robert P. Wetzel, Allentown, January 29, 1939.

MONTGOMERY COUNTY

Miss Mary A. Hammond, Norrisown, January 29, 1939.

PHILADELPHIA COUNTY

Howard W. Hanson, Phila., 1409 Morris Bldg., 1421 Chestnut St., January 29, 1939.

PHILADELPHIA COUNTY

Luther J. Lutz, Phila., 2842 N. 23d St. January 30, 1939.

CARBON COUNTY

William D. McCay, Banks Twp., Junedale, January 31, 1939.

MONTGOMERY COUNTY

Miss Katherine H. Fox, Norristown, January 31, 1939.

PHILADELPHIA COUNTY

William H. Craven, Phila., 2019 W. Columbia Ave., February 1, 1939.

POTTER COUNTY

E. A. Lignian, Coudersport, February 5, 1939.

WESTMORELAND COUNTY

Michael Sinchak, Monessen, February 5, 1939.

PHILADELPHIA COUNTY

Mrs. Rebecca P. McFadden, Phila., 120 N. 59th St., February 7, 1939.

Albert P. Weinberg, Phila., 1519 South 5th Street, February 8, 1939.

ALLEGHENY COUNTY

E. B. Hungerman, Pittsburgh, First National Bank, February 9, 1939.

PHILADELPHIA COUNTY

William Friedrich, Phila., 1235 W. Girard Ave., February 9, 1939.

Charles Halpern, Phila., Lafayette Bldg., February 10, 1939.

Henry Emory Schwartz, Phila., 619 Bankers Securities Bldg., Juniper & Walnut Sts., February 16, 1939.

Charles Myers, Phila., 2354 N. 8th St., February 21, 1939.

YORK COUNTY

Lewis W. Blackford, Dillsburg, February 21, 1939.

PHILADELPHIA COUNTY

Robert Walker, Jr., 1510 Chestnut St., Phila., February 23, 1939.

Peter Wylie, 5500 Germantown Ave., Phila., February 23, 1939.

Howard G. Tomlinson, 2126 W. Cheltenham Ave., Phila., February 26, 1939.

DAUPHIN COUNTY

George C. Blackburn, Reading Co., Rutherford, Swatara Twp., March 5, 1939.

PHILADELPHIA COUNTY

Karl F. A. Hill, 240 W. Susquehanna Ave., Phila., March 5, 1939.

ALLEGHENY COUNTY

Frank Demjan, McKees Rocks, March 6, 1939.

Joseph P. Kurcina, 600 Grant St., Pgh., March 6, 1939.

PHILADELPHIA COUNTY

Robert L. Frank, N. W. Cor. 20th & Passyunk Ave., Philadelphia, March 6, 1939.

Charles A. Oakes, 2830 N. 23rd St., Phila., March 6, 1939.
John Stewart, 20th & Passyunk Ave., Phila., March 6, 1939.

LUZERNE COUNTY

John A. Goodall, Wilkes-Barre, March 7, 1939.

PHILADELPHIA COUNTY

Isadore Feinstein, 1623 Walnut St., Phila., March 7, 1939.

J. E. Fox, 33rd & Beaver Sts., Phila., March 7, 1939.

ALLEGHENY COUNTY

W. H. Deer, 1100 Jones Law Bldg., Pgh., March 9, 1939.

Miss Emma Schwerin, Magee Bldg., 336 Fourth Ave., March 9, 1939.

PHILADELPHIA COUNTY

Frederick J. Bohrer, 3114 N. Front St., Phila., March 9, 1939.

Wm. K. Brandt, S. W. Cor. Wyoming Ave. & 5th St., Philadelphia, March 9, 1939.

Mervin J. Brenner, 1418 Packard Bldg., Philadelphia, March 9, 1939.

Edward B. Kirchmier, 161 W. Cheltenham Ave., Germantown, Philadelphia, March 9, 1939.

Harry C. Parker, 2002 Cheltenham Ave., Phila., March 9, 1939.

C. E. Richman, 1101 Race St., Phila., March 9, 1939.

Emil O. Schillinger, 9th & Westmoreland Sts., Phila., March 9, 1939.

George J. Watts, Jr., Phila., Corn Exchange Nat. Bank & Trust Co., S. W. Cor. Rising Sun Ave. & Cottman St., Philadelphia, March 9, 1939.

WAYNE COUNTY

Miss Catherine Beilman, Wayne, Hawley, March 9, 1939.

PHILADELPHIA COUNTY

Meyer Mordell, 610 Commercial Trust Bldg., Phila., March 10, 1939.

W. Irving Trotter, 421 Walnut St., Phila., March 16, 1939.

Daniel J. Mackell, 232 Walnut St., Phila., March 28, 1939.

Glen A. Walde, 261 N. Broad St., Phila., March 31, 1939.

Adolph B. Caspar, 5942 Lansdowne Ave., Phila., March 28, 1939.

GEORGE H. EARLE.

Commonwealth of Pennsylvania,

Governor's Office, Harrisburg, January 17, 1939.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for reappointment as Notaries Public, for terms of four years to compute from the date set opposite their names:

ALLEGHENY COUNTY

Charles F. Wirth, Sharpsburg, January 19, 1939.

LAWRENCE COUNTY

Mrs. Cora M. McElwee, New Wilmington, January 19, 1939.

PHILADELPHIA COUNTY

George M. Brodhead, Jr., 2210 Packard Bldg., 15th & Chestnut Sts., Phila., January 19, 1939.

LUZERNE COUNTY

Arthur L. Turner, Wilkes-Barre, January 20, 1939.

PHILADELPHIA COUNTY

John R. Hafer, 597 Drexel Bldg., 5th & Chestnut Sts., Phila., January 20, 1939.

LACKAWANNA COUNTY

W. M. Curry, Scranton, January 21, 1939.

TIOGA COUNTY

Chester H. Ashton, Knoxville, January 21, 1939.

PHILADELPHIA COUNTY

Samuel L. Green, 5671 Arlington St., Phila., January 22, 1939.

E. N. Legg, 611 Harrison Bldg., Phila., January 22, 1939.

Robert H. Morrow, 515-17 Penfield Bldg., Phila., January 22, 1939.

WYOMING COUNTY

Mrs. Bertha E. Reynolds, Nicholson, January 22, 1939.

LUZERNE COUNTY

Joseph Belcastro, Ashley, January 29, 1939.

LEHIGH COUNTY

Harry F. Smith, Allentown, January 31, 1939.

YORK COUNTY

Miss Emma L. Fisher, York, February 1, 1939.

Mrs. Mary S. Folmer, Hanover, February 3, 1939.

BLAIR COUNTY

Geo. F. Sheraw, Altoona, February 5, 1939.

DAUPHIN COUNTY

W. Stewart Taylor, Harrisburg, February 5, 1939.

LANCASTER COUNTY

Miss Matilda M. Culhane, Lancaster, February 5, 1939.

NORTHAMPTON COUNTY

Miss Helen P. Folkenson, Easton, February 5, 1939.

PHILADELPHIA COUNTY

Charles H. Heyer, 9431 Bustleton Ave., Phila., February 5, 1939.

CHESTER COUNTY

Chauncey B. Hatfield, Coatesville, February 7, 1939.

MIFFLIN COUNTY

Miss Margaret Strunk, Lewistown, February 7, 1939.

PHILADELPHIA COUNTY

Paul E. Blouch, 5900 Lansdowne Ave., Phila., February 7, 1939.

Morris B. Campel, 2038 N. 29th St., Phila., February 10, 1939.

ERIE COUNTY

Frederick H. Bartholme, Union City, February 11, 1939.

COLUMBIA COUNTY

Miss Helen J. Freas, Berwick, February 14, 1939.

LANCASTER COUNTY

Oliver J. Swartz, Lancaster, February 14, 1939.

PHILADELPHIA COUNTY

N. M. O'Neill, 1314 Real Estate Trust Bldg., Broad & Chestnut Sts., Phila., February 16, 1939.

ALLEGHENY COUNTY

A. L. Schiel, 1062 Progress St., Pittsburgh, February 17, 1939.

TIOGA COUNTY

Clare L. Gerow, Knoxville, February 19, 1939.

ALLEGHENY COUNTY

William I. King, 630 Frick Bldg., Pittsburgh, February 21, 1939.

ALLEGHENY COUNTY

Miss Anna L. Norton Federal Bldg., Grant St. & 7th Ave., Pittsburgh, February 21, 1939.

PHILADELPHIA COUNTY

Fred. W. Wagner, 925 W. Huntingdon St., Phila., February 21, 1939.

DAUPHIN COUNTY

Miss Evelyn J. Long, Harrisburg, February 26, 1939.

ERIE COUNTY

Thomas E. Hughes, Erie, February 26, 1939.

JEFFERSON COUNTY

Mrs. Dee Smith, Brookville, February 26, 1939.

CLARION COUNTY

Leslie R. Himes, New Bethlehem, March 26, 1939.

MIFFLIN COUNTY

James F. Morgan, Lewistown, March 6, 1939.

PHILADELPHIA COUNTY

Charles Hackenberg, 228 South 4th St., Phila., March 6, 1939.

E. Fred Kemner, 7319 Rising Sun Ave., Phila., March 6, 1939.

WAYNE COUNTY

Miss Maud S. Howe, Lake Twp., Lake Ariel, March 6, 1939.

ALLEGHENY COUNTY

Geo. D. Faris, 615 Cross St., Pittsburgh, March 7, 1939.

BERKS COUNTY

Miss Elsie Hartline, Reading, March 7, 1939.

ALLEGHENY COUNTY

Miss Lulu M. Genter, 802 Frick Bldg., Pittsburgh, March 9, 1939.

John C. Gutbrod, Pittsburgh, March 9, 1939.

BERKS COUNTY

Walter C. Brooke, Boyertown, March 9, 1939.

FAYETTE COUNTY

Wm. L. Beuscher, Jonnellsville, March 9, 1939.

PHILADELPHIA COUNTY

Olin W. Beard, 2651 Kensington Ave., Phila., March 9, 1939.

Louis A. Neyman, 163 N. 15th St., Phila., March 9, 1939.
Samuel Smorto, 1208 Mifflin St., Phila., March 9, 1939.
Miss Alice E. Erwin, R. A. Erwin Motor Co., 9701 Bustleton Ave., Phila., March 10, 1939.

DELAWARE COUNTY

Mrs. E. B. Holden, Upper Darby Twp., March 19, 1939.

YORK COUNTY

Ross B. Bigler, York, March 23, 1939.

PHILADELPHIA COUNTY

Mrs. Irma H. Mellon, 1328 Vankirk St., Phila., April 1, 1939.

VENANGO COUNTY

Loren D. Schroppe, Franklin, April 22, 1939.

PHILADELPHIA COUNTY

Walter J. Schwoyer, 1125 Sansom St., Phila., May 27, 1939.

GEORGE H. EARLE.

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, January 17, 1939.
To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for reappointment as Notaries Public, for terms of four years to compute from the date set opposite their names:

BUTLER COUNTY

Hiram C. Eichholtz, Zelienople, January 19, 1939.

PHILADELPHIA COUNTY

William A. Lechler, Phila., 1449 West Venango St., January 19, 1939.

C. Wilson Roberts, Phila., 133 S. 12th St., January 20, 1939.

CRAWFORD COUNTY

John Schuler, Meadville, January 21, 1939.

LUZERNE COUNTY

Harry L. Freeman, Wilkes-Barre, January 21, 1939.

LYCOMING COUNTY

Ermin F. Hill, Hughesville, January 21, 1939.

PHILADELPHIA COUNTY

Clarence M. Dudley, Phila., 4458 Frankford Ave., January 21, 1939.

Felton H. Middleton, Phila., Finance Bldg., 1416 S. Penn Square, January 21, 1939.

VENANGO COUNTY

John M. McGill, Oil City, January 21, 1939.

LEHIGH COUNTY

Mrs. Catherine F. Hohl, Allentown, January 22, 1939.

NORTHUMBERLAND COUNTY

P. H. Tye, Mount Carmel, January 22, 1939.

VENANGO COUNTY

Dean B. Stewart, Oil City, January 22, 1939.

ALLEGHENY COUNTY

Henry H. Stewart, 42nd and Davison Sts., Pittsburgh, January 24, 1939.

ERIE COUNTY

Raymond P. Leemhuis, Erie, January 24, 1939.

NORTHAMPTON COUNTY

Wm. J. Strauss, Lehigh Twp., Treichlers, January 24, 1939.

MONTGOMERY COUNTY

Miss Emma K. Mason, Jenkintown, January 26, 1939.

WASHINGTON COUNTY

Miss Irene Mansfield, Washington, January 27, 1939.

CARBON COUNTY

Elwood J. Rees, Lansford, January 29, 1939.

PHILADELPHIA COUNTY

Enoch I. R. Storm, 900 Sansom St., Phila., January 29, 1939.

ALLEGHENY COUNTY

Louis H. McMahan, Box 6354, North Side, Pittsburgh, February 2, 1939.

Philip Lippert, 1509 Fifth Ave., Pittsburgh, February 3, 1939.

WASHINGTON COUNTY

E. L. Roberts, Donora, February 3, 1939.

BERKS COUNTY

Miss Sara Rose, Boyertown, February 5, 1939.

PHILADELPHIA COUNTY

M. T. Bloche, 3611 Walnut St., Phila., February 5, 1939.
Harry E. Smith, 800 W. Erie Ave., Phila., February 6, 1939.

ALLEGHENY COUNTY

A. A. Donofrio, 412 Lincoln Ave., Pittsburgh, February 7, 1939.

NORTHAMPTON COUNTY

Louis Odenwelder, Easton, February 9, 1939.

WAYNE COUNTY

N. C. Farnham, Honesdale, February 10, 1939.

ALLEGHENY COUNTY

Mrs. Willis R. Davis, 1804 Grant Building, Pittsburgh, February 11, 1939.

Miss Almira E. Schultz, 913 Blackendore Ave., Pittsburgh, February 12, 1939.

George E. Flaccus 1106 Law & Finance Bldg., Pittsburgh, February 17, 1939.

W. J. Steen, 435 Sixth Ave., Pittsburgh, February 21, 1939.

DAUPHIN COUNTY

Spirdion Furich, Steelton, February 21, 1939.

Ralph E. Steever, Harrisburg, February 21, 1939.

MONTGOMERY COUNTY

Jesse H. Hall, Lower Merion Twp., February 21, 1939.

PHILADELPHIA COUNTY

Miss Jane A. Daly, 1700 Bankers Securities Bldg., Phila., February 23, 1939.

CAMBRIA COUNTY

H. A. Brown, Summerhill Twp., February 24, 1939.

ALLEGHENY COUNTY

Ralph Williams 422 Bldv. Allies, Pittsburgh, February 26, 1939.

BUTLER COUNTY

Albert H. Dunn, Perolia, February 26, 1939.

DAUPHIN COUNTY

G. L. Cullmerly, Harrisburg, February 27, 1939.

ALLEGHENY COUNTY

Maurice E. Golomb, 401 Amberson Ave., Pittsburgh, March 6, 1939.

PHILADELPHIA COUNTY

Charles W. Doane, 1312 W. Tioga St., Phila., March 6, 1939.

T. Joseph Lehan, 4758 Rising Sun Ave., Phila., March 6, 1939.

H. F. McKillip, 62d St. & Woodland Ave., Phila., March 6, 1939.

ALLEGHENY COUNTY

Miss Esther D. Hartz, 3010 Grant Bldg., Pittsburgh, March 7, 1939.

PHILADELPHIA COUNTY

Joseph Wainer, 2647 East York St., Phila., March 7, 1939.

Mrs. Mary E. Winters, 1632 Bankers Securities Bldg., Phila., March 7, 1939.

SCHUYLKILL COUNTY

Charles E. Alter, Pottsville, March 7, 1939.

ALLEGHENY COUNTY

Henry C. Cohn, 910 Liberty Ave., Pittsburgh, March 9, 1939.

BERKS COUNTY

Charles J. Fisher, Reading, March 9, 1939.

ERIE COUNTY

Clifton D. Horrocks, Erie, March 9, 1939.

LUZERNE COUNTY

Edward G. Berk, Wilkes-Barre, March 9, 1939.

PHILADELPHIA COUNTY

John W. Firefile, Lehigh, Ave. and A St., Phila., March 9, 1939.

Samuel Hall, Jr., 427 Moyer St., Phila., March 9, 1939.

O. Walter Marden, 1312-14 Chestnut St., Phila., March 9, 1939.

Miss Ida H. Oetter, 2107 Fidelity-Phila. Trust Bldg., Phila., March 9, 1939.

Vincent D. Olivet, 4238 Frankford Ave., Phila., March 9, 1939.

BERKS COUNTY

Raymond H. Strausser, Hamburg, March 12, 1939.

PHILADELPHIA COUNTY

Joseph A. Gormley, 308 Bourse Bldg., Phila., March 12, 1939.

Harold T. Milliken, Keystone Bldg., Phila., March 12, 1939.

J. D. Platt, Bullitt Bldg., Phila., March 19, 1939.

John E. Green, 12th & Market Sts., Phila., April 30, 1939.

LUZERNE COUNTY

Anthony J. Becunas, Newport Twp., Wanaime, May 29, 1939.

GEORGE H. EARLE.

Commonwealth of Pennsylvania.

Governor's Office, Harrisburg, January 17, 1939.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for reappointment as Notaries Public, for terms of four years to compute from the date set opposite their names:

DELAWARE COUNTY

Mrs. Mary Worrell Kirk, Newtown Twp., Newton Square, January 19, 1939.

LEHIGH COUNTY

W. H. Cruse, Allentown, January 19, 1939.

PHILADELPHIA COUNTY

John Ennis, Jr., 442 Land Title Bldg., 100 S. Broad St., Philadelphia, January 19, 1939.

Miss A. E. Haley, 911-12 Real Estate Bldg., Philadelphia, January 19, 1939.

Frederick G. Webel, 3232 Frankford Ave., Philadelphia, January 19, 1939.

WESTMORELAND COUNTY

Miss Hazel J. Dick, Greensburg, January 19, 1939.

COLUMBIA COUNTY

Henry F. Traugh, Berwick, January 21, 1939.

LEHIGH COUNTY

Charles D. Peters, Slatington, January 21, 1939.

PHILADELPHIA COUNTY

Chas. F. Myers, 5920 North Broad St., Philadelphia, January 21, 1939.

ALLEGHENY COUNTY

Mrs. Bertha M. Smith, 424 Frick Bldg., Pittsburgh, January 22, 1939.

ARMSTRONG COUNTY

Charles J. Kirk, Kittanning, January 22, 1939.

BLAIR COUNTY

Miss Gwendolyn Story, Altoona, January 22, 1939.

ERIE COUNTY

John L. Hanley, Erie, January 22, 1939.

MERCER COUNTY

Thos. McClain, Mercer, January 22, 1939.

WESTMORELAND COUNTY

Miss Mary Love Johnston, Bolivar, January 22, 1939.

ALLEGHENY COUNTY

Thomas B. Hepler, Harrison Twp., First Nat. Bank Bldg., Chestnut St., Natrona, January 23, 1939.

PHILADELPHIA COUNTY

Miss Helena S. Haines, 603 Lafayette Bldg., 437 Chestnut St., Philadelphia, January 25, 1939.

William A. Barr, Fidelity-Phila. Trust Bldg., 123 S. Broad St., Philadelphia, January 26, 1939.

WASHINGTON COUNTY

Miss Margaret McCue, Washington, January 26, 1939.

ALLEGHENY COUNTY

J. Irwin Green, 6015 Center Av., Pittsburgh, January 27, 1939.

NORTHAMPTON COUNTY

M. A. McNamara, Bethlehem, January 27, 1939.

PHILADELPHIA COUNTY

Abe Whitman, Room 230, Terminal Commerce Bldg., Philadelphia, January 27, 1939.

ALLEGHENY COUNTY

Miss Marie E. Seeger, 519 Oliver Bldg., Pittsburgh, January 29, 1939.

CLEARFIELD COUNTY

Miss Hilda Spangler, Clearfield, January 29, 1939.

LEBANON COUNTY

William S. Poorman, Palmyra, January 29, 1939.

PHILADELPHIA COUNTY

A. Gordon McConnell, 1901 Pine St., Philadelphia, January 29, 1939.

CAMBRIA COUNTY

Joseph V. Maucher, Carrolltown, January 31, 1939.

PHILADELPHIA COUNTY

Howard J. Boyer, 1228 W. Lycoming St., Philadelphia, January 31, 1939.

Jacob Pomerantz, 2960 Richmond St., Philadelphia, January 31, 1939.

LANCASTER COUNTY

Miss Elizabeth Musser, Mountville, February 2, 1939.

BEDFORD COUNTY

Chas. A. Rhodes, Hnydman, February 3, 1939.

CHESTER COUNTY

Albert E. Townsend, Oxford, February 3, 1939.

ALLEGHENY COUNTY

Miss Eleanor M. Ferguson, 1317 Berger Bldg., Pittsburgh, February 5, 1939.

Miss Mary Louise Stolzenbach, Union Nat. Bank Bldg., Pittsburgh, February 5, 1939.

ERIE COUNTY

Dan Le Salomie, Erie, February 5, 1939.

LANCASTER COUNTY

David H. Snader, Akron, February 5, 1939.

LYCOMING COUNTY

E. W. Cole, Williamsport, February 6, 1939.

DAUPHIN COUNTY

Louis J. Cleary, Harrisburg, February 7, 1939.

LANCASTER COUNTY

Lloyd A. Whitaker, Lancaster, February 8, 1939.

BEAVER COUNTY

Marcus B. Nadler, Ambridge, February 9, 1939.

MONROE COUNTY

Miss Loretta M. Hochrine, Coolbaugh Twp., Tobyhanna, February 9, 1939.

PHILADELPHIA COUNTY

Miss Lillian I. Livingston, 225 South 6th St., Philadelphia, February 9, 1939.

ALLEGHENY COUNTY

Miss Alice E. Duff, 221 Bakewell Bldg., Pittsburgh, February 10, 1939.

DAUPHIN COUNTY

Miss C. Mabelle Dobbs, Harrisburg, February 10, 1939.

PHILADELPHIA COUNTY

Michael J. McBride, 2716 East Lehigh Ave., Philadelphia, February 10, 1939.

John J. Woods, Jr., 720 W. Lehigh Ave., Philadelphia, February 10, 1939.

CLEARFIELD COUNTY

B. W. Dean, DuBois, February 12, 1939.

LUZERNE COUNTY

Miss Jessie L. Sargent, Wilkes-Barre, February 12, 1939.

PHILADELPHIA COUNTY

Mrs. Betty L. Inderlied, 6034 Market St., Philadelphia, February 12, 1939.

ARMSTRONG COUNTY

Miss Violet M. Sproull, Leechburg, February 16, 1939.

ALLEGHENY COUNTY

Miss Catherine F. King, Farmers Bank Bldg., Pittsburgh, February 21, 1939.

Albert E. Muhl, 1250 Century Bldg., Pittsburgh, February 21, 1939.

PHILADELPHIA COUNTY

George F. Shinehouse, 410 South 23d St., Philadelphia, February 21, 1939.

BRADFORD COUNTY

Miss Harriet L. Doll, Canton, February 23, 1939.

ALLEGHENY COUNTY

Mrs. Edna S. Hartman, 1817 Cathedral of Learning, University of Pittsburgh, Pittsburgh, February 24, 1939.

DELAWARE COUNTY

Miss Helen M. O'Connor, Chester, February 26, 1939.

LUZERNE COUNTY

Mrs. Ruth Daniels, Wilkes-Barre, February 26, 1939.

ALLEGHENY COUNTY

Leslie A. Waite, 1400 Chamber of Commerce Building, Pittsburgh, March 5, 1939.

ERIE COUNTY

H. H. Nichols, Girard, March 5, 1939.

ALLEGHENY COUNTY

George E. Ashton, East Pittsburgh, March 6, 1939.

BUCKS COUNTY

Miss Catherine E. Kraft, Bristol, March 6, 1939.

BUTLER COUNTY

Harry U. Flowers, Harmony, March 6, 1939.

FAYETTE COUNTY

Harold S. Bierer, Point Marion, March 6, 1939.

Milo K. Ruse, Point Marion, March 6, 1939.

PHILADELPHIA COUNTY

F. Stapleton Ward, Jr., 3614 Stokley St., Philadelphia, March 6, 1939.

William J. Wilson, 1101 Lewis Tower Bldg., 15th & Locust Sts., Philadelphia, March 6, 1939.

ALLEGHENY COUNTY

George N. Chartoffillis, Mellon Nat. Bank, Pittsburgh, March 7, 1939.

FAYETTE COUNTY

Miss Mary Parshall Lyons, Uniontown, March 7, 1939.

PHILADELPHIA COUNTY

Joseph Benevenuto, 2511 W. Lehigh Ave., Philadelphia, March 7, 1939.

MERCER COUNTY

H. Clay Johnson, Mercer, March 8, 1939.

ALLEGHENY COUNTY

Miss Betty H. Flanagan, 6010 Center Av., Pittsburgh, March 9, 1939.

W. L. Hamilton, Ben Avon, (Pittsburgh P. O.) March 9, 1939.

Robert J. Orlow, 4722 Liberty Ave., Pittsburgh, March 9, 1939.

BEAVER COUNTY

Miss Bertha Temple, Beaver, March 9, 1939.

CUMBERLAND COUNTY

Parker Kuhns, Mechanicsburg, March 9, 1939.

DELAWARE COUNTY

Nicholas Del Guercio, Upper Darby Twp., March 9, 1939.

NORTHUMBERLAND COUNTY

Mrs. Margaret S. Bassler, Sunbury, March 9, 1939.

PHILADELPHIA COUNTY

Harry Cohen, 907 Market St., Nat. Bank Bldg., Philadelphia, March 9, 1939.

William H. Leibfrid, 50 N. Delaware Av., Philadelphia, March 9, 1939.

Jacob Turnoff, 336 Robbins St., Philadelphia, March 9, 1939.

YORK COUNTY

Mrs. Margaret E. Spangler, Warrington Twp., Rossville, March 9, 1939.

PHILADELPHIA COUNTY

Geo. E. Bauer, 1628 W. Mentor St., Philadelphia, March 16, 1939.

LUZERNE COUNTY

Daniel B. Briehof, Conyngham, March 21, 1939.

PHILADELPHIA COUNTY

Ralph J. Brodsky, 1001 Chestnut St., Philadelphia, April 1, 1939.

MONTGOMERY COUNTY

Milton Moyer, Hatfield, April 2, 1939.

GEORGE H. EARLE.

Commonwealth of Pennsylvania.

Governor's Office, Harrisburg, January 17, 1939.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for reappointment as Notaries Public, for terms of four years to compute from the date set opposite their names:

MONTGOMERY COUNTY

Miss Margaret Potter, Norristown, January 19, 1939.

NORTHAMPTON COUNTY

Joseph P. Castro, Bethlehem, January 19, 1939.

ALLEGHENY COUNTY

Charles Bernhard, 341 Bellefield Ave., Jan. 20, 1939.

LACKAWANNA COUNTY

David Landau, Scranton, January 21, 1939.

DELAWARE COUNTY

Frank E. De Furia, Chester, January 22, 1939.

LUZERNE COUNTY

Chas. W. Dana, Wilkes-Barre, January 22, 1939.
Mrs. Louise Pfancook, Hazleton, January 22, 1939.

PHILADELPHIA COUNTY

John A. Wilson, 12 S. 12th St., Phila., January 22, 1939.

ALLEGHENY COUNTY

Herbert L. Gerdes, Shaler Twp., R. D., Glenshaw, Jan. 24, 1939.

GREENE COUNTY

Miss Edna A. Pryor, Waynesburg, January 24, 1939.

WASHINGTON COUNTY

Miss Mary L. Patterson, Washington, January 28, 1939

ALLEGHENY COUNTY

Miss Grace E. Swenson, 1700 Clark Bldg., Pittsburgh, January 29, 1939.
Calvin Woods, 2501 Brighton Road, Pgh., Jan. 29, 1939.

BERKS COUNTY

Miss Ida R. Edelman, Reading, January 29, 1939.

MONTGOMERY COUNTY

Samuel T. Furman, Abington Twp., Old York Road at Noble Station, Jenkintown, January 29, 1939.

MONTOUR COUNTY

H. J. Smith, Danville, January 29, 1939.

PHILADELPHIA COUNTY

Leopold W. Becker, 4411 N. Broad St., Philadelphia, January 29, 1939.

YORK COUNTY

Mrs. Cora E. Basom, Dillsburg, January 29, 1939.

WASHINGTON COUNTY

Fred W. Pieper, Charleroi, January 30, 1939.

PHILADELPHIA COUNTY

Jay R. Grier, 901 Fidelity Trust Bldg., Phila., January 31, 1939.
Robert J. Lehman, Beury Bldg., 3701 N. Broad St., Phila., February 1, 1939.

ALLEGHENY COUNTY

Harry L. McAnally, 545 Wm. Penn Way, Pgh., February 5, 1939.
William C. Peckman, McKeesport, February 5, 1939.

BEAVER COUNTY

Theo. Wallace, Beaver, February 5, 1939.

ERIE COUNTY

Mrs. N. M. Jeffs, Erie, February 5, 1939.

LANCASTER COUNTY

R. J. Schwalm, Lancaster, February 5, 1939.

WASHINGTON COUNTY

Miss Edith R. Parkin, Washington, February 5, 1939.

CHESTER COUNTY

Miss Ella M. Gordon, West Chester, February 7, 1939.

McKEAN COUNTY

Miss Minnie Crisman, Bradford, February 10, 1939.

PHILADELPHIA COUNTY

Geo. T. Schieder, 622 Stephen Girard Bldg., Philadelphia, February 10, 1939.

WASHINGTON COUNTY

Frank Riva, Charleroi, February 10, 1939.

BEAVER COUNTY

Gilbert Trumpeter, Monaca, January 12, 1939.

McKEAN COUNTY

Miss Helen Nesselson, Bradford, February 12, 1939.

PHILADELPHIA COUNTY

Edward Kick, S. W. Cor. Germantown Ave. & Tioga St., Philadelphia, February 12, 1939.

John H. Staib, Jr., 1007 W. Somerset St. Phila., February 12, 1939.

UNION COUNTY

Miss Mildred E. Stephens, Lewisburg, February 12, 1939.

ALLEGHENY COUNTY

J. C. Wick Gulf Bldg., P. O. Box 1166 Pittsburgh, February 17, 1939.

WASHINGTON COUNTY

J. H. Hupp, Donegal Twp., West Alexander, Feb. 17, 1939.

CLINTON COUNTY

John U. Shaffer, Jr., Renova, February 19, 1939.

PHILADELPHIA COUNTY

Miss Bertha M. Rosenthal, 1100 Bankers Securities Bldg., Philadelphia, February 19, 1939.

BEAVER COUNTY

Donald E. Bonzo, Beaver, February 21, 1939.

BERKS COUNTY

Henry K. Schmehl, Reading, February 21, 1939

BUTLER COUNTY

Howard I. Painter, Butler, February 21, 1939.

ERIE COUNTY

S. H. Drown, Erie, February 21, 1939.

MONTGOMERY COUNTY

Miss Louise H. Kain, Lower Marion Twp., Ardmore, February 21, 1939.

ALLEGHENY COUNTY

William L. Buck, McKeesport, February 22, 1939.

WESTMORELAND COUNTY

Michael J. Skirpan, Monessen, February 26, 1939.

PHILADELPHIA COUNTY

Joseph E. Koesslinger, 1500 Walnut St., Phila., February 28, 1939.

ALLEGHENY COUNTY

William F. Walsh, 1111 Grandview Ave. Pgh., March 6, 1939.

LEHIGH COUNTY

I. H. Herman, Allentown, March 6, 1939.

PHILADELPHIA COUNTY

Cornelius S. Deegan, Jr., 2719 East Allegheny Ave. Phila., March 6, 1939.

Levin A. Dix, Jr., 8527 Germantown Ave. Philadelphia, March 6, 1939.

Benjamin B. Leider, 681 N. 15th St. Phila., March 6, 1939.

Wm. R. Martin, 6433 Woodland Ave. Phila., March 6, 1939.

George Ortlieb, 15 N. 58th St. Phila., March 6, 1939.

P. Elmer Ritter, 460 West Lehigh Ave. Phila., March 6, 1939.

John F. Schneider, 424 Walnut St. Phila., March 6, 1939.

Herman Tonkin, 2213 S. 5th St. Phila., March 6, 1939.

Miss Marguerite M. Ward, Integrity Trust Bldg., 1528 Walnut St. Phila., March 6, 1939.

Elwyn L. Wright, 1425 W. Letterly St., Phila., March 6, 1939.

John R. Humes, 3511 N. Front St., Phila., March 6, 1939.

Frank Seitchik, 1324 Walnut St., Phila., March 7, 1939.

ALLEGHENY COUNTY

Mrs. Bertha Furman, 909 Westinghouse Bldg., 9th & Penn Ave., Pittsburgh, March 9, 1939.

Mrs. Mary B. Jones, 212 Wood St., Pgh., March 9, 1939.

Herbert W. Roden, 514 Smithfield St., Pgh., March 9, 1939.

Philip Sidransky, Jones Law Bldg., Pgh., March 9, 1939.

BERKS COUNTY

Miss Naomi Lutz, Reading, March 9, 1939.

DAUPHIN COUNTY

Kenneth E. Liddick, Harrisburg, March 9, 1939.

ERIE COUNTY

Harry J. Krasneski, Erie, March 9, 1939.

LANCASTER COUNTY

George W. Burkhart, Lancaster, March 9, 1939.

PHILADELPHIA COUNTY

Enoch Z. Brown, 12 S. 12th St., Phila., March 9, 1939.

Sol. N. Golder, 1711 Market St., Nat'l Bank Bldg., Philadelphia, March 9, 1939.

Thomas S. Howland, 4510 Frankford Ave., Phila., March 9, 1939.

Wm. R. Keech, 5916 N. Broad St., Phila., March 9, 1939.

Robt. V. Myers, Jr., 5943 Chestnut St., Phila., March 9, 1939.

Miss Anna M. Price, 2000 North American Bldg., 117 S. Broad St., Phila., March 9, 1939.

Morris Ruberg, 1312 Sansom St., Phila., March 9, 1939.

Patrick F. Ryan, 1408 N. Broad St., Phila., March 9, 1939.

Mrs. Clara B. Shaw, 4734 Duffield St., Frankford, Philadelphia, March 9, 1939.

Mrs. Margaret A. Smith, 2110 Latona St., Philadelphia, March 9, 1939.

FAYETTE COUNTY

Carlo Rossi, Uniontown, March 10, 1939.

ALLEGHENY COUNTY

E. A. Meyer, Frick Bldg., Pittsburgh, March 14, 1939.

Miss Miriam Levy, 104 Mkt. St., Pgh., March 19, 1939.

LUZERNE COUNTY

Miss Ruth Y. Thomas, Hazleton, March 19, 1939.

PHILADELPHIA COUNTY

Mrs. Helen P. Gibson, 260 S. Broad St., Philadelphia, March 30, 1939.

LACKAWANNA COUNTY

Miss Mary E. McNamara, Scranton April 1, 1939.

PHILADELPHIA COUNTY

Joseph Greenfield, 102 N. 63rd St., Phila., April 2, 1939.

Miss Mada Franz, 422 Walnut St., Phila., April 7, 1939.

GEORGE H. EARLE.

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, January 17, 1939.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointment as Notaries Public, for terms of four years to compute from the date of confirmation:

ALLEGHENY COUNTY

Thomas F. Kennedy, McKeesport.

BLAIR COUNTY

Miss Ann Cleova McClain, Altoona.

CARBON COUNTY

Miss Minnie E. Rinker, Mauch Chunk.

DAUPHIN COUNTY

George V. Hoover, Harrisburg.

ERIE COUNTY

Miss Marie G. Becker, Erie.

MONTGOMERY COUNTY

Mrs. Florence L. Sayre, Norristown.

NORTHAMPTON COUNTY

Miss Marie Hale, Easton.

Harry W. Lichtenwalner, Bethlehem Twp., Easton.

PHILADELPHIA COUNTY

Fred'k Champagne, 5215 Chancellor St., Philadelphia.

Miss Mariam L. Jones, Room 1714, Phila. Saving Fund Society Bldg. Phila., Chestnut St. Philadelphia.

Edwin S. Rockett, 1715 Chestnut St., Philadelphia.

POTTER COUNTY

Mrs. Myrtle H. Vosburg, Coudersport.

WESTMORELAND COUNTY

E. B. Knapp, New Kensington.

YORK COUNTY

H. Jay Hoff, York.

Miss Violet E. Kerchner, Hanover.

GEORGE H. EARLE.

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, January 17, 1939.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointment as Notaries Public, for terms of four years to compute from the date of confirmation:

ALLEGHENY COUNTY

Frank J. Hamrock, Homestead.

BEAVER CROSBY

Miss Agnes M. Mannion, Twp. of Potter, Drawer 97, Monaca.

DELAWARE COUNTY

Miss Nellie J. Culbert, Chester.

Joseph W. Lausch, Chester.

LEHIGH COUNTY

William H. Smith, Allentown.

Mrs. Rachel W. Snyder, Allentown.

LUZERNE COUNTY

William Rescorla, Jr., Kingston.
Carl F. Roth, Edwardsville.

NORTHAMPTON COUNTY

Elias Williams, Easton.

NORTHUMBERLAND COUNTY

Miss Mary J. Brennan, Mount Carmel.

PHILADELPHIA COUNTY

Adam C. Bennethum, Reading Co., 9th and Green Sts., Philadelphia.
Mrs. Elizabeth Bothwell, Sun Bldg., 1608 Walnut St., Philadelphia.
Thomas Curran, 1000 Provident Trust Bldg., Philadelphia.
Frank F. Desiderio, 1313 Stephen Girard Bldg., Philadelphia.
Mrs. Claire M. Donohoe, 2710 Richmond St., Philadelphia.
H. La Verne Erwin, 6435 Woodland Av., Philadelphia.
Walter A. Rzepski, 3173 Richmond St., Philadelphia.

WAYNE COUNTY

George W. Lobb, Hawley.

WESTMORELAND COUNTY

Anthony Hornicek, Monessen.
Miss Dorothy C. Slaine, Greensburg.

GEORGE H. EARLE.

Commonwealth of Pennsylvania,

Governor's Office, Harrisburg, January 17, 1939.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointment as Notaries Public, for terms of four years to compute from the date of confirmation:

ALLEGHENY COUNTY

William H. Crawford, Law & Finance Bldg., Pittsburgh.
Miss Marie A. Heil, 715 Plaza Bldg., Pittsburgh.
Miss Viola Rogers, 623 Grant Bldg., Pittsburgh.

BUTLER COUNTY

William B. Ferguson, Millerstown, (Chicora P. O.)

CAMBRIA COUNTY

Harry V. Kuntz, Johnstown.
Miss Ruth M. Weakland, Johnstown.

CHESTER COUNTY

Edw. K. Myers, Coatesville.

DAUPHIN COUNTY

Miss Annette Romberger, Elizabethville.

INDIANA COUNTY

Miss Anna Williams, Indiana.

LACKAWANNA COUNTY

Miss Flora L. Zumbach, Scranton.

LANCASTER COUNTY

Mrs. Ethel M. Bachman, Strasburg Twp., R D 1 Strasburg.

LEHIGH COUNTY

Mrs. Amelia Weber, Allentown.
George C. Wunder, Allentown.

LYCOMING COUNTY

Miss Kathryn L. Comly, Williamsport.

MONTGOMERY COUNTY

David E. Finkbinder, Royersford.

NORTHAMPTON COUNTY

W. H. Stahlnecker, Bethlehem.

PHILADELPHIA COUNTY

Mrs. Margaret E. Bentley, 2310 Girard Trust Co. Bldg., Philadelphia.
Miss Marguerite A. Duckett, 1720 Fidelity-Phila. Tr. Bldg., 123 So. Broad St., Philadelphia.
A. Rothwell Meehan, 6747 Germantown Ave., Philadelphia.
Albert E. Schirra, 484 N. Orianna St., Philadelphia.
Harry J. Tomlinson, 600 Spring Garden St., Philadelphia.
Max Zuckerman, 329 South 4th St., Philadelphia.

YORK COUNTY

Richard E. Rohrbach, Spring Garden Twp., (P. O. Box 357, York).

GEORGE H. EARLE.

Commonwealth of Pennsylvania,

Governor's Office, Harrisburg, January 17, 1939.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointment as Notaries Public, for terms of four years to compute from the date of confirmation:

ALLEGHENY COUNTY

Miss Esther D. Alpern, 311 Smithfield St., Pittsburgh.
Mrs. Alice L. Jordan, 2516 Grant Bldg., Pittsburgh.
George E. Maxwell, 3868 East St., Pittsburgh.
Fred A. Stout, 128th St., Pittsburgh.

BERKS COUNTY

William J. Davis, Reading.

CAMBRIA COUNTY

Miss Mabel E. Enkey, Johnstown.

CRAWFORD COUNTY

Miss Natalie E. Bittles, Meadville.

ERIE COUNTY

O. R. Pieper, Erie.

JEFFERSON COUNTY

Miss Evelyn B. Hockman, Brockway.

LUZERNE COUNTY

Leo J. Bergsmann, Wilkes-Barre.

PHILADELPHIA COUNTY

Miss Jean V. Bertele, 405 Denckla Bldg., 11th & Market Sts., Philadelphia.
Maurice H. Holmes, Room 1636, 12 South 12th St., Philadelphia.
George W. Mitchell, Provident Trust Bldg., 17th & Chestnut Sts., Philadelphia.
Morton S. Orman, 215 South Broad St., Philadelphia.
Benjamin Weinroth, 14 South 3rd St., Philadelphia.

VENANGO COUNTY

Earle W. MacDonald, Richland Twp., Nickleville.

GEORGE H. EARLE.

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, January 17, 1939.
To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointment as Notaries Public, for terms of four years to compute from the date set opposite their names:

LACKAWANNA COUNTY

Miss Laura M. Gately, Scranton, January 19, 1939.

PHILADELPHIA COUNTY

Herbert U. Porter, 6903 Torresdale Ave., Philadelphia, January 22, 1939.

ARTHUR H. JAMES.

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, January 18, 1939.
To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for re-appointment as Notaries Public, for terms of four years to compute from the date set opposite their names:

DELAWARE COUNTY

M. A. Hayes, Haverford Twp., January 19, 1939.

UNION COUNTY

Miss Susan R. Slifer, Lewisburg, January 24, 1939.

WESTMORELAND COUNTY

Rabe F. Marsh, Greensburg, January 25, 1939.

YORK COUNTY

William F. Fry, York, January 25, 1939.

PHILADELPHIA COUNTY

Miss Regina M. Eppley, 303 Bourse Bldg., Philadelphia, January 26, 1939.

CUMBERLAND COUNTY

Miss Mary E. Cooper, Mechanicsburg, January 29, 1939.
D. N. Powell, Shippensburg, January 29, 1939.

FAYETTE COUNTY

Robert L. Pile, Smithfield, January 29, 1939.

ALLEGHENY COUNTY

Charles A. Woods, 2415 Grant Bldg., Pittsburgh, January 31, 1939.

CARBON COUNTY

Alan S. Loose, Mauch Chunk, January 31, 1939.

ARTHUR H. JAMES.

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, January 17, 1939.
To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointment as Notaries Public, for terms of four years to compute from the date of confirmation:

BUTLER

Mrs. Mae H. Wheeler, Butler.

LANCASTER

Anthony R. Appel, Lancaster.

MERCER

Miss Eunice L. Amos, Farrell.

PHILADELPHIA

Ernest R. Erb, Phila., 1474 N. 52nd St.
G. Frank H. Senderling, Phila., 3900 Frankford Avenue.
James L. Stever, Phila., 1600 S. 59th St.
Edward A. Woolslager, 1606-12 Lincoln-Liberty bldg., Broad & Chestnut Sts.

WESTMORELAND

Louis A. Strazzera, Vandergrift.

ARTHUR H. JAMES

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, January 18, 1939.
To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointment as Notaries Public, for terms of four years to compute from the date of confirmation:

ALLEGHENY

Carl G. Kaessner, Pittsburgh, 400 Fifth Ave.

DELAWARE

Miss Margaret M. Haley, Media.

FULTON

Mrs. E. V. Lynch, McConnellsburg.

LUZERNE

Miss Mary M. Finn, Wilkes-Barre.
H. E. Lundy, Hazleton.

MONTGOMERY

Saxton Kendrick, Lower Merion Twp., 801 Lancaster Ave., Bryn Mawr.

PHILADELPHIA

A. B. Grimaldi, Phila., 1132 W. Lehigh Ave.
Fremont Levy, Phila., 2052 Wheatstheaf Lane.
Arthur Mullin, Phila., 112 North 12th St.
Miss Rosanna Smith, Phila., 1423 W. Erie Ave.
Samuel A. Solomon, Phila., 800 Bankers Securities Bldg.

ARTHUR H. JAMES

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, January 18, 1939.
To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for re-appointment as Notaries Public, for terms of four years to compute from the date set opposite their names:

CLEARFIELD

L. R. Korman, Osceola Mills, January 19, 1939.

SCHUYLKILL

P. W. Bierstein, Shenandoah, January 21, 1939.

MONTGOMERY

J. Herbert Weber, Norristown, January 22, 1939.

PHILADELPHIA

Roland G. C. Young, Phila., 6228 Woodland Ave. January 22, 1939.

ARTHUR H. JAMES

A motion was made by Mr. OWLETT and Mr. MAL-LERY.

That the Senate do advise and consent to said nominations.

On the question,

Will the Senate agree to the motion?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—34.

Bartlett.	Farrell,	Mallery.	Scarlett.
Caavalcante.	Geider.	McCreesh.	Sipe.
Chapman,	Geitz,	McGinnis,	Snowden.
Coleman,	Haluska,	Miller,	Stevenson,
Rowe,	Homsher,	Owlett,	Tallman,
Eltrich,	James,	Pierson,	Thomas,
Ealy,	Kunkel,	Reed,	Walker,
Edmonds,	Lantius,	Ruth,	Wolfenden.
Rowe,	Letzler,		

NAYS—0.

Two-thirds of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Governor be informed accordingly.

Mr. OWLETT. Mr. President, I move that the Executive Session do now rise.

Mr. MALLERY. Mr. President, I second the motion. The motion was agreed to.

RECESS

Mr. EALY. Mr. President, I move that the Senate do now take a recess for five minutes.

Mr. MALLERY. Mr. President, I second the motion. The motion was agreed to.

ANNOUNCEMENT BY THE SECRETARY

There will be a meeting of the Appropriations Committee at once in the room on the left.

AFTER RECESS

The PRESIDENT. The time of recess having elapsed the Senate will be in order.

REPORTS FROM COMMITTEES

Mr. EDMONDS. Mr. President I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. EDMONDS. from the Committee on Appropriations reported as committed, Senate Bill No. 4, (House Bill No. 2) entitled:

An Act transferring money from the Motor License Fund to the General Fund and providing for the subsequent return from the General Fund of the transferred money.

Mr. MCGINNIS. Mr. President I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. MCGINNIS, from the Committee on Appropriations reported as committed, Senate Bill No. 7, (House Bill No. 3) entitled:

An Act transferring money from the State Insurance Fund to the General Fund and providing for the subsequent return from the General Fund of the transferred money.

Mr. CAVALCANTE. Mr. President I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. CAVALCANTE from the Committee on Appropriations reported as committed, Senate Bill No. 8, (House Bill No. 5) entitled:

An Act making a deficiency appropriation to the Department of Public Assistance for the purposes of carrying out the Public Assistance Law for the two fiscal years ending May thirty-first, one thousand nine hundred thirty-nine.

Mr. BARTLETT. Mr. President I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. BARTLETT from the Committee on Appropriations reported as committed, Senate Bill No. 5, (House Bill No. 2) entitled:

An Act transferring money from the Liquor License Fund to the General Fund and providing for the subsequent return from the General Fund of the transferred money.

Mr. STEVENSON. Mr. President I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. STEVENSON from the Committee on Appropriations reported as committed, Senate Bill No. 6, (House Bill No. 3) entitled:

An Act transferring money from the Liquid Fuels Tax Fund to the General Fund and providing for the subsequent return from the General Fund of the transferred money.

MOTION TO READ BILLS THE FIRST TIME

Mr. EALY. Mr. President, I move that the Senate do now proceed to the first reading of all bills reported from committees for the first time at today's session.

Mr. MALLERY. Mr. President, I second the motion. The motion was agreed to.

BILLS ON FIRST READING

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 4 (House Bill No. 1) entitled:

An Act transferring money from the Motor License Fund to the General Fund and providing for the subsequent return from the General Fund of the transferred money.

And said bill having been read at length the first time. Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 5, (House Bill No. 2) entitled:

An Act transferring money from the Liquor License Fund to the General Fund and providing for the subsequent return from the General Fund of the transferred money.

And said bill having been read at length the first time. Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 6, (House Bill No. 3), entitled:

An Act transferring money from the Liquid Fuels Tax Fund to the General Fund and providing for the subsequent return from the General Fund of the transferred money.

And said bill having been read at length the first time.
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 7, (House Bill No. 4), entitled:

An Act transferring money from the State Insurance Fund to the General Fund and providing for the subsequent return from the General Fund of the transferred money.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 8, (House Bill No. 5), entitled:

An Act making a deficiency appropriation to the Department of Public Assistance for the purposes of carrying out the Public Assistance Law for the two fiscal years ending May thirty-first, one thousand nine hundred thirty-nine.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

BILLS INTRODUCED

Mr. HALUSKA. Mr. President, I ask unanimous consent to introduce a bill at this time.

The PRESIDENT. Is there objections? The Chair hears none.

Mr. HALUSKA read in place and presented to the Chair Senate Bill No. 9, entitled:

An Act authorizing the Pennsylvania Game Commission to compensate farmers for planting and leaving unharvested certain crops for the feeding of deer.

Which was committed to the Committee on Forestry, Game and Fish.

Mr. REED. Mr. President, I ask unanimous consent to introduce a bill at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. REED read in place and presented to the Chair Senate Bill No. 10, entitled:

An Act to enable cities of the third class to adopt the city manager plan of government; providing the procedure for the adoption or discontinuance thereof; making suitable provisions for the conduct of city government thereunder and in connection therewith; imposing certain duties on mayors, city councils, county commissioners and election officers.

Which was committed to the Committee on Municipal Government.

Mr. RUTH. Mr. President, I ask unanimous consent to introduce a bill at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. RUTH read in place and presented to the Chair Senate Bill No. 11, entitled:

A Joint Resolution proposing an amendment to article eight of the Constitution of the Commonwealth of Pennsylvania by adding thereto section eighteen.

Which was committed to the Committee on Judiciary General.

Mr. WOLFENDEN. Mr. President, I ask unanimous consent to introduce a bill at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. WOLFENDEN read in place and presented to the Chair Senate Bill No. 12, entitled:

An Act for the prevention of congenital syphilis; providing for and regulating the taking of blood tests of women pregnant with child; and requiring notation thereof on the birth and stillbirth certificates of their children; imposing duties upon the Department of Health and upon physicians and other persons attending women pregnant with child; and imposing penalties.

Which was committed to the Committee on Public Health.

Also read in his place and presented to the Chair, Senate Bill No. 13, entitled:

An Act regulating the issuance of marriage licenses; prohibiting the issuance thereof to persons infected with syphilis in certain stages; requiring each applicant to produce certain evidence of their freedom from such disease; imposing duties upon the Department of Health and the clerk of the orphans' court of the various counties; and imposing penalties.

Which was committed to the Committee on Public Health.

OFFICERS AND EMPLOYEES OF SENATE

Mr. CHAPMAN. Mr. President, I ask unanimous consent to offer a resolution at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. CHAPMAN offered the following resolution which was twice read:

In the Senate, January 18, 1939.

Resolved, That the following persons be elected officers and employees of the Senate, as is provided for by Act of Assembly:

ASSISTANT CLERK

Edward B. Watson, Mechanicsville, Bucks County.

JOURNAL CLERK

Bennett F. Kiehl, Greensburg, Westmoreland County.

ASSISTANT JOURNAL CLERK

Arnold Thornburg, Pittsburgh, Allegheny County.

TRANSCRIBING CLERKS

Alex Port, Huntingdon, Huntingdon County.
Donald Lahler, Everett, Bedford County.
Peter J. Brennan, Kingston, Luzerne County.

SERGEANT-AT-ARMS

John Everett, Indiana, Indiana County.

CHIEF ASSISTANT SERGEANT-AT-ARMS

Edward J. Russell, Jr., Oxford, Chester County.

ASSISTANT SERGEANTS-AT-ARMS

G. Wertz, Jr., Forest City, Susquehanna County.
 Paul Fike, Confluence, Somerset County.
 John William Gabriel, Columbia, Lancaster County.
 John K. Jones, Sunbury, Northumberland County.
 Frank C. Thompson, Harrisburg, Dauphin County.
 John J. Nahrgang, Philadelphia, Philadelphia County.
 Warren Klinger, Pottsville, Schuylkill County.
 Earl M. Ferguson, Flemington, Clinton County.

CUSTODIAN, WASH ROOM

Ralph Earley, Harrisburg, Dauphin County.

POSTMASTER

Arthur Bradford, Bryn Mawr.

SUPERINTENDENT, FOLDING ROOM

Howard Frey, Collingdale, Delaware County.

PASTERS AND FOLDERS

William Logan, N. Versailles Twp., Allegheny County.
 James Murtha, Allegheny County.
 Lewis Israel, Philadelphia, Philadelphia County.
 Marcus C. Lanius, Spring Grove, York County.

CHAPLAIN

Rev. Burley A. Peters, Altoona, Blair County.

DAY WATCHMAN

Alex C. Davy, Philadelphia, Philadelphia County.

CLERKS TO COMMITTEES

William Ingersol, Brookville, Jefferson County.
 James Phillips, Sunbury, Northumberland County.
 Ben B. Bastain, Wellsboro, Tioga County.
 Edward O. Hall, West Chester, Chester County.
 Malcolm Osman, Sayre, Bradford County.
 Charles Miller, Philadelphia, Philadelphia County.
 Elizabeth Patz, Millvale, Allegheny County.
 J. Paul Templeton, Lancaster, Lancaster County.
 Fred Speaker, Williamsport, Lycoming County.
 Loretta Ziegler, Buck Hill Falls, Monroe County.

CUSTODIAN SENATE CHAMBER

William R. Scott, Harrisburg, Dauphin County.

CUSTODIANS, COMMITTEE ROOMS

Tad Shields, Lawrence County.
 Michael Muller, Sharon, Mercer County.

CUSTODIAN, BASEMENT

Roy Peterson, Sheffield, Warren County.

PAGES

Oliver Jackson, Harrisburg, Dauphin County.
 Edward Stauffer, Harrisburg, Dauphin County.
 Clarence Fordy, Harrisburg, Dauphin County.
 Paul Giveler, Harrisburg, Dauphin County.
 Jacob Shenk, Harrisburg, Dauphin County.
 Mark Gruell, Harrisburg, Dauphin County.
 Christian Shearer, Hummelstown, Dauphin County.
 James Parsons, Harrisburg, Dauphin County.
 Herbert Eynon, Harrisburg, Dauphin County.
 George Banks, Harrisburg, Dauphin County.
 Robert Evans, Williamstown, Dauphin County.
 Myron Nutt, Lykens, Dauphin County.
 Harold Beadle, Wisconsin, Dauphin County.
 Theodore Snyder, Elizabethtown, Dauphin County.

On the question,

Will the Senate agree to the resolution?

The yeas and nays were required by Mr. Ruth and were as follows, viz:

YEAS—25

Bartlett.	Farrell.	Letzler.	Snowden
Chapman.	Gelder.	Mallery.	Stevenson.
Crowe.	Geltz.	Miller.	Tallman.
Deitrick.	Homsher.	Owlett.	Thomas.
Ealy.	James.	Pierson.	Walker.
Edmonds	Lanius.	Scarlett.	Wolfenden.
Eroe.			

NAYS—9

Cavalcante.	Kunkel.	McGinnis.	Ruth.
Coleman.	McCreesh.	Reed.	Sipe.
Haluska.			

So the question was determined in the affirmative.

RESOLUTION

Thanking Judge James and Judge Millar for their services in qualifying the Lieutenant-Governor and the officers of Senate—

Mr. WOLFENDEN. Mr. President, I ask unanimous consent to offer a resolution at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. WOLFENDEN, offered the following resolution which was twice read, considered and agreed to:

In the Senate of Pennsylvania, January 18, 1939.

Resolved, That the members of the Senate hereby extend their thanks to the Honorable Arthur H. James for his services in administering the oath of office to Samuel S. Lewis, Lieutenant Governor of Pennsylvania, and to the Honorable Albert S. C. Miller for his services in administering the oath of office to the Secretary of the Senate, the Chief Clerk of the Senate, and the Senate Librarian.

The President: The Chief Clerk has an announcement to make at this time.

APPOINTMENTS OF CHIEF CLERK

The Chief Clerk announces the following appointments:

APPOINTMENTS BY CHIEF CLERK

FILING CLERKS

L. Shimer Serfoss, Easton, Northampton County.
 B. Frederick Bohner, Allentown, Lehigh County.

OFFICIAL REPORTER

William H. Martin, Philadelphia, Philadelphia County

EXPERT TYPEWRITER

Dorothy R. Silvius, Lancaster, Lancaster County.

COPYHOLDERS

Arthur W. Briggs, Shinglehouse, Potter County.
 Harry E. Earp, Harrisburg, Dauphin County.
 Mildred Runkle, Penbrook, Dauphin County.

PROOF READERS

Harry C. McDade, Henryville, Monroe County.
 James L. Adams, Philipsburg, Centre County.
 William R. Brackbill, Lancaster, Lancaster County.

ASSISTANT CUSTODIANS, SENATE CHAMBER

Edna Hogans, Harrisburg, Dauphin County.
 Sam Quann, Harrisburg, Dauphin County.

SUPERINTENDENT, STORE ROOMS

Webb Allen, Oil City, Venango County.

STENOGRAPHERS

Mrs. Valeria Hollern, Harrisburg, Dauphin County.
Miss Henrietta Jenkins, Harrisburg, Dauphin County.

ADJOURNMENT

Mr. OWLETT. Mr. President, I move that the Senate

do now adjourn until Monday, January 23, 1939 at 9:00 o'clock, P. M.

Mr. MALLERY. Mr. President, I second the motion.

The motion was agreed to.

The Senate adjourned at 5:39 o'clock, P. M., until Monday, January 23, 1939, at 9:00 o'clock, P. M.

Legislative Journal.

Session 1939.

133d of the General Assembly.

Vol. 23

HARRISBURG, PA., MONDAY, JANUARY 23, 1939.

No. 6.

SENATE

MONDAY, January 23, 1939

The Senate met at 9:00 o'clock P. M.

The PRESIDENT (Lieutenant-Governor Samuel S. Lewis) in the Chair.

PRAYER

The Chaplain. Rev. Burleigh A. Peters, Pastor of the Grace Lutheran Church, Altoona, offered the following prayer:

Almighty God, our Heavenly Father, we thank Thee for life, health and strength. We thank Thee this evening for our beautiful heritage, that is the great Commonwealth of Pennsylvania.

We are not unmindful of those who labored in other days, that we have entered into their labor. We pause in Thy holy and sacred presence for we remember that Thou hast wisdom, knowledge and understanding. We beseech Thee to give unto each one of us here that insight into the Legislative inactment which shall rightfully come to this honorable body. We pray before Thee constantly to remember that we are Thy creatures and that we receive from Thee the right and prosperity of our fathers, so that we must take to Thee our stewardship and so that we must give our counting unto Thee on the last great day.

May Thy spirit be in our hearts, giving us an insight and especially, O God, to the President of the United States, the Governor of this Commonwealth and upon all who are in authority over us. Give them Thine own divine guidance so that whatever they may do, may be in accordance with Thy Holy will and suffer us to come unto Thee, drinking from the fountains of loving knowledge and that we may do which is right, noble, honorable and just in Thy sight for we pray in Thy Holy blessed name. Amen.

JOURNAL APPROVED

The PRESIDENT. A quorum of the Senate being present, the Clerk will read the Journal of the preceding session.

The clerk proceeded to read the Journal of the preceding session.

Mr. OWLETT. Mr. President, I move that the further reading of the Journal be dispensed with and the Journal be approved.

Mr. MALLERY. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

The yeas and nays were required by Mr. Shapiro and were as follows, viz:

YEAS—25.

Bartlett,
Chapman,
Crowe,
Deitrick,
Ealy,
Edmonds,
Eroe,

Fairrell,
Gelder,
Geltz,
Heyburn,
Homsher,
James.

Letzler,
Mallery,
Miller,
Owlett,
Pierson,
Scarlett.

Snowden,
Stevenson,
Tallman,
Thomas,
Walker,
Wolfenden.

NAYS—20.

Cavalcante,
Coleman,
Disilvestro,
Frey,
Gilson.

Haluska,
Jacobs,
Japan,
Kilgallen,
Kunkel.

Levin,
McCreesh,
McGinnis,
Mundy,
Reed.

Rice,
Ruth,
Shapiro,
Sipe,
Stiefel.

So the question was determined in the affirmative.

LEAVE OF ABSENCE

Mr. CAVALCANTE. Mr. President, I ask leave of absence for my colleague, Senator Henney.

Mr. OWLETT. Mr. President, I move that the request of the Senator from Fayette, Mr. Cavalcante be laid upon the table.

Mr. CAVALCANTE. Mr. President, will the gentleman from Tioga state his reason why?

Mr. OWLETT. Mr. President, I make that motion, because my understanding is that Mr. Henney is not a member of the Senate. He has already resigned his seat.

Mr. REED. Mr. President, the case involving the right of Dr. Henney to sit in this Senate has created such widespread public interest that I deem it my duty—

POINT OF ORDER

Mr. OWLETT. Mr. President, I rise to a point of order. The PRESIDENT. Will the Senator from Tioga, Mr. Owlett state his point of order.

Mr. OWLETT. Mr. President, the motion to lay on the table is not debatable.

The PRESIDENT. The point of order is well taken.

QUESTION OF PERSONAL PRIVILEGE

Mr. REED. Mr. President, I rise to a question of personal privilege.

POINT OF ORDER

Mr. OWLETT. Mr. President, I rise to a point of order. The PRESIDENT. The Senator from Tioga, Mr. Owlett will state his point of order.

Mr. OWLETT. Mr. President, there is nothing in order but the call of the roll.

The PRESIDENT. The point of order is well taken.

The yeas and nays were required by Mr. Cavalcante and were as follows, viz:

YEAS—24.

Bartlett,
Chapman,
Crowe,
Deitrick,
Ealy,
Edmonds.

Farrell,
Gelder,
Geltz,
Heyburn,
Hornsher,
James,

Letzler,
Mallery,
Miller,
Owlett,
Pierson,
Scarlett,

Snowden,
Stevenson,
Tallman,
Thomas,
Walker,
Wolfenden,

NAYS—23.

Cavalcante,
Coleman,
Dent,
DiSilvestro,
Eroe,
Frey,

Gilson,
Haluska,
Jacobs,
Jaspan,
Kilgallen,
Kunkel,

Lanius,
Levin,
McCreesh,
McGinnis,
Mundy,
Reed,

Rice,
Ruth,
Shapiro,
Sipe,
Stiefel,

So the question was determined in the affirmative.

QUESTION OF PERSONAL PRIVILEGE

Mr. REED. Mr. President, I rise to a question of personal privilege.

The PRESIDENT. The Senator from Washington, Mr. Reed will state his question of personal privilege.

Mr. REED, Mr. President:

The case involving the right of Dr. Henney to sit in this Senate has created such widespread public interest that I deem it my duty to present my views thereon for your consideration.

It is not my purpose to defend Dr. Henney for holding two public offices. It might be said, however, in deference to a man of his high standing that such a situation indicates at least that he is popular with the electors of his county and district. My position has always been against any person holding two major, public offices at the same time, because I believe that the required standard of efficiency cannot be obtained under such circumstances. Some years ago I followed with keen interest the case of Senator Mansfield when he was elected County Commissioner of Allegheny County. When my friend Senator Rankin was elected County Commissioner of Allegheny County, my advice to him was against holding both. Similar advice did I offer my friend Walter Carson of Washington County when he ran for Prothonotary while yet a member of our House of Representatives.

Nor do I enter this discussion in an attempt to sway the balance of power to this side of the Chamber. The departure of Senator Heyburn and Senator Eroe from their original course has rendered such a policy fruitless. And advancing further into this subject, I might say that it is best if the administration in power controls the Assembly providing such control is acquired by popular assent and in a rightful and lawful manner; then responsibility can be fixed and criticism properly directed.

I repeat, I do not defend dual office holding; I do not court or entice political power. For the good of the American Cause, I propose to discuss the time and manner, the ways and means, of the Henney case.

In 1936 Dr. Henney was elected to a seat in this Senate over an opponent whose popularity reached to every corner of the state. In 1937 Dr. Henney was elected to the office of Coroner in Allegheny County over a well known competitor who had administered the office for years.

No one challenged his right to hold these offices until after the general election of 1938, for everyone in his County of Allegheny was familiar with the opinion in the Mansfield case. After the fall election of 1938, it became

apparent that the balance of power in the State Senate was slight. It was then that a legal proceeding was instituted for the first time against him. I say frankly if his right to hold these two public offices had been challenged a year before, or after the general election of 1937, little if any criticism could have been offered. But when we take his case and consider it in connection with the allegations made by Senator Sipe and Senator Gilson on the floor of this Senate, charging fraudulent inducements, then I say to you that his removal was sought as a part of the plan to control the activities of this Senate. The Supreme Court of Pennsylvania took original jurisdiction of the cause. It came up in Philadelphia for argument and determination. It is reported that Senator Henney said he would obey the mandate of the Court. Other reports were current at the time to the effect that the decision of the Court was that Senator Henney must resign his seat in the Senate by a certain day and hour.

Then last week from the floor of this Senate, an able Senator and good lawyer from Allegheny County made the amazing declaration that no written court opinion or order had ever been delivered in the Henney case. If there is no written decision, what is the status of the cause? Some say it is up to this Senate to judge this cause. Others say the Court can determine the question of the incompatibility of the dual offices. Others say the court has the power to cause the official to make his selection. With these, and other divergent views, how can this Senate justly act without a written decision from the Court? Until we have such a written decision, we must follow the legal course already mapped out for us.

The Constitution of Pennsylvania, Article II, Section 9, provides:

"Each House shall choose its other officers, and shall judge of the election and qualifications of its members."

In McNeil's Contested Election, reported in 111 Pa. 235, the Supreme Court, through Chief Justice Mercur, said:

"Art. II, Sec. 9, of the Constitution of 1874 declares, 'Each House shall judge of the election and qualification of its members.'"

"Art. VIII, Sec. 17, provides that 'the trial and determination of contested elections of members of the General Assembly, and other officers therein named, shall be by the courts of law, or by one or more of the law judges thereof, and that the General Assembly should by general law designate the courts and judges by whom the several classes of election contests shall be tried, and regulate the manner of trial and all matters incident thereto.'"

"A careful reading of this Section 17 shows that its purpose is not to take from each House the power to judge of the election and qualifications of its members, given by Sec. 9 cited."

Judge Hargest of the Dauphin County Court, in 1922, in the case of Robert's Petition, reported in 2 District and County Reports, page 236, quoted with approval from the decision in the case of McNeil's Contested Election, by saying, "A careful reading of this Section 17 shows that its purpose is not to take from each House the power to judge of the election and qualifications of its members given by Section 9 cited."

The whole matter is ably reviewed in the Mansfield Case by that great lawyer, William A. Schnader, acting

at the time as Attorney General of this Commonwealth, and because of the importance of the question involved, I desire to read his entire opinion and decision.

"This is a petition calling upon the Attorney General to institute a writ of quo warranto against Honorable William D. Mansfield, a member of the State Senate.

The facts upon which the petition is based are as follows:

On November 3, 1931, while holding the office of State Senator, Mr. Mansfield was elected a County Commissioner of Allegheny County. His term as Senator will not expire until November 30, 1934. At the present time he is holding both offices.

It is alleged that these offices are incompatible and that the respondent is disqualified to continue to hold the office of State Senator.

The petitioner admits that the Constitution of Pennsylvania does not render incompatible the offices of Senator and County Commissioner, and that there is no statutory provision forbidding a county commissioner to hold office as a State Senator, but contends that notwithstanding the silence of the Constitution and the statutory law, there is a common-law incompatibility between the offices of county commissioner and State Senator.

The petitioner does not furnish any authorities whatever to support his argument that there is a common-law incompatibility.

The respondent relies principally upon the proposition that the question of the qualification of a member of the Senate to continue to hold office as such is exclusively for the Senate, and is not a matter for judicial determination. He also denies that there is any incompatibility between the offices of county commissioner and State Senator and points to the fact that in *COMMONWEALTH v. JOYCE*, 291 Pa. 82 (1937), the Supreme Court of Pennsylvania expressly held that it was not incompatible for a poor director at the same time to be a member of the State Senate.

Article II, Section 5 of the Constitution specifically provides what the qualifications of Senators and Representatives shall be.

Sections 6 and 7 of the same article deal with "disqualifications." The first of these is that:

"No Senator or Representative shall, during the time for which he shall have been elected, be appointed to any civil office under this Commonwealth, and no member of Congress or other person holding any office (except of attorney-at-law or in the militia) under the United States or this Commonwealth shall be a member of either House during his continuance in office."

COMMONWEALTH v. JOYCE, already cited, was an interpretation by the Supreme Court of the Act of May 5, 1874, P. L. 186, in which the Legislature quoted verbatim the language of Article II, Section 6 of the Constitution. The Supreme Court said at page 84:

"The interdiction of the statute is not against holding any office, or any public office, or any office of profit, but against being appointed to any civil office under this Commonwealth or holding any other office of profit under this State. The legislature, therefore, confined to State offices the offices which might not be held; had it desired to exclude the holding of any other office it would have been easy to say so * * * ."

This is a statement by the highest court of this State

that the Constitution itself does not forbid a county office holder from serving at the same time as a State Senator.

We are of the opinion that the common law does not cover this field, and that unless the Constitution or an act of the Legislature prohibits a county commissioner from serving as a State Senator, he may do so.

In any event, there can be no doubt that under Article II, Section 9, of the Constitution only the Senate can determine whether one of its members is disqualified to continue to serve as such. That section provides that:

"* * * Each House * * * shall judge of the election and qualification of its members."

If the Senate is the judge of the election and qualifications of its members, necessarily that body is the judge of the disqualifications of its members; and the Constitution having conferred this authority upon the Senate, it is removed from the sphere of judicial determination.

Upon this point there is no direct Pennsylvania authority, but the authorities of other states interpreting almost identical sections of their respective constitutions universally hold that the courts do not have jurisdiction to pass upon qualifications of members of the Legislature.

In passing, we refer to the decision of our own Supreme Court in *COMMONWEALTH v. CROW*, 218 Pa. 234 (1907).

That was a writ of quo warranto issued against the late William E. Crow, challenging his right to hold the office of State Senator on the ground that the Act of February 17, 1906, P. L. 31, constituting the County of Fayette the Thirty-second Senatorial District, was unconstitutional and void, and alleging that, because of the unconstitutionality of the act, Senator Crow did not rightfully hold the office to which he had been elected and in which he was then serving.

The writ was quashed because it was brought on the relation of a private citizen, and not on the relation of the Attorney General.

In rendering its decision, the Supreme Court said at page 236:

"* * * Even a judgment of ouster against the respondent would not give the office to the relator, for his own qualifications and the regularity and validity of his election would still be subject to the investigation and judgment of the Senate, which is the ultimate and supreme tribunal on these matters."

STAE v. TOMLINSON, 20 Kansas 692 (1878), was an action prosecuted by the State, on the relation of the Attorney General, to try the title of a member of the House of Representatives to his seat and to oust him from office. The member, upon the convening of the Legislature, had been adjudged by the House to be entitled to a seat in that body and to continue to act as such. It was held that the court had no jurisdiction to determine the question, as the power "to judge of the elections, returns, and qualifications of its own members" was vested in each House and could not even by its own consent or by legislative action be vested in any other tribunal or officer. It was further held that the power to judge of the qualifications of its members continued "during the entire term of office."

Chief Justice Horton, speaking for the unanimous court, very pertinently said:

"Within certain constitutional restrictions, the executive, legislative, and judicial powers of the state, are independent and supreme; and neither has the right to enter upon the exclusive domain of the other. We should be passing beyond the limits of our own power to judge of the election or qualifications of a member of the legislature; and as the constitution has expressly confided this power to another body, we must leave it where it has been deposited by the fundamental law * * *."

A similar conclusion was reached by the Supreme Court of Minnesota in *O'FERRAL v. COLBY*, 2 Minnesota 180 (1858).

PEOPLE v. MAHANEY, 1 Michigan 481 (1865), was a case in which the Supreme Court of Michigan held that each House of the Legislature was the exclusive judge of the qualifications, elections, and returns of its members and that decisions of legislative bodies upon such questions are conclusive, and not subject to review by the courts.

In *HISS v. BARTLETT*, 3 Gray 468 (1855), the Supreme Judicial Court of Massachusetts held that the court could not review the reasons for expulsion of a member of the House of Representatives, that being an exclusive question for the Legislature, and not for the courts; and in *DINAN v. SWIG*, 223 Massachusetts 516 (1916), the same court held that the power to pass upon the election and qualifications of its own members is vested exclusively in each branch of the Legislature:

"* * * The grant of power is comprehensive, full and complete. It is necessarily exclusive, for the Constitution contains no words permitting either branch of the Legislature to delegate or share that power. It must remain where the sovereign authority of the State has placed it. * * *"

In view of the fact that the Senate of Pennsylvania is the exclusive judge of the qualifications and disqualifications of its own members, it would serve no useful purpose to allow the petition now pending or to institute in the name of the Commonwealth, at the relation of the Attorney General, quo warranto proceedings against Senator Mansfield. Only the Senate can inquire into and pass upon Senator Mansfield's right to continue to hold office as one of its members.

For these reasons the petition is denied."

This is the law unless more recent rulings have changed it.

There seems to be no writings of any kind bearing on this case before this Senate. If Senator Henney tendered a writing in the form of a resignation, believing at the time he was following out the order of the Supreme Court, and it later developed there was no such written order in existence, how could this Senate justly and rightly expel him? The Supreme Court of Pennsylvania is a Court of Record. To call it Supreme does not mean that it exercises complete control and dominance over all three departments of our government, Executive, Judicial, and Legislative. True, it is Supreme in its own judicial sphere, but the Executive and Legislative branches are likewise independent and supreme in their respective spheres.

In the Regular Session of 1937, I spoke in this Senate on the danger of executive encroachment. In the Special Summer Session of 1938, my friend and colleague from Fayette, Senator Cavalcante, and I opposed with our votes

and otherwise an attempt to change certain Constitutional legal procedure by legislative enactment.

Tonight, I repeat that our democratic form of government owes its existence to the independent operation of the executive, judicial and legislative branches, and this salutary practice must continue without restriction or encroachment, if our present form of popular government is to survive.

I have no intention or desire to injure or defame our judicial system. For more than twenty years I have practiced actively in the courts of this Commonwealth, and during all of this time I have rendered unto them the highest honor and respect within my power. On the contrary, I strive sincerely for their preservation. I stand here tonight pleading for their continuance. I am an American citizen keenly interested in the welfare of my Country and my State. As such, I declare tonight to you that our government and its several agencies will not be destroyed by the forces from without; I say to you, that our judicial system will not be demolished by the agitator and the cynic, formidable as their assaults might be; nor will it be broken down by those who would attack it from without. Its end will come through the conduct of those within. We know that human nature in its weakness will accept the smooth and feathery path of ease, rather than the rough and narrow road of virtue. Strong men we must have, inspired by a sacred sense of duty, and in these critical times, when our Courts are the subject of such intense public scrutiny, it is the duty of those in charge to be most careful, most discreet, most unselfish, most impartial, most just and equitable, and most courageous; for in their conduct rests the preservation of our judicial system and in turn the salvation of the Republic.

QUESTION OF PERSONAL PRIVILEGE

Mr. WALKER. Mr. President, I rise to a question of personal privilege.

The PRESIDENT. The Senator from Allegheny, Mr. Walker will state his question of personal privilege.

Mr. WALKER. Mr. President, last week in the course of my mail I received a letter from John C. Morlock, former Secretary of the Senate and one from Dennis J. Mulvihill, former Chief Clerk of the Senate. Mr. Morlock said the following: "Should you desire to consult me about anything, I shall be at your service." And from Mr. Mulvihill, in the second paragraph of his letter, he said, "If you should ever have occasion to require of me anything with relation to the Senate business or any other matters, I assure you, you may readily call upon me."

Accepting those invitations, I immediately wrote to both of these gentlemen explaining how they could serve me, and I asked them both what had become of the resignation tendered to this Senate by Senator Henney. Inasmuch as I represent a large portion of Allegheny County, I called upon Dr. Henney to find out first hand, his status in the Senate. I was advised by Senator Henney that he had tendered his resignation, that he had delivered it to the Prothonotary of the Supreme Court, that he was no longer a member of this body, that he had resigned and he resented very much being drawn back into these circumstances. In due homage and in all respect to the wishes of the man most deeply involved, Senator Henney, I think that we should accept that resignation. I feel that his

fellow citizens respect his wishes and I think that we should respect them too.

QUESTION OF PERSONAL PRIVILEGE

Mr. SHAPIRO. Mr. President, I rise to a question of personal privilege.

The PRESIDENT. The Senator from Philadelphia, Mr. Shapiro will state his question of personal privilege.

Mr. SHAPIRO. Mr. President, I did not expect to get into this scrap, but I do think from what the gentleman who just spoke said that the only one most concerned about this resignation is Senator Henney. I want to record myself as objecting to that and saying that I don't agree to that at all. We think Senator Henney was elected to the Senate by the people of Pennsylvania to serve in the Senate for four years before he was elected to the office of Coroner. I am quite sure when he was elected that if the people of his district were to make the choice they would have said, stay where you were sent by the people. As a citizen of the Commonwealth of Pennsylvania, I object to a man who holds two jobs, one of which is more important to him financially that he will give up another one because it will cause him less inconvenience to give it up. Senator Henney did not have as much to say about this as the Commonwealth of Pennsylvania and the colleagues who were sent here, so I disagree with the gentleman who has spoken. Senator Henney had less to do with it than any of us or the people. I say Senator Henney's obligation was not to himself but to the people who had elected him. I would much prefer to attend to my practice in Philadelphia where I have a very important case coming up. I understand that on the Calendar there are questions of relief which involve the safety of women and children from our districts, many of whom have sent me here. I am here because I feel that it is my duty to serve them whether it is a little more convenient or whether it is not.

QUESTION OF PERSONAL PRIVILEGE

Mr. CAVALCANTE. Mr. President, I rise to a question of personal privilege.

The PRESIDENT. The Senator from Fayette, Mr. Cavalcante, will state his question of personal privilege.

Mr. CAVALCANTE. Mr. President, I would like to ask the gentlemen from Lawrence, Senator Chapman, if he will permit himself to be interrogated?

Mr. CHAPMAN. Mr. President, I will.

Mr. CAVALCANTE. Mr. President, there has been information brought to my attention that during the career of the gentleman from Lawrence, our State Senator at one time he also served as coroner of his county. I would like to ask the gentleman from Lawrence whether that is true?

Mr. CHAPMAN. Mr. President, I served as Burgess of the Borough of Lawrence.

Mr. CAVALCANTE. Mr. President, I wish at this time to yield the floor to the gentleman from Allegheny, Mr. McGinnis.

Mr. MCGINNIS. Mr. President, I had a conference last Saturday with Senator Henney and his lawyer; and both of them advised me that Senator Henney's resignation was tendered to the Supreme Court through a misapprehension, that Senator Henney was given notice that he had only one day, twenty-four hours, or until ten o'clock the next day to present his resignation.

He got on the train and went to Philadelphia. He went before the Chief Justice. It was just then 15 minutes to ten and he said to the Chief Justice, "It seems to me I ought to have a little more time to consult my lawyer and my friends" and he said Chief Justice Kephart pulled out his watch and said, "You have 15 minutes to resign." Senator Henney then said, "Isn't there some order, won't you give me some opinion" and Justice Kephart said, "You heard what I said." Under those circumstances he thought it was the proper thing to present his resignation which he did.

On January 3rd, about 10:00 o'clock in the morning Mr. Henney's attorney John O'Connell, advised me last Saturday, he was called by the Prothonotary of the Supreme Court of Philadelphia and he said, "We are giving notice to you from the Supreme Court that it is your duty as a lawyer appearing in this case and as the arm of this court to notify Senator Henney that if he appears in the Senate of Pennsylvania today, we will judge him in contempt of court and if you do not get this information to Senator Henney you may be adjudged in contempt of court because you are the attorney in this case and the arm of this court."

Mr. President, it seems that under these circumstances if that just was not quite the proper way to protest the eligibility or the incompatibility of the offices of coroner and State Senator and whether it was the right way or not, it seems to me that Senator Henney should have the right to appear in this Senate. It is his duty to appear in this Senate and get the permission of this Senate to accept his resignation and his resignation directed to this Senate and not detoured around through the Supreme Court and then through the Sheriff of Philadelphia County into this body which was then not received by our President, which is not the legal and proper way to test his right to his seat in this Senate.

LEAVE OF ABSENCE

The PRESIDENT. The Secretary has received the following telegram which the Clerk will read:

POSTAL TELEGRAPH

RXG46 28/30 DL UX-BR OKLAHOMA CITY OKLA 23 1140A 1939 JAN 23 PM 1 31
GEO HOLMES—

SECRETARY OF SENATE HARRISBURG PENN—
SENT FOLLOWING TELEGRAM TO SECRETARY OF
SENATE JANUARY 17 UNAVOIDABLY ABSENT ASK
AN INDEFINITE LEAVE OF ABSENCE STOP AM ANX-
IOUS TO KNOW IF SAME WAS PRESENTED STOP
PLEASE ADVISE POSTAL TELEGRAPH—

SENATOR JOSEPH P. DANDO.

Mr. SHAPIRO. Mr. President, I move that the gentleman be advised, at the address given, that it was presented.

The PRESIDENT. Is there any objection to granting Leave of Absence.

Mr. SHAPIRO. Mr. President, I object.

QUESTION OF PERSONAL PRIVILEGE

Mr. MUNDY. Mr. President, I rise to a question of personal privilege.

The PRESIDENT. The Senator from Luzerne, Dr. Mundy will state his question of personal privilege.

Mr. MUNDY. Mr. President, may I rise at this time to corroborate the statement made by the gentleman from Allegheny, Mr. McGinnis.

I, too, have talked to Dr. Henney relative to the matter of appearing here on the Senate floor and he told me that it was his desire to remain a member of this Senate but that as a good, American, law abiding citizen he was afraid he would be adjudged in contempt of the Supreme Court of Pennsylvania. He told me of the instance of having been called down to the Supreme Court, given a brief time to make a choice in this matter. I say, too, in joining the Senator from Allegheny, Mr. McGinnis, that we have to go back just a little bit to realize that when most of us were young and growing up we had a profound respect for the Federal court and Federal officers, but the entrance of the prohibition era brought us in close contact with Federal agencies and Federal courts and I am sorry to say in most of us, a great many of us, it has the close proximity and the closest study of some of these agencies have left a feeling of somewhat contempt for many of them. And I say, too, that if any court, and I say this not as a practitioner of law and without any reservation, that if courts wish to command the respect of the people of Pennsylvania, their conduct should be so that they should deserve that respect. When officials in public life whether they be officials of government or officials of the court because from legal status and from fixed principles I am afraid that they will force some of us to give to them the respect which is due them. I repeat and join with the Senator from Allegheny in saying that when the bulwark of the American government loses the respect of the American people then we have the first seed planted for the dissolution of all government.

PETITIONS AND REMONSTRANCES

The Chair cleared his table and laid before the Senate communication from the Council of the City of Sharon requesting enactment of laws to return gasoline tax monies to cities of the Third Class.

The report of the Western Savings Fund Society forwarded to the Senate by J. Arnaulti, Vice President and Treasurer.

Report of the Philadelphia Savings Fund Society for the year ending 1938.

(Ordered that the reports be printed in the Appendix to the Legislative Journal)

NOMINATIONS BY THE GOVERNOR

NOTARIES PUBLIC

The Secretary to the Governor being introduced presented in writing from His Excellency, the Governor of the Commonwealth, nominations for appointment as Notaries Public which were laid on the table.

BILLS INTRODUCED

Mr. RUTH read in his place and presented to the Chair Senate Bill No. 14, entitled:

An act to establish as a State highway a certain section of public road in the county of Berks; and providing for its construction and maintenance at the expense of the Commonwealth.

Which was committed to the Committee on Highways.

He also read in his place and presented to the Chair Senate Bill No. 15, entitled:

An act to establish as a State highway a certain section of public road in the county of Berks; and providing for

its construction and maintenance at the expense of the Commonwealth.

Which was committed to the Committee on Highways.

Mr. FARRELL read in his place and presented to the Chair Senate Bill No. 16, entitled:

An act to amend section one as amended of the act approved the third day of June, one thousand nine hundred and nineteen (P. L. 370) entitled "An act to fix the number and salaries of assistant district attorneys in counties of this Commonwealth having over one million five hundred thousand inhabitants, and prescribing the powers and duties of said assistant district attorneys" by increasing the number and fixing the salaries of the assistant district attorneys thereof.

Which was committed to the Committee on Judiciary General.

Mr. KUNKEL read in his place and presented to the Chair Senate Bill No. 17, entitled:

An act making an appropriation to Dauphin County for defraying expenses incurred by Dauphin County in conducting the Grand Jury investigation of certain officers of the Commonwealth.

Which was committed to the Committee on Appropriations.

Mr. MCGINNIS read in his place and presented to the Chair Senate Bill No. 18, entitled:

A Joint Resolution proposing an amendment to article four, section twenty-one of the Constitution of the Commonwealth of Pennsylvania.

Which was committed to the Committee on Judiciary General.

Mr. MCGINNIS read in his place and presented to the Chair Senate Bill No. 19, entitled:

A Joint Resolution proposing an amendment to section eight, article four of the Constitution of the Commonwealth of Pennsylvania.

Which was committed to the Committee on Judiciary General.

Mr. STIEFEL read in his place and presented to the Chair Senate Bill No. 20, entitled:

An act making an appropriation to the North-Western General Hospital, Philadelphia, Pennsylvania.

Which was committed to the Committee on Appropriations.

He also read in his place and presented to the Chair Senate Bill No. 21, entitled:

An act making an appropriation to the Temple University Hospital, Philadelphia, Pennsylvania.

Which was committed to the Committee on Appropriations.

Mr. REED read in his place and presented to the Chair Senate Bill No. 22, entitled:

An act to prohibit the sale, offering or exposing for sale of fireworks; defining fireworks and authorizing cities, boroughs, towns and townships to regulate the manner of using fireworks therein and providing penalties.

Which was committed to the Committee on Judiciary Special.

Mr. HALUSKA read in his place and presented to the Chair Senate Bill No. 23, entitled:

An act to protect the public safety by prohibiting the operation by common carriers and contract carriers of commercial motor vehicles on public highways, between six o'clock post meridian Saturday, and six o'clock ante meridian Monday following; and imposing penalties.

Which was committed to the Committee on Highways.

He also read in his place and presented to the Chair Senate Bill No. 24, entitled:

An act to add section six A to, and further amend section nineteen of the act approved the third day of May, one thousand nine hundred and thirty-three (P. L. 252), entitled as amended "An act to regulate and restrain the traffic in malt and brewed beverages, as herein defined; providing for the licensing of the manufacture, transportation, sale and distribution of such beverages; imposing license and permit fees, and providing for collection and distribution thereof; restricting ownership and interest in licensed places; permitting municipalities and townships, by vote of the electors, to prevent the licensing consumption on the premises, and regulating elections for therein of places where such beverages may be sold for this purpose; imposing duties upon the Pennsylvania Liquor Control Board, quarter sessions courts, district attorneys, the Department of Justice, proper authorities of political subdivisions of the State, and election officers; providing penalties; and repealing existing acts," by providing for the issuance of outing licenses for outings and picnics to nonprofit clubs, associations and groups.

Which was committed to the Committee on Law and Order.

Mr. LANIUS read in his place and presented to the Chair Senate Bill No. 25, entitled:

An act extending the time for presentation for payment of unemployment relief orders cancelled for non-presentation within the prescribed time.

Which was committed to the Committee on Welfare, Public Assistance and Pensions.

QUESTION OF PERSONAL PRIVILEGE

Mr. OWLETT. Mr. President, I rise to a question of Special Privilege.

The PRESIDENT. The Senator from Tioga, Mr. Owlett, will state his question of Special Privilege.

Mr. OWLETT. I ask leave to have the following communication entered upon the Journal.

To the Honorable The Senate of the Commonwealth of Pennsylvania:

I certify that in accordance with the provisions of Section 1, Article VII, of the Constitution of Pennsylvania, to wit:

"Senators and Representatives and all judicial, State and county officers shall, before entering on the duties of their respective offices, take and subscribe the following oath of affirmation: 'I do solemnly swear (or affirm) that I will support, obey and defend the Constitution of the United States, and the Constitution of this Commonwealth, and that I will discharge the duties of my office with fidelity; that I have not paid or contributed, or promised to pay or contribute, either directly or indirectly, any money or other valuable thing, to procure my nomination or election (or appointment), except for necessary and

proper expenses expressly authorized by law; that I have not knowingly violated any election law of this Commonwealth, or procured it to be done by others in my behalf; that I will not knowingly receive, directly or indirectly, any money or other valuable thing for the performance or non-performance of any act or duty pertaining to my office, other than the compensation allowed by law'."

Within one minute after the Honorable Herbert S. Levin was sworn as a member of the Senate on Tuesday, January 3, 1939, I administered the oath to the following members-elect of the Senate of the Commonwealth of Pennsylvania, in the hall of the Senate, namely:

George Woodward—Sixth District.
Louis H. Farrell—Eighth District.
Howard I. James—Tenth District.
Franklin Spencer Edmonds—Twelfth District.
Montgomery F. Crowe—Fourteenth District.
Oscar Jacob Tallman—Sixteenth District.
Charles A. P. Bartlett—Eighteenth District.
Robert M. Miller—Twentieth District.
John G. Snowden—Twenty-fourth District.
George B. Stevenson—Twenty-sixth District.
Charles R. Mallery—Thirtieth District.
A. H. Letzler—Thirty-fourth District.
Charles H. Ealy—Thirty-sixth District.
James A. Geltz—Fortieth District.
John M. Walker—Forty-fourth District.
Leroy E. Chapman—Forty-eighth District.
J. Fred Thomas—Fiftieth District.

ALBERT S. C. MILLAR, Judge,
Court of Common Pleas No. 3,
First Judicial District,
Philadelphia County,
Pennsylvania.

Mr. SHAPIRO. Mr. President, I would like to interrogate the gentleman from Tioga, Mr. Owlett.

The PRESIDENT. Will the Senator from Tioga, Mr. Owlett permit himself to be interrogated?

Mr. OWLETT. Mr. President, I will.

Mr. SHAPIRO. Mr. President, will the gentleman state what is the purpose of incumbering the records with this letter?

Mr. OWLETT. Mr. President, the purpose of having this certificate spread upon the minutes is that upon an examination of the Legislative Journal of January 3, it discloses that the clerks who took down the minutes of what transpired failed to note on their record the point at which the men were sworn in by Judge Millar and for the purpose of completing the record of this body, we file this certificate by Judge Millar stating and certifying as to who he swore in and when they were sworn in.

Mr. SHAPIRO. Mr. President, is not it true that last week we spent some considerable time quietly and orderly in correcting the Legislative Journal of January 3. Is the gentleman confessing that he had overlooked that and does he think it is necessary to have the record contain a copy of the oath which we usually furnish these judges so that they will know how to swear in the members of the Senate?

Mr. OWLETT. Mr. President, I think it is well to have it on the record.

Mr. SHAPIRO. Mr. President, will the gentleman agree that the oath to which he refers may be eliminated from the record?

Mr. OWLETT. Mr. President, it is rather short and will make the record more complete.

Mr. SHAPIRO. The gentleman has no idea of why, before any particular member of the Senate,—

Mr. OWLETT. Mr. President, I think the Journal will be more complete if the oath is included in the record.

Mr. SHAPIRO. Mr. President, who was it that invited Judge Millar here to administer the oath?

Mr. Owlett. Mr. President, I do not recall which one of us asked Judge Millar.

Mr. SHAPIRO. Mr. President, would not the gentleman indicate this in the Journal so that the reader might know how this judge from the Court of Common Pleas happened to be here, when we already had somebody here to do it. I think the record, if it is to be complete, should show—

Mr. OWLETT. Mr. President, we do not know who invited Judge Sheely and I do not think who invited Judge Millar is very important, but for the information of my colleagues whether we invited him directly or not, it was suggested that we have someone because it was suggested that the Lieutenant-Governor, the then presiding officer, might try some shenanigans and prevent our men from being sworn in and so we had him here for that purpose and he came in very handy.

Mr. SHAPIRO. Mr. President, I desire to suggest that it was not the swearing in by Judge Millar but the twenty-six votes which the Republicans were able to garner the next week that came in more handy than anything Judge Millar did. To further complete the record Judge Sheely of Adams County was invited in an orderly way by the President Pro Tempore whose duties it is to extend this invitation.

Mr. DENT. Mr. President, I desire to interrogate the Senator from Tioga, Mr. Owlett.

The PRESIDENT. Will the Senator from Tioga, Mr. Owlett, permit himself to be interrogated?

Mr. OWLETT. Mr. President I will be very glad to.

Mr. DENT. Mr. President, can you name the Senators who were sworn in by the very convenient Judge from Philadelphia.

Mr. OWLETT. Mr. President, I refer the Senator to the certificate of Judge Millar which lists them. I cannot say that I recall them all at the moment but I have no objection to having them read again.

The PRESIDENT. The names on the certificates will be read again.

The names were read as follows:

George Woodward, Sixth District
 Louis H. Farrell, Eighth District
 Howard I. James, Tenth District
 Franklin Spencer Edmonds, Twelfth District
 Montgomery F. Crowe, Fourteenth District
 Oscar Jacob Tallman, Sixteenth District
 Charles A. P. Bartlett, Eighteenth District
 Robert M. Miller, Twentieth District
 John G. Snowden, Twenty-fourth District
 George B. Stevenson, Twenty-sixth District
 Charles R. Mallery, Thirtieth District
 A. H. Letzler, Thirty-fourth District
 James A. Geltz, Fortieth District
 Charles H. Ealy, Thirty-sixth District
 John M. Walker, Forty-fourth District
 Leroy E. Chapman, Forty-eighth District
 J. Fred Thomas, Fiftieth District

Mr. DENT. Mr. President, as I understand it three names were called of Senators whose right to their seat was in doubt before the impromptu swearing in by the

gentleman from Philadelphia, Judge Millar. Am I to understand that any judge in Pennsylvania can come into the Senate Chamber regardless of a contest against any Senator and swear him in as a member of the Senate in the face of the fact that the votes of the Senators would be necessary to unseat that man.

Mr. OWLETT. Mr. President, apparently the Senator has forgotten the time at which these men were sworn in. I will call the Senate's attention to the fact that these men were all sworn in by Judge Millar at the time Mr. Levin was sworn in up at the Speaker's desk and that Mr. Levin was sworn in separately because he was being contested in Philadelphia. It was decided it would be necessary to give him special privilege and have him sworn in up on the Speaker's stand. It was then very evident that an effort would be made to prevent the Republicans from being sworn in. It was then, at that moment, Judge Millar came upon the floor of the Senate and swore in the Republican Senators. At the time they were sworn in there had been no action taken by this body. I also call the Senate's attention, however, that the fact that this chair has already ruled that these men were improperly excluded because they were not permitted to vote by a quorum of the Senate. If what was done on the seventeenth was proper and what was done on the third was proper this merely completes the record.

Mr. DENT. Mr. President, I just wanted to make sure whether any judge could come into this Senate and swear in any Senator at any time.

Mr. SHAPIRO. Mr. President, in connection with this proceeding while it is true that at the last session of this Senate the Chair declared certain actions illegal although it is only the presiding officer's opinion and the votes were here you have an additional method of correcting the Journal by receiving a communication from a Judge which asked that it be filed with the record to correct the Journal and while I enjoyed the last one I am not enjoying this one.

In order to keep the records straight in this case and in order to correct the gentleman from Tioga in the keeping of the records of this Senate it might be well to call attention of the gentleman from Tioga, and not disrespectfully to the presiding officer either, that on January third the President Pro Tempore of the Senate acting upon an appeal of the gentleman from Tioga decided under the Constitution and the law and prior proceedings that the three gentlemen in question were not entitled to vote on the question directly effecting their seats in this Senate and the decision rendered on January seventeenth was in contempt and in direct opposition of that ruling by the Honorable President Pro Tempore. In order to keep this record straight and the gentleman from Tioga straight I ask the Senator to state whether this pettifogging jurist from Philadelphia administered the oath of office to the gentlemen on the right at the bar of this Senate as it has been the custom under the Constitution and the law and the parliamentary proceedings of this Senate.

Mr. OWLETT. Mr. President, for the information of the Senator I will call his attention to the fact that the Judge of the Court of Common Pleas of Philadelphia swore in these men in the body of this Senate as the Constitution provides.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 4 (House Bill No. 1), entitled:

An Act transferring money from the Motor License Fund to the General Fund and providing for the subsequent return from the General Fund of the transferred money.

And said bill having been read at length the second time,

Will the Senate agree to the bill?

Mr. SHAPIRO. Mr. President, I desire to interrogate the Senator from Tioga, Mr. Owlett, or someone else. I want to find out the provisions of this bill.

Mr. OWLETT. Mr. President, I would suggest the Chairman of the Committee on Appropriations, Mr. Ealy.

Mr. SHAPIRO. Mr. President, I desire to interrogate the Senator from Somerset, Mr. Ealy, as Chairman of the Committee on Appropriations.

The PRESIDENT. Will the Senator from Somerset, Mr. Ealy, permit himself to be interrogated?

Mr. EALY. Mr. President, I will.

Mr. SHAPIRO. Mr. President, this bill which is House Bill No. 1, Printer's No. 1, provides for the transfer of twenty-six million dollars from the Motor License Fund. I understand that is for the purpose of permitting passage in the Senate of Senate Bill No. 8, which provides for the appropriation of twelve million dollars to the Department of Public Assistance for relief.

Mr. EALY. Mr. President, that is in part.

Mr. SHAPIRO. Mr. President, will the gentleman state for the benefit of the Senators what is the purpose of transferring twenty-six million dollars when only twelve million dollars has been appropriated.

Mr. EALY. Mr. President, it becomes necessary to transfer from the Motor License Fund the funds which will be available and will not be used for the ordinary road purposes during the early summer.

Mr. SHAPIRO. Mr. President, I ask that we have a little order. This is an important matter.

Mr. EALY. Mr. President, under the report from the Department of Public Assistance and the investigation made by Dr. Logan, the Budget Secretary, it will require forty to fifty million dollars to provide for relief needs up until the end of this biennium. In order to get these funds without having new taxes in this biennium it will be necessary to transfer these available funds in the Motor License Fund. This Administration has just taken over at this time and the sum of twelve million dollars is appropriated. In the bill to which the Senator from Philadelphia referred its total will carry the relief needs until the first of March.

What further appropriations will be needed they do not know but it is thought that all of the funds will be needed and laid aside until this policy is fully worked out and until it is seen how much the expense and the cost of the overhead will be. It is not desirable at this time to make an appropriation of any more than twelve million dollars.

Mr. SHAPIRO. Mr. President, will the gentleman state what is the purpose of transferring twenty-six million dollars if only twelve million dollars is presently appro-

priated. Why cannot the subsequent amount be transferred later when it becomes necessary.

Mr. EALY. Mr. President, all of these funds, it is thought, will be needed. We do not want contracts to be made in excess of the ordinary normal expenses of the Department.

Mr. SHAPIRO. Mr. President, then I understand two things. First you prefer not to use these funds so they will be available but to make a transfer and use the funds as needed for relief and secondly that the funds transferred are to be used only for relief. Is that correct?

Mr. EALY. Mr. President, practically all of the funds.

Mr. SHAPIRO. Mr. President, will the gentleman tell the members of this Senate why it is that in the transfer bill and the bill in this Senate at present provides for the payment of deficiency appropriations to the Department of Public Assistance for the biennium ending May 31, 1939.

Mr. EALY. Mr. President, the Senator from Philadelphia was instrumental in having a bill prepared at the last session of the legislature taking over the mental hospital at Byberry. It is estimated that it will cost the Commonwealth of Pennsylvania \$1,100,000 to maintain the Byberry institution up until the end of this biennium. There is a small deficiency appropriation which will be needed in the Department of Justice. Those are the only two appropriations that we know of other than the relief appropriation.

Mr. SHAPIRO. Mr. President, if the gentleman will look at these appropriation bills there is a provision that these funds will be used not only for relief but to cover other deficiencies. If the gentleman is referring to deficiencies in the Attorney General's department I suggest that the gentleman will recall that we passed a bill appropriating \$5,000,000 to the Department of Forest and Waters and there will be a lapse of two million nine hundred thousand dollars before the end of the biennium because this fund will not be used. By a mere repeal of that Act or an amendment reducing the appropriation from five million to two million dollars we will be able to make available for relief two million nine hundred thousand dollars. Does the gentleman think that the community should be deprived of the use of the fuel tax which they should receive when there is enough money available for the purpose of relief to which the gentleman refers, without having to tap the Firemen's Fund.

Mr. EALY. Mr. President, there is no bill here to tap the Firemen's Fund.

Mr. SHAPIRO. Mr. President, well the Insurance Fund, that goes to the firemen anyway, two percent of it goes to the firemen.

Mr. EALY. Mr. President, this fund is not a firemen's Fund, it has nothing to do with the local insurance question.

Mr. SHAPIRO. Mr. President, Senate Bill No. 4, transfers from the State Insurance Fund to the General Fund, one million dollars. If there is only an appropriation of twelve million dollars I cannot see and I would like the gentleman to tell me why we need these additional transfers amounting to twenty-six and four and three and one making thirty-four million dollars.

Mr. EALY. Mr. President, do I understand the Senator from Philadelphia to say we should make the whole appropriation to the Department of Public Assistance at this time.

Mr. SHAPIRO. Mr. President, I do and that is why I am

speaking on this bill now. It can be amended and I wanted to avoid the criticisms that can be properly raised against us if we wait until it is on final passage. If you want to appropriate twelve million dollars to the Public Assistance fund the last three bills, namely, the appropriations from the Liquor Fuel Tax, the appropriations from the Liquor Control Fund and the appropriations from the Insurance Fund can be left out of the picture because you would have twenty-six million dollars in the first bill anyway. If the question of the two items cannot be undertaken or covered in the matters which I have suggested then you can increase your appropriation from twelve million dollars to fourteen million dollars and reduce your transfer from twenty-six million dollars to fourteen million dollars. I have heard the gentlemen from Somerset many times on this floor object to the continued transfers of funds from the Motor License Fund.

Mr. EALY. Mr. President, I did not expect to get into a debate on second reading on these bills. The Budget Secretary tells me that about 50,000 cases from WPA have been added to the relief rolls since December 1st, and about three persons to each case. Now it is expected not only will it be necessary to appropriate the twenty-six million dollars which is transferred from the Motor License Funds; but also the other monies which are taken from the other funds in these bills but the money to which the Senator refers in the Flood Control Fund and possibly one or two other funds. It seems a little like irony, like the irony of fate to ask the Senate to vote continued appropriations to the Department of Public Assistance under this present system. I think it was a terrible mistake for the last two Administrations to transfer or to change through these systems from the principle of the first Talbot Acts. But it has been done and we are up against the condition here and that is that, I think an appropriation at present of twelve million dollars to Public Assistance is plenty, and we should endeavor to find out as soon as we can how much overhead is spent and whether these relief payments are going to the proper persons. I think it is very advisable not to make a larger appropriation at this time, but in order to preserve these funds against the situation of a necessity which will arise for relief cases, it is advisable to transfer them at this time so they will not be used otherwise, so we have this money in the event that it is needed.

Mr. SHAPIRO. Mr. President, the Administration has control of these funds, isn't that true?

Mr. EALY. Mr. President, well I am not sure that this administration, nor that this Senate, or that this Legislature will have the courage to change this relief system, and I want to see it changed—and we are giving Public Assistance sufficient money.

Mr. SHAPIRO. Mr. President, will the gentleman tell us whether he is familiar with the bill? Will these funds be returned by the First of September, 1939?

Mr. EALY. Mr. President, some gentlemen in the last Administration conceived the idea of raising money by tax administration certificates. It doesn't seem to me that it was a very business-like way of raising money. I am afraid we will have to continue that method for a year or two after the end of this biennium to again raise money and return these funds before the First of September.

Mr. SHAPIRO. Mr. President, then I'm to understand that the objection is to appropriating money such as we

are doing here for relief but not to provide taxes to raise the money until after the biennium, is that the plan?

Mr. EALY. Mr. President, we are pretty well loaded with taxes now.

Mr. SHAPIRO. Mr. President, is that the plan not to pass any taxes until the next biennium?

Mr. EALY. Mr. President, if the Senator could suggest any new taxes we could put on the people— — —

Mr. SHAPIRO. Mr. President, I am not introducing a bill or any bill to raise taxes for that matter. This is a very serious problem for which no one is to be blamed. I may say that if any one is to blame for the cutting down of WPA rolls, that those gentlemen on the other side are responsible for what is happening in Pennsylvania, but that is your condition. Now we have given considerable thought to this matter so that we can know what the plan is and how we can act. We have a responsibility to the people at home. Many of the elected Senators are being importuned by their people not to transfer any money from Motor License or other funds. Therefore, we would like to know whether we can say to our constituents that in the face of these transfers, it is going to be necessary to levy taxes to meet these transfers so that we may return the funds. That is the question I propound to the gentleman from Somerset.

Mr. EALY. Mr. President, as far as I know there is no intention of levying any new taxes during this biennium. No one knows where they could be levied. The Liquid Fuel Tax Fund has been distributed. It would accumulate up and until the end of this biennium and the next distribution will be made about the first of June. I am told by the Budget Secretary that the Department of Highways normally would not spend this twenty-six million dollars until after the end of June so that it will not interfere in any manner with the building of roads under the plan normally adopted.

Mr. SHAPIRO. Mr. President, why transfer it now, if they won't have any use for it until June.

Mr. EALY. Mr. President, the transfer will have to be made now.

Mr. SHAPIRO. Mr. President, will you consider an amendment to this bill, amending the transfer bill, for reducing it from twenty-six million dollars to fourteen million dollars.

Mr. EALY. Mr. President, I do not think that is practical.

Mr. OWLETT. Mr. President, may I simply add to what the Senator from Somerset has stated. As I understand the situation, from the survey that has been made up to this time, it is indicated there will be between now and the end of this biennium a forty-million dollar bill for relief. This deficit has got to be provided for by economies in the next biennium. These bills propose to transfer thirty-four million dollars from the various funds of this kind. There will however, be appropriated under Senate Bill No. 5 only twelve million dollars of that transfer. The rest of it will be available for appropriations as the investigation determines the necessity.

This administration has been in office less than one week. Nobody has been able yet to ascertain how much of this money is going for salaries. We have one report here showing that one board has been spending relief money, one member of that board is supposed to be working for twenty-five dollars a day, and has had a salary in the last year of \$9,225.00, and they have had expenses of a consider-

able sum like that. This administration proposes to institute a lot of economies, cut down salaries, cut down personnel. We hope it won't be necessary to use the forty-million dollars. We hope this thirty-four million dollars that is being transferred will be enough to take care of the situation until the end of this biennium.

I notice my friend from the other side smiling. I believe he is thinking of what took place here four years ago. Four years ago we made a real offer to this Senate to change the system of relief, put it back in local agencies, so the local people could handle this relief to cut out these high salaries and these expenses, finding out at that time they had receptionists and assistant receptionists, and every other kind of an office in this relief set up, and we find it can be administered and save a lot of money.

In that campaign four years ago we made appropriations for relief every week or so and other transfers which was made over the great objections by the Senator from Philadelphia. We are hoping that we might have harmonious and peaceful session here in 1939, so it was decided to provide all of the money at once. And we hope we can get along with this \$34,000,000 to get us through this biennium. It amuses me to have the Senator object to making the appropriation of \$12,000,000 or transferring \$34,000,000 when I remember distinctly in his able address on the floor four years ago when it was done piece-meal.

Mr. REED. Mr. President, I desire to interrogate the Senator from Somerset, Mr. Ealy.

The PRESIDENT. Will the Senator from Somerset, Mr. Ealy permit himself to be interrogated

Mr. EALY. Mr. President, I will.

Mr. REED. In preparing the appropriation bill for relief were the figures submitted by the Department of Public Assistance or by the Budget Secretary?

Mr. EALY. Mr. President, the Department of Public Assistance prepared a statement on December 23, 1938, in which that Department estimated that a balance of \$7,282,100 will remain in the appropriation for Public Assistance as of December 31, 1938. They estimated the expenditures for the month of December at almost \$10,000,000. I am not sure just how much was spent during the month of December for relief but it is approximately \$10,000,000. According to this information all the funds are now exhausted for relief and it is necessary this week to make some transfer and some appropriation in order to take care of the immediate and pressing cases.

Mr. SHAPIRO. Mr. President, the gentleman from Tioga has a cute way of remembering what he wants to remember and forgetting what he dislikes. He also couples what I said to make his own remarks. Last week because he had not seen so many Republicans around here for four years he made the statement that I was a Republican at one time, this for the benefit of the strangers, without finishing it, and without saying why I left the Republican party. It is because I did not like what the old-guard in the Republican party was doing. Now he tells us that four years ago I objected to a similar relief bill. That was on May 12, 1936 on page 124 of the Legislative Journal. It appears that I was the only one who voted against the action of the Republicans in cutting down the appropriation of \$11,000,000 which came over from the House on May 4th. A few days after we convened we asked the Republican members to join us in passing a resolution to permit the transfer of funds under the Act of 1933 which

permitted the Auditor General at fiscal offices to transfer from the Motor Fund to the General Fund this money for relief. We promised them we would pass legislation covering the \$11,000,000 and the gentleman on the other side being in control at that time proceeded to have a caucus and they emerged from the caucus with a very interesting resolution reducing the original resolution from \$11,000,000 to \$3,300,000, and then hired a couple of auditors first at \$500 and then at a \$1,000 a month to examine the books of the associations of the relief department to see what was spent there. When the money ran out the next week they gave them another \$4,000,000 or \$5,000,000. I am consistent on that point. Now if you need \$34,000,000 for relief I will vote for the transfer of \$34,000,000 for relief but when you ask me to vote for \$12,000,000 for relief and then ask me to vote for \$26,000,000 transfer I am "affaired" of that. We know that with the situation in WPA your relief is going to be \$9,000,000 or \$10,000,000 every month from now on. Every one knows that there will be expenses of \$1,600,000 for relief alone each week and so we know within a few million dollars we will need \$34,000,000 to \$44,000,000. I am willing to vote for the transfer of that amount of money if it is necessary but I think we should be informed where we are going to raise this money to pay back to the Fund and when you are going to raise it and by what means you are going to do it. It seems to me this is an important question and must be handled and should be handled by the gentlemen on the other side who are more concerned about this than I am. We know, in fact, it must be increased, the only tax we may be able to oppose will be an increase in the Gas Tax. The highway users of Pennsylvania will want to know how their money is appropriated and they will want to know how you will be using their money and whether you will be taxing them to pay it back again. I want the gentleman from Tioga to understand I am not suggesting you do it in piece-meal but if you want to transfer \$34,000,000 for the purpose of relief I would like to see for the purpose of relief under these bills if you can appropriate this but not appropriate it for any deficiency that might occur between now and the first of June. The bill reads as follows:

"The purpose of this transfer is to provide funds for the payment of deficiency appropriations for public assistance and other deficiency appropriations made for the fiscal biennium ending May thirty-first one thousand nine hundred thirty-nine. * * *

You do not have a relief appropriation bill nor do you have a relief transfer bill. You should do it complete.

Mr. GELDER. Mr. President, I think the gentleman from Philadelphia would like us to take a jump in the dark. As has been pointed out to him this administration has changed only within the last week. The casual survey that the Budget Officers made, has fixed our relief needs at about \$45,000,000. This will be needed between now and the last of June. The prior administration was able to secure their needs by the simple expediency of the Tax Anticipation Notes and the self assessing clauses that was put into the corporation laws.

The present administration must confine itself to what comes in the next four years. It is essential that this money be transferred that it may properly be used. It is not essential however, that we appropriate the full amount that we have under control before we may be able to find

out what the cost is going to be for relief month by month as has been pointed out here today. There may be an opportunity to cut down in the over-head. We had that problem four years ago in the regular session, and we found the over-head of about 16% and we considered cutting it down materially. I would judge from what Senator Owlett has said of the one gentleman getting over \$9,000 a year it is high time somebody investigated the administration of relief before we decide just what the amount is going to be to carry us on until the first of June. It is a peculiar position we find ourselves in from what we were two years ago and, friends on the other side, we are just as much concerned about the Highway Funds as you are, so as to maintain the roads. As the former chairman of the Committee on Highways, I very zealously tried to guard the interests of that fund and we have seen the last two years we have had to bend in a great many directions, and I assume that our friends on the Democratic side are going to be just as willing as we have been in the last four years to secure relief that is necessary and I hope we may be just as zealous when they are in the majority to say we did not spend money that was not necessary in the maintaining of relief to see that the hungry do not starve.

Mr. SHAPIRO. Mr. President, I think that the gentleman will find we are not going to ask anyone to take a jump in the dark on these matters and we have agreed in our discussions so it will not come as a surprise that we propose to vote against the last three bills, those which appropriate \$4,000,000 and \$3,000,000 and \$1,000,000 because we do not believe there should be \$12,000,000 appropriated and \$34,000,000 transferred. We do not think we need to impose any additional requests upon the municipalities. When you appropriate the money if there are for any reasonable requests whether they be piece-meal or not, we will go along with it if it is necessary. I would like to correct one thing. That is, that this \$9,000 gentleman comes as a surprise and you say nothing was done about it.

We voted for one of the appointments of the Governor not because we believed that the Governor was entitled to decide that question, but that gentleman was an assistant to the other chief of the department and that gentleman comes from the school which imposes on the Commonwealth these so-called Social Service workers about which we have heard so much. The \$9,000 item arises from the Governor making appointments, appointing these gentlemen who also hugged in with the Social Service Department and they made the appointments and kept a Committee of the House and Senate busily engaged for several months. My colleagues of the Senate who were appointed to that committee will recall that we could get no satisfaction in spite of the great deal of opposition and debate on the floor and the first thing that was done the gentleman who was getting \$25, was appointed as head of that department. That does not enter into this picture. We would not have tolerated it but it comes because we have been thronged to, I believe, that I shall see that gentleman standing before the bar of this Senate in the same perspiration and under the same examination which will come not from the Democrats but from the Republicans as it did the last time. I am saying that this problem is not being approached properly and there will be no good reason why you will have to make appropriations

piece-meal so you may govern yourself with the administration and you can tell the administration that one thing should be done, that is amend and reduce these bills to \$14,000,000.

Mr. GILSON. Mr. President, in as much as the presiding officer has been so indulgent on the bill on second reading I trust you will indulge me further to read a communication, a resolution received today after which I shall ask leave to file.

RESOLUTION

Whereas, Representative Robert E. Woodside, Floor Leader in the House of Representatives, Harrisburg, has introduced a Bill proposing to transfer \$26,000,000 from the Motor License Fund and \$3,000,000 from the Liquid Fuels Fund to help meet relief needs; and

Whereas, both of these Funds are special funds raised by taxation of the motoring public, with the distinct understanding that said Funds are to be used for specific purposes and not for general State expenditures:

Now, Therefore, Be It Resolved, That the Automotive Association of Erie urge upon the Governor of the State of Pennsylvania, the Department of Revenue, State Highway Department, and the Legislative Committees in charge of such legislation, that any and all proposals for permanent transfers of such funds be unconditionally killed, and any and all proposals for borrowing from said Funds be opposed unless said borrowings provide for secured repayment at a definite time, with provision for no extension thereof, and that such time be fixed so as not to in any way interfere with the use of said Funds for the purposes for which they were collected.

AUTOMOTIVE ASSOCIATION OF ERIE,

By A. Grant Walker,
Secretary.

Mr. EALY. Mr. President, I thought it was made clear that these several bureaus did not intend to make a permanent transfer of these funds, but that they would all be paid back before the first of September. In the year 1938 at the end of May, there was a cash balance in the Motor License Fund of \$34,781,958, and I think the Highway Department has agreed that this amount which we asked in this bill of \$26,000,000 be transferred without in any way hampering the work of the Highway Department during the summer, providing the money is returned as provided for in these bills.

Now the reason for asking that only \$12,000,000 be appropriated at this time, I believe has been stated well by the Senator from Susquehanna, Mr. Gelder, by referring to the fact that in a prior session, we put a limit on the overhead. We are putting one of our bills making an appropriation that the overhead should not be above a certain percentage; and that will have a good effect because it is my recollection that after that limit was put in the bill, that the overhead dropped in the Department of Public Assistance. If we find after this investigation in the next couple of months that the appropriation made subsequently to the Department of Public Assistance that some limit can be placed on the overhead, it may not be necessary to burden the Commonwealth with so many appropriations. We feel that all these funds are necessary to be transferred at this time so I want to point out again as I did awhile ago that the Liquid Fuel Tax Fund, if the money is secured by tax anticipation certificates, there need be no delay in turning this back to the State. I would also like to point this out, Mr. President, when the state takes over this relief load, we are relieving the local communities from a burden which is put on those, at least by taking care of the unfortunate in the several commu-

nities. They depend on funds of the Commonwealth to smaller communities it is only right and proper that that be done by the people who are paying for it want it done by the State.

Mr. MUNDY. Mr. President, I desire to interrogate the Chairman of the Committee on Appropriations, Mr. Ealy.

The PRESIDENT. Will the Senator permit himself to be interrogated?

Mr. MUNDY. Mr. President, I would like to ask if this thirty-four million dollars is appropriated at once, what assurance we will have that these funds will be ear-marked for relief and not for any deficiency. I would say that this Senate has to vote on each of these appropriation measures and if they are going to vote for anything but relief everyone has a right to protest.

Mr. EALY. Mr. President, as I pointed out there are a few small things that will have to be taken care of. For instance, the appropriation to the maintenance of Byberry until the end of this biennium. It has been taken over by the Commonwealth by this bill which I said last session was unconstitutional. Nevertheless, it has been taken over by the State. There is nevertheless, an appropriation which the Department of Justice needs in order that a few of these little odds and ends may be properly taken care of.

Mr. MUNDY. Mr. President, I desire to ask the Senator if it is not important that we have a guarantee from the gentlemen from the other side that there is no intention to divert any large portion of this fund for the payment of any other deficiency.

Mr. EALY. Mr. President, I do not know what deficiencies were left by the other administration but I mentioned some. I do not know what deficiencies will occur, but we will have to have an appropriation to take care of it. I think it is well known here that it is necessary for a majority of this Senate to vote for the appropriation.

Mr. MUNDY. Mr. President, I wish to have written in the record that representing my district of their actions that all the people will be taken care of, a proper appropriation will be made, but if it is to be a transfer of so much money, I feel there should be some assurance that all of these funds should be ear-marked for relief before the transfer is made.

Mr. REED. Mr. President, I desire to ask the Senator from Somerset, Mr. Ealy, one more question.

The PRESIDENT. Will the Senator from Somerset permit himself to be interrogated?

Mr. EALY. Mr. President, I will.

Mr. REED. Mr. President, is it the purpose of the appropriation committee, of which you are chairman to ask this Senate for all monies that the chairman of the Department of Public Assistance recommends?

Mr. EALY. Mr. President, I want to be shown that these requests are proper and if the Senator from Washington can show me any way in which I can properly vote against any of these appropriation bills, I will be glad to do so.

Mr. REED. Mr. President, I believe Senator Ealy follows the course that he heretofore pursued that he will do his duty as he should.

And the question recurring.

Will the Senate agree to the bill on second reading?

It was agreed to.

And the said bill having been read at length the second time and agreed to,

Ordered, to be transcribed for third reading.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 5 (House Bill No. 2), entitled:

An Act transferring money from the Liquor License Fund to the General Fund and providing for the subsequent return from the General Fund of the transferred money.

And said bill having been read at length and agreed to, Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 6 (House Bill No. 3) entitled:

An Act transferring money from the Liquid Fuels Tax Fund to the General Fund and providing for the subsequent return from the General Fund of the transferred money.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 6 (House Bill No. 3), entitled:

An Act transferring money from the State Insurance Fund to the General Fund and providing for the subsequent return from the General Fund of the transferred money.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 8 (House Bill No. 5), entitled:

An Act making a deficiency appropriation to the Department of Public Assistance for the purpose of carrying out the Public Assistance Law for the two fiscal years ending May thirty-first, one thousand nine hundred thirty-nine

The first section of the bill was read as follows and agreed to:

Section 1 The sum of twelve million dollars (\$12,000,000) or so much thereof as may be necessary is hereby specifically appropriated from the General Fund in the State Treasury to the Department of Public Assistance to provide assistance and for local and certain state administration expenses in the manner provided in the Public Assistance Law for the payment of deficiencies for the two fiscal years ending May thirty-first one thousand nine hundred thirty-nine.

The second section of the bill was read as follows:

Section 2 Out of the moneys hereby appropriated the Department of Public Assistance shall allocate from time to time among the several county boards of assistance funds with which to provide assistance and administrative expenses. Allocations so made to a county board of assistance shall be available for expenditure in that county for assistance and for administration expenses in the manner provided by the Public Assistance Law.

The Governor with the approval of the Auditor General and State Treasurer shall from time to time allocate to the Department of the Auditor General and the Treasury Department out of the appropriation made by this act such sums as may be deemed necessary to pay the administration expenses of said departments in auditing and disbursing the appropriation made by this act.

On the question,

Will the Senate agree to the section?

Mr. OWLETT. Mr. President, I move to amend Sec. 2, page 2, by inserting between lines 13 and 14 the following: "Out of the moneys hereby appropriated, the Department of Public Assistance may allocate a sum, not to exceed two hundred eighty thousand dollars (\$280,000) for the payment of the salaries, wages, or other compensation of a deputy secretary and other employees, and of general expenses, supplies, printing and equipment necessary for the proper conduct of the work of said department, and for the payment of per diem compensation and expenses of members of the Employment Board, compensation of its employes, and general expenses, supplies, printing and equipment necessary for the proper conduct of its work."

Mr. MALLERY. Mr. President, I second the motion.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

The third section of the bill was read as follows and agreed to.

Section 3 This act shall become effective immediately upon final enactment.

The title of the bill was read as follows

An Act making a deficiency appropriation to the Department of Public Assistance for the purposes of carrying out the Public Assistance Law for the two fiscal years ending May thirty-first one thousand nine hundred thirty-nine.

On the question,

Will the Senate agree to the title?

Mr. OWLETT. Mr. President, I move to amend Title, page 1 line 3 of title by inserting after the word "Law" the following: "and for administration expenses"

Mr. MALLERY. Mr. President, I second the motion.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the title as amended?

It was agreed to.

And said bill as amended having been read at length the second time,

On the question,

Will the Senate agree to the bill as amended?

Mr. OWLETT. Mr. President, for the information of the Senate I desire to state that the amendments I have offered now provide \$280,000 of this \$12,000,000 that is being ap-

propriated may be used for the payment of salaries, wages and other compensation or so much thereof that may be necessary for the reason that it now appears that there is no money left for over-head in the administration of this relief. If it is to be paid at all, this appropriation, as the bill now reads is for relief alone, and the money that is heretofore appropriated for over-head is entirely exhausted.

Mr. SHAPIRO. Mr. President, I desire to interrogate the gentleman from Tioga, Senator Owlett.

The PRESIDENT. Will the Senator from Tioga, Mr. Owlett permit himself to be interrogated?

Mr. OWLETT. Mr. President, I will.

Mr. SHAPIRO. Mr. President, will the gentleman tell us what percentage is allowed on the basis of the \$280,000?

Mr. OWLETT. Mr. President, I think for the information of the Senate I can make a complete explanation of the situation. Under the General Appropriation Act of 1937 there was appropriated by the Legislature \$1,452,000 for the payment of salaries and wages to the Department of Public Assistance. That appropriation was \$1,452,000 to cover the whole expenses of the administration until the end of this biennium. It has now been discovered that this sum of \$1,452,000 will be exhausted as of February 1, and I presume that the officials of the department will assign as a reason that this Fund for administration purposes of \$1,452,000 has already been used and will need before the end of the biennium \$280,000. In other words the money that is appropriated for administration expenses in 1937 of \$1,452,000 is insufficient by the sum of \$280,000 because this Employment Board has spent \$280,000 that was not contemplated. My understanding is that this \$280,000 or so much as may be necessary will carry the administration through to the end of the biennium. We expect that it is more than enough and that is the amount which you people were asked to appropriate to this one bureau we have been talking about.

And said bill having been read at length the second time and agreed to,

Ordered to be transcribed for a third reading.

Mr. SIPE. Mr. President, I desire to interrogate the Senator from Somerset, Mr. Ealy, who is chairman of the Appropriations Committee.

The PRESIDENT. Will the Senator from Somerset, Mr. Ealy permit himself to be interrogated?

Mr. EALY. Mr. President, I will.

Mr. SIPE. Mr. President, like you I come from a rural county in which we are interested in our roads. As I understand you correctly the passage of these bills will not interfere with the various building programs.

Mr. EALY. Mr. President, I cannot say that I talked directly with the Secretary of the Highways but the Budget Secretary informed me that normally the program of the Highway Department would not require this Fund not till sometime before this summer, when it can be repaid by taxes. As I stated there were in the funds of the Highway Department at the end of May, 1938, \$34,700,000.

Mr. SIPE. Mr. President, I take it then you can give no assurance to these constituents of mine who are concerned about roads and that we can give them no assurance that the Motor License Fund will be infected by these transfers.

Mr. GELDER. Mr. President, I would like to interrogate the Senator from Adams, Mr. Rice.

The PRESIDENT. Will the Senator from Adams County, Mr. Rice permit himself to be interrogated?

Mr. RICE. Mr. President, I will.

Mr. GELDER. Mr. President, I would like to ask Senator Rice whether or not he was chairman of the Appropriations Committee during the Session of 1937.

Mr. RICE. Mr. President, I was.

Mr. GELDER. Mr. President, I would like to ask the Senator while he was chairman of the Appropriations Committee whether transfers were made from the Highway Fund for relief.

Mr. RICE. Mr. President, I believe such transfers were made and were paid back.

Mr. GELDER. Mr. President, can the Senator inform us as to how much money was taken from the Highways Fund?

Mr. RICE. Mr. President, I do not recall the exact amount but I have been advised the sum of \$23,000,000 was provided for relief and was paid back to the Fund during the biennium in which it was transferred.

Mr. GELDER. Mr. President, then we are not resorting to any new expediency, but simply one they taught us to use. Unfortunately we have inherited from them a much larger expenditure, during the two years because they went to their Uncle Sam and received a large amount with which they doubled the capacity of most of the institution of the State and now they are going to expect the Commonwealth of Pennsylvania to maintain those institutions. However, at the present time we are very glad to know that our Democratic friends had already tapped that Fund and that it was repaid. That being the case we can assure them that it will be repaid.

Mr. RICE. Mr. President, I might assure the members of the Republican Party that if they continue to follow our example during their administration they will come out all right.

Mr. GELDER. Mr. President, I am afraid it will lead us to destruction.

Mr. GILSON. Mr. President, I cannot help but suggest that on these remarks in passing there occurred that poem of Edgar Allen Poe in which he said there came a tap-tapping at my chamber door and I might suggest that the answer of the raven "Quoth the raven nevermore" might be the motto of this Senate for the remainder of the session.

ANNOUNCEMENTS BY THE SECRETARY

The Democratic Members of the Senate are requested to meet in caucus at 10:00 A. M., in the Senate Caucus Room, Tuesday, January 24, 1939.

Newly designated employes of the Senate will meet, directly after this session in the Senate Caucus Room.

ADJOURNMENT

Mr. OWLETT. Mr. President, I move that the Senate do now adjourn until Tuesday, January 24, 1939, at 11:00 o'clock, A. M.

Mr. FREY. Mr. President, I second the motion.

The motion was agreed to.

The Senate adjourned at 11:50 o'clock, P. M. until Tuesday, January 24, 1939, at 11:00 o'clock, A. M.

HOUSE OF REPRESENTATIVES

MONDAY, JANUARY 23, 1939.

The House met at 8.00 p. m.

The SPEAKER (Ellwood J. Turner) in the Chair.

PRAYER

The Chaplain, Rev. Walter Evans Deibler offered the following prayer:

In the quietness of this evening hour, O God, amidst the many duties to which Thou dost call us, we pause to confess Thee before men. "Lord, thou hast been our dwelling place in all generations. Before the mountains were brought forth, or ever thou hadst formed the earth or the world, even from everlasting, to everlasting, thou art God." We thank Thee for thy constant vigilance over us, for the health and strength Thou dost give us with which to do our daily tasks. With free institutions for the public good Thou hast blest us. Ours is a glorious heritage. Grant, we pray, give Thy blessing to our state and nation and to all who are in authority. Wilt Thou bless the sessions of this House, its members and its leaders. Restore to health such of this number who are ill. Give us the guidance of Thy Holy Spirit from day to day that the work of our hands might worthily magnify Thy name forever, thru Jesus Christ, our Lord. Amen.

JOURNAL APPROVED

The SPEAKER. The Clerk will read the Journal of Tuesday, January 17, 1939.

The Clerk proceeded to read the Journal of Tuesday, January 17, 1939, when, on motion of Mr. BRONSON, the further reading was dispensed with and the Journal approved.

LEAVES OF ABSENCE

Mr. ALLMOND asked and obtained leave of absence for himself for the remainder of the week after tonight's session.

Mr. Habbyslaw asked and obtained leave of absence for Mr. SARGE for the week on account of illness.

Mr. Serrill asked and obtained leave of absence for Mr. STEWART for tonight's session on account of illness.

Mr. Trout asked and obtained leave of absence for Mr. ROYER on account of illness.

Mr. Trout asked and obtained leave of absence for Mr. ALSPACH on account of illness.

Mr. Matthews asked and obtained leave of absence for Mr. PEALE on account of illness.

Mr. Lyons asked and obtained leave of absence for Mr. IMBRIE for the week on account of illness.

Mr. Kline asked and obtained leave of absence for Mr. WAGNER for the week on account of death in the family.

REPORT FROM COMMITTEE ON RULES

Mr. WOODSIDE offered a report from the Committee on Rules.

The report was twice read by the Clerk as follows:

In the House of Representatives, January 23, 1939.

Resolved, That no bill making an appropriation to any hospital, school, home, museum or other charitable, educational or religious organization, and no bill creating or changing any State highway route shall be introduced in

this House prior to Wednesday, February fifteenth, one thousand nine hundred and thirty-nine.

ROBERT E. WOODSIDE, JR.
NORMAN WOOD
JACOB B. SCHROCK
WILSON L. YEAKEL
ELLWOOD J. TURNER

On the question

Will the House adopt the report?

Mr. WOODSIDE. Mr. Speaker, I know that all the members of this House are very much interested in seeing that their various hospitals and schools and other organizations receive appropriations at this session and I know that there are also a number of members of this House interested in introducing bills changing state highway routes and creating new state highways. I just want to say that this is not to prevent any such changes, nor is it to prevent the possibility of these various institutions getting their full appropriations.

However, we do feel at this time that to have a flood of these bills would mean a tremendous expense to the Commonwealth in the matter of printing and that we ought to have a little time to consider the working out of some program which may save a tremendous amount of money, and still bring about the desired results.

As a matter of fact, in the last few years, some of these various appropriations and these various highway amendments have been contained in an omnibus bill, and it is hoped that we can in some way save the tremendous expense of introducing and carrying through various individual bills, which makes the committees' work more difficult, and of course, a great expense on the Commonwealth. We feel that this resolution will give us a chance to work out some plan which will save considerable work for the committees and also save the Commonwealth a tremendous amount of money.

Mr. HERBERT B. COHEN. Mr. Speaker, I wish to say that I am heartily in favor of this bill. The only one objection I have is that I don't think it goes far enough. The Joint Committee of the House and Senate on State Government has been studying the problem of the introduction of bills for the past six or eight months, and we find that the vast majority of the bills that are introduced, running the number of bills in a session into two thousand, twenty-three hundred, twenty-five hundred or three thousand, is represented by hospital bills, school bills, bills for homes, bills for other charitable institutions, and bills for changing the state highway system, and it is very characteristic that of all of the bills that are introduced that tend to make those appropriations, of all the bills that are introduced that attempt to change the state highway system, those bills are not passed, but the contents of those bills are enacted into what is known as an omnibus bill. We have had one bill for the past two sessions and on one occasion before, that makes all the appropriations to all the state aided homes, and one bill that makes all the changes in the state highway system, so that of all the numerous bills that are introduced by the members of the House covering those particular subjects in reality but one bill passes.

This exposes the Commonwealth to a tremendous printing obligation: that goes even farther than the mere printing of the bills in pink. It occasions a very large history, it occasions other printing that imposes upon the Commonwealth a tremendous burden that is carried in the appropriations as legislative printing.

The Joint Committee on State Government has studied this and I am sorry that I did not know of the intention to introduce this particular resolution tonight. Had I been advised of it, I would have been glad to present to this House a report of the committee which analyzes the tremendous burden that is placed upon the finances of the Commonwealth.

I feel that we can withhold the introducing of these individual appropriation bills and individual road bills at least until February 15th, and I feel sure that the majority, by that time, will be able to give this problem careful study and possibly present to the House the recommendation of the Joint Committee on State Government, which would recommend the entire abolition of these particular types of bills, and suggest the means whereby the individual members would receive the same notice and their constituents would be advised of their efforts in securing these particular types of appropriations and these particular types of road changes, without the necessity of introducing bills. However, this, I understand, is a partial step in that direction and I would recommend to the House that this resolution be passed at this time withholding the introduction of these bills until February 15, 1939.

Mr. ANDREWS. Mr. Speaker, I am like the minority leader, I don't think the rule goes far enough. I hold in my hand two bills which I propose introducing. Were I permitted to file a declaration of legislative intent, that declaration of legislative intent, in the case of both of these bills, could be stated in three hundred words.

I have nine bills in my desk, and a declaration of legislative intent concerning those nine bills could be printed upon one page. That declaration of legislative intent could be referred, in proper manner, to a committee and if the Committee approved the intent of the bill, it could order the bill drawn.

What is the use, Mr. Speaker and Mr. Majority Leader, of consuming the time of the Legislative Reference Bureau drawing the bill, introducing it, having it printed in pink, without knowing whether the committee is ever going to report it out, when, by filing a declaration of legislative intent, you could know whether the committee approved the intent, and Mr. Speaker, you would reduce your printing cost of bills by two-thirds.

Mr. WOODSIDE. Mr. Speaker, I would like to say to the gentleman from York, and also to the gentleman from Cambria, as well as to the other members of the House, that the majority party would very much appreciate any suggestions that the members of the House may have to solve this problem. That is particularly true of the Committee on Rules, which is attempting to work out a satisfactory solution.

On the question recurring,

Will the House adopt the report?

It was adopted.

SUPPLEMENTAL REPORT FROM COMMITTEE ON COMMITTEES

Mr. GILLETTE offered a supplemental report from the Committee on Committees and asked and obtained unanimous consent for its immediate consideration.

The report was twice read, considered and adopted as follows:

Harrisburg, Pa., January 18, 1939.

The following changes from the original lists are herewith submitted.

C. O. Williams removed from the Committee on Counties.
Charles Melchiorre removed from the Committee on Ways and Means.

The following correction is herewith noted. Edward M. Regan now appearing as a member of the Committee on Elections. The name as printed, "Reagan", being incorrect.

The following are the additional minority appointments:

Agriculture—Matthew J. Welsh—Michael Chervenak.
Appropriations—Harry P. O'Neill—Anna Brancato.
Boroughs—L. Kenneth Harkins.
Building and Loan Association—John J. Baker.
Cities Third Class—J. P. Moran.
Counties—Thomas P. Mooney.
Dairy Industries—John J. Finnerty.
Education—Hiram G. Andrews.
Fisheries—Elmer J. Holland—Edgar A. Schroepe.
Forestry—Albert L. O'Connor.
Judiciary General—L. A. Achterman—Benjamin L. Long.
Judiciary Special—Edward Flanagan—Joseph Scanlon.
Labor—C. O. Williams.
Liquor Control—Charles Melchiorre—Homer S. Brown.
Military Affairs—Francis J. Falkenstein.
Printing—John F. Stank.
Professional Licensure—A. C. Hindman.
Public Utilities—Elmer Kilroy.
State Government—Herbert B. Cohen.
Townships—James E. Lovett.
Ways and Means—George J. Sarraf—Joseph Ominsky—William Shaw.
Welfare—Al Tronzo.

(Signed) WILSON D. GILLETTE, Chairman
JOHN H. McKINNEY
GEORGE W. COOPER
FRANK J. ATKINS
THOMAS B. STOCKHAM
HARRY E. TROUT
FRANK E. SNYDER

ANNOUNCEMENTS BY THE SPEAKER

The SPEAKER. The revised committee lists, if the members desire them can be secured at the Chief Clerk's office. They are now complete, with the addition of the names that were approved by the committee tonight.

If the committees have not completed their work we will ask all the Committee Chairmen to consult the Chief Clerk's office for assignment of other committee space. The Chair desires the committees to meet and organize as rapidly as possible. Announcement of the time and place of these meetings will be on the bulletin board in the hall outside the doorway at the postoffice.

COMMITTEE MEETINGS

The Committee on Judiciary General will meet tomorrow at 10:30 A. M. in the House Caucus Room.

The Committee on Game will meet tomorrow at 10:00 A. M. in Room 324.

The Committee on Ways and Means will meet tomorrow at 10:30 A. M. in Room 323.

The Committee on Agriculture will meet tomorrow at 10:30 A. M. in the House Caucus Room.

The Committee on Welfare will meet tomorrow at 11:00 A. M. in Room 323.

The Committee on Judiciary Special will meet tomorrow at 11:00 A. M. in Room 324.

The Committee on Cities, Second Class, will meet tomorrow at 11:30 A. M. in the House Caucus Room.

The Committee on Cities, Third Class, will meet tomorrow at 11:30 A. M. in Room 324.

There will be a meeting of the Committee Chairmen in the House Caucus room immediately following adjournment of the Session this evening.

RESOLUTION

SYMPATHY EXTENDED

Mr. KLINE offered a resolution and asked and obtained unanimous consent for its immediate consideration.

The resolution was twice read, considered and adopted by a rising vote:

In the House of Representatives, January 23, 1939.

Sorrow again stalks through the House of Representatives following the news of the death of Mrs. Emma E. Wagner, mother of the Honorable Paul L. Wagner, Member of this House of Representatives from Schuylkill County, on Saturday, January 21, 1939; therefore be it

Resolved, That the House of Representatives hereby extends to the Honorable Paul L. Wagner, and his family, its deep and sincere sympathy, and directs the Chief Clerk to transmit a copy of this resolution to our bereaved Member.

RESOLUTION

Mr. FINNERTY offered a resolution which was filed with the clerk under the rules.

ADJOURNMENT

Mr. KOWALSKI. Mr. Speaker, I move that this House do now adjourn until tomorrow at 1:00 p. m.

The motion was agreed to, and (at 8:58 p. m.) the House adjourned until Tuesday, January 24, 1939, at 1 p. m.

Legislative Journal

Session 1939.

133d of the General Assembly.

Vol. 23.

HARRISBURG, PA., TUESDAY, JANUARY 24, 1939.

No. 7.

SENATE

TUESDAY, January 24, 1939

The Senate met at 11:00 o'clock A. M.

The **PRESIDENT** (Lieutenant-Governor Samuel S. Lewis) in the Chair.

PRAYER

The Chaplain, Rev. Burleigh A. Peters, offered the following prayer:

O God, we have come here this morning because Thou hast preserved us in the graciousness of Thine own doing. We pray for Thy abiding strength and divine wisdom in all our deliberations. Constantly may our hearts seek Thy will, that in this period of legislation all things may be done to Thine own glory; for we remember the words "To Thine own self be true and it must follow, as the night the day, Thou canst not then be false to any man."

For this particular session this day give us Thy divine guidance. For Jesus' sake. Amen.

JOURNAL APPROVED

The **PRESIDENT**. A quorum of the Senate being present, the Clerk will read the Journal of the preceding session.

The Clerk proceeded to read the Journal of the preceding session, when, on motion of Mr. OWLETT, the further reading was dispensed with, and the Journal was approved.

REQUEST FOR LEAVE OF ABSENCE

Mr. CAVALCANTE asked for leave of absence for the Senator from Allegheny, Mr. Henney.

MOTION TO LAY ON THE TABLE

Mr. OWLETT. Mr. President, I move that the request of the Senator from Fayette, Mr. Cavalcante, for leave of absence for the Senator from Allegheny, Mr. Henney, be laid upon the table.

Mr. HEYBURN. Mr. President, I second the motion. The motion was agreed to.

LEAVE OF ABSENCE

Mr. GELDER asked and obtained leave of absence for the Senator from Philadelphia, Mr. Woodward, for the week.

REQUEST THAT LEAVE OF ABSENCE BE REFUSED

Mr. SHAPIRO. Mr. President, I ask that leave of absence be refused the gentleman from Oklahoma, Mr. Dando.

NOMINATIONS BY THE GOVERNOR

The Secretary to the Governor, being introduced, presented in writing from His Excellency, the Governor of the

Commonwealth, nominations for appointment as Notaries Public, which were laid on the table.

BILLS INTRODUCED

Messrs. STIEFEL and SHAPIRO read in their places and presented to the Chair, Senate Bill No. 26, entitled:

An Act making an appropriation to the Trustees of Temple University at Philadelphia, Pennsylvania.

Which was committed to the Committee on Appropriations.

Mr. STIEFEL read in his place and presented to the Chair, Senate Bill No. 27, entitled:

An Act making an appropriation to the Saint Christopher's Hospital for Children, Philadelphia, Pennsylvania.

Which was committed to the Committee on Appropriations.

He also read in his place and presented to the Chair, Senate Bill No. 28, entitled:

An Act making an appropriation to the Kensington Hospital for Women, Philadelphia, Pennsylvania.

Which was committed to the Committee on Appropriations.

He also read in his place and presented to the Chair, Senate Bill No. 29, entitled:

An Act making an appropriation to the Saint Luke's Children's Hospital, Philadelphia, Pennsylvania.

Which was committed to the Committee on Appropriations.

He also read in his place and presented to the Chair, Senate Bill No. 30, entitled:

An Act making an appropriation to the Stetson Hospital, Philadelphia, Pennsylvania.

Which was committed to the Committee on Appropriations.

BILL ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 4, (House Bill No. 1), entitled:

An Act transferring money from the Motor License Fund to the General Fund and providing for the subsequent return from the General Fund of the transferred money.

And said bill having been read at length the third time, and agreed to.

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—44

Bartlett,	Farrell,	Kunkel,	Rice,
Cavalcante,	Frey,	Lanlus,	Ruth,
Chapman,	Gelder,	Letzler,	Shapiro,
Coleman,	Geltz,	Mallery,	Sipe,
Crowe,	Gilson,	McCreesh,	Snowden,
Deitrick,	Haluska,	McGinnis,	Stevenson,
Dent,	Heyburn,	Miller,	Stiefel,
DiSilvestro,	Homsher,	Mundy,	Tallman,
Ealy,	James,	Owlett,	Thomas,
Edmonds,	Jaspan,	Pierson,	Walker,
Eroe,	Kilgallen,	Reed,	Wolfenden,

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

BILL ON THIRD READING

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 5, (House Bill No. 2), entitled:

An Act transferring money from the Liquor License Fund to the General Fund and providing for the subsequent return from the General Fund of the transferred money.

And said bill having been read at length the third time,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the constitution.

CHANGE OF VOTES

Mr. OWLETT. Mr. President, I desire to change my vote from "aye" to "no".

Mr. SHAPIRO. Mr. President, I desire to interrogate the Senator from Tioga, Mr. Owlett.

The PRESIDENT. Will the Senator from Tioga, Mr. Owlett permit himself to be interrogated?

Mr. OWLETT. Mr. President, I shall be very glad to be interrogated.

Mr. SHAPIRO. Mr. President, will the Senator from Tioga state the reason for his change of vote?

Mr. OWLETT. Mr. President, I am changing my vote so that I may be in a position to make a motion to reconsider.

Mr. SHAPIRO. Mr. President, that is a truthful but not a legal answer.

Mr. GELDER. Mr. President, I desire to change my vote from "aye" to "no".

Mr. SHAPIRO. Mr. President, I desire to interrogate the Senator from Susquehanna, Mr. Gelder.

The PRESIDENT. Will the Senator from Susquehanna, Mr. Gelder, permit himself to be interrogated?

Mr. GELDER. Mr. President, I will.

Mr. SHAPIRO. Mr. President, will the Senator from Susquehanna state for the record his reason for changing his vote?

Mr. GELDER. Mr. President, I am changing my vote because our Democratic friends are apparently trying to tear down the program for relief, and I want to be in a position to save it.

Mr. SHAPIRO. Mr. President, I am glad the record states that. As a matter of fact, I object to the change in vote by the Senator from Susquehanna as the reason stated is not sufficient, under the Constitution, to change it.

The yeas and nays as recorded were as follows, viz:

YEAS—23

Bartlett,	Eroe,	Letzler,	Stevenson,
Chapman,	Farrell,	Mallery,	Tallman,
Crowe,	Geltz,	Miller,	Thomas,
Deitrick,	Heyburn,	Pierson,	Walker,
Ealy,	Homsher,	Snowden,	Wolfenden,
Edmonds,	James,		

NAYS—22

Cavalcante,	Gilson,	McCreesh,	Rice,
Coleman,	Haluska,	McGinnis,	Ruth,
Dent,	Jaspan,	Mundy,	Shapiro,
DiSilvestro,	Kilgallen,	Owlett,	Sipe,
Frey,	Kunkel,	Reed,	Stiefel,
Gelder,	Lanlus,		

Less than a majority of all the Senators having voted "aye" the question was determined in the negative.

MOTION FOR RECONSIDERATION OF SENATE BILL No. 5, HOUSE BILL No. 2)

Mr. GELDER. Mr. President, I move that the Senate do now reconsider the vote by which Senate Bill No. 5, (House Bill No. 2), entitled:

An act transferring money from the Liquor License Fund to the General Fund and providing for the subsequent return from the General Fund of the transferred money was defeated.

The PRESIDENT. How did the Senator vote?

Mr. GELDER. Mr. President, I voted "no."

Mr. OWLETT. Mr. President, I second the motion.

The PRESIDENT. How did the Senator vote?

Mr. OWLETT. Mr. President, I voted "no."

POINT OF ORDER

Mr. SHAPIRO. Mr. President, I rise to a point of order.

The PRESIDENT. The Senator from Philadelphia, Mr. Shapiro, will state his point of order.

Mr. SHAPIRO. Mr. President, I question the right of a reconsideration of the vote on the bill before any new business has occurred since the action taken by the Senate.

MOTION WITHDRAWN

Mr. GELDER. Mr. President, believing that the point of order is well taken, and withdrawn the motion temporarily.

Mr. OWLETT. Mr. President, as the seconder of the motion, I also withdraw my seconding of it. The point of order is well taken.

BILL ON THIRD READING

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 6 (House Bill No. 3), entitled:

An act transferring money from the Liquid Fuels Tax Fund to the General Fund and providing for the subsequent return from the General Fund of the transferred money.

And said bill having been read at length the third time, On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution.

CHANGE OF VOTES

Mr. GILSON. Mr. President, I desire to change my vote on this bill from "aye" to "no."

Mr. OWLETT. Mr. President, having voted under a misapprehension, I desire to change my vote from "aye" to "no."

Mr. GILSON. Mr. President, I want it noted that I was under a real misapprehension.

Mr. CAVALCANTE. Mr. President, I desire to interrogate the Senator from Tioga, Mr. Owlett.

The PRESIDENT. Will the Senator from Tioga, Mr. Owlett, permit himself to be interrogated?

Mr. OWLETT. Mr. President, I will.

Mr. CAVALCANTE. Mr. President, does the Senator from Tioga change his vote on this bill for the same reason that he changed it on the one we just voted on?

Mr. OWLETT. Mr. President, I have already stated that I voted under a misapprehension, and desire to change my vote from "aye" to "no."

Mr. GELDER. Mr. President, having voted under the misapprehension that perhaps some of my Democratic friends had seen the light, I also desire to change my vote from "aye" to "no."

The yeas and nays, as recorded were as follows, viz:

YEAS—22.

Bartlett, Chapman, Crowe, Detrick, Ealy, Edmonds,	Eroe, Farrell, Geltz, Heyburn, Homsher, James,	Letzler, Mallery, Miller, Pierson, Snowden,	Stevenson, Tallman, Thomas, Walker, Wolfenden,
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NAYS—22

Cavalcante, Coleman, Dent, DiSilvestro, Frey, Gelder,	Gilson, Haluska, Jaspan, Kilgallen, Kunkel, Lanlus,	McCreesh, McGinnis, Mundy, Owlett, Reed,	Rice, Ruth, Shapiro, Sipe, Stiefel,
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Less than a majority of all the Senators having voted "aye" the question was determined in the negative.

BILL ON THIRD READING

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 7 (House Bill No. 4), entitled:

An act transferring money from the State Insurance Fund to the General Fund and providing for the subsequent return from the General Fund of the transferred money.

And said bill having been read at length the third time, On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of Constitution.

CHANGE OF VOTES

Mr. OWLETT. Mr. President, having voted under a misapprehension, I desire to change my vote from "aye" to "no."

Mr. GELDER. Mr. President, I desire to change my vote from "aye" to "no," having voted under a misapprehension.

Mr. SHAPIRO. Mr. President, I desire to interrogate the Senator from Susquehanna, Mr. Gelder.

The PRESIDENT. Will the Senator from Susquehanna, Mr. Gelder, permit himself to be interrogated?

Mr. GELDER. Mr. President, I will.

Mr. SHAPIRO. Mr. President, my question is, did the Senator from Susquehanna really think this bill was going to pass?

Mr. GELDER. Mr. President, I thought "while the lamp of life holds out to burn, the repentant sinner may return."

The yeas and nays as recorded were as follows, viz:

YEAS—22.

Bartlett, Chapman, Crowe, Detrick, Ealy, Edmonds,	Eroe, Geltz, Farrell, Heyburn, Homsher, James,	Letzler, Mallery, Miller, Pierson, Snowden,	Stevenson, Tallman, Thomas, Walker, Wolfenden,
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NAYS—22.

Cavalcante, Coleman, Dent, DiSilvestro, Frey, Gelder,	Gilson, Haluska, Jaspan, Kilgallen, Kunkel, Lanlus,	McCreesh, McGinnis, Mundy, Owlett, Reed,	Rice, Ruth, Shapiro, Sipe, Stiefel,
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Less than a majority of all the Senators having voted "aye" the question was determined in the negative.

BILL ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate resumed the third reading and consideration of Senate Bill No. 8 (House Bill No. 5), entitled:

An Act making a deficiency appropriation to the Department of Public Assistance for the purpose of carrying out the Public Assistance Law and for administration expenses for the two fiscal years ending May thirty-first, one thousand nine hundred thirty-nine.

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—44.

Bartlett, Cavalcante, Chapman, Coleman, Crowe, Detrick, Dent, DiSilvestro, Ealy, Edmonds, Eroe,	Farrell, Frey, Gelder, Geltz, Gilson, Haluska, Heyburn, Homsher, James, Jaspan, Kilgallen,	Kunkel, Lanlus, Letzler, Mallery, McCreesh, McGinnis, Miller, Mundy, Owlett, Pierson, Reed,	Rice, Ruth, Shapiro, Sipe, Snowden, Stevenson, Stiefel, Tallman, Thomas, Walker, Wolfenden,
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NAYS—0.

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same with amendment in which the concurrence of the House is requested.

CONSIDERATION OF EXECUTIVE NOMINATIONS

Mr. EALY. Mr. President, I move that the Senate do now proceed to the consideration of nominations for appointment and reappointment as Notaries Public, sent to the Senate, yesterday, January 23, 1939, and today, January 24, 1939, by His Excellency, the Governor of the Commonwealth.

Mr. HEYBURN. Mr. President, I second the motion.

The motion was agreed to.

The nominations were read as follows:

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, January 23, 1939.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointment as Notaries Public, for the terms of four years to compute from the date of confirmation:

ALLEGHENY COUNTY

Paul J. Bleicher, 1804 Carson St., Pittsburgh.
Rudolph A. Feldman, 1635 5th Ave., Pittsburgh.
Wendell P. Gifford, 416 Seventh Ave., Pittsburgh.
Miss Teresa Kinzler, Carnegie.
Dallas O. Kirk, Ross Twp., R. D. 4, Box 212, Millvale.
Miss Sara Metzger, 3401 Fifth Ave., Pittsburgh.
Miss Ruth A. Probst, Oakmont.
Mrs. Charlotte Skirboll, 1125 Penn Ave., Pittsburgh.
Miss Louise G. Walker, Frick Bldg., Pittsburgh.
James L. Wible, South Fayette Twp., Morgan.

BEAVER COUNTY

Lawrence E. Wooley, Beaver Falls.

BLAIR COUNTY

W. G. Bruckman, Greenfield Twp., Claysburg.

BUCKS COUNTY

Amos J. Kirk, Buckingham Twp., Wycombe.

CUMBERLAND COUNTY

Herman Berg, 3d, Carlisle.

DELAWARE COUNTY

Ralph L. Aman, Radnor Twp., Wayne.
Miss Frances McDevitt, Upper Darby Twp., Bywood and Broadview Roads, Upper Darby.

FAYETTE COUNTY

Frederick J. Baling, Fairchance.
Earl E. Brooks, Masontown.
John H. Brown, Uniontown.
Mrs. Margaret Mosser, Uniontown.

HUNTINGDON COUNTY

Mrs. Verna M. McMinn, Tell Twp., Blairs Mills.

JEFFERSON COUNTY

Miss Katheryn L. Kordes, Brookville.

LACKAWANNA COUNTY

Eugene Diehl, Scranton.
Miss Rose Harris, Scranton.

LANCASTER COUNTY

Mrs. Agnes M. Geib, Manheim.

MONTGOMERY COUNTY

John R. Flynn, Conshohocken.

NORTHAMPTON COUNTY

Michael E. Falcone, Roseto.
Paul E. Meyers, 125 E. Center St., Upper Nazareth Twp., Nazareth.
Miss Gladys U. Pysher, Wilson.

PHILADELPHIA COUNTY

Joseph L. Andrien, 6030 Market St., Philadelphia.
Hugh M. Donnelly, 820 South 2d St., Philadelphia.
Wm. J. A. Gallen, 4823 Lancaster Ave., Philadelphia.
Miss Irene D. Kemmerer, 1515 N. Broad St., Philadelphia.
Paul C. Lewis, 143 City Hall, Philadelphia.
William MacDonald, 119 South Fourth St., Philadelphia.
Miss Mildred Moore, 1369 Pratt St., Philadelphia.
Walter C. Nissenbaum, 1340 W. Girard Ave., Philadelphia.
Mrs. Ethel B. Roger, 3337 North 17th St., Philadelphia.
Miss Ralea Shenker, 2103 Market St. Natl. Bank Bldg., Philadelphia.

TIOGA COUNTY

Paul R. Sawyer, Mansfield.

WESTMORELAND COUNTY

Mrs. Hazel Garland Hay, New Kensington.
Miss Dorothy V. Smith, Greensburg.

ARTHUR H. JAMES.

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, January 23, 1939.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for reappointment as Notaries Public, for terms of four years to compute from the date set opposite their names:

SOMERSET COUNTY

E. B. Maurer, Boswell, January 24, 1939.

LANCASTER COUNTY

H. G. Martin, Ephrata, January 26, 1939.

DELAWARE COUNTY

Charles F. Eggleston, Glenolden, January 28, 1939.

ALLEGHENY COUNTY

Miss Margaret Macrum, Clark Bldg., Pittsburgh, January 29, 1939.
Albert Schimmel, 1639 Gulf Building, Pittsburgh, January 29, 1939.

BRADFORD COUNTY

Miss M. Kathryn Brown, LeRaysville, January 29, 1939.

ERIE COUNTY

P. G. Kunkel, Union City, January 29, 1939.

GREENE COUNTY

P. H. McAndrews, Waynesburg, January 29, 1939.

PHILADELPHIA COUNTY

James M. Davison, 4200 Wissahickon Avenue, Philadelphia, January 29, 1939.

WASHINGTON COUNTY

Miss Mary M. Blayne, Claysville, January 29, 1939.

BLAIR COUNTY

John M. Snyder, Hollidaysburg, January 31, 1939.

CARBON COUNTY

Ira E. Seidle, Lehighton, January 31, 1939.

LANCASTER COUNTY

H. R. Bassler, Lancaster, January 31, 1939.

ARTHUR H. JAMES.

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, January 24, 1939.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointment as Notaries Public, for the terms of four years to compute from the date of confirmation:

ALLEGHENY COUNTY

Robert Kane, Union Trust Co., Fifth Ave. and Grant St., Pittsburgh.

CHESTER COUNTY

Miss Anita H. Gallo, Kennett Square.

DAUPHIN COUNTY

Mrs. Helen Cramer, Steelton.

HUNTINGDON COUNTY

William A. McClure, Tell Twp., Blairs Mills.

LEBANON COUNTY

Mrs. Elsie S. Biever, Lebanon.

LUZERNE COUNTY

Miss Katherine Boyle, Wilkes-Barre.

McKEAN COUNTY

Livio B. Colosimo, Bradford.

PHILADELPHIA COUNTY

Mrs. Sara Frederick, 2649 Reed St., Philadelphia.
Miss Detta Gorman, Wilkie Buick, Inc., 1400 North Broad Street, Philadelphia.

SCHUYLKILL COUNTY

Miss Elizabeth Rebecca Kirchner, Mahanoy City.

WESTMORELAND COUNTY

Miss June Sullen, Youngwood.

PHILADELPHIA COUNTY

Wayne D. Palmer, 2006 South Salford St., Philadelphia.

ARTHUR H. JAMES.

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, January 24, 1939.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for reappointment as Notaries Public, for terms of four years to compute from the date set opposite their names:

PHILADELPHIA COUNTY

John F. Cella, 2045 N. Broad St., Philadelphia, January 29, 1939.

Raymond I. Lofland, 7121 Woodland Ave., Philadelphia, January 29, 1939.

ALLEGHENY COUNTY

Miss G. A. Williams, Farmers Bank Building, Pittsburgh, January 29, 1939.

ARTHUR H. JAMES.

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, January 24, 1939.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following person for reappointment as a Notary Public, for a term of four years to compute from the date set opposite his name:

CLEARFIELD COUNTY

Herbert A. Moore, Moore Bldg., 113 West Long Ave., DuBois, January 26, 1939.

ARTHUR H. JAMES.

EXECUTIVE SESSION

By unanimous consent,

A motion was made by Mr. EDMONDS.

That Rule 38, which requires nominations made by the Governor be referred to an appropriate committee, be dispensed with, and the Senate do now resolve itself into executive session, for the purpose of acting on the foregoing nominations.

Which was agreed to.

Whereupon,

A motion was made by Mr. EDMONDS,

That the Senate do advise and consent to said nominations.

On the question,

Will the Senate agree to the motion?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—44

Bartlett,	Farrell,	Kunkel,	Rice,
Cavalcante,	Frey,	Lanius,	Ruth,
Chapman,	Gelder,	Letzler,	Shapiro,
Coleman,	Geltz,	Mallery,	Sipe,
Crowe,	Gilson,	McCreesh,	Snowden,
Deitrick,	Haluska,	McGinnis,	Stevenson,
Dent,	Heyburn,	Miller,	Stiefel,
DiSilvestro,	Homsher,	Mundy,	Tallman,
Ealy,	James,	Owlett,	Thomas,
Edmonds,	Jaspan,	Pierson,	Walker,
Eroe,	Kilgallen,	Reed,	Wolfenden,

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Governor be informed accordingly.

Mr. CAVALCANTE. Mr. President, while we are still in Executive Session here, considering Executive Nominations, I wish to state that some time ago his Excellency, the Governor, sent to this Senate the Executive appointments of Mr. Hamilton and Mr. Adams, which were duly referred to the Committee on Executive Nominations.

Yesterday the committee held a meeting, at which some testimony was taken. This morning I have observed in the newspapers that the contents of the evidence or testimony were made public, and the Democratic Caucus was furnished with several copies. I would like to ask the Senator from Somerset, Mr. Ealy, the Chairman of the Committee on Executive Nominations, whether it is possible to have a copy on that testimony furnished to each member of this Senate before next Monday, or before those two Executive Nominations are considered.

Mr. EALY. Mr. President, I have no objection. I think two copies were furnished the Senator from Philadelphia, Mr. Shapiro, and he may have copies made, or, I presume,

we can have copies made for the Senators, if desired. I have no objection to it.

Mr. CAVALCANTE. Mr. President, I make this inquiry because I would like to avoid making a motion that that testimony be transcribed and a copy of it placed upon the desk of each Senator; and I think we can get that done without adopting any motion of any kind. I think that the Committee on Executive Nominations can have 50 copies of that testimony made, and a copy given to each Senator.

Mr. EALY. Mr. President, I will endeavor to have it done.

Mr. CAVALCANTE. Mr. President, do I understand the Senator from Somerset, Mr. Ealy, to say that he will have it furnished to us before any action is taken on the nominations?

Mr. EALY. Mr. President, I shall endeavor to have the copies furnished as the Senator from Fayette, Mr. Cavalcante, desires.

As to the action on the nominations, I do not know when action will be taken.

Mr. CAVALCANTE. Mr. President, that is satisfactory.

Mr. EDMONDS. Mr. President, I move that the Executive Session do now rise.

Mr. HEYBURN. Mr. President, I second the motion.

The motion was agreed to.

RECONSIDERATION OF SENATE BILL NO. 5, (HOUSE BILL NO. 2)

Mr. GELDER. Mr. President, I move that the Senate do now reconsider the vote by which Senate Bill No. 5, (House Bill No. 2), entitled:

An Act transferring money from the Liquor License Fund to the General Fund and providing for the subsequent return from the General Fund of the transferred money.

was defeated.

The PRESIDENT. How did the Senator vote?

Mr. GELDER. Mr. President, I voted "no."

Mr. OWLETT. Mr. President, I second the motion.

The PRESIDENT. How did the Senator vote?

Mr. OWLETT. Mr. President, I voted "no."

On the question,

Will the Senate agree to the motion?

The yeas and nays were required by Mr. SHAPIRO and were as follows, viz:

YEAS—24

Bartlett,	Eroc,	James,	Snowden,
Chapman,	Farrell,	Letzler,	Stevenson,
Crowe,	Gelder,	Mallery,	Tallman,
Deitrick,	Geltz,	Miller,	Thomas,
Ealy,	Heyburn,	Owlett,	Walker,
Edmonds,	Homsher,	Pierson,	Wolfenden,

NAYS—20

Cavalcante,	Gilson,	Lanius,	Rice,
Coleman,	Haluska,	McCreesh,	Ruth,
Dent,	Jaspan,	McGinnis,	Shapiro,
DISI'vestro,	Kilgallen,	Mundy,	Sipe,
Frey,	Kunkel,	Reed,	Stiefel,

So the question was determined in the affirmative.

And the question recurring,

Shall the bill pass finally?

Mr. OWLETT. Mr. President, I just desire to call to the attention of our brethren on the left that their vote against the reconsideration of the vote on final passage of this bill is, in effect, saying to the people of Pennsylvania, and to those on relief, that no matter how badly you may need this

money we are going to put this Senate in the position of not being able to use funds available for relief.

That is the only possible interpretation of a vote of "no" on reconsideration. But I want to call the Senate's attention to the fact that if we are correctly advised, that there are forty million dollars or thereabouts needed for relief until the end of this biennium, it is absolutely necessary to transfer some of these funds temporarily—as a temporary loan.

I could hardly believe my ears when I heard by colleagues on the left voting "no" on reconsideration of the vote on this bill, by which reconsideration it was intended to keep this bill in position so that if we do need the money we will have the power to use it for relief.

Mr. SHAPIRO. Mr. President, with the same unparalleled right used by my friend, the Senator from Tioga County, I rise to suggest that that is not our position. We prefer to have our position stated by ourselves.

The transfer of twenty-six million dollars has been voted. The Administration finished up with surplus funds of six million dollars, due to the fact that certain items which were voted—the purpose for which they were appropriated has fallen. I referred to those items last night, that totaled the sum of six million dollars; so that, as far as ordinary expenses of government are concerned, there are six million dollars available, and bills for proper action are in the house now, and the money can be made available to the General Fund. Twenty-six and six, in my humble opinion, means thirty-two. That is available—thirty-two million dollars, for use on relief.

When these gentlemen introduce appropriation bills for relief to the extent to which those funds are available, we will be glad to help. We are not going to stop relief, but we are not going to permit county government to be interfered with unless it is shown to be absolutely necessary. Now on the other hand, if these gentlemen come in and state that an investigation has been made and they have come to the conclusion that forty-two million dollars are necessary to be provided for relief, and it must be done now, we will be very glad to help them in that program. At the present time we see no necessity for voting thirty-four million dollars of transfers with only twelve million dollars of appropriations. My friend, the Senator from Tioga, and his colleagues have put themselves on record by virtue of that appropriation bill that for the present there is only twelve million dollars necessary.

From now on they can continue to appropriate to the tune of thirty-four million dollars if they will accept the suggestions we are making. We are not here merely to do my friends a favor, and give them a few votes, too, but we are here to help them govern the Commonwealth of Pennsylvania properly, and when they show us the necessity we will be very glad to go along; but we want the same new papers to whom he addressed his remarks to give our position in the matter, and that is, that there is no sense diverting funds from gasoline taxes, which belong to the counties, unless an immediate emergency arises.

Philadelphia County today has not paid its employees for a whole month. Philadelphia County is looking to the unused cash funds to continue functioning, and I say it is not necessary, it is unfair and unwise, to tap these funds belonging directly to the counties until no other source can be found.

I suggest to the Senator from Tioga and his colleagues that they proceed to consider now what taxes will be needed

sary to raise these funds so they can repay the Motor Fund, and I suggest to him that when he does that he will find it will be a much safer plan than merely to tap these funds and postpone action until maybe it will be too late, and the money will not be available.

Last night we stated our position clearly, and I thought it would not be necessary to say anything today. We gave notice of our intention, and nobody could have voted on the other side under a misapprehension.

What we said, and will continue to say, is that we will support any measure that will be suggested that is necessary to continue the government in its ordinary functions, and to provide relief for those who need relief; but we will not agree, and we should not be asked to agree, to transfer funds without appropriation bills accompanying them. We will go the limit when this Administration says it is necessary to provide those funds. We do not know; and, unless it is shown to the contrary, I say we have no right to help the Administration in the transfer. As soon as these gentlemen make up their minds as to the amount, we will be glad to go along wherever possible in the program.

Mr. OWLETT. Mr. President, I desire to interrogate the Senator from Philadelphia, Mr. Shapiro.

The PRESIDENT. Will the Senator from Philadelphia, Mr. Shapiro, permit himself to be interrogated?

Mr. SHAPIRO. Mr. President, certainly.

Mr. OWLETT. Mr. President, I would like to ask the Senator from Philadelphia, Mr. Shapiro, if I correctly understand that their position is that these transfers provided by Senate Bills Nos. 5, 6 and 7 should not be made until it is definitely ascertained that they are necessary for relief.

Mr. SHAPIRO. Mr. President, that is it, plus the additional provision that they should not be made until it is ascertained, first that they are necessary, and, secondly, that there is no other avenue for procuring these funds.

Mr. OWLETT. Mr. President, may I ask the Senator from Philadelphia what objection he and his colleagues have to a reconsideration of these bills and to placing them on the postponed calendar, so that if the necessity does arise they have not been defeated on reconsideration and the door closed forever on the use of those funds.

Mr. SHAPIRO. Mr. President, my answer is that I suggested to the Senator before he voted, and we told them what we proposed to do last night, so that they would not find themselves in that position. Now, if we are going to work harmoniously to provide a properly functioning government, the things we suggest are obvious and should be considered. The position in which the Senators on the other side found themselves this morning was not due to the fact that we did not tell them. We reversed the process that obtained when the Republicans were in control; they did not tell us until the last minute what they intended to do. This is too important a problem and too late a time to try to jockey for position, and we served notice yesterday that we would not vote for those bills. We voted against reconsideration to maintain our position. We are going to be consistent in the matter.

Mr. OWLETT. Mr. President, the fact remains, the Senators on the other side have voted against reconsideration of these bills, and if they had succeeded in that move, it would have voided the possibility of ever using those funds for relief in this biennium. Now, it is not the fault of the Republican majority that the money has all been used up and that we have a deficit of some \$40,000,000

facing us. This administration proposes to see that the needy of this State are taken care of, and proposes to use such means as are available to do it. Now, those five bills were to provide a definite program to make available appropriations for relief; and we made it clear that the sum of \$34,000,000, together with the funds that have been mentioned by my colleague, Mr. Shapiro, would make approximately \$40,000,000, which it is believed would be necessary. Now, the point I wish to make, and I wish again to reiterate, is that this arbitrary stand of defeating these bills and voting against their reconsideration they are in effect saying "We are going to close the door forever on those funds for relief."

Mr. SHAPIRO. Mr. President, may I suggest that the newspapers please quote me also? The Senator from Tioga and his colleagues knew very well when they voted for these bills, or asked for a vote on their reconsideration, they would have enough votes to pass them, even if they were defeated first; and the Senator from Tioga would not have suggested that they be voted upon unless he was sure of his position, so there was no danger of the bills being defeated. The practical proposition is that it was not necessary to try to pass those bills when everybody in the room knew there was not a constitutional majority available to vote for them.

All that was necessary was for the Senator on the other side to adopt the suggestion made by the leaders on this side to place these bills on the postponed calendar, and when a situation arose requiring the use of these funds then they could have asked us to vote for them.

Let the newspapers know we did not vote to kill these bills. We asked that the bills be placed on the postponed calendar. We believe we have the courage of our convictions. We are convinced we are not hurting but helping the Commonwealth by taking this position.

MOTION TO POSTPONE BILL

Mr. GELDER. Mr. President, the Senator from Philadelphia having finished talking for the newspapers, I move that the question together with the further consideration of Senate Bill No. 5 (House Bill No. 2) be postponed for the present.

Mr. OWLETT. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

Mr. CAVALCANTE. Mr. President, I wish to interrogate the Senator from Tioga, Mr. Owlett, before a vote is taken on the motion.

The PRESIDENT. Will the Senator from Tioga, Mr. Owlett, permit himself to be interrogated?

Mr. OWLETT. Mr. President, I will.

Mr. CAVALCANTE. Mr. President, I want to ask the Senator from Tioga if, before we voted on that bill, he was not asked by members of the Democratic side to place that bill on the postponed calendar and not to put it to a vote today?

Mr. OWLETT. Mr. President, in reply to the Senator from Fayette, I am very glad to state that two or three Democratic Senators came to me and said that they proposed to vote against these transfer bills which are part of the program, and which have been passed by the House to take care of this relief situation.

We were not aware, Mr. President, that all of the mem-

bers on the Democratic side would be led into voting against these relief measures, and we therefore, felt justified—knowing the keen interest of many of our colleagues on the left side in the relief problem, and with the feeling that there would probably be enough votes to pass them in spite of the fact that the Senator from Fayette and the Senator from Philadelphia saw fit to vote against the bills in bringing them to an issue.

Mr. CAVALCANTE. Mr. President, I do not desire to be discourteous. I did not ask the Senator from Tioga to make a speech for the newspapers; I am merely asking him whether any members on the Democratic side asked him to place this bill on the postponed calendar before we voted on it. Now, he can surely answer that very honorably by replying "yes" or "no."

Mr. OWLETT. Mr. President, I thought I made it clear that we were asked by Mr. Cavalcante, and I think also it was suggested by the Senator from Philadelphia, Mr. Shapiro, that they be placed on the postponed calendar.

I repeat, however, that we felt there were enough members on the Democratic side interested in the relief problem and in taking care of the needy in this State so that we could pass these bills, and for that reason they were put up to this Senate.

Now, we have been chided about what everything we have said this morning that everything we say is for the benefit of the newspapers. I want to say this, Mr. President: If what we say hurts, and they do not want it in the newspapers, that is their fault; we propose to state our position.

Mr. CAVALCANTE. Mr. President the Democrats are hurt by anything, and we fear not what the newspapers carry. We are merely stating our convictions, and we do not want the Senator from Tioga or any other member on the other side of the Senate to try to state our position. We will state our own position. We have stated it. We are not opposed to appropriation of relief funds but we do not understand your logic, your wisdom, your judgment in transferring thirty-four million dollars and only appropriating twelve million dollars—in view of the situation that prevails in those counties, in those little municipalities, where the liquor license money and the liquid fuel tax money is very much needed by those local communities. Those local communities are at this very moment drawing up their budgets for this year and they have taken those items into consideration, and you have made no provision for the paying back of these transfers before September 1st, 1939.

Mr. EDMONDS. Mr. President, may I interrogate the Senator from Philadelphia, Mr. Shapiro?

The PRESIDENT. Will the Senator from Philadelphia, Mr. Shapiro, permit himself to be interrogated?

Mr. SHAPIRO. Mr. President, I will be glad to be interrogated by the Senator from Montgomery.

Mr. EDMONDS. Mr. President, last night, in the course of the debate, I understand the Senator from Philadelphia to say that relief was an item that would take nine or ten million dollars a month.

Mr. SHAPIRO. Mr. President, that is correct, in my opinion.

Mr. EDMONDS. Mr. President, will the Senator from Philadelphia, Mr. Shapiro, expand that a little and tell us just how he gets that. I understood relief was an item that took six or seven million dollars a month.

Mr. SHAPIRO. Mr. President, when we spoke of relief in the old days, we spoke of relief as a separate proposition. Today we have relief under a department known as the Department of Public Assistance, which includes not only what we term relief but also other forms of assistance, which we mean when we use the term relief, and if the gentleman will recall, I used the word advisedly.

We have mother assistance, old age pensions, we have pensions for the blind, and the total distributions if the present record of WPA workers dropped from the payrolls continues—there will be necessary in the neighborhood of nine or ten million dollars a month for relief.

Mr. EDMONDS. Mr. President, Then, what the Senator had in mind was relief for the unemployed, plus old age assistance, plus mothers' assistance and other forms of social security.

Mr. SHAPIRO. Mr. President, that is correct.

And the question recurring,

Shall the bill pass finally?

BILL POSTPONED

Mr. GELDER. Mr. President, I move that the question together with the further consideration of the bill be postponed for the present.

Mr. OWLETT. Mr. President, I second the motion.

The motion was agreed to.

RECONSIDERATION OF SENATE BILL No. 6 (HOUSE BILL NO. 3)

Mr. GELDER. Mr. President, I move that the Senate do now reconsider the vote by which Senate Bill No. 6 (House Bill No. 3), entitled:

An act transferring money from the Liquid Fuels Tax Fund to the General Fund and providing for the subsequent return from the General Fund of the transferred money

was defeated.

The PRESIDENT. How did the Senator vote?

Mr. GELDER. Mr. President, I voted "no."

Mr. OWLETT. Mr. President, I second the motion.

The PRESIDENT. How did the Senator vote?

Mr. OWLETT. Mr. President, I voted "no."

The motion was agreed to

And the question recurring,

Shall the bill pass finally?

BILL POSTPONED

Mr. GELDER. Mr. President, I move that the question together with the further consideration of the bill be postponed for the present.

Mr. OWLETT. Mr. President, I second the motion.

The motion was agreed to.

Mr. CAVALCANTE. Mr. President, there is a misapprehension here. The Chair was considering a motion to reconsider the vote by which this bill was defeated, and from the Democratic side, then, it was suggested that if the motion is made that it be reconsidered and placed on the postponed calendar, then the one roll call will dispose of the whole question.

The PRESIDENT. That was the Chair's understanding.

Mr. CAVALCANTE. Mr. President, that was not done.

Mr. GELDER. Mr. President, is it on the postponed calendar now?

The PRESIDENT. Yes.

RECONSIDERATION OF SENATE BILL NO. 7 (HOUSE BILL NO. 4)

Mr. GELDER. Mr. President, I move that the Senate do now reconsider the vote by which Senate Bill No. 7, (House Bill No. 4), entitled:

An Act transferring money from the State Insurance Fund to the General Fund and providing for the subsequent return from the General Fund of the transferred money.

was defeated.

The PRESIDENT. How did the Senator vote?

Mr. GELDER. Mr. President, I voted "no."

Mr. OWLETT. Mr. President, I second the motion.

The PRESIDENT. How did the Senator vote?

Mr. OWLETT. Mr. President, I voted "no."

The motion was agreed to.

And the question recurring,

Shall the bill pass finally?

BILL POSTPONED

Mr. GELDER. Mr. President, I move that the question together with the further consideration of the bill be postponed for the present.

Mr. OWLETT. Mr. President, I second the motion.

The motion was agreed to.

QUESTION OF PERSONAL PRIVILEGE

Mr. SHAPIRO. Mr. President, I rise to a question of personal privilege.

The PRESIDENT. The Senator from Philadelphia, Mr. Shapiro, will state his question of personal privilege.

Mr. SHAPIRO. Mr. President, some gentlemen were using my desk last night and this morning, and while I do not object to that I want to compliment them on the fact that instead of taking something from the desk, they left something. I am now the proud possessor of a very valuable fountain pen, and I am ready and shall be glad to deliver it to the person who left it there. I do that for a very practical reason: I do not know when I may be suggested for appointment by the Governor, and I do not want there to be any question of my honesty.

RECESS

Mr. OWLETT. Mr. President, I move that the Senate do now take a recess until three o'clock, P. M.

Mr. GELDER. Mr. President, I second the motion.

The motion was agreed to.

TIME OF NEXT MEETING

Mr. OWLETT offered the following resolution, which was twice read, considered, and agreed to:

In the Senate, January 24, 1939.

Resolved (if the House of Representatives concur), That when the Senate adjourns this week it reconvene on Monday evening, January 30, at nine o'clock; and when the House of Representatives adjourns this week it reconvene on Monday evening, January 30, at eight o'clock.

Ordered, That the Clerk present the same to the House of Representatives for concurrence.

NOMINATIONS BY THE GOVERNOR

The Secretary to the Governor being introduced presented in writing from His Excellency, the Governor of the Commonwealth, nomination for appointment as Commissioner of Deeds, which was laid on the table.

HOUSE CONCURS IN AMENDMENTS TO HOUSE BILL No. 5

The Clerk of the House of Representatives, being introduced, presented communication from the House of Representatives informing the Senate that the House has concurred in amendments made by the Senate to House Bill No. 5, entitled:

An Act making a deficiency appropriation to the Department of Public Assistance for the purposes of carrying out the Public Assistance Law for the two fiscal years ending May thirty-first, one thousand nine hundred thirty-nine.

BILLS SIGNED

The PRESIDENT. (Lieutenant Governor Samuel S. Lewis) announced that the Chief Clerk having reported that the following bills had passed both houses of the General Assembly and the same being correct, the titles were publicly read as follows:

House Bill No. 1 entitled:

An Act transferring money from the Motor License Fund to the General Fund; and providing for the subsequent return from the General Fund of the transferred money.

House Bill No. 5 entitled:

An Act making a deficiency appropriation to the Department of Public Assistance for the purposes of carrying out the Public Assistance Law for the two fiscal years ending May thirty-first, one thousand nine hundred thirty-nine.

Whereupon,

The PRESIDENT. (Lieutenant-Governor Samuel S. Lewis) in the presence of the Senate signed the same.

APPOINTMENTS BY THE CHIEF CLERK

The PRESIDENT. The Chief Clerk announces the following appointments:

CHIEF OFFICIAL REPORTER

A. A. Chapman, Philadelphia County

OFFICIAL REPORTER

Victor Lynch, Latrobe, Westmoreland County

RECESS

Mr. OWLETT. Mr. President, I move that the Senate do now take a recess for ten minutes.

Mr. GELDER. Mr. President, I second the motion.

The motion was agreed to.

AFTER RECESS

The PRESIDENT. The time of recess having elapsed the Senate will be in order.

BILLS INTRODUCED

Mr. WALKER. Mr. President, I ask unanimous consent to introduce a bill at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. WALKER read in place and presented to the Chair Senate Bill No. 31, entitled:

An Act making an appropriation to the Industrial Home for Crippled Children, Pittsburgh, Pennsylvania.

Which was committed to the Committee on Appropriations.

Mr. COLEMAN. Mr. President, I ask unanimous consent to introduce a bill at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. COLEMAN read in place and presented to the Chair Senate Bill No. 32, entitled:

A Supplement to the act, approved the second day of July, one thousand nine hundred and thirty-seven (P. L. 2706), entitled "An act creating a commission; providing for participation in the New York World's Fair and making an appropriation," by making an additional appropriation thereto.

Which was committed to the Committee on Appropriations.

RECESS

Mr. EALY. Mr. President, I move that the Senate do now take a recess for five minutes.

Mr. GELDER. Mr. President, I second the motion. The motion was agreed to.

ANNOUNCEMENT BY THE SECRETARY

There will be a meeting of Committee on Appropriations in the room to my left immediately.

AFTER RECESS

The PRESIDENT. The time of recess having elapsed the Senate will be in order.

REPORT FROM COMMITTEE

Mr. HEYBURN, from the Committee on Appropriations, reported as committed, Senate Bill No. 32, entitled:

A Supplement to the act, approved the second day of July, one thousand nine hundred and thirty-seven (P. L. 2706), entitled "An act creating a State World's Fair Commission; defining the powers and duties of said commission; providing for participation in the New York World's Fair; and making an appropriation," by making an additional appropriation thereto.

BILL INTRODUCED

Mr. EROE. Mr. President, I ask unanimous consent to introduce a bill at this time.

The President. Is there objection? The Chair hears none.

Mr. EROE read in place and presented to the Chair Senate Bill No. 33, entitled:

An Act providing for the pensioning of certain persons residents of this Commonwealth of Pennsylvania who have been or shall be soldiers, sailors, marines or members of the enlisted nurse corps designated as "blind veteran;" defining the term "blind veteran;" imposing certain duties on the Department of Welfare; imposing penalties for violation thereof; making an appropriation and repealing inconsistent legislation.

Which was committed to the Committee on Welfare, Public Assistance and Pensions.

MOTION TO READ BILLS THE FIRST TIME

Mr. RUTH. Mr. President, as Democratic Floor Leader for the time being, I move that the Senate do now proceed

to the first reading of all bills reported from committees for the first time at today's session.

Mr. SIPE. Mr. President, I second the motion. The motion was agreed to.

BILL ON FIRST READING

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 32, entitled:

A Supplement to the act, approved the second day of July, one thousand nine hundred and thirty-seven (P. L. 2706), entitled "An act creating a State World's Fair Commission; defining the powers and duties of said commission; providing for participation in the New York World's Fair; and making an appropriation," by making an additional appropriation thereto.

And said bill having been read at length the first time. Ordered, To be laid aside for second reading.

ANNOUNCEMENT BY THE SECRETARY

Senate Committee on Executive Nominations will meet next Tuesday morning, January 31st, 1939, at 10:00 o'clock, A. M., in the Senate Caucus Room, for the purpose of a hearing.

ADJOURNMENT

Mr. OWLETT. Mr. President, I move that the Senate do now adjourn until Wednesday, January 25th, 1939, at 1:00 o'clock, P. M.

Mr. GELDER. Mr. President, I second the motion. The motion was agreed to.

The Senate adjourned, at 6:20 o'clock, P. M., until Wednesday, January 25th, 1939, at 1:00 o'clock, P. M.

HOUSE OF REPRESENTATIVES

TUESDAY, JANUARY 24, 1939.

The House met at 1:00 p. m.

The SPEAKER (Ellwood J. Turner) in the Chair.

PRAYER

The Chaplain, Rev. Walter Evans Deibler, offered the following prayer:

For a new day, O God, we thank Thee and that Thou didst watch over and protect us from danger and harm. We praise Thee for the strength Thou dost give unto us for the performance of every duty. For Thy guidance upon this House we continue our prayer, that as Thy children we may acknowledge Thy help and receive Thy blessing from day to day. Wilt Thou inspire our hearts with confidence and our minds with vision without which Thy people perish. May we acknowledge Thee in all our ways and then Thou wilt direct our paths. Bless the homes of our land with all parents and children. Help these Thy servants so to legislate that happiness and peace may abide at every fireside. Bless the men and women of industry; the farmers who till the soil; the educators who teach; those who engage in commerce and trade; the vast human family of our Commonwealth whatever their work. Thus bring honor to Thy Name. O God, through Jesus Christ our Lord. Amen.

JOURNAL APPROVED

The SPEAKER. The Clerk will read the Journal of yesterday.

The Clerk proceeded to read the Journal of yesterday, when, on motion of Mr. O'Connor, the further reading was dispensed with and the Journal approved.

BILLS INTRODUCED AND REFERRED

By Mr. POWERS.

HOUSE BILL No. 82.

An Act to further amend section six hundred and twenty of the act, approved the first day of May, one thousand nine hundred and twenty-nine (P. L. 905), entitled "An act for the protection of the public safety; regulating the use of highways, and the operation of vehicles, tractors, street cars, trackless trolley omnibuses, bicycles, pedestrians, and the riding of animals upon the highways of this Commonwealth; providing for the titling, including liens, encumbrances, and legal claims; registration of certain vehicles and licensing the operators thereof, upon payment of prescribed fees; prescribing and limiting the powers of local authorities to deal with the subject matter of this act; conferring powers and imposing duties upon the Department of Revenue, the Department of Highways, peace officers, mayors, burgesses, magistrates, aldermen, justices of the peace, the courts and the clerks thereof, owners of vehicles, and garage keepers; providing that records are admissible as evidence; imposing upon owners, counties, cities, boroughs, incorporated towns, townships, within the Commonwealth, liability for damages caused by the negligent operation of their motor vehicles; imposing penalties; imposing certain costs upon counties; providing for the disposition of fines, forfeitures, fees, and miscellaneous receipts; making an appropriation and providing for refunds," by changing the penalty prescribed for operating a motor vehicle, street car or trackless trolley omnibus while under the influence of intoxicating liquor or permitting any person so to do.

Referred to the Committee on Motor Vehicles.

By Mr. POWERS.

HOUSE BILL No. 83.

An Act regulating the storage of abandoned or junked automobiles; and providing penalties.

Referred to the Committee on Motor Vehicles.

By Mr. POWERS.

HOUSE BILL No. 84.

An Act to further amend clause (a) of section six hundred and fourteen and section six hundred and twenty of the act, approved the first day of May, one thousand nine hundred and twenty-nine (P. L. 905), entitled "An act for the protection of the public safety; regulating the use of highways, and the operation of vehicles, tractors, street cars, trackless trolley omnibuses, bicycles, pedestrians, and the riding of animals upon the highways of this Commonwealth; providing for the titling including liens, encumbrances, and legal claims; registration of certain vehicles and licensing the operators thereof, upon payment of prescribed fees; prescribing and limiting the powers of local authorities to deal with the subject matter of this act; conferring powers and imposing duties upon the Department of Revenue, the Department of Highways, peace officers, mayors, burgesses, magistrates, aldermen, justices of the peace, the courts and the clerks thereof, owners of vehicles, and garage keepers; providing that records are admissible as evidence; imposing upon owners, counties, cities, boroughs, incorporated towns, townships, within the Commonwealth, liability for damages caused by the negligent operation of their motor vehicles; imposing penalties; imposing of fines, forfeitures, fees, and miscellaneous receipts; making an appropriation and providing for refunds," by changing the penalty prescribed for operating a motor vehicle, street car or trackless trolley omnibus while under the influence of intoxicating liquor or permitting any persons so to do, and changing the revocation of licenses therefor.

Referred to the Committee on Motor Vehicles.

By Messrs. DOWNEY and BAKER. HOUSE BILL No. 85.

An Act to amend section four hundred and ten of the act, approved the twenty-ninth day of November, one thousand nine hundred and thirty-three (P. L. 15, 1933-34), entitled "An act to regulate and restrain the sale, manufacture, possession, transportation, importation, traffic in, and use of alcohol, and alcoholic and malt or brewed beverages; conferring powers and imposing duties upon the Pennsylvania Liquor Control Board and its agents, the Department of Public Instruction, other officers of the State government, courts, and district attorneys; authorizing the establishment and operation of State stores for the sale of such beverages not for consumption on the premises, and the granting of licenses, subject to local option, to sell such beverages for consumption on and off the premises; forbidding importation or bringing of such beverages into the State except as herein provided; prohibiting certain sales or practices in, connection with, and transactions in such beverages by licensees and others; making disposition of the receipts from State stores and of fees; and imposing penalties," as reenacted and amended, providing that no licensee shall have his license suspended or revoked for any violation for which a prosecution has been brought before a court of competent jurisdiction, but no conviction had.

Referred to the Committee on Liquor Control.

By Mr. O'CONNOR.

HOUSE BILL No. 86.

An Act imposing a State tax payable by those herein defined as distributors on fuel oil used or sold and delivered within the Commonwealth; providing for the collection and lien of the tax and the distribution and use of the proceeds thereof; requiring such distributors to secure permits to give security to file reports and to retain certain records; imposing duties on retail dealers, common carriers and such distributors; providing for rewards; imposing certain costs on counties; conferring powers and imposing duties on certain State officers and departments; providing for refunds; imposing penalties and making an appropriation.

Referred to the Committee on Ways and Means.

By Messrs. DOWNEY and BAKER. HOUSE BILL No. 87.

An Act to amend section thirteen and clause (b) of section thirty of the act, approved the third day of May, one thousand nine hundred and thirty-three (P. L. 252), entitled "An act to regulate and restrain the traffic in malt and brewed beverages, as herein defined; providing for the licensing of the manufacture, transportation, sale and distribution of such beverages; imposing license and permit fees, and providing for collection and distribution thereof; restricting ownership and interest in licensed places; permitting municipalities and townships, by vote of the electors to prevent the licensing therein of places where such beverages may be sold for consumption on the premises, and regulating elections for this purpose; imposing duties upon county treasurers, the Pennsylvania Liquor Control Board, quarter sessions courts, district attorneys the Department of Justice, proper authorities of political subdivisions of the State, and election officers; providing penalties; and repealing existing acts," as reenacted and amended, providing that no licensee shall have his license suspended or revoked for any alleged violation for which a prosecution has been brought before a court of competent jurisdiction, but no conviction had.

Referred to the Committee on Liquor Control.

By Mr. TAHL.

HOUSE BILL No. 88.

An Act to amend section two of the act, approved the twenty-fourth day of June, one thousand nine hundred and one (P. L. 597), entitled "An act making it unlawful for first cousins to be joined in marriage, and declaring all marriages contracted after the first day of January, Anno Domini one thousand nine hundred and two, in

violation of this act, void, "by qualifying the circumstances under which such marriages are void.

Referred to the Committee on Judiciary General.

By Messrs. ROSE and ANDREWS. HOUSE BILL No. 89.

An Act imposing liability for damages sustained by places of business from the maintenance of ditches, excavations and trenches in front of such places by municipalities, public utility companies, or other persons.

Referred to the Committee on Public Utilities.

By Messrs. ROSE and ANDREWS HOUSE BILL No. 90.

An Act to enable cities of the third class to adopt the city manager plan of government providing the procedure for the adoption or discontinuance thereof making suitable provisions for the conduct of city government thereunder and in connection therewith; imposing certain duties on mayors, city councils, county commissioners and election officers.

Referred to the Committee on Cities—Third Class.

By Messrs. HOLLAND and OMINSKY.

HOUSE BILL No. 91.

An Act providing for payment by the Commonwealth, out of moneys derived from liquid fuels taxes, of the cost to cities, boroughs, town and townships of traffic regulation and safety and other service attributable to automobile and motor truck usage of municipal and township streets and highways, prohibiting the payment of such costs out of taxes on real property; imposing duties on such municipalities and townships, and on the Department of Revenue and the Pennsylvania Motor Police; and appropriating moneys in the Motor License Fund.

Referred to the Committee on Appropriations.

By Mr. WOODSIDE.

HOUSE BILL No. 92.

An Act to prohibit assessments and demands for contributions for political purposes; and providing a penalty.

Referred to the Committee on Elections.

By Mr. LOVETT.

HOUSE BILL No. 93.

An Act requiring the approval by the General Assembly of all rules and regulations prescribed or adopted by departments, boards, commissions and agencies of the Commonwealth.

Referred to the Committee on State Government.

By Mr. OMINSKY.

HOUSE BILL No. 94.

An Act to amend section eight of and add section fifty-six and one tenth to the act, approved the seventh day of June, one thousand nine hundred seventeen (P. L. 447), entitled as amended "An act relating to the administration and distribution of the estates of decedents and of minors, and of trust estates; including the appointment, bonds, right, powers, duties, liabilities, accounts, discharge and removal of executors, administrators, guardians, and trustees, herein designated as fiduciaries; the administration and distribution of the estates of presumed decedents; widow's and children's exemptions; debts of decedents, rents of real estate as assets for payment thereof, the lien thereof, sales and mortgages of real estate for the payment thereof, judgments and executions therefor, and the discharge of real estate from the lien thereof; contracts of decedents for the sale or purchase of real estate; legacies, including legacies charged on land; the discharge of residuary estates and of real estate from the lien of legacies and other charges; the appraisalment of real estate devised at a valuation; the ascertainment of the curtilage of dwelling houses or other buildings devised: the abatement and

survival of actions, and the substitution of executors and administrators therein; the survival of causes of action and suits thereupon by or against fiduciaries; investments by fiduciaries; the organization of corporations to carry on the business of decedents; the audit and review of accounts of fiduciaries; refunding bonds; transcripts to the court of common pleas of balance due by fiduciaries; the rights, powers, and liabilities of nonresident and foreign fiduciaries; the appointment, bonds, rights, powers, duties, and liabilities of trustees durante absentia; the recording and registration of decrees, reports and other proceedings, and the fees therefor; appeals in certain cases; and, also, generally dealing with the jurisdiction, powers, and procedure of the orphans' court in all matters relating to fiduciaries concerned with the estates of decedents," by requiring bonds of executors and testamentary trustees and guardians, except on order of the orphans' court.

Referred to the Committee on Judiciary General.

RESOLUTION INTRODUCED AND REFERRED

By Mr. TAYLOR. (Concurrent) RESOLUTION No. 6.

In the House of Representatives, January 23, 1939.

Whereas, Nearly four hundred thousand sons of the Commonwealth of Pennsylvania wore the uniform of our Nation during the World War; and

Whereas, Many other Pennsylvanians have served honorably in the Army, Navy, or Marine Corps in every war and military expedition authorized by the United States Government prior and subsequent to the World War; and

Whereas, Although Pennsylvania contributed more men and money to the Federal Government during the World War than any other State in the Union (excepting the State of New York) the Federal Government has not recognized this fact by erecting a proportionate number of United States veterans hospitals within the Commonwealth; and

Whereas, To date the Federal Government has constructed only two hospitals in Pennsylvania, one at Coatesville and the other at Aspinwall; and

Whereas, As many as five hospitals have been erected in other States; and

Whereas, At present the hospitals at Coatesville and Aspinwall are filled to capacity and there is a waiting list of disabled veterans seeking admittance; therefore be it

Resolved (if the Senate concur), That the General Assembly of the Commonwealth of Pennsylvania, memorialize the President of the United States and the United States Veterans Administration to construct and equip immediately a large general medical war veteran hospital in Pennsylvania, in order to provide hospitalization for thousands of disabled Pennsylvania war veterans who are in need of hospital attention, but who are unable to receive the same because of present inadequate facilities.

Referred to Committee on Military Affairs.

RESOLUTION INTRODUCED AND REFERRED

By Mr. ANDREWS.

RESOLUTION No. 7.

In the House of Representatives, January 23, 1939.

Whereas, it has been variously asserted that costs of government, state and local, have shown a steady tendency to increase from year to year during the last decade; and

Whereas, All political parties, through their platforms and through their candidates, have persistently asserted not only their willingness but their determination to take such action as may be best adapted to curtail the costs of government; and

Whereas, The most effective way for the General Assembly to proceed in considering the possibilities of reducing governmental costs is to compile and study the specific instances in which governmental costs have increased as a direct result of legislative action; and

Whereas, There is, during the early days of this General Assembly, a period which its members will be at liberty

to study governmental costs, state and local, and to further familiarize themselves with the structure of government; and

Whereas, Such studies would be worth while in and of themselves even though they failed to effect an immediate reduction in the cost of government, state and local; therefore be it

Resolved, That the Speaker of the House is authorized to appoint various special committees, as follows:

1. A committee which will tabulate and analyze the cost of all services, if any, rendered by the Commonwealth which are wholly or in part duplicated by township, borough, city or county agencies and which will recommend whether such services should be continued wholly under the jurisdiction of the State, wholly under the jurisdiction of the local community or abandoned if it shall be found that the need for such services no longer exists.

2. A committee which will tabulate the cost of all inspection services rendered by the Commonwealth and analyze such services for the purpose of ascertaining instances, if any, in which one state agency duplicates the inspection services rendered by some other state agency and which will, in addition, further analyze the facts and figures for the purpose of ascertaining instances in which inspection services now performed by various state agencies could be centralized in a Bureau of Inspection, employing inspectors technically qualified to inspect a particular premises for and on behalf of several state departments, such as, for example, the Department of Health, the Department of Agriculture and the Department of Labor and Industry.

3. A committee which will investigate and report upon the suggestion that all premises subject to inspection should be licensed by the Commonwealth to operate and that the total license fees collected should be sufficient not only to pay the cost of inspection but to yield, in addition, a substantial revenue to the Commonwealth; or, in any event, the schedule of licenses and fees to be so graduated as to yield to the Commonwealth a minimum of \$12,000,000 a year.

4. A committee which will ascertain what legislation, if any, enacted by the General Assembly since 1929, has operated to increase the cost of administering the affairs of the various townships of the Commonwealth, and which will report whether these increased costs, if any, have been justified by experience, whether, if justified, any such increased costs should be abolished.

5. A committee which will ascertain what legislation, if any, enacted by the General Assembly since 1929, has operated to increase the cost of administering the affairs of the various school districts of the Commonwealth, and which will report whether these increased costs, if any, have been justified by experience, whether, if justified, any such costs which are now mandatory should be permissive, and whether, in the opinion of the committee, any such increased costs should be abolished.

6. A committee which will ascertain what legislation, if any, enacted by the General Assembly since 1929, has operated to increase the cost of administering the affairs of the various cities of the Commonwealth, and which will report whether these increased costs, if any, have been justified by experience, whether, if justified, any such costs which are now mandatory should be permissive, and whether, in the opinion of the committee, any such increased costs should be abolished.

7. A committee which will ascertain what legislation, if any, enacted by the General Assembly since 1929, has operated to increase the cost of administering the affairs of the various counties of the Commonwealth, and which will report whether these increased costs, if any, have been justified by experience, whether, if justified, any such costs which are now mandatory should be permissive, and whether, in the opinion of the committee, any such increased costs should be abolished.

8. A committee which will ascertain to what extent, if any, it would be possible, without in any way increasing the law's delay, to reduce the number of Common Pleas judges by enlarging existing judicial districts or by abolishing judges in counties, if any, which the records may show are now overstaffed with underworked judges.

9. A committee which will ascertain what legislation, if any, enacted by the General Assembly since 1929, has operated to increase the cost of administering the affairs of the various school districts of the Commonwealth, and which will report whether these increased costs, if any have been justified by experience, whether, if justified any such costs which are now mandatory should be permissive, and whether, in the opinion of the committee, any such increased costs should be abolished.

10. A committee which will study the governmental structure of the various counties of the Commonwealth and suggest what economies, if any, could be effected by consolidating the functions of various existing county offices or by applying the principle of the commission form of government in the operation of the various counties.

11. A committee which will report upon the advantages and disadvantages incident to the creation of larger county units by consolidating counties in which population and property values have conspicuously declined during the last quarter of a century.

12. A committee which will investigate and report concerning the advantages and disadvantages of abolishing the office of county corner and providing that the functions of the corner shall be performed by the district attorney.

13. A committee which will investigate and report concerning the advantages and disadvantages of abolishing the office of county detective in all counties except counties of the first and second class; the duties of the county detectives to be assumed by the State Police; the counties to compensate the Commonwealth for services rendered to the extent of one-half the total annual sum they are now authorized by law to spend for the services of county detectives.

14. A committee to report concerning the advantages and disadvantages of dispensing with the services of the approximately 750 local registrars of vital statistics; births, marriages and deaths to be reported to the county commissioners in the respective counties by physicians in the case of births, by the person performing the ceremony in the case of marriages, and by physicians and undertakers in the case of deaths; the county commissioners to forward the data so received to the Bureau of Vital Statistics at such intervals and in such form as the Department of Health may require—and do so as a part of the duties of their office.

15. A committee to investigate and report concerning highway maintenance costs in comparable areas, with a view of ascertaining whether it would not be possible to effect substantial savings by employing only technically proficient supervisors and only workmen capable of doing a fair day's work and willing to do so—and effect these savings even though the labor rate were materially advanced; the committee to ascertain whether the results achieved in some districts do not indicate there is considerable loafing and general inefficiency in many other districts.

16. A committee to investigate and report whether, in its opinion, material reduction in local costs of government could be effected if all cities were permitted to frame their own charters unimpeded, unhampered or unrestricted by state legislation, the sole obligation being that the city charters be kept within the structure of the Constitution.

17. A committee to investigate and report what portions of House Bill 22, as presented to the General Assembly in 1933, are still sound and worthy of presentation to the House of Representatives.

18. A committee to study and report upon the suggestion that all bureaus and departments be subject to audit not only as to their accounts but also as to performance; the audit to be conducted by a bureau operating under the direction of the Governor and the purpose of the audit being to ascertain whether, in every instance, the State is receiving the service for which it is paying, whether, on the basis of their day-by-day performance, departments and bureaus are understaffed or overstaffed, whether individuals and organizations are actually producing,

whether persons in the field and responsible for collections are operating on a basis which would be considered satisfactory by the manager of an industrial or commercial concern—whether, in fact, the state service in all its branches performs in accordance with accepted business standards; the auditors to make a special effort to tabulate the total amount of idle time devoted to the service of the State by its various employees and to report to the Governor for immediate corrective action.

Be it further resolved, That an additional special committee be appointed to receive, classify and report upon suggestions designed to promote economy and efficiency in government submitted by the various members of this House, each member being specifically requested to submit to this special committee a minimum of five such suggestions, to the end that with all the members of this House working together to promote economy and efficiency in government, substantial results may be achieved at this session of the General Assembly.

In appointing the Committees outlined, it is the sense of this resolution that the Speaker of the House determine the number to be appointed in each instance and he is authorized to select the personnel.

Referred to Committee on Rules.

RESOLUTION INTRODUCED AND REFERRED

By Mr. FINNERTY.

RESOLUTION No. 8.

In the House of Representatives, January 23, 1939.

Whereas, There has been a movement started in the United States to lift the present embargo on shipments of war materials to belligerent countries; and

Whereas, Were the present embargo to be lifted the United States by permitting shipments of war materials would be directly contributing to the further slaughter of innocent men and women, therefore be it

Resolved, That the House of Representatives of the Commonwealth of Pennsylvania hereby memorializes the Congress of the United States to maintain the present embargo on the shipments of war materials to belligerent countries and if any change is to be made in such laws, they should be strengthened further to prevent any evasion of the existing laws; and be it further

Resolved, That a copy of this resolution be transmitted to the President of the Senate and the Speaker of the House of Representatives of the United States by the Chief Clerk of this House.

Referred to Committee on Federal Relations.

SENATE MESSAGE

HOUSE BILLS CONCURRED IN BY SENATE

The Clerk of the Senate being introduced, returned bills from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 1.

An Act transferring money from the Motor License Fund to the General Fund and providing for the subsequent return from the General Fund of the transferred money.

With the information that the Senate has passed the same without amendment.

LEAVE OF ABSENCE

Mr. Woodside asked and obtained leave of absence for Mr. KANE for the week.

SENATE MESSAGE

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The Clerk of the Senate being introduced, returned

bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 5.

An Act making a deficiency appropriation to the Department of Public Assistance for purposes of carrying out the Public Assistance Law for the two fiscal years ending May thirty-first one thousand nine hundred thirty-nine.

With the information that the Senate has passed the same with amendments, in which the concurrence of the House of Representatives is requested.

The SPEAKER. The Clerk will read the amendments. The Clerk read the amendments as follows:

Amend the title, page 1, line 3, by inserting after the word "Law" the words "and for administration expenses."

Amend Section 2, page 2, by inserting after line 13, the following paragraph:

"Out of the moneys hereby appropriated the Department of Public Assistance may allocate a sum not to exceed two hundred eighty thousand dollars (\$280,000) for the payment of the salaries wages or other compensation of a deputy secretary and other employees and of general expenses supplies printing and equipment necessary for the proper conduct of the work of said department and for the payment of per diem compensation and expenses of members of the Employment Board compensation of its employees and general expenses supplies printing and equipment necessary for the proper conduct of its work."

On the question,

Will the House concur in the amendments made by the Senate?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—194.

Achterman,	Eckels,	Leydic,	Sarra,
Ackermann,	Ely,	Lichtenwalter,	Scanlon,
Allen,	Ewing,	Long,	Schrock,
Andrews,	Falkenstein,	Lovett,	Schrope,
Atkins,	Fauset,	Lyons,	Schwab,
Auker,	Finnerty,	Madden,	Self,
Baker,	Fisher,	Malloy,	Serrill,
Balliet,	Fiss,	Malone,	Shaw,
Balthaser,	Flanagan,	Marr,	Shearer,
Bardes,	Fleming,	Mathews,	Simons,
Bennett,	Foor,	McClester,	Skele,
Bohn,	Freed,	McGarritty,	Sloan,
Boles,	Fullerton,	McKinney,	Snyder,
Boney,	Furman,	McLane,	Sollenberger,
Boorse,	Gates,	McNally,	Stambaugh,
Boose,	Gillan,	McVay,	Stank,
Bower,	Gillette,	Mihm,	Stockham,
Boyd,	Goll,	Montgomery,	Sweeney,
Brancato,	Habbyshaw,	Mooney,	Tahl,
Bretherick,	Haines,	Moran,	Tarr,
Broad,	Hall,	Moser, F. S.,	Taylor,
Bronson,	Hamilton,	Moser, J. L.,	Terry,
Brown, H. S.,	Harbeson,	Muir,	Thistle,
Brown, S. W.,	Harkins,	Munley,	Thompson, E. F.,
Brunner,	Haudenschild,	O'Brien,	Thompson, G. E.,
Burns,	Henry,	O'Connor,	Tiemann,
Burris,	Hess,	O'Dare,	Trout,
Cadwalader,	Hewitt,	O'Keefe,	VanAlsburg,
Calvin,	Hindman,	Ominsky,	Van Belle,
Carpenter,	Hooke,	O'Neill,	Voorhees,
Check,	Hoffman, J. N.,	Peacock,	Walsh,
Chervenk,	Hoffman, S. K.,	Powers,	Watkins,
Christler,	Holland,	Preston,	Webster,
Clark,	Hoyt,	Readinger,	Weiss,
Clearwater,	Huntley,	Reagan,	Welsh, E. B.,
Cook,	Irvin,	Reese, D. F.,	Welsh, M. J.,
Cooper,	James,	Reese, R. E.,	Westrick,
Cordier,	Jirolanio,	Regan,	Wilkinson,
Corrigan,	Johnston,	Reynolds,	Williams,
Cortese,	Jones,	Rhodes,	Wilson,
Curran,	Kenehan,	Rider,	Winner,
Dalrymple,	Kilroy,	Riley,	Wood, H. M.,
Denman,	Kline,	Robertson,	Wood, L. H.,
DeNote,	Knoble,	Rooney,	Wood, N.,

Dick,
Dix,
Donahue,
Donohoe,
Downey,

Kowalski,
Krise,
Lee,
Leisey,
Levy,

Rose,
Roseberry,
Rosefeld,
Rothenberger,

Woodside,
Yeakel,
Turner,
Speaker,

NAYS—1.

Tronzo,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative, and the amendments were concurred in.

Ordered, That the Clerk inform the Senate accordingly.

BILLS SIGNED BY THE SPEAKER

Bills numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the titles were publicly read as follows:

HOUSE BILL No. 1.

An Act transferring money from the Motor License

Fund to the General Fund and providing for the subsequent return from the General Fund of the transferred money.

HOUSE BILL No. 5.

An Act making a deficiency appropriation to the Department of Public Assistance for the purposes of carrying out the Public Assistance Law and for administration expenses for the two fiscal years ending May thirty-first one thousand nine hundred thirty-nine.

Whereupon,

The SPEAKER, in the presence of the House, signed the same.

ADJOURNMENT

Mr. ROSE. Mr. Speaker, I move that this House do now adjourn until tomorrow at 1:00 p. m.

The motion was agreed to, and (at 1:26 p. m.) the House adjourned until Wednesday, January 25, 1939, at 1:00 p. m.

Legislative Journal.

Session 1939.

133d of the General Assembly.

Vol. 23

HARRISBURG, PA., WEDNESDAY, JANUARY 25, 1939.

No. 8.

SENATE

WEDNESDAY, January 25, 1939

The Senate met at 1:00 o'clock P. M.

The PRESIDENT (Lieutenant-Governor Samuel S. Lewis) in the Chair.

PRAYER

The Chaplain, Rev. Burleigh A. Peters offered the following prayer:

Most Gracious God, Thou hast written in the Word, "Righteousness exalteth a nation but sin is a reproach to any people." Therein Thou hast made plain the foundation upon which securely must rest national integrity, permanent prosperity and amicable relationship by a people walking in the right way.

These fruits we have tasted, both as a nation and as a Commonwealth. We pass this way but once. May Thy grace attend us and lift us up into that place and plane of high-motived service and righteous endeavor that men seeing our good works may glorify our Father in heaven.

We ask the granting of our petition this day for Thy Name's sake. Amen.

JOURNAL APPROVED

The PRESIDENT. A quorum of the Senate being present the Clerk will read the Journal of the preceding session.

The Clerk proceeded to read the Journal of the preceding session, when, on motion of Mr. OWLETT, the further reading was dispensed with, and the Journal was approved.

NOMINATIONS BY THE GOVERNOR

The Secretary of the Governor, being introduced presented in writing from His Excellency, the Governor of the Commonwealth, nominations for appointment as Notaries Public, which were laid on the table.

BILL ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 32, as follows:

A Supplement to the act approved the second day of July one thousand nine hundred and thirty-seven (P. L. 2706) entitled "An act creating a State World's Fair Commission defining the powers and duties of said commission providing for participation in the New

York Worlds Fair and making an appropriation" by making an additional appropriation thereto.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1. The additional sum of three hundred twelve thousand five hundred dollars (\$312,500) is hereby appropriated to the State World's Fair Commission created under the act approved the second day of July one thousand nine hundred and thirty-seven (P. L. 2706) entitled "An act creating a State World's Fair Commission defining the powers and duties of said Commission providing for participation in the New York Worlds Fair and making an appropriation" this appropriation is made for the purpose of carrying into effect the provisions of the act to which this is a supplement.

The funds herein appropriated shall be payable from general revenues on or before the first day of July 1939. Any funds not used for the purposes aforesaid shall be returned to the general treasury.

This bill shall become effective immediately on final passage.

And said bill having been read at length the second time and agreed to,

Ordered. To be transcribed for a third reading.

HOUSE MESSAGE

The Clerk of the House of Representatives, being introduced, informed the Senate that the House has concurred in Resolution from the Senate as follows:

In the Senate, January 24, 1939.

Resolved, (if the House of Representatives concur), That when the Senate adjourns this week it reconvene on Monday evening, January 30, at nine o'clock; and when the House of Representatives adjourns this week it reconvene on Monday evening, January 30, at eight o'clock.

ADJOURNMENT

Mr. OWLETT. Mr. President, I move that the Senate do now adjourn until Monday, January 30, 1939, at 9:00 o'clock, P. M.

Mr. GELDER. Mr. President, I second the motion.

The motion was agreed to.

The Senate adjourned at 1:22 o'clock, P. M., until Monday, January 30, 1939, at 9:00 o'clock P. M.

HOUSE OF REPRESENTATIVES

WEDNESDAY, JANUARY 25, 1939.

The House met at 1:00 p. m.

The SPEAKER (Ellwood J. Turner) in the Chair.

PRAYER

The Chaplain, Rev. Walter Evans Deibler, offered the following prayer:

Accept, we beseech Thee, O God, our deepest gratitude for this another day. With this day Thou hast brought us new opportunities and new duties. Sometimes we stagnate and grow weary in well doing. We confess our failure to recognize the power Thou art willing and ready to bestow upon us. Forgive us, O Lord, when we err or stray from the pathways of righteousness. Help us to be optimistic; to be willing to see better days for Thy people. Give us grace to pray—"O Lord, revive Thy work in the midst of the years; in the midst of the years make it known; in wrath remember mercy." Guide the minds and hearts of these Thy servants in the answering of this prayer that all good and needful works might be accomplished; that evil and wickedness might be suppressed and that righteousness might exalt our nation. Through Jesus Christ, our Lord, we pray. Amen.

JOURNAL APPROVED

The SPEAKER. The Clerk will read the Journal of yesterday.

The Clerk proceeded to read the Journal of yesterday, when, on motion of Mr. Irvin, the further reading was dispensed with and the Journal approved.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair desires to state to the members of the House that our Chaplain has been visiting those members who are nearby and who are sick. He would appreciate it if the members of the House knowing of any members who are ill in the hotels or in any of the hospitals nearby, would advise the Chaplain of that fact. He will gather the names of any of the members who are ill at home from the Chief Clerk's office, if possible. Cooperation on the part of the members in advising the Chaplain as to members who are ill will be greatly appreciated.

BILLS INTRODUCED AND REFERRED

By Mr. CORTESE. HOUSE BILL No. 95.

An Act authorizing the sale of real estate under a judgment obtained on a tax claim or claims to be made by the sheriff, free and clear of tax and municipal claims, for a sum less than the total amount of delinquent tax and municipal claims, under certain conditions, and providing for the distribution of the sum realized upon such sales and for the procedure in such cases.

Referred to the Committee on Judiciary General.

By Mr. DOWNEY. HOUSE BILL No. 96.

An Act providing that no person shall be eligible to act as a deputy tax collector in a borough, town or township unless a resident of the political subdivision in which he is employed.

Referred to the Committee on Municipal Corporations.

By Mr. GATES. HOUSE BILL No. 97.

An Act authorizing the appointment of a commission to make a just, fair and impartial investigation of the manufacture, conduct, sale and advertising of malt and brewed beverages, spirituous liquors and wines, together with the methods and practices of manufacturers and dispensers

thereof and in connection therewith; conferring upon the commission full power to issue subpoenas; requiring the commission to make a preliminary report of its findings to this session of the General Assembly, together with its recommendations as to such regulatory legislation as may be needful to correct any abuses and evils connected with such manufacture, sale and advertising, which are prejudicial to the interests of the citizens of this Commonwealth; and a final report and recommendations to the General Assembly of the session of one thousand nine hundred and forty-one; authorizing the commission to employ counsel and employees; and making an appropriation.

Referred to the Committee on Liquor Control.

By Mr. WILKINSON. HOUSE BILL No. 98.

An Act abolishing the mercantile license tax and the offices of mercantile appraisers; and repealing all laws relating thereto.

Referred to the Committee on Ways and Means.

By Mr. ROSENFELD. HOUSE BILL No. 99.

An Act to amend section one, of the act, approved the nineteenth day of June, one thousand nine hundred and eleven (P. L. 1055), entitled "An act authorizing the release on probation of certain convicts, instead of imposing sentences; the appointment of probation and parole officers, and the payment of their salaries and expenses; regulating the manner of sentencing convicts in certain cases, and providing for their release on parole; their conviction of crime during parole, and their rearrest and reconviction for breach of parole; and extending the powers and duties of boards of prison inspectors of penitentiaries", as amended, by permitting the court to suspend sentence and place defend on probation in cases of conviction of conviction of any crime, under certain conditions.

Referred to Committee on Judiciary Special.

By Mr. GATES. HOUSE BILL No. 100.

An Act to further amend section one of the act, approved the thirteenth day of April, one thousand eight hundred and eighty-seven (P. L. 21), entitled "An act for the establishment of a uniform standard of time throughout the Commonwealth, "by providing for a standard of daylight saving time in the event that the electors of the Commonwealth shall vote in favor thereof; prohibiting the adoption of other standards of time; making it unlawful in a place of business to employ, display, maintain or use other than standard time; providing for a referendum to ascertain the will of the electors; and prescribing penalties.

Referred to Committee on Judiciary General.

By Mr. ROSENFELD. HOUSE BILL No. 101.

An Act to amend section twenty-four of the act approved the sixteenth day of May, one thousand nine hundred and twenty-three (P. L. 207) entitled, "An act providing when, how, upon what property, and to what extent, liens shall be allowed for taxes and for municipal improvements, for the removal of nuisances, and for water rents or rates, sewer rates, and lighting rates; for the procedure upon claims filed therefor; the methods for preserving such liens and enforcing payment of such claims; the effect of judicial sales of the properties lienied; the distribution of the proceeds of such sales, and the redemption of the property therefrom; for the lien and collection of certain taxes heretofore assessed, and of claims for municipal improvements made and nuisances removed, within six months before the passage of this act; and for the procedure on tax and municipal claims filed under other and prior acts of Assembly," as amended by extending the powers of sequestrators to include the collection of municipal claims.

Referred to Committee on Municipal Corporations.

By Mr. ROSENFELD.

HOUSE BILL No. 102.

An Act authorizing the sale of real estate under a judgment obtained on a tax claim or claims to be made by the sheriff, free and clear of tax and municipal claims, for a sum less than the total amount of delinquent tax and municipal claims, under certain conditions; and providing for the distribution of the sum realized upon such sales and for the procedure in such cases.

Referred to the Committee on Municipal Corporations.

By Mr. ROSENFELD.

HOUSE BILL No. 103.

An Act making it a misdemeanor to disseminate, circulate, exhibit or publish in any manner, or to have in possession for the purpose of disseminating, circulating, exhibiting or publishing any matter of any kind or character, or to abet in any manner in inciting, counseling, promoting or advocating hatred, violence or hostility against any group of persons in this State, by reason of race, color, religion or manner of worship; and prescribing penalties.

Referred to the Committee on Judiciary Special.

By Mr. TAYLOR.

HOUSE BILL No. 104.

An Act validating certain tax liens in counties having a controller when the claims whereupon the liens were filed were not signed by, and did not have stamped thereon a facsimile signature of the controller of the county as required by law.

Referred to the Committee on Counties.

By Messrs. ROSE and ANDREWS.

HOUSE BILL No. 105.

An Act requiring tax collectors of taxes of counties of the fourth class to accept payments of taxes in installments.

Referred to the Committee on Counties.

By Messrs. ANDREWS and ROSE.

HOUSE BILL No. 106.

An Act to further amend section two thousand five hundred and fifty-nine of the act, approved the twenty-third day of June, one thousand nine hundred and thirty-one (P. L. 932), entitled "An act relating to cities of the third class; and amending, revising, and consolidating the law relating thereto," by permitting taxpayers to pay their taxes in installments.

Referred to the Committee on Cities—Third Class.

By Mr. FALKENSTEIN.

HOUSE BILL No. 107.

A Joint Resolution authorizing the appointment of a commission to make a fair and impartial investigation of the general practice and procedure in the courts of the Commonwealth, with special reference to the decisions and opinions of such courts which apparently contradict and conflict with each other and seem to be irreconcilable; conferring upon the commission full power to carry out the provisions of this resolution; and to employ counsel and employees; requiring it if possible to make a report to the present session of the General Assembly together with its recommendations, otherwise to make such report and recommendations to the Governor; empowering the commission to sit after the adjournment of the General Assembly; and making an appropriation.

Referred to the Committee on Judiciary General.

By Mr. MORAN.

HOUSE BILL No. 108.

An Act to further amend section five hundred and forty-seven of the act, approved the first day of May, one thou-

sand nine hundred and thirty-three (P. L. 103), entitled "An act concerning townships of the second class; and amending, revising, consolidating, and changing the law relating thereto," extending the period in which auditors shall complete their audit.

Referred to the Committee on Townships.

By Mr. HOLLAND.

HOUSE BILL No. 109.

An Act to amend section one thousand one hundred and four of the act, approved the first day of May, one thousand nine hundred and twenty-nine (P. L. 905), entitled "An act for the protection of the public safety; regulating the use of highways and the operation of vehicles, tractors, street cars, trackless trolley omnibuses, bicycles, pedestrians and the riding of animals upon the highways of this Commonwealth; providing for the titling, including liens, encumbrances and legal claims, registration of certain vehicles and licensing the operators thereof upon payment of prescribed fees; prescribing and limiting the powers of local authorities to deal with the subject matter of this act; conferring powers and imposing duties upon the Department of Revenue, the Department of Highways, peace officers, mayors, burgesses, magistrates, aldermen, justices of the peace, the courts and the clerk thereof, owners of vehicles and garage keepers; providing that records are admissible as evidence; imposing upon owners, counties, cities, boroughs, incorporated towns, townships within the Commonwealth liability for damages caused by the negligent operation of their motor vehicles; imposing penalties; imposing certain costs upon counties; providing for the disposition of fines, forfeitures, fees and miscellaneous receipts; making an appropriation and providing for refunds," by prohibiting the operation of certain commercial motor vehicles, truck tractors, trailers and semi-trailers on public highways between certain hours on Saturdays, Sundays and holidays, except on routes designated by the Department of Revenue with the approval of the Department of Highways; and prescribing a penalty.

Referred to the Committee on Motor Vehicles.

By Mr. FLEMING.

HOUSE BILL No. 110.

An Act making an appropriation for the preparation of the Eightieth Division History; and creating a commission for such purposes.

Referred to the Committee on Appropriations.

SENATE MESSAGE

TIME OF NEXT MEETING

The Clerk of the Senate being introduced presented an extract from the Journal of the Senate, which was read as follows:

In the Senate, January 24, 1939.

Resolved, (if the House of Representatives concur), That when the Senate adjourns this week it reconvene on Monday evening, January 30, at nine o'clock; and when the House of Representatives adjourns this week it reconvene on Monday evening, January 30, at eight o'clock.

Ordered, That the Clerk present the same to the House of Representatives for its concurrence.

On the question,

Will the House concur in the resolution of the Senate?

It was concurred in.

Ordered, That the Clerk inform the Senate accordingly.

COMMUNICATION FROM THE GOVERNOR

The Secretary to the Governor being introduced, presented a communication in writing from His Excellency the Governor, which was read as follows:

APPROVAL OF HOUSE BILLS Nos. 1 and 5.

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg January 24, 1939.

To the Honorable, the House of Representatives of the
Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day
approved and signed the following:

House Bill No. 1, Printer's No. 1 entitled, "An Act
Transferring money from the Motor License Fund to the
General Fund and providing for the subsequent return
from the General Fund of the transferred money."

House Bill No. 5, Printer's No. 6, entitled, "An Act
Making a deficiency appropriation to the Department
of Public Assistance for the purposes of carrying out the
Public Assistance Law and for administration expenses
for the two fiscal years ending May thirty-first one thou-
sand nine hundred thirty-nine."

ARTHUR H. JAMES.

LEAVES OF ABSENCE

Mr. Lee asked and obtained leave of absence for Mr.
BOYD for the remainder of the week.

Mr. Tronzo asked and obtained leave of absence for
Mr. HOMER S. BROWN for the remainder of the week.

SUPPLEMENTAL REPORT OF SLATE COMMITTEE

Mr. WINNER offered a resolution and asked and obtained
unanimous consent for its immediate consideration.

The report was twice read, considered and adopted as
follows:

Commonwealth of Pennsylvania,
In the House of Representatives, January 25, 1939.

Resolved That the following persons be appointed
employees of the House of Representatives, effective Jan-
uary 18, 1939:

CHAPLAIN

Rev. Walter Evans Deibler, Highspire, Pa.

ASSISTANT SERGEANT-at-ARMS

L. Miller Green, Huntingdon, Pa.
Floyd W. Salisbury, Nicholson, Pa.

CUSTODIAN COMMITTEE ROOM

Fred Thompson, Bellefonte, Pa.

PAGE

Bruce LeRoy Herb, Halifax, Pa.

CLERKS TO COMMITTEE

Leo Joseph Morris, Phoenixville, Pa.
Lily E. Lind, New Cumberland, Pa.
Ruth A. Criswell, Waynesboro, Pa.

TRANSCRIBING CLERK

Frank J. Lillie, Corry, Pa.

RESOLUTION

SYMPATHY EXTENDED

Mr. IRVIN offered a resolution and asked and obtained
unanimous consent for its immediate consideration.

The resolution was twice read, considered and adopted
as follows:

In the House of Representatives, January 25, 1939.

Whereas, death has claimed an old and honored former
member of this House, namely Thomas F. McGowan of the

first district of Philadelphia, who died on Monday, Jan-
uary 16, 1939; and

Whereas, Mr. McGowan was active in Republican poli-
tics in South Philadelphia and particularly in the 39th
ward where he was formerly ward leader. He served in
the Legislature from 1921 to 1925; and

Whereas, during the World War he served on the draft
board and was engaged in relief work. He was in charge
of emergency hospital stations in South Philadelphia dur-
ing the influenza epidemic of 1918; and

Whereas, Mr. McGowan was a member of many frater-
nal associations and well known in the city of Philadel-
phia, and

Whereas, he is survived by his widow, Mrs. Regina A.
McGowan and two daughters and two sons; therefore be
it

Resolved, that the members of the House of Represen-
tatives hereby express their deep sympathy for the family
of our former member, the Honorable Thomas F. Mc-
Gowan, and be it further

Resolved, that the Chief Clerk of the House be in-
structed to transmit a copy of the resolution to the family
of the deceased.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair desires to advise the mem-
bers that as we see the program for next week the House
will not be in session longer than Tuesday. We cannot, of
course, guarantee that, but we feel that it is only fair to
the members to let them know in advance our intention
to adjourn on Tuesday, if possible.

RESOLUTION

Mr. TRONZO offered a resolution and asked unanimous
consent to have it read for the information of the House.

The SPEAKER. The Chair desires to inquire of the
gentleman from Allegheny, whether the resolution is a
privileged resolution.

Mr. TRONZO. Mr. Speaker, I feel certain it is not.

The SPEAKER. The Chair, of course, does not desire
to oppose or hinder the gentleman from Allegheny in
asking unanimous consent for the consideration of the
resolution, but we would appreciate, where these resolu-
tions are not privileged, that they be filed with the Clerk
in the usual way. Does the gentleman desire to ask for
unanimous consent?

Mr. TRONZO. Yes, I do, Mr. Speaker. I desire unani-
mous consent for the purpose of having it read for the
benefit of the members.

The SPEAKER. This is not a privileged resolution. The
gentleman from Allegheny, Mr. Tronzo, asks unanimous
consent to have the resolution read for the information
of the members of the House. Will the House give its
unanimous consent?

Mr. WOODSIDE. Mr. Speaker, I object.

Mr. BAKER. Mr. Speaker, I object.

The SPEAKER. The Chair hears objection and consent
is not granted.

Mr. TRONZO. Mr. Speaker, I ask unanimous consent
of the House for the immediate adoption of this resolu-
tion.

The SPEAKER. Will the House give its unanimous
consent for the immediate consideration of the resolution?
Is there objection?

Mr. WOODSIDE. Mr. Speaker, I object.

The SPEAKER. The Chair hears objection, and consent
is not granted.

MOTION TO SUSPEND RULES

Mr. TRONZO. Mr. Speaker, I move that Rule 84 be suspended for the specific purpose of immediate consideration of the resolution.

The Chair desires to advise the gentleman from Allegheny, Mr. Tronzo, that it requires one hundred and five votes to suspend the rules. Does the gentleman desire a roll call?

Mr. TRONZO. Mr. Speaker, I do.

The SPEAKER. Is the roll call seconded?

The yeas and nays were required by Mr. TRONZO and Mr. ROSENFELD and were as follows:

YEAS—16.

Achterman.	Harkins.	Lovett.	Thompson, E. F.
Allen.	Hindman.	Munley.	Tronzo.
Brancato.	Kenehan.	Rider.	Welsh, E. B.
Flanagan.	Long.	Rosenfeld.	Westrick.

NAYS—119.

Ackermann.	DeNote.	Johnston.	Roseberry.
Andrews.	Dick.	Jones.	Schrock.
Auker.	Dix.	Kline.	Self.
Baker.	Donahue.	Knoble.	Serrill.
Balliet.	Donohoe.	Kowalski.	Shearer.
Bardes.	Eckels.	Krise.	Simons.
Bennett.	Ely.	Lelsey.	Sloan.
Boorse.	Ewing.	Leydic.	Snyder.
Boose.	Falkenstein.	Lichtenwalter.	Sollenberger.
Bower.	Pinnerty.	Lyons.	Stockham.
Bretherick.	Fisher.	Madden.	Sweeney.

Bronson.	Fliss.	Marr.	Taylor.
Brown, S. W.	Fleming.	McClester.	Terry.
Brunner.	Foor.	McGarrity.	Thistle.
Burris.	Freed.	McKinney.	Tiemann.
Cadwalader.	Gates.	McNally.	Van Belle.
Calvin.	Gillan.	McVay.	Voorhees.
Carpenter.	Gillette.	Melchiorre.	Walsh.
Check.	Goll.	Montgomery.	Watkins.
Chervenk.	Habbyshaw.	Moser, F. S.	Webster.
Christler.	Haines.	Moser, J. L.	Wilkinson.
Clark.	Hall.	Muir.	Wilson.
Clearwater.	Haudensfield.	O'Dare.	Winner.
Cooper.	Henry.	O'Keefe.	Wood, H. M.
Cordier.	Hewitt.	Peacock.	Wood, L. H.
Corrigan.	Hocke.	Preston.	Wood, N.
Cortese.	Hoffman, J. N.	Readinger.	Woodside.
Curran.	Huntley.	Reagan.	Yeakel.
Dalrymple.	Irvin.	Reese, D. P.	Turner.
Denman.	James.	Rose.	Speaker.

So the question was determined in the negative and the motion was not agreed to.

The Resolution was filed with the Clerk under the Rules.

COMMITTEE MEETING

The Committee on Printing will meet in Room 324 on Monday, January 30, at 3:00 p. m.

ADJOURNMENT

Mrs. FAUSET. Mr. Speaker, I move that this House do now adjourn until Monday, January 30, 1939, at 8:00 p. m.

The motion was agreed to, and (at 1:26 p. m.) the House adjourned until Monday, January 30, 1939, at 8:00 p. m.

Legislative Journal.

Session 1939.

133d of the General Assembly.

Vol. 23

HARRISBURG, PA., MONDAY, JANUARY 30, 1939.

No. 9.

SENATE

MONDAY, January 30, 1939

The Senate met at 9:00 o'clock p. m.

The PRESIDENT (Lieutenant-Governor Samuel S. Lewis) in the Chair.

PRAYER

The Chaplain, Rev. Burleigh A. Peters, offered the following prayer:

God of our Fathers, known of old, who hast made and preserved us a nation, let Thy benediction rest upon us this evening. We are here again to assume the labors which our common tasks demand. We remember the skillful labors of others, now gone to their eternal reward, who have served acceptably and well in this chamber. Give us, we pray Thee, the vision of their forward-looking statesmanship and help us earnestly to emulate their highest virtues, for "Where there is no vision, the people perish."

Endue each member of this great body with a deep sense of his duties and responsibilities to Thee and the people of this great Commonwealth. Let not one of us think of himself more highly than he ought to think but rather to love justice and walk humbly with our God. Therein lies the security of any nation or Commonwealth. Give us courage to do the right thing regardless of the price we may have to pay; yea, even above the political pressure which may be brought to bear upon us. This is Thy way. May we truly be Thy servants this hour and always. We pray in the name of Jesus. Amen.

JOURNAL APPROVED

The PRESIDENT. A quorum of the Senate being present the Clerk will read the Journal of the preceding session.

The Clerk proceeded to read the Journal of the preceding session, when, on motion of Mr. OWLETT, the further reading was dispensed with, and the Journal was approved.

LEAVES OF ABSENCE

Mr. GELDER asked and obtained leave of absence for the Senator from Philadelphia, Mr. WOODWARD, for the week.

Mr. GILSON asked and obtained leave of absence for the Senator from Dauphin, Mr. KUNKEL.

Mr. SHAPIRO asked and obtained leaves of absence for the Senators from Philadelphia, Mr. DiSILVESTRO, Mr. JASPAN, Mr. STIEFEL and Mr. LEVIN, who were attending the President's Ball.

Mr. RICE asked and obtained leave of absence for the Senator from Allegheny, Mr. FREY.

REQUEST FOR LEAVE OF ABSENCE

Mr. CAVALCANTE asked leave of absence for the Senator from Allegheny, Mr. HENNEY.

MOTION TO LAY ON THE TABLE

Mr. OWLETT. Mr. President, I move that the request of the Senator from Fayette, Mr. Cavalcante, for leave of absence for Mr. Henney, be laid on the table.

Mr. HEYBURN. Mr. President, I second the motion. The motion was agreed to.

CONSIDERATION OF REQUEST FOR LEAVE OF ABSENCE

Mr. CAVALCANTE. Mr. President, on this same order I now call up for action the request for leave of absence for my colleague, Senator Henney, that was laid on the table, January 18th, as shown by the Journal of this Senate on page 149.

Mr. SHAPIRO. Mr. President, I second the motion.

The yeas and nays were required by Mr. OWLETT and Mr. GELDER.

Mr. CAVALCANTE. Mr. President, I call up for action the request for leave of absence for my colleague, Senator Henney, that was laid on the table January 18th, as shown by the Journal of this Senate on page 149.

Mr. OWLETT. Mr. President, I object.

The PRESIDENT. The Senator from Tioga, Mr. Owlett, will state his objection.

Mr. OWLETT. Mr. President, I take it if any member of the Senate objects to the calling up of this request, which was laid on the table as stated by the Senator from Fayette, that it will require a motion to call it up from the table, on which motion a roll call may be required.

Mr. SHAPIRO. Mr. President, there is such a motion and it has been seconded.

The PRESIDENT. For the information of the Senator from Tioga, Mr. Owlett, there is such a motion before the Senate.

Mr. OWLETT. Then, Mr. President, I ask that the roll be called, and that the Senate vote down the motion.

The yeas and nays were required by Mr. OWLETT and Mr. GELDER, and were as follows, viz:

YEAS—15

Cavalcante,
Coleman,
Dent,
Broe,

Gilson,
Kilgallen,
Lanlus,
McCreesh.

McGinnis,
Mundy,
Reed,
Rice.

Ruth,
Shapiro,
Sipe,

NAYS—26

Bartlett,
Chapman,
Crowe,
Detrick,
Ealy,

Gelder,
Geltz,
Haluska,
Heyburn,
Homsher,

Letzler,
Mallery,
Miller,
Owlett,
Pierson,

Snowden,
Stevenson,
Tallman,
Thomas,
Walker,

Edmonds,
Farrell,

Jacobs,
James,

Scarlett,

Wolfenden,

So the question was determined in the negative.

NOMINATIONS BY THE GOVERNOR

NOTARIES PUBLIC AND COMMISSIONER OF DEEDS

The Secretary to the Governor, being introduced, presented in writing from His Excellency, the Governor of the Commonwealth, nominations for appointment as Notaries Public and Commissioner of Deeds, which were laid on the table.

He also presented a communication in writing from His Excellency, the Governor of the Commonwealth, which was read as follows, and referred to the Committee on Executive Nominations.

APPOINTMENT AS TREASURER OF DELAWARE COUNTY

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, January 30, 1939.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor to nominate for the advice and consent of the Senate the following:

James T. Stewart, Lansdowne, Delaware County, for appointment as Treasurer of Delaware County, to serve until the first Monday in January, 1940, vice William F. Russell, resigned.

ARTHUR H. JAMES.

CONSIDERATION OF EXECUTIVE NOMINATIONS NOTARIES PUBLIC AND COMMISSIONER OF DEEDS

Mr. EALY. Mr. President, I move that the Senate do now proceed to the consideration of Nominations for appointment as Notaries Public and Commissioner of Deeds, sent to the Senate January 24, 25 and 30, 1939, by His Excellency, the Governor of the Commonwealth, and laid on the table.

Mr. CHAPMAN. Mr. President, I second the motion. The motion was agreed to.

The nominations were read as follows:

COMMISSIONER OF DEEDS

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, January 24, 1939.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following:

A. B. Coombs, 160 Front Street, New York, N. Y., for appointment as Commissioner of Deeds for the Commonwealth of Pennsylvania with residence in the State of New York, for the term of five years to compute from the date of confirmation.

ARTHUR H. JAMES.

NOTARIES PUBLIC

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, January 25, 1939.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointment as Notaries Public, for

terms of four years to compute from the date of confirmation:

ALLEGHENY COUNTY

Miss Dora R. Klinzing, Pittsburgh, Box 4281 (Carson Station).

CUMBERLAND COUNTY

Mrs. Felma G. Gray, Carlisle.

LACKAWANNA COUNTY

Sam Levy, Scranton.

LANCASTER COUNTY

Mrs. Mildred K. Roberts, Mount Joy.

LEHIGH COUNTY

Leo R. McIntyre, Allentown.

NORTHAMPTON COUNTY

John C. Fenol, Bethlehem.

PHILADELPHIA COUNTY

Miss Margaret Brennan, Phila., 1501 Walnut Street.
Edwin A. Kramer, Phila., 240 East Girard Avenue.

ARTHUR H. JAMES.

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, January 25, 1939.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following person for reappointment as a Notary Public, for a term of four years to compute from the date set opposite her name:

PHILADELPHIA COUNTY

Miss Dora E. Kurtz, Phila., 100 Porter Street., January 31, 1939.

ARTHUR H. JAMES.

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, January 30, 1939.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointment as Notaries Public, for terms of four years to compute from the date of confirmation:

ALLEGHENY COUNTY

Miss Agnes Buesker, Pittsburgh, 624 Liberty Ave.
John W. Fliton, Pittsburgh, Farmers Bank Bldg.
Wm. E. Kristoff, Pittsburgh, 1827 Beaver Ave.

ERIE COUNTY

Joseph F. Mattis, Erie.

LANCASTER COUNTY

Alan C. Beyer, Christiana.

LUZERNE COUNTY

Miss Margaret M. Devlin, Wilkes-Barre.
Charles A. Rhenard, Wilkes-Barre.

MONTGOMERY COUNTY

Miss Helen J. Hart, Cheltenham Twp., Elkins Park.

PHILADELPHIA COUNTY

Mrs. Frances M. Burns, Phila., 127 North 16th Street.
 Mrs. Marie S. Carroll, Phila., 15 Lombard Street.
 Willis B. Heidinger, Phila., 402 Liberty Trust Building.
 Benjamin M. Quigg, Jr., Phila., 2107 Fidelity-Phila.
 Trust Bldg.
 Frank D. Stokes, Phila., 520 Packard Bldg.

WAYNE COUNTY

Miss Katherine M. Firmstone, Honesdale.

ARTHUR H. JAMES.

Commonwealth of Pennsylvania,
 Governor's Office, Harrisburg, January 30, 1939.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for reappointment as Notaries Public, for terms of four years to compute from the date set opposite their names:

LACKAWANNA COUNTY

George Chylak, Olyphant, February 5, 1939.

LUZERNE COUNTY

Miss Gertrude C. Schwab, Ashley, February 6, 1939.

DAUPHIN COUNTY

Paul J. Landis, Harrisburg, February 7, 1939.

ALLEGHENY COUNTY

G. William Jones, Jr., Pittsburgh, 522 Empire Bldg., February 9, 1939.

MONROE COUNTY

Wesley R. Mosteller, East Stroudsburg, February 9, 1939.

COLUMBIA COUNTY

Lawrence R. Cherrington, Bloomsburg, February 15, 1939.

ADAMS COUNTY

James U. Neely, Fairfield, February 19, 1939.

PHILADELPHIA COUNTY

Mrs. Esther Brandschain, Phila., P.S.F.S. Bldg., 12 S. 12th St., February 19, 1939.

WARREN COUNTY

Miss Mabel Hill, Warren, February 26, 1939.

PHILADELPHIA COUNTY

Miss Esther Ratzel, Phila., 1516 Orthodox St., February 27, 1939.

EXECUTIVE SESSION

By unanimous consent,

A motion was made by Mr. CHAPMAN and Mr. EALY, That Rule 38 which requires nominations made by the Governor be referred to an appropriate committee be dispensed with, and the Senate do now resolve itself into Executive Session, for the purpose of acting on the foregoing nominations.

Which was agreed to.

Whereupon,

A motion was made by Mr. CHAPMAN and Mr. EALY.

That the Senate do advise and consent to said nominations.

On the question,

Will the Senate agree to the motion?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—42

Bartlett,	Gelder,	Levin,	Ruth,
Cavalcante,	Geltz,	Mallery,	Scarlett,
Chapman,	Glison,	McCreesh,	Shapiro,
Coleman,	Haluska,	McGinnis,	Sipe,
Crowe,	Heyburn,	Miller,	Snowden,
Detrick,	Homsher,	Mundy,	Stevenson,
Dent,	Jacobs,	Owlett,	Tallman,
Ealy,	James,	Pierson,	Thomas,
Edmonds,	Kilgallen,	Reed,	Walker,
Eroe,	Lanius,	Rice,	Wolfenden,
Farrell,	Letzler,		

NAYS—0

Two-thirds of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Governor be informed accordingly.

Mr. CHAPMAN. Mr. President, I move that the Executive Session do now rise.

Mr. MALLERY. Mr. President, I second the motion. The motion was agreed to.

QUESTION OF PERSONAL PRIVILEGE

Mr. CAVALCANTE. Mr. President, I rise to a question of personal privilege.

The PRESIDENT. The Senator from Fayette, Mr. Cavalcante, will state his question of personal privilege.

Mr. CAVALCANTE. Mr. President, on January 3rd, immediately after the Chaplain of this Senate had pronounced his prayer, the Journal shows this to have happened: "The PRESIDENT. May the Chair say that at my left is the Sheriff of Philadelphia County, about to serve a paper on the presiding officer. May I say to him and to all others that I have charge of police matters in this room and I am immune from the service of papers, so you can take your paper, please and —" There the conversation breaks off.

This evening I find on my desk, conformably with the request made last week, stenographic notes of the hearing before the Committee on Executive Nominations. The papers of this Commonwealth have made public some of that evidence, and they have also written editorials and news items concerning that testimony. All of this, Mr. President, refers to Mr. William J. Hamilton, Jr., who has been nominated by His Excellency, the Governor, as Secretary of Revenue, and whose appointment, for confirmation, is before this Senate.

In the notes of testimony I note that when Mr. Hamilton was questioned concerning his invasion of the sanctity of this Senate on that particular day, and the reason why he had done it, he stated that he had in his possession certain papers that had been handed to him by the Prothonotary of the Supreme Court, whom we all know to be Mr. Waters. When questioned about these papers he was very uncertain as to just what they might be. The only thing that he was positive of was that they were exemplified or certified records of the Supreme Court. He admitted very readily there were no writs, and he also admitted that he had been instructed by the Prothonotary to serve those notices, two of them, on the Senate of Pennsylvania.

Now, I do not find it too outrageous for a Sheriff of

Philadelphia County to serve notices given him by the Prothonotary of the Supreme Court, but I do find it rather outrageous when a Prothonotary of the Supreme Court and a sheriff together conspire to serve anything upon the Senate of Pennsylvania as a body. We are beyond that jurisdiction. Mr. Hamilton was here on January 3rd, in the Halls of this Senate, long before we adjourned at the noon hour conformably with the constitution, and Mr. Hamilton knew where the Lieutenant-Governor's chambers were, he saw the Lieutenant-Governor in the hallways of the Senate, he had all the opportunity that any sheriff needed to serve papers on the Lieutenant-Governor while he was in the Halls of this Senate, in the corridor and in his chambers; but no, Mr. Hamilton lies in wait like a thief in the night — and waits until the Lieutenant-Governor, presiding officer of this Senate, ascends the rostrum and takes the gavel in his hand, convenes this Senate, the Chaplain has said his prayer — and then Mr. Hamilton, I do not know where he thought he was — in some of those countries where they have no law and order, where they have no constitution — but just like a bold knight of old he ascends the rostrum and in a threatening manner, with the papers in his hand, he interrupts the presiding officer of this Senate to serve papers upon him.

I would hate to think that any member of our Supreme Court had anything to do with that affair. I would hate to think that any member of our Supreme Court would be a party to a design to interfere or stay the prerogatives of this Senate, for if that were possible, if they would entertain a thing like that, it will not be very long before they will have sheriffs up here with injunctions to prevent the Senate from functioning within its constitutional sphere.

This man, Mr. Hamilton—I think, and I state that he acted with a high hand, with an utter disregard of our constitutional form of government and he invaded the sanctity of this Senate like a thief in the night when he could have served his papers on the Lieutenant-Governor long before the Lieutenant-Governor had ascended the rostrum.

Mr. President, under this question of personal privilege there are many other things that might be said by me concerning this gentleman, Mr. Hamilton, but I do not want to tire the President with my views on the matter any longer, and I would like to yield, and do now yield the floor on this question to the Senator from Armstrong.

QUESTION OF PERSONAL PRIVILEGE

Mr. SIPE. Mr. President, I rise to a question of personal privilege.

The PRESIDENT. The Senator from Armstrong, Mr. Sipe, will state his question of personal privilege.

Mr. SIPE. Mr. President, I wish to say to the Senate just what I have to say on this question, will have at least, one good point. Without wishing to be egotistical, perhaps it will be well for me to explain what good point my remarks will have.

Mr. President and members of the Senate, they will have the same good point that a certain sermon had that was preached fifty or sixty years ago to a country congregation in Butler County by the Reverend Mr. Pugh, long the nestor of the ministers of Butler County. He told me the

story himself. He said that one Sunday-afternoon when he was a young minister he preached a sermon to a country congregation, and as he was on his way home, driving along in his buggy, with the buckwheat fields on one hand and the soap mines on the other, he overtook a boy trudging along amid the heat and dust of the mid-summer day. He asked the boy to get into the buggy and ride with him, and the boy complied; and as they rode along and conversed the boy said to him, "I was at your church today. I heard you preach. And you preached just the kind of sermon that I like."

The good Reverend, thinking that he was about to receive a compliment, said to the boy, "Well, what was there about my sermon that especially pleased you?"

The boy replied, "It was short."

So, that is the point that I hope my remarks will have.

I am not strong for reading speeches, but I am going to read my remarks on this occasion, under the question of personal privilege relating to the question whether or not William J. Hamilton, Jr., should be confirmed by this Senate as Secretary of Internal Revenue. Bear with me, for I am not a very good reader—I do not have very much practice at it.

Mr. Hamilton is Sheriff of Philadelphia County, and his term as sheriff will not expire until 1940. He was also sheriff of Philadelphia County for the last four months of 1931. Therefore, he has had lots of experience as sheriff, which includes selling people out, bag and baggage. Perhaps the Governor thinks that this sheriff experience well equips Mr. Hamilton for the duties of Secretary of Revenue.

According to the statements of Mr. Hamilton, made a few days ago before the Senate Committee on Executive nominations, and also according to the sworn testimony of Mr. Hamilton, his attorney and others before the Shapiro Committee about two years ago, there is a custom in the office of the sheriff to Philadelphia County which has at least the approval of the sheriffs. It is as follows, briefly speaking:

Inasmuch as the law does not require a sheriff to render service in any civil proceeding until he receives indemnity satisfactory to him for the payment of his official fees, mileage, etc., the sheriffs of Philadelphia County, for many years past, have required attorneys and litigants to make a deposit of fifty dollars to cover such costs, mileage, etc. Additional sums of money, as bids of unconsummated real estate purchases, also come into the hands of the sheriffs of this county, as deposits, by reason of the sheriff sales of real estate. After the sheriff's services are performed, the attorneys and litigants are supposed to come to his office and lift their deposits or whatever balance of same may remain.

In Philadelphia County, the number of sheriff sales is staggering to a Senator from the country, like I am. Their number sometimes reaches twelve hundred in a single month.

By reason of the vast number of sheriff sales and by reason of poor memory on the part of lawyers and litigants who have made these deposits with the sheriff, it happens that thousands and thousands of dollars of these deposits are not claimed by the attorneys and litigants. Then the sheriffs, when they leave office, take these unclaimed deposits with them. If an attorney or a litigant comes to the sheriff after he is out of office and convinces him that he is entitled to redeem his deposit,

well and good—he gets it. If he does not come, he does not get it. In this latter case, it remains in the hands of said former sheriff.

It is a matter of record that, during the past decade, sheriffs of Philadelphia County have taken with them when they left office hundreds of thousands of dollars of these unclaimed deposits.

Such is the vogue among sheriffs in Philadelphia County. Now coming to William J. Hamilton, Jr. He readily admitted under oath before the Shapiro Committee and also readily told the Senate Committee on Executive Nominations a few days ago that, when he completed his four months' term of office on January 1, 1932, he took eighteen thousand dollars of these unclaimed deposits with him. He further told the Senate Committee on Executive Nominations that, after the lapse of more than seven years, he still has between ten thousand and twelve thousand dollars of these unclaimed deposits in his hands as William J. Hamilton, Jr., Sheriff, in both cash and bonds of the city of Philadelphia. He says he will continue to pay the deposits back to the claimants as fast as they are claimed. But I think we will know that, under the vogue that he has followed, there will be thousands and thousands of dollars of these deposits that will never be claimed by those making them.

I report that William J. Hamilton, Jr. has simply followed the vogue among sheriffs of the metropolitan city and county of Philadelphia. Coming from a country district as I do—being simply a plain old farmer—I find it hard to get used to a lot of city ways—especially the ways of the sheriffs of the city and county of Philadelphia. Behold I show Mr. Hamilton “a more excellent way” to deal with money that he knows and admits does not belong to him and that he knows will never be claimed in toto by those who deposited it with him; and this way is to go into court with a petition to pay it into court with a bond whose premiums are to be paid from the interest on the fund.

Mr. Hamilton did not go into court with such petition. Later he did go into court, and this is how he did it:

After the Act of 1937, P. L. 234, was passed requiring county officers of counties of the first class and former county officers of such counties to pay over to the county treasurer for safe keeping such unclaimed money as he has in his possession, the treasurer of Philadelphia County made demand upon him that he pay over this money and upon his refusal to do so the treasure got a Mandamus ordering him to pay the money over. Then and not until then did Mr. Hamilton go into court. He went into court resisting the Mandamus on the ground that the law upon which it was based, the said Act of 1937, is not constitutional. A fair conclusion to be drawn from his action is that he thinks that it is perfectly “constitutional” for him to hang onto money that he knows is not his and that he knows will never be claimed in toto under the vogue that he has followed.

I think I can hear Mr. Hamilton say: “The Pennsylvania Constitution; it must and shall be preserved.” And I say: “O, sacred Pennsylvania Constitution, beloved of the law observer and the law evader.”

It is true that, after the Shapiro Committee had Mr. Hamilton before it two years ago, he has sent out a number of notices to depositors. However, the notice does not look any too good to me. It says the account is “appar-

ently still open.” It does not mention any specific sum still due the depositor. It would have a much more compelling appeal if it definitely stated that the account is open and that there is a specific sum of money due the depositor. The impression I gather from the notice is that Mr. Hamilton since the Shapiro Committee had him before it, wants to hold himself out as being anxious that the depositors come to him but at the same time is not losing any sleep if hundreds of them never come.

Now this is the man that Governor James wants to handle the revenue of Pennsylvania. I feel sure that business firms in search of a person to handle their revenue would not be very favorably impressed with Mr. Hamilton's record. I would not employ him to handle my own revenue.

The Senate has no little responsibility in cabinet appointments. As Senators, we should not lose sight of the fact that the Governor makes such appointments with “the advise and consent of the Senate.” It was a pleasure for me to vote for the confirmation of most of the other cabinet members; but I must draw the line with Mr. Hamilton. I will not put my seal of approval on the vogue that he has followed. I must not be swayed by the Governor's desire to pay a political debt which he owes Mr. Hamilton as his campaign manager in Philadelphia. And I am willing to help the Governor get some other Republican for the office of Secretary of Revenue. I can name him off hand a hundred Republicans who can fill this office with credit and distinction against whom the finger of serious criticism cannot be pointed.

I base my objection to Mr. Hamilton on the grounds that the vogue he has followed and insists on following is highly improper and unethical. I also frankly state that perhaps the ethics in the situation do not make a strong appeal to Governor James. While it is true that the Governor often preaches a lofty idealism, it is also true that for many months last year he did not do a tap of work on his job as judge of the Superior Court but nevertheless continued to draw down his salary of eighteen thousand dollars a year. In his radio address a few nights ago misrepresenting the financial condition of the Commonwealth, he said that his administration has found the state's cupboard to be empty. I say to him that if all state employees had acted as he did for the greater part of last year—do not work but draw full pay—the state would likely not have any cupboard by this time. On the basis of the Governor's record as judge of the Superior Court for the greater part of last year—a record of no work but full pay—I repeat that the ethics in Mr. Hamilton's situation very likely do not appeal to him; and furthermore, on the basis of that record, I pronounce him Pennsylvania's number one office-holding drone. “Beat it if you can.”

When the temple of Solomon was built, the Mountains of Lebanon, the mines of Ophir, the quarries of Tyre and the islands of the sea were laid under contribution for materials to be incorporated therein; and the master workman of many nations were caused to work together for the one common result. Now we are building on Pennsylvania soil a temple more magnificent and more enduring than the temple of Solomon—the splendid temple of a free people's government. Amid the rampage of commercialism and political contention, its mystic walls are rising. The fathers who long ago crossed the dark floods of death, saw to it that “lively stones” went into its

firm foundations and that the workmen of their day were actuated by sublime ideals. Let us, Senators of Pennsylvania, see to it that the building stones of our day are "lively stones" and that the workmen of our day are men of high ideals; and let us not grow weary in our efforts until the very cap-stone of this temple elaborate shall swing into place.

QUESTION OF PERSONAL PRIVILEGE

Mr. EALY. Mr. President, I rise to a question of personal privilege.

The PRESIDENT. The Senator from Somerset, Mr. Ealy, will state his question of personal privilege.

Mr. EALY. Mr. President, it seems that this debate has gone far afield from the question of whether or not we should take from the table the request to grant a leave of absence to Senator Henney. The question of the confirmation of the appointment of Mr. Hamilton to the position of Secretary of Revenue is not now before the Senate. Nothing was ever further from my intention than to speak about that. But it seems to me that the statements of the Senator from Armstrong County, Mr. Sipe, should not be allowed to go entirely unchallenged at this time, because it would be doing a grave injustice to Mr. Hamilton, and also to the Governor, who has suggested his nomination for appointment to this high position.

As I understand the situation down in Philadelphia, when Mr. Hamilton retired as Sheriff after his first term there were funds in his hands of perhaps a hundred thousand dollars or more, and when he went out of office he left with the Office of the Sheriff, the Sheriff who succeeded him, with a Mr. Myers in that office, who was deputized for that purpose, his check-book, with the idea and instructions that Mr. Myers would write checks to all lawyers and others who were entitled to fees from the office of the former Sheriff, and Mr. Myers did perform that duty. For a period of perhaps three years or more that check-book and that bank account remained there with Mr. Myers, and all of these funds were drawn out during those three years excepting about eighteen thousand dollars. In other words, this fund was reduced from perhaps a hundred thousand dollars to about eighteen thousand dollars. All the other moneys were paid to those attorneys who came in and receipted on the docket, according to custom. After this period of time, the money was drawn out of this account and invested in city bonds, or the bulk of it, and those bonds were placed in an envelope marked "William J. Hamilton, Jr., Sheriff," and those funds, as Mr. Hamilton testified, are available for anybody who is entitled to them. Mr. Hamilton said in his testimony that he was anxious to pay that money out to those to whom it was due, but he must have receipts, and the proper place to have a receipt is on the records. Now, there was an Act of Assembly passed in 1937, I understand, whereby the funds remaining in the hands of the Sheriff were to be turned over or put into Court, with the intention of complying with the further provision in the Act that those funds would be placed in the hands of the City Treasurer of the City of Philadelphia.

Mr. Hamilton, I believe, has been informed by his attorney—and I hope his attorney will appear at the proper time to make a statement to anyone who questions it—Mr. Hamilton was advised by his attorney that the bond which he gave as Sheriff will be binding upon him for a

period of ten years from the time he entered office or until the year 1941, and if those funds are paid into the City Treasury of Philadelphia, there is grave fear they will be like the Social Security Funds which are put into the Treasury of the United States, and not be there when they are needed and the people who are entitled to those funds when they want them will come back to the bondsman, Mr. Hamilton, and therefore, properly, he has refused to pay them into Court and also to pay them into the hands of the City Treasurer of Philadelphia until he is protected. All the money is there and he has testified it is there, for anyone to whom it is due, who will just simply come and say so, who will say here, I want my money. All he has to do is to receipt for it. Mr. Hamilton testified before this Committee he is more than anxious to pay it out.

BILLS INTRODUCED

Mr. MALLERY read in his place and presented to the Chair Senate Bill No. 34, entitled:

An Act to further amend section five hundred eight of the act, approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue, and repealing all laws, general, special, or local, or any parts thereof, that are or may be inconsistent therewith," by further regulating the incurring of temporary indebtedness and the repayment thereof.

Which was committed to the Committee on Education.

Mr. FARRELL read in his place and presented to the Chair, Senate Bill No. 35, entitled:

An Act making an appropriation to the Frankford Hospital, at Frankford, Philadelphia, Pennsylvania.

Which was committed to the Committee on Appropriations.

He also read in his place and presented to the Chair, Senate Bill No. 36, entitled:

An Act making an appropriation to the Northeastern Hospital of Philadelphia, Pennsylvania.

Which was committed to the Committee on Appropriations.

Mr. DENT read in his place and presented to the Chair, Senate Bill No. 37, entitled:

An Act to amend section one of the act, approved the twelfth day of May, one thousand nine hundred and twenty-five (P. L. 603), entitled "An act concerning conditional sales; and to make uniform the law relating thereto," as amended, by including contracts for the bailment or leasing of goods.

Which was committed to the Committee on Judiciary General.

He also read in his place and presented to the Chair, Senate Bill No. 38, entitled:

An Act to further amend section sixteen of an act approved the thirty-first day of May, one thousand nine hundred and eleven (Pamphlet Laws, four hundred sixty-eight), entitled "An act providing for the establishment of a State Highway Department, by the appointment of a State Highway Commissioner, two Deputy State Highway Commissioners, chief engineer, chief draughtsman, super-

intendents of highways, and a staff of assistants and employees defining their duties and the jurisdiction of the State Highway Department, and fixing salaries of commissioner and deputies and other appointees; providing for taking over from the counties or townships of the Commonwealth certain existing public roads connecting county-seats; principal cities, and towns and extending to the State line; describing and defining same by route numbers as the State Highways of the Commonwealth; providing for the improvement, maintenance and repair of said State Highways solely at the expense of the Commonwealth, and relieving the several townships or counties from any further obligation and expense to improve or maintain the same, and relieving said townships or counties of authority over same; requiring boroughs and incorporated towns to maintain certain State Highways wholly and in part; requiring the State Highway Commissioner to make maps to be complete records thereof; conferring authority on the State Highway Commissioner; providing for the payment of damages in taking of property, or otherwise, in the improvement thereof; providing for purchase or acquiring of turnpikes or toll-roads forming all or part of any State Highways, and procedure therein; providing for work of improvement of State Highways to be done by contract, except where the State Highway Commissioner decides the work be done by the State; providing aid by the State to counties and townships desiring the same in the improvement of township or county roads; defining highways and State-aid highways; providing method of application for State aid in the improvement, maintenance and repair of township or county roads and prescribing the contents of township, county, borough, or incorporated town petitions, providing for percentage of cost of improvement or repairs to be paid by State, county, township, borough, or incorporated town, and requiring contracts by counties, townships, boroughs, and incorporated towns with Commonwealth governing same; providing for the minimum width of State Highways and State-aid highways, and kind of materials to be used in the improvements; providing for payment of cost of improvement and repairs; providing penalty for injuring or destroying State Highways; making appropriations to carry out the provisions of the act; and providing for the repeal of certain acts relating to Highway Department and improvement of roads, and of all acts or parts of acts inconsistent herewith; and providing that existing contracts are not affected by provisions of this act" by providing for the payment by the Commonwealth of all property damages and cost of the removal of structures heretofore paid by counties.

Which was committed to the Committee on Highways.

Mr. OWLETT read in his place and presented to the Chair, Senate Bill No. 39, entitled:

An Act validating county treasurers sales for delinquent taxes, when the reports and returns of such sales were made to the court of common pleas, and the deeds thereto were executed and acknowledged, by an attache of the office of the county treasurer and not by the county treasurer as required by law.

Which was committed to the Committee on County Government.

Messrs. GILSON and WOLFENDEN read in their places and presented to the Chair, Senate Bill No. 40, entitled:

An Act making an appropriation to the Department of Forests and Waters for the use of the Pennsylvania State Park and Harbor Commission of Erie.

Which was committed to the Committee on Appropriations.

Mr. GILSON. Mr. President, Senator Wolfenden and myself introduced this bill and I ask indulgence of my colleagues at this time to explain this bill.

This bill is making an appropriation of seventy-five thousand dollars to the Department of Forests and Waters for the use of the Pennsylvania State Park and Harbor Commission of Erie, for the purpose of emergency construction to prevent the destruction of the highway and banks which form the peninsula at Erie. I wish to say that Secretary Stewart expects to be in Erie tomorrow to make the necessary inspection, and the matter is to be taken up with Secretary Stewart and with Governor James. The situation is critical. On the 23rd of December a storm of unusual velocity struck the Presque Isle Peninsula, and this endangered not only the harbor but the roadway and the development of the peninsula. The Presque Isle Peninsula has a part in which the Commonwealth of Pennsylvania has an investment of over a million two hundred-fifty thousand dollars. In the year 1938 there were over one million six hundred thousand people who visited the Presque Isle Park. This is a large park of some thirty-two hundred acres, with eleven miles of roadway, and it is now in a very dangerous and critical condition, and very much in need of repairs, and immediate action is needed for the construction of the steel bulkheads. The major part of this appropriation is required by the engineers of the Federal Government, on the basis of supporting and protecting the harbor. They have secured a recommendation that the Federal Government will stand half the expense. There is required, in addition to these steel bulkheads, the construction of a number of other jetties.

This bill provides that all this work is to be done according to the design and under the approval of the engineers of the Department of Forests and Waters.

I wish to say that this matter is entirely non-partisan, non-political. It is an emergency. State property to the value of over a million dollars involving a park which has been frequented by more people than any other state-owned park in the State of Pennsylvania is involved. The situation is critical and action is needed at once. The Department of Forests and Waters will be represented there in Erie tomorrow; the engineers of that department have made a design which has been approved by the Federal Government; and I ask my colleagues on the committee to which this bill will be referred—which I assume will be the Committee on Appropriations—to expedite and if possible get this bill over into the House this week. Any changes or amendments which His Excellency the Governor desires, or the Secretary of Forests and Waters, or the engineers of that department recommend, can be made at that time and certainly will be acquiesced in by the entire delegation from Erie County, both Republican and Democratic.

BILLS INTRODUCED

Mr. RUTH. Mr. President, I rise in place and present a series of four bills. On this matter, I feel I should also make a short statement in relation to those bills. During the 1937 session, a joint commission of the legislature was appointed to investigate criminal procedure in the courts of Pennsylvania, to report to the Legislature and to make recommendations on the basis of that work, which was carried on over a period of eighteen months. I want to say that we made as fair and impartial an investigation as could be made, and out of that investigation numerous abuses were found in the court procedure of Pennsylvania. This has been recognized, not only in Pennsyl-

vania, but throughout the Nation. I have here in my hand a pamphlet that was worked out at a meeting of the National Association of Crime Commission Chairmen held in New York. In it they cite sixty-four separate abuses that were found in Pennsylvania; they compared the situation in Cincinnati, Baltimore, New York, Washington, Philadelphia and Newark, New Jersey, on the same abuses. It is a very interesting study. It was sent to me after the meeting was held. I was not a member of the meeting, but was very interested in it. I also have a copy of the report of the Journal of the American Judicature Society, made in October, 1938, at Ann Arbor, Michigan, and in part they say, "the report, in plain words, is a business-like document, which will enable the Legislature if it is moved to effect great reforms."

I receive requests for copies of this report every day from libraries, law schools all over the United States and from Canada, and in line with the duty of the commission, I have ordered bills to be drawn for every recommendation that the commission makes.

There are four of these bills prepared, and I will just briefly state what they are.

The first one is an amendment to the Constitution to revise our election of judges. We feel that the judiciary, as a third part of this Government, should be absolutely free, and if this amendment is finally adopted by the people it will make the judges free from any political group or the underworld, or any other kind of domination. It is an opportunity to give to the Judges of Pennsylvania what the constitution intended them to have.

The second is the investigation of the Judicial Council. There are twenty-five states in the United States that have this Judicial Council. Every state bordering on Pennsylvania has it, and every state comparable to Pennsylvania has it.

Then the third is an Amendment to the Constitution to permit five-sixths of a jury to render verdicts in all cases with the exception of life imprisonment or death.

The next one is a real-estate bail to be recorded with the Recorder of Deeds as a lien against the property on which bail is given.

As other bills under this program are prepared I shall present them to the Senate.

Therefore, I read in place and present to the Chair the following four bills:

Mr. RUTH read in his place and presented to the Chair Senate Bill No. 41, entitled:

A Joint Resolution proposing an amendment to sections fifteen and twenty-five of article five of the Constitution of the Commonwealth of Pennsylvania.

Which was committed to the Committee on Appropriations.

He also read in his place and presented to the Chair Senate Bill No. 42, entitled:

An Act establishing and relating to a judicial council.

Which was committed to the Committee on Judiciary General.

He also read in his place and presented to the Chair Senate Bill No. 43, entitled:

A Joint Resolution proposing an amendment to article

one, section six of the Constitution of the Commonwealth of Pennsylvania.

Which was committed to the Committee on Judiciary General.

He also read in his place and presented to the Chair Senate Bill No. 44, entitled:

An Act regulating the entry of real estate as bail in criminal cases and providing for the forfeiture thereof, and determining the validity of liens thereunder.

Which was committed to the Committee on Judiciary General.

BILL INTRODUCED BY REQUEST

Mr. EDMONDS. Mr. President, I read in place and present to the Senate a bill which I have introduced by request, and, like the last two of my colleagues, I would like to say something about the bill.

It deals with the question of Teachers' Tenure as prepared by the Pennsylvania School Directors Association. I have not personally completed all of my study on the subject, but I am introducing it by request, so as to bring it before the Senate.

Mr. EDMONDS read in his place and presented to the Chair Senate Bill No. 45, entitled:

An Act to further amend the act, approved the eighteenth day of May, one thousand nine hundred and eleven (Pamphlet Laws, three hundred nine), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith," by defining probationary professional employe, substitute employe, and temporary employe, providing for a probationary period for professional employes, and further regulating the employment, dismissal, suspension, demotion, and retirement of such employes.

Which was committed to the Committee on Education.

BILL TO AMEND THE CONSTITUTION

Mr. REED. Mr. President, I am going to introduce a bill in the form of a resolution, proposing an Amendment to the Constitution of Pennsylvania, and like the other Senators, I would like to have their indulgence to make a short explanation.

The bill is for the purpose of setting up a county manager form of government, with the consent of the electors of the county, and the fundamental basis of the bill is governmental economy. Today the atmosphere seems to be charged with talks bearing on governmental economy. My good friend Senator Woodward and I sometime ago discussed the question of the county manager form of government, and he told me there was a county in Virginia that had such a system, and I communicated with the head of that county and got much data bearing on this question. Of course we all know that they have statesmen down in Virginia, such men as Carter Glass, Senator Byrd, and other men of that type, and from that report that I received I find that under that form of government many political hacks were taken out of office and by reason thereof there was a saving in that little county in the matter of personal compensation—\$33,020 before the sys-

tem went into effect, which was reduced to \$15,850 after it went into effect; and then in connection with the purchase of supplies and other necessities there was a saving of around twenty per cent. So I sincerely hope that those Senators who are standing today for economy in government will assist me in getting this bill through the Senate at this session.

Mr. REED read in his place and presented to the Chair Senate Bill No. 46, entitled:

A Joint Resolution proposing an amendment to article fourteen of the Constitution of the Commonwealth of Pennsylvania.

Which was committed to the Committee on Judiciary General.

RESOLUTIONS

TIME OF NEXT MEETING

Mr. CROWE offered the following resolution, which was twice read, considered and agreed to:

In the Senate, January 30, 1939.

Resolved (if the House of Representatives concur), That when the Senate adjourns this week it reconvene on Monday evening, February 6, 1939, at nine o'clock; and when the House of Representatives adjourns this week it reconvene on Monday evening, February 6, 1939, at eight o'clock.

Ordered, that the Clerk present the same to the House of Representatives for concurrence.

OFFICERS AND EMPLOYES OF THE SENATE

Mr. CHAPMAN offered the following resolution which was twice read, considered, and agreed to:

In the Senate of Pennsylvania, January 30, 1939.

Resolved that Malcolm Osman be elected Message Clerk of the Senate, transferred from the position as Clerk to Committee.

Evan J., Hughes., 416 Rutter Ave., Kingston, Penna., be elected Transcribing Clerk, vice Peter J. Brennan, resigned.

J. Reppell Moorhead, Indiana, Penna., be elected Clerk to Committee, vice William L. Ingersoll, resigned.

William Stewart, 6512 N. Thirteenth St., Philadelphia, Penna., be elected Assistant Sergeant-at-Arms, vice John J. Nahrang, resigned.

QUESTION OF PERSONAL PRIVILEGE

Mr. EALY. Mr. President, I rise to a question of personal privilege.

The PRESIDENT. The Senator from Somerset. Mr. Ealy, will state his question of personal privilege.

Mr. EALY. Mr. President, I ask leave to make a statement. A bill which is up for third reading this evening has to do with an appropriation for constructing and furnishing a Pennsylvania Building at the New York Worlds Fair. Some of the Senators wish to raise a question, or wish a little more information, as to certain features in connection with this bill, and I understand the architect or one of the men connected with the construction of this building is here, and I am going to ask for a recess of fifteen minutes, in the room to the left, in order that the architect can be there, and any Senators who desire may be enlightened.

RECESS

Mr. EALY. Mr. President, I move that the Senate do now take a recess for fifteen minutes.

Mr. GELDER. Mr. President, I second the motion. The motion was agreed to.

AFTER RECESS

The PRESIDENT. The time of recess having elapsed the Senate will be in order.

BILL ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 32, entitled:

A supplement to the act approved the second day of July one thousand nine hundred and thirty-seven (P. L. 2706) entitled "An act creating a State World's Fair Commission; defining the powers and duties of said commission; providing for participation in the New York World's Fair; and making an appropriation" by making an additional appropriation thereto.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—37

Bartlett,	Farrell,	Lanier,	Scarlett,
Cavalcante,	Gelder,	Letzler,	Shapiro,
Chapman,	Geltz,	McGinnis,	Sipe,
Coleman,	Gilson,	Miller,	Snowden,
Crowe,	Haluska,	Cwlett,	Stevenson,
Deltrick,	Heyburn,	Pierston,	Tallman,
Dent,	Homscher,	Reed,	Thomas,
Ealy,	James,	Rice,	Walker,
Edmonds	Kilgallen,	Ruth,	Wolfenden,
Eroe			

NAYS—1

Mallery.

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

QUESTION OF PERSONAL PRIVILEGE

Mr. MALLERY. Mr. President, I rise to a question of personal privilege.

The PRESIDENT. The Senator from Blair, Mr. Mallery, will state his question of personal privilege.

Mr. MALLERY. Mr. President, I wish to state, for the purpose of the record, that my reason in voting against this bill is that the State of Pennsylvania at this time does not have the money it is appropriating; that the money is being borrowed; that the money is needed for relief; that there are public schools in the State of Pennsylvania that within a month or two may close if money is not provided, and I have my suspicions that if the Legislature is asked for money, they will be told there is no money available. Furthermore, I do not believe industry is going to move into Pennsylvania because of looking at an exhibit that may be displayed at the World's Fair in New York, regardless of how costly it may be.

I would favor a lesser appropriation. One hundred

twenty-five thousand dollars, in addition to the seventy-five thousand dollars which has already been appropriated, would, in my mind have been sufficient.

Mr. DENT. Mr. President, after the explanation given by my good friend Mr. Mallery, I desire to change my vote from "Aye" to "No".

The PRESIDENT. The vote has already been announced.

ADJOURNMENT

Mr. OWLETT. Mr. President, I move that the Senate do now adjourn until Tuesday, January 31, 1939 at 1:15 o'clock p. m.

Mr. MALLERY. Mr. President, I second the motion.

The motion was agreed to.

The Senate adjourned at 11:00 o'clock p. m. until Tuesday, January 31, 1939 at 1:15 o'clock p. m.

HOUSE OF REPRESENTATIVES

MONDAY, January 30, 1939.

The SPEAKER (Ellwood J. Turner) in the Chair

PRAYER

The Chaplain, Rev. Walter Evans Diebler, offered the following prayer:

Almighty God, our heavenly father, we thank Thee for blessing us with another week. Surely "Jehovah is merciful and gracious. Slow to anger, and abundant in loving kindness. He will not always chide; neither will He keep His anger forever. He hath not dealt with us after our sins. Nor rewarded us after our iniquities. For as the heavens are high above the earth, so great is His loving kindness toward them that fear Him." Our hearts are strangely moved with gratitude to Thee for this Thine everlasting beneficence. Our spirits are warmed with the knowledge of Thy constant oversight which Thou dost manifest unto us. It is blessed to know, O God, that Thou dost forgive us our iniquities and our failures of the past. "If Thou, Jehovah, shouldst mark iniquities, O Lord, who could stand? But there is forgiveness with Thee, that Thou mayest be feared." Grant, we beseech Thee, O God, to give to all Thy servants everywhere and to these Thy servants who serve in our midst in their several capacities, the fear of the Lord which is the beginning of wisdom; so that their work may be done under Thy divine guidance that we may live godly, righteous, and sober lives to the honor and glory of Thy holy name. We invoke these blessings upon us O God, thru Jesus Christ our Lord, Amen.

JOURNAL APPROVED

The Clerk will read the Journal of Wednesday, January 25, 1939.

The Clerk proceeded to read the Journal of Wednesday, January 25, 1939, when, on motion of Mr. Bower the further reading was dispensed with and the Journal approved.

BILLS INTRODUCED AND REFERRED

(Referred January 25, 1939)

By Mr. ACKERMAN. HOUSE BILL No. 111.

An Act to further amend section one of article six of

the act, approved the seventh day of March, one thousand nine hundred and one (P. L. 20), entitled "An act for the government of cities of the second class," by changing the rate of tax to be assessed on real estate.

Referred to the Committee on Cities-Second Class.

By Mr. WESTRICK.

HOUSE BILL No. 112.

An Act to further amend section three of the act, approved the twenty-seventh day of April, one thousand nine hundred and twenty-seven (P. L. 465), entitled "An act to provide for the safety of persons employed, housed, or assembled in certain buildings and structures not in cities of the first class, second class, and second class A, by requiring certain construction and ways of egress, equipment, and maintenance; providing for the licensing of projectionists; requiring the submission of plans for examination and approval; providing for the promulgation of rules and regulations for the enforcement of this act; providing for the enforcement of this act by the Department of Labor and Industry and, in certain cases, by the chiefs of fire departments in cities of the third class; providing penalties for violations of the provisions of this act; and repealing certain acts," by eliminating provisions requiring buildings to be equipped with certain equipment in connection with gas meters.

Referred to the Committee on Judiciary Special.

By Mr. REAGAN.

HOUSE BILL No. 113.

An Act to require the teaching of crime prevention in the public schools; providing for the appointment of a Committee for the Prevention of Crime, prescribing its powers and duties and authorizing the appropriation of moneys to pay the cost of carrying out the provisions of the act.

Referred to the Committee on Education.

By Mr. BOOSE.

HOUSE BILL No. 114.

An Act to further amend section one of article four of the act, approved the ninth day of June, one thousand nine hundred and eleven (P. L. 756), entitled "An act to provide for the health and safety of persons employed in and about the bituminous coal-mines of Pennsylvania, and for the protection and preservation of property connected therewith," by reducing the number of mine foremen required.

Referred to the Committee on Mines and Mining.

By Mr. DAVID P. REESE.

HOUSE BILL No. 115.

An Act to amend section ten of the act approved the thirty-first day of March, one thousand eight hundred and sixty, (P. L. 427), entitled "An act to consolidate, revise and amend the laws of the Commonwealth relating to penal proceedings and pleadings," by providing further for the administration of oaths and affirmations to witnesses appearing before grand juries.

Referred to the Committee on Judiciary Special.

By Mr. ROSENFELD.

HOUSE BILL No. 116.

An Act to amend section three of the act, approved the seventh day of June, one thousand nine hundred and seventeen (P. L. 415), entitled "An act relating to the qualification, jurisdiction, powers, and duties of registers of wills, and regulating proceedings before said registers, and the costs thereof, the effects of their acts, and appeals therefrom," by requiring registers of wills to receive and file the wills of living persons; and prescribing the manner of fixing fees therefor.

Referred to the Committee on Judiciary General.

By Mr. MONTGOMERY.

HOUSE BILL No. 117.

An Act to amend section two thousand and eight of the act, approved the twenty-third day of June, one thousand nine hundred and thirty-one (P. L. 932), entitled "An act relating to cities of the third class; and amending, revising, and consolidating the law relating thereto," by permitting policemen to charge and receive witness fees and mileage for attendance at courts of record.

Referred to the Committee on Cities—Third Class.

By Messrs. FLEMING and DICK. HOUSE BILL No. 118.

An Act to further amend clause eighteen of section one thousand six and section one thousand thirty-five of the act, approved the fourth day of May, one thousand nine hundred twenty-seven (P. L. 519), entitled "An act concerning boroughs, and revising, amending, and consolidating the law relating to boroughs," by eliminating therefrom certain requirements effecting the making and approval of the annual budget.

Referred to the Committee on Boroughs.

By Mr. ANDREWS.

HOUSE BILL No. 119.

An Act to further amend sections twenty and twenty-one of the act, approved the first day of June, one thousand eight hundred and eighty-nine (P. L. 420), entitled "A further supplement to an act entitled 'An act to provide revenue by taxation,' approved the seventh day of June, Anno Domini one thousand eight hundred and seventy-nine," by substituting a capital stock tax on foreign corporations in lieu of the franchise tax on such corporations; repealing the tax on portions of the capital stock of certain corporations, joint-stock associations, limited partnerships and companies; and decreasing the rate of tax on the capital stock of fire and marine insurance companies.

Referred to the Committee on Ways and Means.

By Mr. FALKENSTEIN.

HOUSE BILL No. 120.

An Act to further amend clauses nine and ten of section six hundred two of the act, approved the twenty-ninth day of November, one thousand nine hundred and thirty-three (P. L. 15—1933-34), entitled as amended "An act to regulate and restrain the sale, manufacture, possession, transportation, importation, traffic in, and use of alcohol, and alcoholic and malt or brewed beverages; conferring powers and imposing duties upon the Pennsylvania Liquor Control Board and its agents, the Department of Public Instruction, other officers of the State Government, courts and district attorneys; authorizing the establishment and operation of State stores for the sale of such beverages not for consumption on the premises, and the granting of licenses, subject to local option, to sell such beverages for consumption on and off the premises; forbidding importation or bringing of such beverages into the State except as herein provided; prohibiting certain sales or practices in, connection with, and transactions in such beverages by licensees and others, providing for the forfeiture of certain property; making disposition of the receipts from State stores and of fees; and imposing penalties," by increasing the allowed value of advertising matter displayed on the inside or outside of licensed premises.

Referred to the Committee on Liquor Control.

By Mr. FALKENSTEIN.

HOUSE BILL No. 121.

An Act to further amend clauses seven and eight of section twenty-three of the act approved the third day of May, one thousand nine hundred and thirty-three (P. L. 252), entitled as amended "An act to regulate and restrain the traffic in malt and brewed beverages, as here-

in defined; providing for the licensing of manufacture, transportation, sale and distribution of such beverages; imposing license and permit fees, and providing for collection and distribution thereof; restricting ownership and interest in licensed places; permitting municipalities and townships, by vote of the electors, to prevent the licensing therein of places where such beverages may be sold for consumption on the premises and regulating elections for this purpose: imposing duties upon the Pennsylvania Liquor Control Board, quarter sessions court, district attorneys, the Department of Justice, proper authorities of political subdivisions of the State, and election officers; providing penalties; and repealing existing acts," by increasing the allowed value of advertising matter displayed on the inside or outside of licensed premises.

Referred to the Committee on Liquor Control.

By Mr. TARR.

HOUSE BILL No. 122.

An Act to amend clause (h) of section three of the act, approved the second day of July, one thousand nine hundred and thirty-seven (P. L. 2714), entitled "A supplement to the act, approved the second day of June, one thousand nine hundred fifteen (Pamphlet Laws, seven hundred thirty-six), entitled as amended 'An act defining the liability of an employer to pay damages for injuries received by an employee in the course of employment: establishing a system and schedule of compensation; providing procedure for the determination of liability and compensation thereunder; and prescribing penalties,' as amended and reenacted, providing for the inclusion of occupational diseases within the scope thereof, and providing definitions, provisions and procedure related to such diseases; and making an appropriation," by requiring payment of partial disability caused primarily by silicosis, anthraco-silicosis and asbestosis.

Referred to the Committee on Workmen's Compensation.

By Mr. TARR.

HOUSE BILL No. 123.

An Act to further amend paragraph nineteen of section one thousand two hundred and ten of the act approved the eighteenth day of May, one thousand nine hundred and eleven, (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof, providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general special, or local, or any parts thereof, that are or may be inconsistent therewith," by providing for additional appropriations from the Commonwealth for school districts which have had a decrease in assessed valuation due to mining out of mineral resources where the pupil population has not decreased.

Referred to the Committee on Education.

By Mr. FALKENSTEIN.

HOUSE BILL No. 124.

A Joint Resolution proposing an amendment to section fifteen, article five of the Constitution of the Commonwealth of Pennsylvania.

Referred to the Committee on Constitutional Amendments.

By Mr. FALKENSTEIN.

HOUSE BILL No. 125.

A Joint Resolution proposing an amendment to section two, article five of the Constitution of the Commonwealth of Pennsylvania, by reducing the term of office of Supreme Court Judges from twenty-one years to six years, and making them eligible for reelection.

Referred to the Committee on Constitutional Amendments.

RESOLUTIONS INTRODUCED AND REFERRED

By Mr. TRONZO.

RESOLUTION No. 9.

In the House of Representatives, January 25, 1939.

Whereas, The bulwark of democracy, now imperilled by dictatorships in many parts of the world, is the confidence of the people in the integrity of their elected representatives and the freedom of their legislative body from corrupt influences and solicitations, bribery, intimidation and coercion; and

Whereas, The organization of the Senate of this Commonwealth was marked by the attempted judicial usurpation, equivalent to intimidation and coercion; and

Whereas, By the statements of several Senators to the effect that they were offered bribes to vote in a particular way against the interests of the people, and by other circumstances giving rise to rumors and charges which cannot help but undermine the good repute of this Legislature; and

Whereas, The framers of our Constitution of Pennsylvania, in their determination to insure the integrity of our legislative body, inserted the following sections in Article III thereof:

"A member of the General Assembly who shall solicit, demand or receive, or consent to receive, directly or indirectly, for himself or for another from any company, corporation or person, any money, office, appointment, employment, testimonial, reward, thing of value or enjoyment, or of personal advantage, or promise thereof, for his vote or official influence, or for withholding the same, or with an understanding, expressed or implied, that his vote or official action shall be in any way influenced thereby, or who shall solicit or demand any such money or other advantage, matter or thing aforesaid for another, as the consideration of his vote or official influence, or for withholding the same, or shall give or withhold his vote or influence in consideration of the payment or promise of such money, advantage, matter or thing, to another, shall be held guilty of bribery within the meaning of this Constitution, and shall incur the disabilities provided thereby for said offence, and such additional punishment as is or shall be provided by law.

"Any person who shall, directly or indirectly, offer, give or promise, any money, or thing of value, testimonial, privilege, or personal advantage, to any executive or judicial officer, or member of the General Assembly, to influence him in the performance of any of his public or official duties, shall be guilty of bribery and be punished in such manner as shall be provided by law.

"The offense of corrupt solicitation of members of the General Assembly or of public officers of the State or of any municipal division thereof, and any occupation or practice of solicitation of such members or officers to influence their official action, shall be defined by law and shall be punished by fine and imprisonment.

"Any person may be compelled to testify in any lawful investigation or judicial proceeding against any person who may be charged with having committed the offense of bribery or corrupt solicitation, or practices of solicitation, and shall not be permitted to withhold his testimony upon the ground that it may criminate himself or subject him to public infamy; but such testimony shall not afterwards be used against him in any judicial proceeding, except for perjury in giving such testimony, and any person convicted of either of the offences aforesaid shall, as part of the punishment therefor, be disqualified from holding any office or position of honor, trust or profit in this Commonwealth;" and

Whereas, One would hesitate to say that the members of the Legislative body of our State are not familiar with these sections, nevertheless, the circumstances as outlined above are such that investigation should be held; therefore be it

Resolved, By the House of Representatives of the Commonwealth of Pennsylvania, in pursuance of the constitutional powers and duties of the House of Representatives, the Speaker of the House of Representatives is hereby authorized and directed to appoint a special committee, consisting of seven members of the House of Representatives,

one of whom shall be designated as chairman, to investigate the circumstances above mentioned; and

Resolved, That the said committee, through the chairman or the member designated by him, shall have the power to issue subpoenas under the hand and seal of its chairman, or the member so designated by him, requiring and demanding any proper person or persons to appear before it and answer such questions touching matters properly being inquired into by the committee, and to produce such books, papers, records and documents relating to the subject of inquiry, as the committee may deem necessary. The chairman or the member designated by him, shall have power to administer oaths and affirmations to witnesses appearing before the committee. Any person who shall wilfully refuse to appear and testify before said committee, or to produce any books, papers, records or documents aforesaid, shall be subject to the penalties provided by the laws of the Commonwealth in such cases; and be it further

Resolved, That the committee shall report to the House of Representatives its conclusions in respect thereto, together with its recommendations, to the end that the House of Representatives may take appropriate action thereon.

Referred to the Committee on Rules.

By Mr. TRONZO.

RESOLUTION No. 10.

In the House of Representatives, January 25, 1939.

Whereas, Franco with his army made up of Italian and German mercenaries threatens to take over the Spanish Government, and

Whereas, The Loyalist Government is the legally constituted government of Spain and the United States has so recognized it and has done so since the establishment of the Spanish Republic, and

Whereas, The Government forces of Spain have found it impossible to cope with the combined armies of all the dictators of Europe due principally to the fact that she has been unable to purchase war materials from the United States, her sister democracy, and

Whereas, The present day democracies cannot at this time stand another defeat at the hands of dictators, therefore be it.

Resolved, That the House of Representatives hereby memorializes the Congress and the President of the United States to immediately lift the present embargo on war materials to Loyalist Spain, and be it further

Resolved, That the Chief Clerk of this House shall transmit a copy of this resolution to the Speaker of the House of Representatives, the President of the Senate and the President of the United States.

Referred to the Committee on Federal Relations.

REPORT OF THE PHILADELPHIA SAVING FUND SOCIETY

The SPEAKER laid before the House the report of the Philadelphia Saving Fund Society as of the first day of January, 1939, which was read by the Clerk.

Referred to the Committee on Printing.

REPORT OF THE SAVING FUND SOCIETY OF GERMANTOWN

The SPEAKER laid before the House the 84th annual statement of the Saving Fund Society of Germantown and its vicinity, which was read by the Clerk.

Referred to the Committee on Printing.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair wishes to announce that communications from the different Saving Fund Societies are being referred to the Committee on Printing for their consideration in connection with the printing program.

LEAVES OF ABSENCE

Mr. Lloyd H. Wood asked and obtained leave of absence for Mr. BOORSE for the week on account of illness.

Mr. McClester asked and obtained leave of absence for Mr. IMBRIE for the week on account of illness.

REPORT FROM COMMITTEE ON RULES

Mr. WOODSIDE offered a report from the Committee on Rules and asked and obtained unanimous consent for its immediate consideration.

The resolution was twice read as follows:

In the House of Representatives, January 30, 1939.

Resolved, That the following shall be added as a Rule of this House:

No bills appropriating moneys to State-aided hospitals or State-aided homes shall be introduced in the House of Representatives except such as appropriate in a single bill the total sum to be appropriated to all of the institutions within the same class or group. Requests for appropriations for particular State-aided hospitals or State-aided homes shall be filed with the Chairman of the Committee on Appropriations on forms to be furnished by the Legislative Reference Bureau, and shall be signed by the Member requesting the appropriation.

No bills for the establishment of new State highway routes shall be introduced in the House of Representatives except such as included in single bills the total mileage to be added to the State Highway System or the Rural State Highway System at a session of the General Assembly. Requests for the adoption of a particular highway or portion thereof as a State highway or rural State highway, or amendments making additions to or changes in any existing State highway, with the description thereof, shall be filed with the Chairman of the Committee on Highways on forms furnished by the Legislative reference bureau, and shall be signed by the Member requesting the same.

Signed by the Committee on Rules

ROBERT S. WOODSIDE, JR.
JACOB B. SCHROCK
NORMAN WOOD
WILSON L. YEAKEL
ROBERT S. HAMILTON
ELLWOOD J. TURNER

On the question,

Will the House adopt the resolution?

The majority of the members having voted in the affirmative the resolution was adopted.

PROCEDURE FOR INTRODUCING APPROPRIATION AND HIGHWAY BILLS

The SPEAKER laid before the House an announcement from the Committee on Rules which was read by the Clerk as follows:

The procedure for the Members to follow in accordance with the rule just adopted is:

First, take your requests for appropriation to Hospitals, Homes and other State-aided institutions to the Legislative Reference Bureau. Leave all the correspondence and other data with them. They will prepare the request forms in Triplicate and send them to your desk.

You are to sign and date these copies. Send two copies to the Bill Clerk in the same manner as when introducing a bill. The Clerk will give one to the Chairman of the Appropriation Committee and the other to the Press. The third copy is for your personal files.

The Chairman of the Appropriation Committee will acknowledge these requests by writing direct to the insti-

tution concerned, stating that you have submitted to the Committee the amount asked for by you.

Requests for Highway Route Changes and additions to existing Routes are to be handled in exactly the same manner as appropriation bills.

Appropriation Bills and Highway Bills which have already been drafted and those now in your possession are to be signed and dated. Send two copies to the Bill Clerk in the same manner as other bills. They will be handled by the Clerk as suggested and will not be numbered or printed. Keep the third copy for your files.

ANNOUNCEMENT

The SPEAKER. We are going to make an effort to put in every Member's post office box, each Legislative day, a mimeographed copy of announcements of all committee meetings and public hearings.

To do this, it is important that the chairmen send their Committee meeting notices, at the beginning of each day's session, to Mr. Ollie Martin, the Assistant Reading Clerk who sits to the Speaker's left; otherwise your notices will not appear on the mimeographed lists.

May the Chair further state to the Chairmen that it is important, as far as possible, to send the notices of committee meetings or public hearings, at least a day in advance, if we are going to be able to work out this system. In years past it has usually been the custom of every chairman of a committee to put notices on the board, or to send pencil notices to the Clerk to be announced to the House. Many times members are out of the House when the notices are read, or they are read about the time of adjournment, when there is much confusion, and the Chair knows from experience that very often the memorandum as to when a committee is going to meet has been lost or mislaid or forgotten.

It is the expectation that by this system, we can give the members notice of meetings in advance, so that they may have a written notice on their desks or in their post office boxes, and thereby enable them to know as much in advance as possible of the committee meetings, and when they are going to be held.

The success of this system will depend entirely upon the cooperation of the Chairmen. Where meetings of committees are determined upon in committees it will depend upon the manner in which the Chairmen report those committee meetings, the dates, times, and places to Mr. Martin, and as much in advance of the time as possible.

STATEMENT BY MR. HERBERT B. COHEN

Mr. HERBERT B. COHEN asked and obtained unanimous consent to address the House.

Mr. Speaker and members of the House, His Excellency, the Governor of the Commonwealth of Pennsylvania, after being in office for a period of ten days, found occasion to talk to the people of the Commonwealth by radio, and in an eleven-page address, analyzed the financial situation of the Commonwealth of Pennsylvania.

I do not at this time deem it advisable to discuss the speech of his Excellency. It is beset with so many misstatements and inaccuracies, that I feel a discussion of his speech, prior to the submission of the Governor's budget in February, would be useless.

However, the tone of the Governor's address is such that it calls for a response from the minority. I can see no better method of impressing his Excellency with the

fact that his utterances are now the utterances of the people of the Commonwealth, and that his newspaper releases are now State papers, than to have his speech printed in full in the Legislative Journal, so that those who desire may refer to it at will.

GOVERNOR'S RADIO ADDRESS PRINTED

Mr. HERBERT B. COHEN. Mr. Speaker, I respectfully move that the Governor's radio address of January 27, 1939, be printed in full in the Legislative Journal.

On the question,

Will the House agree to the motion?

The SPEAKER. The Chair wishes to inquire of the gentleman from York whether the motion is in writing and whether copies are available.

Mr. HERBERT B. COHEN. Mr. Speaker, I might say that there are, and I have also sent to the desk a copy of the Governor's release to the press, which I believe is an accurate copy of his message of January 27, 1939.

On the question recurring,

Will the House agree to the motion?

It was agreed to.

ADDRESS

(The following was a Newspaper Release. Those parts which did not form part of the radio text are identified by being heavily indented on both sides.)

Fellow Philadelphians:

Ten days ago, when I took office as Governor, I promised the men and women of this State to give them an inventory of our house of government. I promised to explain Pennsylvania's financial condition, and to tell you what we are doing to meet the problems which we have uncovered.

Tonight I wish to lay before you the facts which we have learned.

The methods by which a State raises and spends money are complicated. I shall have to ask your indulgence and attention while I try to make clear what has been going on in Pennsylvania. At the risk of boring those who are familiar with such details of government, I wish to explain these matters so that all of us can understand the State's financial position.

Several times during the campaigns, I said that running a government is very much like running a household, and that the same principles of thrift and foresight which enable a housewife to keep the family living within its means should be applied to the State administration.

In general, I consider that a good comparison. However, you must remember that the household of which we are talking, the house of Pennsylvania, is a large one, in which there are several members receiving incomes, and that all sorts of things are happening from time to time to those different members—some of them lose their jobs; some of them get Christmas bonuses; some receive inheritances; unexpected doctors' bills must be paid. And so forth.

Any of you who have ever watched a mother supervise a family of children old enough to work know what I mean—neither income nor expenses are ever exactly what was expected, and the prudent household is the one which is able to meet its bills even when checks fail to arrive.

Pennsylvania receives money from various sources. Some of this may be used for the ordinary needs of government, and some must be set aside for special purposes. For instance, taxes on motorists are put into the highway fund, and in the main are not intended to be used for anything except building new roads and maintaining old ones.

The fund out of which all of the ordinary costs of government are paid is the general fund. Every second year, in the spring, all of the departments of government decide how much money they expect to need for the

following two years. After the total is reached, the legislature authorizes taxes enough to raise that amount of money.

If all the department live within the figure on which they agreed, and if the taxes bring in the amount of money which is estimated, the State will come out even for the two years.

One of the most important jobs which a Governor has is to watch the expenses of the various branches of government, from month to month, and see that they are at least trying to live within their budget. If one department is compelled to spend more than it had expected to, other departments are called upon to tighten their belts a bit and make up the difference.

In the spring of 1937 Governor Earle submitted his budget for a two year period, which ends next May 31. That budget was widely discussed at that time because it was about twice as large as any budget in the history of the State. It was Pennsylvania's first half-billion-dollar budget.

A large share of the increase was due to the relief needs, but far from all of it can be laid to the depression. There was scarcely a department which did not decide at that time that it needed a lot more money. Instead of tightening their belts to help ease the load of caring for the unemployed, the various departments nearly all increased the burden by increasing their own expenditures.

To meet the long list of increases, the Democratic Legislature passed the so-called emergency taxes.

Let me emphasize to you that each branch of government received money which was intended to run that department until the end of next May. For twenty months, under the Earle administration, these departments conducted their business with full knowledge of their duty to live within their incomes.

In the last ten days the new department heads whom I have appointed have been going over their books to see whether their Democratic predecessors left them cash enough with which to round out the next four months.

Tonight it is my painful duty to tell you men and women of Pennsylvania that, like Old Mother Hubbard, we find that the cupboard is bare.

The Earle administration used up, in twenty months, the money which it raised to run the government for two full years—used it all up in spite of the fact that it had allowed itself far more for that period than any other administration in Pennsylvania's history.

The General Fund, out of which most of the bills of the half-billion dollar business which has been set up on our Capitol Hill are supposed to be paid, has only about \$200,000.

Despite the fact that the situation must have been known to those in charge of the state, despite the obvious responsibility to meet the needs, despite the fact that an expensive special session of the Legislature met to try to grind some political axes, the Earle administration failed to do its plain duty in meeting this shortage.

My New Deal predecessors in office talked a great deal about their interest in and sympathy for the unfortunates—for the unemployed and the destitute; for those dependent upon the arm of the state for their food and shelter.

You can judge for yourselves how shallow that interest was when I tell you that the Earle administration went out of office perfectly well aware of the fact that they had left no provision whatever for the next four months for relief, for old age assistance, for pensions for the blind, for aid to dependent children, for maintenance of the Philadelphia State Hospital formerly known as Byberry, for certain public school deficiencies, and for many other vital purposes.

The Earle administration raised a tremendous sum of money, twice as much as had ever been expended in a two-year period—and used it all up in twenty months.

For the next four months, they left—not a cash balance with which to run the government until my own administration's two-year budget can go into effect, but a pile of bills which will represent a deficit of approximately \$50,000,000.

Before I tell you what we have done to meet this

emergency, to see that the unfortunate are cared for during the remainder of the Earle administration's biennium, there is another side of the financial picture I want to discuss.

No doubt some of you are wondering whether the expected tax receipts may have fallen short and thereby caused the deficit. Let us consider the taxes collected by the Earle Administration.

The taxes customarily levied for general purposes in this State were never intended to meet half-billion dollar budgets. Therefore, the Earle Administration asked for the emergency taxes to help make up the deficiency. They also had a Christmas bonus in the form of inheritance taxes on some large estates.

Those three items, added to some incidental revenue, represented the income of the State for the two year period. Did they fall short of expectations? Oh, no! They far exceeded expectations. The emergency taxes, for instance, ran \$25,000,000 in excess of the estimated amount. But more than that, the Administration found a neat way in which to cut an additional tax melon. Until the Earle Administration virtually all State taxes were collected on the previous year's business. That Administration, however, passed laws making certain taxes become what they called "self assessing." The long and short of that plan was that throughout the State many individuals and business houses were required to pay two years taxes in one—the taxes for the previous year and for the current year at approximately the same time.

By this ingenious plan, the Earle Administration was able to collect five years taxes on a number of major levies in a four year term, and by this means they increased their spending money by forty-five millions of dollars.

Let us add up and see how near the Earle Administration has come in the last two years to living within the normal income of the State. Put down first the item just mentioned—forty-five millions of dollars gained by slipping in an additional year's taxation by means of the self-assessing tax plan. Then add the extra amount which the emergency tax program brought in, \$25,000,000 which was promptly spent. That is seventy millions of dollars which the administration spent over and above normal expected revenue. To that must be added the sum needed to round out the Earle administration's two-year financial period ending next May 31—or the present deficit of approximately fifty million dollars.

We then come to the astounding total by which the Earle administration failed to live within its own normal income. That total is one hundred and twenty millions of dollars. And remember that tremendous over-spending was on top of a tax program which was far higher than any which the State had ever seen.

With two tax bonuses, aggregating seventy millions of dollars, the Administration spent so much money that we now are faced with the need for raising fifty millions more to pay that Administration's bills up to May 31.

You now are asking—"Governor James, what do you propose to do?"

First of all, even before I took office, preparation was made to see that the relief funds were not allowed to become exhausted. At its first session I recommended to the Legislature certain laws to permit us to borrow enough money out of the motor license and other special funds to keep the relief checks flowing. These transfers of funds are loans, and must be repaid after June 1. However, they are being done in such a way that highway construction and other State functions will not be delayed.

This type of taking from one pocket and putting it in another is not desirable, but it is the only present solution. We have an emergency to meet and we must meet it. The group whose political philosophy led them to call me a "law-burning Judge" for their political purposes, left office with the house of government afire. We must put out that fire.

Because of the waste and political misuse of WPA funds received by this State from the Federal government, Pennsylvania has not obtained the proper benefit of WPA moneys in relieving the relief rolls. WPA funds are rapidly becoming exhausted, and more and more persons are being

moved back from WPA to relief. For that reason, the relief rolls are at their highest point in this State since WPA began. It is estimated that at least \$44,000,000 will be needed to carry the relief burden to the end of May.

It is quite true that a large portion of this relief cost might be avoided if Pennsylvania were to receive from the national government a prompt allotment of WPA funds, which could be administered efficiently and non-politically, and expended in such manner as to fit into the State's actual needs. There is little present indication, however, that control of WPA funds is going to be put where it belongs—in the hands of the various State administrations—in time to have any bearing on the present relief problem in this State. The likelihood is that Pennsylvania will be compelled to carry the full brunt of the present relief shortage.

I am told that about six million dollars will be needed by various State departments where my various cabinet members found that their cash drawers are empty.

We are raising the bulk of that money by economies in the departments which still have cash on hand, and by spreading these available funds to cover those which are penniless.

The economies we are making are of two kinds. First, we are stopping every State expenditure which can possibly be avoided without interfering with necessary State functions. Second, we are drastically reducing the State's payrolls.

Prompt ratification of the greater number of my cabinet nominations has enabled us to make a quick start at these reductions. You no doubt have seen references in newspapers and elsewhere to long lists of employees who have been dropped. Virtually all of these are not replacements; nearly all represent positions which have been abolished.

Large as is the number already dismissed, it will continue to grow.

The need for this reduction is easily shown by the increase in employes in typical departments. The Public Utility Commission employed less than 200 in 1934. It now has more than 700. The Revenue Department had 1100 at the beginning of the Democratic Administration. It now has 1900. The Highway Department had 2200 employees in 1934 and it had about 3,700 about the time of the election last fall.

It is too early to estimate the number of persons who can be dropped from the State payrolls. In two departments we are being somewhat delayed by the fact that men I named to help in this work of economy have not yet been able to start in on the task. However, I am confident that the State Senate realizes the importance of bringing these departments into the general economy program, and that that body will not long delay its decision in this matter.

Let me say that we are making every attempt to effect our economies without interference with normal State functions. The department heads would easily be able to strike a set number of names from the payroll, if that were the whole question. But determining which are of the least value to the State, deciding which portion of the departmental activities may be cut with the least inconvenience to the men and women of the State, is not a matter so quickly done.

Doubtless mistakes will be made. We may in scattered instances attempt saving which prove harmful instead of helpful. When that happens, of course we will remedy our mistakes as soon as they are found. On the other hand, the economies must be made, and I am frank to tell you that I would far rather see some temporary inconvenience in the name of economy than I would to permit the Ship of State to continue along the aimless course it has followed for so many months.

During recent years the Ship of State has been accumulating barnacles. They have clustered along her keel until she is waterlogged and her progress is almost stopped. The time has come to put that ship in the dry-dock long enough to scrape its bottom. That is going to be a painful job, but it is one which must be done unless we are willing to take a chance of our ship foundering.

In closing, let me make clear to you that tonight I have been discussing merely the problems which our State faces between now and the end of the present biennium, which ends next May 31st.

We will have an equally serious problem in attempting to lay our plans for the next two-year period which begins on June 1. These are matters, however, which I will lay before you early in February, by which time we shall have had an opportunity for further study of the task before us.

In the present situation, I ask the patience and cooperation of all Pennsylvanians in seeing that a difficult job is done, that it is done promptly, and that it is done properly.

Thank you and good night.

COMMITTEE MEETINGS

Cities—First Class, tomorrow at 11:00 a. m., in Room 323.

Education, tomorrow at 11:00 a. m., in Room 323.

Public Assistance, immediately after this session, in the House Caucus Room.

There will be no meeting of the committee on State Government tomorrow.

Welfare, tomorrow at 10:30 a. m., in Room 324.

ANNOUNCEMENT BY THE CLERK

Members of the House who are Veterans are asked to register in the Chief Clerk's office, giving the organization to which he belonged, and his service during the World War.

ADJOURNMENT

Mr. BARDES. Mr. Speaker, I move that this House do now adjourn until tomorrow at 1 p. m.

The motion was agreed to, and (at 8:30 p. m.) the House adjourned until Tuesday, January 31, 1939, at 1 p. m.

Legislative Journal.

Session 1939.

133d of the General Assembly.

Vol. 23

HARRISBURG, PA., TUESDAY, JANUARY 31, 1939.

No. 10.

SENATE

TUESDAY, January 31, 1939.

The Senate met at 1:15 o'clock p. m.
The PRESIDENT (Lieutenant-Governor Samuel S. Lewis) in the Chair.

PRAYER

The Chaplain, Rev. Burleigh A. Peters offered the following prayer:

O Lord God Almighty, ruler of all nations, strengthen us this day with Thy divine presence, for we are weak and helpless without Thee. Make plain Thy way in this day's legislative deliberations, and may they issue into that highest ethic and maximum helpfulness—the greatest possible good to the greatest possible number. May our clarity of vision never be beclouded by the circumvention of words nor the suasion of speech but with the definiteness of purpose for which we were elected and the beautiful ideal of a godly service in government, hew unswervingly to the dictated policy of an untrammeller conscience. But since conscience can only operate in the field of its knowledge, teach us Thy ways, that it may not be that "right forever be on the scaffold" nor "wrong forever on the throne" but that we may have that sweet consciousness that "God, standing within the shadows, is keeping watch over His own." That the consciousness of the presence of God may actuate our every endeavor this day is our earnest prayer. For Thy name's sake. Amen.

JOURNAL APPROVED

The PRESIDENT. A quorum of the Senate being present the Clerk will read the Journal of the preceding session.

The Clerk proceeded to read the Journal of the preceding session, when, on motion of Mr. GELDER, the further reading was dispensed with, and the Journal was approved.

LEAVE OF ABSENCE

Mr. KILGALLEN asked and obtained leave of absence for himself for the ensuing week.

NOMINATIONS BY THE GOVERNOR

The Secretary to the Governor being introduced presented in writing from His Excellency, the Governor of the Commonwealth, nominations for appointment as Notaries Public which were laid on the table.

He also presented communication in writing from His Excellency, the Governor of the Commonwealth, which

was read as follows, and referred to the Committee on Executive Nominations.

APPOINTMENT AS BRIGADIER GENERAL

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, January 31, 1939.
To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor to nominate for the advice and consent of the Senate the following:

Robert McKune Vail, 20 South Pierce Street, Wilkes-Barre, Luzerne County, for appointment as Brigadier General, Pennsylvania National Guard, until annulled, vice William Swan McLean, Jr., deceased.

ARTHUR H. JAMES.

HOUSE MESSAGE

TIME OF NEXT MEETING

The Clerk of the House of Representatives being introduced informed the Senate that the House has concurred in Resolution from the Senate as follows:

In the Senate, January 31, 1939.

Resolved, (If the House of Representatives concur), That when the Senate adjourns this week it reconvene on Monday evening, February 6, 1939 at nine o'clock, P. M., and when the House adjourns this week it reconvene on Monday evening, February 6, 1939 at eight o'clock P. M.

RESOLUTION REQUESTING SUPREME COURT OF PENNSYLVANIA TO FURNISH SENATE WITH WRITTEN OPINION DEFINING THE RIGHT OF DR. P. J. HENNEY TO HOLD OFFICE AND EXERCISE THE DUTIES OF STATE SENATOR WHILE HOLDING OFFICE OF CORONER OF ALLEGHENY COUNTY

Mr. McGINNIS offered the following resolution which was twice read as follows:

In the Senate, January 31, 1939.

Whereas, the 45th Senatorial District has been without voting representation in the Senate of Pennsylvania since the organization of the present session of the Legislature; and

Whereas, the status of Dr. P. J. Henney, the duly elected Senator in the 45th Senatorial District, is not clear because of the unusual and uncertain action of the Supreme Court in the Quo Warranto proceedings instituted in the said Court against Senator Henney; and

Whereas, the only County office declared incompatible with that of Senator by the Legislature of Pennsylvania is that of District Attorney; and

Whereas, the Courts of this State, as well as the Attorney General, have uniformly held that the only County office incompatible with that of Senator is the District Attorney; and
Whereas, the Supreme Court has not issued an order

or written an opinion in said Quo Warranto proceedings; and

Whereas, the Senate of Pennsylvania is desirous of passing finally upon the eligibility of its member, said Dr. P. J. Henney, to hold and exercise the office of Senator.

Be It Resolved, that the Senate of Pennsylvania hereby respectfully requests the Supreme Court of Pennsylvania to furnish to this body a written opinion defining the right of the said Dr. P. J. Henney to hold the office and exercise the duties of State Senator while holding the office of Coroner of Allegheny County.

Mr. MCGINNIS. Mr. President, I ask unanimous consent that Rule 39, which requires resolutions be referred to an appropriate committee, be dispensed with and the Senate proceed to the consideration of the foregoing resolution.

The PRESIDENT. Is there objection?

Mr. OWLETT. Mr. President, I object.

The PRESIDENT. The resolution will lie over for printing.

QUESTION OF PERSONAL PRIVILEGE

Mr. HALUSKA. Mr. President, I rise to a question of personal privilege.

The PRESIDENT. The Senator from Cambria, Mr. Haluska, will state his question of personal privilege.

Mr. HALUSKA. Mr. President, by way of the press, I have been informed that His Excellency the Governor has already started his economy drive. Tonight's paper reads: "1077 lose jobs on Capitol Hill." I certainly cannot agree with the Governor. If he is sincere, if he is determined to pare down the list and eliminate a number of hold-overs in the jobs that now exist on the Hill, provided, of course, there is no intention of replacing those people at a later date, then the people of this Commonwealth, who, no doubt have placed in him their confidence to put on an economy drive, an economy program, are justified in their confidence. However, Mr. President, I find it has been reported that the Governor of this Commonwealth is making plans to eliminate, or, rather, to abolish the Department of Mines. Whether that be true, I do not know. For that reason I rise to my feet this evening. I, possibly, am the only one and if I am wrong, I stand to be corrected ever to be elected to this Senate, who has worked both in the bituminous and in the anthracite mines.

I have gone down into the bowels of the earth to make my livelihood, and certainly I have some experience along the lines of coal-mining. I am a firm believer that if any department should exist on this Hill, it is the Department of Mines; certainly the coal miners and the coal operators should have some place to take their problems.

Certainly the Department of Mines should be a department that should be non-political, and throughout the Democratic Administration I believe that even our Republican colleagues will admit that very little if any politics was played in that department. Your present Secretary of Mines was appointed under a Republican Administration years ago. He was a hold-over who knew his work, and he was retained. Today, once again he has been so honored. I think he can do the job and do it right.

However, as I said a moment ago, we certainly should have men in that department that understand mining, that know the problems of the coal-miner, and of the coal-operator. We must not forget that coal is the basic industry of our great Commonwealth; and certainly the depart-

ment should function, and function non-politically. I regret very much to learn that the Governor has already eliminated one department in the western part of our State. I trust that the elimination of this department will not curtail the efficiency of the Department of Mines.

I wish to assure my colleagues, on my right, that as one who has worked in the coal mines I stand ready at all times to serve on any commission, any investigation, any committee, to give to members of this Senate the maximum of my experience if it will benefit them and the Governor.

REPORT FROM COMMITTEE

Mr. EALY. Mr. President, I am directed by the Committee on Executive Nominations to report with favorable recommendation the following nomination by His Excellency the Governor of the Commonwealth:

TREASURER OF DELAWARE COUNTY

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, January 30, 1939.
To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor to nominate for the advice and consent of the Senate the following:

James T. Stewart, Lansdowne, Delaware County, for appointment as Treasurer of Delaware County, to serve until the first Monday in January, 1940, vice William F. Russell, resigned.

ARTHUR H. JAMES.

CONSIDERATION OF EXECUTIVE NOMINATIONS

Mr. EALY. Mr. President, I move that the Senate do now proceed to the consideration of nominations for appointment as Notaries Public, sent to the Senate, January 30th. and 31st, 1939, by His Excellency, the Governor of the Commonwealth, together with the nomination just reported from Committee.

Mr. OWLETT. Mr. President, I second the motion.

The motion was agreed to.

The nominations were read as follows:

NOTARIES PUBLIC

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, January 30, 1939.
To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointment as Notaries Public, for terms of four years to compute from the date of confirmation:

ALLEGHENY COUNTY

O. C. Packard, Mt. Lebanon Twp., 439 Washington Road, S. H. Pittsburgh.

BERKS COUNTY

George B. Bach, Robesonia.
Braynard N. Frey, Fleetwood.

BLAIR COUNTY

Miss Julia Quinn, Altoona.

CRAWFORD COUNTY

Gordon E. Hunter, Saegertown.

DELAWARE COUNTY

Russell S. Fine, Upper Darby Twp., Drexel Hill.

ERIE COUNTY

Miss Alice M. Morey, North Girard.

LEHIGH COUNTY

Norman C. Laudenslager, Emmaus.

MIFFLIN COUNTY

J. Myron Yoder, Bratton Twp., Mattawana.

PHILADELPHIA COUNTY

Miss Mabel E. Bauer, Phila., Terminal Commerce Bldg., 401 N. Broad St.

Edwin I. Bogucki, Phila., 2414 Orthodox St.

Thomas F. Early, Jr., Phila., 7th floor, 18 W. Cheltenham Ave.

Leo F. Hannigan, Phila., 1009 Arch St.

James H. McGurk, Phila., S. E. Cor. Broad & Diamond Sts.

Alfred H. Rahn, Phila., 22 N. 36th St.

Miss Teresa J. Wojenski, Phila., Industrial Trust Co., 1952 N. Front St.

ARTHUR H. JAMES.

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, January 30, 1939.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for reappointment as Notaries Public, for terms of four years to compute from the date set opposite their names:

PHILADELPHIA COUNTY

Ludwig S. Capozzi, Phila., 1801 S. 10th St. February 1, 1939.

ALLEGHENY COUNTY

Wm. F. Brunner, Pittsburgh, 3700 Brighton Road, February 2, 1939.

PHILADELPHIA COUNTY

John P. Carey, Phila., 1000 Chestnut St. February 2, 1939.

Miss Bella Stein, Phila., 819 N. American Bldg., Broad & Sansom Sts. February 2, 1939.

DELAWARE COUNTY

Charles Palmer, Chester, February 3, 1939.

LACKAWANNA COUNTY

Edgar A. Jones, Scranton, February 3, 1939.

LYCOMING COUNTY

Miss Emma C. Campbell, Williamsport, February 3, 1939.

PHILADELPHIA COUNTY

Miss Sarah Whiteman, Phila., N. E. Cor. 11th & Market Sts., February 3, 1939.

VENANGO COUNTY

E. S. McAlevy, Oil City, February 3, 1939.

ARMSTRONG COUNTY

J. H. McElroy, Bradys Bend Twp., Kaylor, February 5, 1939.

BUCKS COUNTY

Wm. H. Satterthwaite, Jr., Doylestown, February 5, 1939.

DAUPHIN COUNTY

Mrs. Flora M. Levin, Harrisburg, February 5, 1939.

NORTHAMPTON COUNTY

Mrs. Mildred Williams Jago, Bangor, February 5, 1939.

PHILADELPHIA COUNTY

Giovanni Falcidia, Phila., 1324 S. 8th St., February 5, 1939.

Joseph Silverman, Phila., 2242 S. 5th St., February 5, 1939.

Benjamin E. Troland, Phila., Sun Bldg., 1608 Walnut St., February 5, 1939.

Stephen G. Woodbury, Phila., Drexel Bldg., 5th & Chestnut Sts., February 5, 1939.

LAWRENCE COUNTY

William C. McKeown, New Castle, February 6, 1939.

PHILADELPHIA COUNTY

William McKee, Jr., Phila., Land Title Bldg., S. W. Cor. Broad & Chestnut Sts., February 6, 1939.

BERKS COUNTY

Lee M. Sallade, Womelsdorf, February 7, 1939.

PHILADELPHIA COUNTY

Samuel J. Houston, Phila., 950 Real Estate Trusts Bldg., February 7, 1939.

Fred J. Matkov, Phila., 2436 S. 2d St., February 7, 1939.

W. Nelson L. West, Phila., 1104 Stock Exchange Bldg., February 7, 1939.

Wm. Nelson West, 3rd, Phila., 1104 Stock Exchange Bldg., 1411 Walnut St., February 7, 1939.

ALLEGHENY COUNTY

Mrs. Helen M. Coyne, Pittsburgh, 4017 Liberty Ave., February 8, 1939.

M. E. Keebler, Pittsburgh, 400 N. Lexington Ave., February 8, 1939.

CAMBRIA COUNTY

J. Fred Blankenhorn, Patton, February 8, 1939.

PHILADELPHIA COUNTY

Vincent Domanski, Jr., Phila., 2546 Richmond St., February 8, 1939.

LUZERNE COUNTY

Hugh F. Keating, Hanover Twp., Lee Park, Wilkes-Barre February 9, 1939.

PHILADELPHIA COUNTY

W. McCollam, Phila., Roger William Bldg., 1701-03 Chestnut St., February 9, 1939.

WASHINGTON COUNTY

Miss Bessie B. Moore, Washington, February 9, 1939.

YORK COUNTY

M. B. Conner, York, February 9, 1939.

ALLEGHENY COUNTY

Miss Rose C. Connors, Pittsburgh, 2219 Sarah St., S. S. Pittsburgh, February 10, 1939.

DELAWARE COUNTY

Geo. B. Harvey, Chester, February 10, 1939.

Henry W. Jones, Chester, February 10, 1939.

PHILADELPHIA COUNTY

William H. Voehl, Phila., Liberty Trust Bldg., N. E. Cor., Broad & Arch Sts., February 10, 1939.

BUTLER COUNTY

John E. Kocher, Zelienople, February 11, 1939.

ALLEGHENY COUNTY

John Capozzoli, Bridgeville, February 12, 1939.
Henry J. Gelm, Wilkinsburg, February 12, 1939.

Louis J. Hess, Pittsburgh, 14 Wabash Street, February 12, 1939.

CRAWFORD COUNTY

Miss W. Weizel, Meadville, February 12, 1939.

LUZERNE COUNTY

Luigi A. Bortone, Pittston, February 12, 1939.

Miss Susan R. Misto, Freeland, February 12, 1939.

PHILADELPHIA COUNTY

Miss Edith G. Arnold, Phila., 1206 Locust St February 12, 1939.

Raymond A. Collins, Phila., 3142 N. Broad Street, February 12, 1939.

Mrs. Thelma M. Keiter, Phila., 1321 Arch St., February 12, 1939.

Harry C. Liener, Phila., 1421 Chestnut Street, February 12, 1939.

Walter G. List, Phila., 2203 S., 22d Street February 12, 1939.

WARREN COUNTY

Mrs. Olga G. Keller, Warren, February 12, 1939.

WESTMORELAND COUNTY

A. S. Kedzierski, New Kensington, February 12, 1939.

LUZERNE COUNTY

J. J. O'Malley, Wilkes-Barre, February 13, 1939.

WESTMORELAND COUNTY

John G. Gaut, Scottdale, February 13, 1939.

ALLEGHENY COUNTY

M. F. Berardino, Pittsburgh, 546 Homewood Ave., February 14, 1939.

M. Paul McBride, Rankin, February 14, 1939.

Miss Evelyn Soellner, Pittsburgh, 1601 Union Bank Bldg., February 14, 1939.

DELAWARE COUNTY

W. J. Berkheiser, Chester, February 14, 1939.

LUZERNE COUNTY

Edward J. Gormley, Hazleton, February 15, 1939.

PHILADELPHIA COUNTY

Wm. G. Andes, Phila., 360 Bullitt Bldg., 141 S. 4th St., February 15, 1939.

ALLEGHENY COUNTY

Miss Mary E. Challener, Pittsburgh, 1300 Investment Bldg., February 16, 1939.

DAUPHIN COUNTY

John P. Feiser, Harrisburg, February 16, 1939.

ALLEGHENY COUNTY

Miss A. D. Winkel, Pittsburgh, 14 Wabash Street, February 17, 1939.

Ben L. Anderson, Pittsburgh, 908 Frick Bldg., 5th Ave. & Grant St., February 19, 1939.

DELAWARE COUNTY

Linwood J. Card, Upper Darby Twp., Drexel Hill, February 19, 1939.

FRANKLIN COUNTY

Mrs. Cornelia Clayton Brooks, Waynesboro, February 19, 1939.

LYCOMING COUNTY

Alton R. Hornberger, Williamsport, February 19, 1939.

Miss Ruth Marcus, Jersey Shore, February 19, 1939.

MONTGOMERY COUNTY

William M. Crook, Lower Merion Twp., Ardmore, February 19, 1939.

PHILADELPHIA COUNTY

Joseph W. Fritz, Phila., 5601 Chestnut St., February 19, 1939.

Mrs. Margaret H. Parham, Phila., 2142 Fidelity-Phila., Trust Bldg., February 19, 1939.

SOMERSET COUNTY

Miss Carmillia Ferline, Windber, February 19, 1939.

WESTMORELAND COUNTY

Peter S. Peters, Sewickley Twp., Herminie, February 19, 1939.

ALLEGHENY COUNTY

Wm. E. Hague, Pittsburgh, Union Trust Bldg., February 21, 1939.

A. B. McBride, Pittsburgh, 1512 Berger Bldg., February 21, 1939.

R. N. McElheny, Pittsburgh, Carnegie Bldg., 434 5th Ave. February 21, 1939.

Mrs. Emma Lea Montgomery, Pittsburgh, Oliver Bldg., February 21, 1939.

Albert W. Ott, Pittsburgh, 746 Warrington Ave., February 21, 1939.

George Sapper, Pittsburgh, Washington Trust Co., Bldg., February 21, 1939.

Lawrence P. Schaefer, Pittsburgh, 737 E. Ohio St., February 21, 1939.

BUCKS COUNTY

J. Kirk Leatherman, Doylestown, February 21, 1939.

COLUMBIA COUNTY

Ralph R. John, Bloomsburg, February 21, 1939.

DELAWARE COUNTY

Jesse K. Lewis, Chester, February 21, 1939.

LANCASTER COUNTY

Henry T. Koser, East Hempfield Twp., Landisville, February 21, 1939.

C. A. Straley, East Donegal Twp., Maytown, February 21, 1939.

LAWRENCE COUNTY

Luigi Ferrante, Wampum, February 21, 1939.

LUZERNE COUNTY

Clemence Bloch, Wilkes-Barre, February 21, 1939.

Alfred E. Chapin, Nanticoke, February 21, 1939.

MERCER COUNTY

Roy Neville, Sharon, February 21, 1939.

PHILADELPHIA COUNTY

Ernest H. Brown, Phila., 1940 Broad St., Station Bldg., February 21, 1939.

Robert E. Erwin, Phila., 4510 Frankford Ave., February 21, 1939.

Edgar A. Hobson, Phila., 3628 N. Broad St., February 21, 1939.

Albert G. Krull, Phila., 1012 W. Girard Ave., February 21, 1939.

Charles B. Rosa, Phila., 835 Catharine St., February 21, 1939.

Chas H. Schreiner, Phila., 1215 N. 29th St., February 21, 1939.

Harvey Void, Phila., 6034 Market St., February 21, 1939.

WASHINGTON COUNTY

W. C. Black, Canonsburg, February 21, 1939.

W. F. Richardson, Bentleyville, February 21, 1939.

Geo. W. Risbeck, Charleroi, February 21, 1939.

WESTMORELAND COUNTY

Tony Roy, Greensburg, February 21, 1939.

YORK COUNTY

Clarence L. Hauser, York, February 21, 1939.

L. E. Herr, York, February, 21, 1939.

John A. Stover, York, February 21, 1939.

DELAWARE COUNTY

Donald C. Heims, Upper Darby Twp., 7235 West Chester Pike, Upper Darby, February 22, 1939.

ALLEGHENY COUNTY

Miss M. M. Demond, Pittsburgh, 1124 Frick Bldg., February 23, 1939.

L. G. Schertzinger, Coraopolis, February 23, 1939.

ERIE COUNTY

George M. Fletcher, Erie, February 23, 1939.

PHILADELPHIA COUNTY

Miss Helen R. Tulske, Phila., 1600 Walnut St., February 23, 1939.

WASHINGTON COUNTY

Miss Clara Allison, Charleroi, February 23, 1939.

WAYNE COUNTY

Miss Marjorie E. Fowler, Honesdale, February 23, 1939.

LUZERNE COUNTY

Miss Catherine M. Kane, Wilkes-Barre, February 24, 1939.

ALLEGHENY COUNTY

John S. Cort, Pittsburgh, Plaza Bldg., February 25, 1939.

PHILADELPHIA COUNTY

Robert E. Fabian, Phila., 1707 N. 15th St. February 25, 1939.

ALLEGHENY COUNTY

Miss Helen M. Donovan, Pittsburgh, Bowman Bldg., February 26, 1939.

Mrs. Lillian D. McCullough, Pittsburgh, Union Trust Bldg., February 26, 1939.

A. W. Zahniser, Pittsburgh, 601 Chamber of Commerce Bldg., February 26, 1939.

BEAVER COUNTY

G. W. Geier, Ambridge, February 26, 1939.

BERKS COUNTY

Charles D. Fisher, Reading, February 26, 1939.

CLEARFIELD COUNTY

Miss Helen L. Beckett, DuBois, February 26, 1939.

CLINTON COUNTY

Miss Ruth S. Egeland, Pine Creek Twp., Woolrich, February 26, 1939.

DAUPHIN COUNTY

Miss Kathryn E. Boyles, Harrisburg, February 26, 1939.

NORTHAMPTON COUNTY

Miss Florence M. Bilheimer, Northampton, February 26, 1939.

PHILADELPHIA COUNTY

Joseph S. Kratz, Phila., 626 Penfield Bldg., 1328 Chestnut St., February 26, 1939.

Marian Pajewski, Phila., 2359 E. Allegheny Ave., February 26, 1939.

Miss F. C. Stroebele, Phila., Stephen Girard Bldg., 21 S. 12th St., February 26, 1939.

VENANGO COUNTY

Miss Rebecca M. Parker, Oil City, February 26, 1939.
Miss M. E. Smith, Oil City, February 26, 1939.

LUZERNE COUNTY

Wm. W. Hall, Pittston, February 27, 1939.

NORTHAMPTON COUNTY

William H. Lindeman, Bangor, February 27, 1939.

FRANKLIN COUNTY

G. Earl Heefner, Waynesboro, February 28, 1939.

LYCOMING COUNTY

Hugh B. Foster, Williamsport, February 28, 1939.

PHILADELPHIA COUNTY

Miss L. Edna Geraghty, Phila., N. E. Cor. 15th & Walnut Sts., February 28, 1939.

ARTHUR H. JAMES.

Commonwealth of Pennsylvania.

Governor's Office, Harrisburg, January 31, 1939.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for reappointment as Notaries Public, for terms of four years to compute from the date set opposite their names:

LUZERNE COUNTY

John R. Reap, Pittston, February 5, 1939.

PHILADELPHIA COUNTY

George Hutton, Phila., 6110 Walton Ave., February 7, 1939.

Albert H. Weller, Phila., 103 E. Wyoming Ave., February 12, 1939.

ALLEGHENY COUNTY

E. E. Arrowsmith, Pittsburgh, 1506 Law & Finance Bldg., February 14, 1939.

PHILADELPHIA COUNTY

Joseph J. Conley, Phila., 1946 S. Redfield St., February 14, 1939.

ALLEGHENY COUNTY

R. H. Wenzel, Pittsburgh, Maloney Bldg., 339 Blvd., of the Allies, February 16, 1939.

DELAWARE COUNTY

Miss Sara R. Freeman, Upper Darby Twp., 69th St., Terminal, Upper Darby, February 18, 1939.

LAWRENCE COUNTY

Allen D. Keller, Ellwood City, February 19, 1939.

PHILADELPHIA COUNTY

Anthony C. Malone, Phila., 800 S. 10th St., February 24, 1939.

FRANKLIN COUNTY

Miss Almeda G. Yaukey, Waynesboro, February 26, 1939.

WASHINGTON COUNTY

Mrs. Mary Nallon Kogler, Charleroi, February 26, 1939.

ARTHUR H. JAMES.

Commonwealth of Pennsylvania.
Governor's Office, Harrisburg, January 31, 1939
To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointment as Notaries Public, for terms of four years to compute from the date of confirmation:

ALLEGHENY COUNTY

Paul F. Bealafeld, Verona.
William J. Lees, Stowe Twp., 512-22 Broadway, McKees Rocks.

BERKS COUNTY

Miss Kathryn R. Beidler, Reading.
Fred M. Evans, Reading.

CRAWFORD COUNTY

Miss Elizabeth A. Thomas, Meadville.

DELAWARE COUNTY

Miss Catherine M. Brennan, Chester.
George F. Weiss, Media.

HUNTINGDON COUNTY

Miss Bernice M. Heffner, Huntingdon.

LAWRENCE COUNTY

T. J. McNeill, Ellwood City.

PHILADELPHIA COUNTY

Joseph L. Goldstein, Phila., 3705 Market Street.
Miss Anna F. Klemmer, Phila., 2123 North Broad St.
David B. Silow, Phila., Florence Gardens.

WESTMORELAND COUNTY

Miss Anna M. Kosack, Derry Twp., Box 151, Latrobe.
Joseph A. McShane, Monessen.

ARTHUR H. JAMES.

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, January 31, 1939.
To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for reappointment as Notaries Public, for terms of four years to compute from the date set opposite their names:

ALLEGHENY COUNTY

E. O. Grubbs, Pittsburgh, 3128 Gulf Bldg., 7th Avenue & Grant Street, February 8, 1939.

PHILADELPHIA COUNTY

Miss Edna Y. Frank, Phila., 32 W. Highland Ave., February 12, 1939.

BUCKS COUNTY

Mrs. Mary W. Warren, Bristol, 118 Mill Street, February 24, 1939.

ARTHUR H. JAMES.

EXECUTIVE SESSION

By unanimous consent,
A motion was made by Mr. WOLFENDEN and Mr. OWLETT.

That Rule, 38, which requires nominations made by the Governor, to lie on the table one day, be dispensed with, and the Senate do now resolve itself into Executive Ses-

sion, for the purpose of acting on the foregoing nominations.

Which was agreed to,

Whereupon,

A motion was made by Mr. WOLFENDEN and Mr. OWLETT.

That the Senate do advice and consent to the nominations reported.

On the question,

Will the Senate agree to the motion?

The yeas and nays were taken agreeably to the provisions of the Constitution and were as follows, viz:

YEAS—45.

Bartlett.	Frey.	Letzler,	Ruth.
Cavalcante.	Gelder.	Levin,	Scarlett.
Chapman.	Geltz,	Mallery,	Shapiro,
Coleman,	Gilson,	McCreesh	Sipe.
Crowe,	Haluska,	McGinnis,	Snowden.
Deltrick,	Heyburn,	Miller,	Stevenson.
Dent.	Homsher,	Mundy,	Stiefel.
DiSilvestro.	James,	Owlett,	Tallman.
Baly.	Jaspan,	Pierson,	Thomas.
Edmonds,	Kilgallen,	Reed,	Walker.
Eroe.	Lanius,	Rice,	Wolfenden.
Farrell.			

NAYS—0.

Two-thirds of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Governor be informed accordingly.

Mr. WOLFENDEN. Mr. President, I move that the Executive Session do now rise.

Mr. OWLETT. Mr. President, I second the motion.

The motion was agreed to.

BILL ON FINAL PASSAGE POSTPONED FOR THE PRESENT

Mr. OWLETT. Mr. President, I move that the Senate do now resume the consideration of Senate Bill No. 5, (House Bill No. 2), on final passage postponed.

Mr. MALLERY. Mr. President, I second the motion.

The motion was agreed to.

Agreeably to order,

The Senate resumed consideration of Senate Bill No. 5, (House Bill No. 2), entitled:

An Act transferring money from the Liquor License Fund to the General Fund and providing for the subsequent return from the General Fund of the transferred money.

On the question,

Shall the bill pass finally?

Mr. OWLETT. Mr. President, for the information of the Senate, this is a bill transferring from the Liquor License Fund four million dollars to the General Fund, for the purpose of taking care of relief. This is one of the bills that failed of passage last week, and if this bill is not passed today those funds will be distributed and they will not be available for relief.

It has been definitely determined this money will be needed for relief before this biennium closes. We have ready, and propose to introduce promptly, a bill appropriating this and the other moneys to be transferred to relief, and we are asking that this transfer be approved today in order that this money may be safe for relief purposes.

Mr. SHAPIRO. Mr. President, I should like to interrogate the Senator from Tioga, Mr. Owlett.

The PRESIDENT. Will the Senator from Tioga, Mr. Owlett, permit himself to be interrogated?

Mr. OWLETT. Mr. President, I shall be very glad to.

Mr. SHAPIRO. Mr. President, for the information of the Senate, will the Senator from Tioga, Mr. Owlett, state where this money will be distributed if it is not transferred?

Mr. OWLETT. Mr. President, this is part of the Liquor License Fund and goes to the municipalities; and, Mr. President, this is a mere temporary use of this money; if any, of the municipalities are in anyway inconvenienced by not having this money promptly, they can borrow against it, as it is merely a temporary transfer—to be paid back. It is the same method that has been used heretofore, and if relief is not to break down in this Commonwealth we must use this fund.

Mr. SHAPIRO. Mr. President, will the Senator from Tioga, Mr. Owlett, state whether it is not true that unless tax laws are enacted, this money can not be replaced?

Mr. OWLETT. Mr. President, if the budget is not balanced for the next biennium, this money will not be refunded, of course.

Mr. SHAPIRO. Mr. President, I am assuming that the budget—from the transfers already made—is already unbalanced to the tune of twelve million dollars. I assume this will require tax legislation to cover the transfers; is that correct?

Mr. OWLETT. Mr. President, this administration has found itself in an unfortunate position. When this administration went in office January 17th, it found facing it a deficit of from forty to forty-five million dollars, the greater part of which was needed for relief until the end of this biennium. Any money that is used temporarily—borrowed from any fund—must of course, as the Senator from Philadelphia well knows, be paid back out of taxes levied in the next biennium, and if we transfer forty million dollars, or if we transfer forty-five million dollars, making a temporary loan of that sum why, of course, we have that much more to levy next year and are that much worse off next year. It is unfortunate, but it is a matter we cannot help unless we are going to allow relief to drop back in this Commonwealth.

Mr. SHAPIRO. Mr. President, I want it plainly understood that I am not particularly interested in the question of whether this transfer or any other transfer is made; I am particularly interested that this transfer shall not be made because I know what the situation in my county is; and it is all right for the Senator from Tioga to say that we can borrow money, but I know that in Philadelphia no further funds can be borrowed. As a matter of fact, Philadelphia has anticipated its borrowing capacity already by two million dollars emergency funds, which were put into the budget even before the money was borrowed.

I have no doubt other communities are in a similar situation, but none of these people whose funds are being taken have been consulted, no body has asked these people what effect this transfer of four million dollars will have upon their governmental functions. And there is no immediate need to make the transfer, because last week we transferred twenty-six million dollars from the Motor Fund.

I have no doubt, although I do not know the exact figures, I have no doubt more than twenty-six million dollars will be needed to carry this relief problem from now

until the end of this biennium; and I am quite sure that if the Republican members of Congress continue in their agreement with some of the Democratic members of Congress to cut further the Government's participation, in the relief problem, the Commonwealth of Pennsylvania will require more than even the forty million dollars that has been talked about here. It is just this proceeding at cross purposes, without working in harmony, that brings about these results.

It is an easy matter for the Senator from Tioga, Mr. Owlett, to get up on the floor now and talk about relief and say, "If you do not do this, you will stop relief, and newspapers please copy." I am not concerned with that; it is just as easy for the Governor of the Commonwealth to say he was left a deficit, that when, like old Mother Hubbard, he went to the cupboard, he found it was bare.

The only difference between the expression of this Governor and that of the one before him, in February 1937, was that the former said he found the Treasury bare; he did not call it a cupboard. But, as a matter of fact, I would like to have the difference between the bareness that both of them found, when they went to the Treasury, because, as a matter of fact, when the Governor made his speech on Friday, the 27th, of January, he had the small sum of \$3,332,664.05 in that so-called bare cupboard, and on Thursday, the day before he made his speech, he had the small sum of \$2,486,213.34; and as a matter of fact, he had in the Treasury of the State, all funds included, \$64,000,000. Now, when Governor Earle came in he found in the cupboard only \$1,513,714.18; and in all funds he found only \$39,575,337. Now, he would have found sixty-two million dollars there if it had not been for the fact that twenty-three million dollars had been taken from the Motor License Fund; and, in addition to that, he faced an actual deficit—not an estimated deficit, as this Governor is facing—an actual deficit of an additional three and one-half millions of dollars that was owed to colleges, three and one-half millions of dollars that was owed to hospitals, and six and one-half million dollars that was owed to schools, or, rather, six million dollars that was owed to schools because we voted six millions of dollars for impoverished districts, so that there was thirteen millions of dollars deficit, and obligation he had to meet, which this Governor does not have to meet.

This Governor has said, and we are told, that not only was the cupboard bare but there is a deficit of fifty millions of dollars, and he will have to immediately proceed to make economies to save six million dollars of that, which is the amount which is the difference between what I think will be needed for relief and the shortage in running the Government; but he couples his remarks in such a way that most of us got the impression he was fifty million dollars short. Now we are on the subject of relief, and it all dovetails in. Let us find out whether he is fifty million dollars short.

In the first place, there was nine million, one hundred thousand dollars that came into the treasury this month, January. According to the estimates there will be \$22,500,000 that will come into the Treasury in February. In March there will be \$46,150,000; in April there will be \$26,000,000, and in May there will be \$19,600,000. That means a total of \$123,000,000 that will come into the Treasury from the first of January until the thirty-first of May.

The expenses to run the Government, including the

payment of tax anticipation notes, will be not more than \$103,000,000. There has already been removed from those items the \$25,000,000 transfer which was made at the Special Session, so that the funds plus the transfer available, will run this Government until the end of the biennium and will leave available to the Governor all of those funds which I previously called attention to, which total the sum of \$6,200,000.

Now, that being the picture, I would like to know how, as a business man or as a housewife, anyone can complain about a bare Treasury. The deficit has not yet occurred. There is no deficit in the State of Pennsylvania except such as occurs from the amounts necessary to provide relief; and the position of the Governor, that he will save \$6,000,000 in economies, seems to be ridiculous on its face, because it takes but \$36,000,000 to run each biennium—to run the governmental affairs. In other words, a million and a half dollars is required to run the Legislative, Judicial and Executive branches of the Government.

In the next four months, if he stopped governmental functions entirely, closed his office, and refused to pay salaries, the only thing he would be able to save would be \$6,000,000, so how in the name of common sense he expects to save \$6,000,000, that he claims to be short, by economies, I do not understand.

There has been the claim that we have had five years' taxes in four. That is a matter of bookkeeping and no more. In conjunction with that claim it has been stated that corporations were compelled to prepay their taxes. Now, you can look at that, and if you are looking at the record you will find what I did. In the first place, in 1937, when we came to make up the budget for this biennium, we found that after paying up the deficit of \$36,000,000, to which I have just referred, \$23,000,000 transferred from the License Fund and \$13,000,000 in obligations made necessary to meet relief because of the rising demand of relief, we found ourselves with a deficit of \$23,000,000, in 1937, which was owed to the Motor License Fund. By the way, it was that \$23,000,000 deficit that was added to the budget of this year which enabled the Governor to say that for the first time in years Pennsylvania had a \$510,000,000 budget. It is also true that the \$510,000,000 budget grew out of the fact that that Governor had no control over one of the funds—that is, the Motor License Fund; and the Motor License Fund in 1935-37 was \$138,000,000, whereas in 1937-39 it was estimated at \$151,000,000.

So, if you remove the \$23,000,000 deficit and the \$13,000,000 excess from those figures in the Motor License Fund, you will find there was no half billion dollar budget, and it compares very favorably with the \$447,000,000 which existed in 1935-1937, particularly if you remember that in 1937-1939 increases of over \$8,000,000 were given to State-aided institutions in subsidies.

Now, it seems to me that when the Governor tells us that he is met with a deficit of \$23,000,000—as we were in 1937-1939, when we had the choice between levying new taxes and putting into the Government real business methods—we should have chosen the method of taxation. That he has not done—following the same steps that he will take now; nor is he following good business.

What happened? For years the Commonwealth has been in the habit of sending forms out to corporations that pay loan and capital stock taxes, with a request that

they return reports. They came in in March, April and May. When they came in, before the last administration, they were sent to clerks and accountants who figured them up and proceeded to compute the tax due, and then the corporation received its bill; and after it received the bill its accountants proceeded to check and find out and prove to the State there was not that much money due. As a result, years passed—in some instances more than three years—before the Commonwealth of Pennsylvania got a dime. Now, when we were met with the situation of either placing new taxes or changing that procedure, we adopted the method of changing the procedure. Nobody prepaid anything. A corporation owed the money for the previous year in which the return was made.

In other words, it made its return in 1935, in March, April or May—its return for taxes due for the year 1934, and by good business methods and by following methods adopted by the Federal Government, namely, make your tax return and send your check with it, and then the Government checked and asked you to pay more or gave you a refund, if you paid too much—we were able to get together some \$38,000,000 in immediate cash which was necessary because any taxes which would be levied, outside of gasoline and cigarette taxes, would not come in for some time. And so I say that the administration showed its good sense and its good business judgment in proceeding along those lines; and I say it was made necessary because of the deficit that was left—and inherited by the administration—from the previous administration.

In 1937-1939, however, if you look at the budget you will see that the taxes levied in 1935-1937, if re-enacted, would have realized not only enough moneys to pay off the \$23,000,000 to the Motor License Fund, but to leave a surplus of \$25,000,000; and so, certain nuisance taxes enacted in the 1935-1937 session were eliminated from the 1937-1939 program, and so in the early part of February we knew exactly what we would need.

Remember that in 1935-37—rather, in 1935—the Republican organization controlling this Senate refused to give the Governor the complete amount for relief according to the program adopted by him; he asked at that time for \$120,000,000, and the Republican Senators cut it down to \$60,000,000—to give him for one year. That was a compromise, and then a Special Session was necessary in order to raise the additional \$60,000,000; but, notwithstanding that fact, there was spent not only \$120,000,000 but there was spent a total of \$152,000,000 for relief by this State government in 1935-1937.

But we knew and everybody in the Senate was told in the latter part of January and the early part of February what the estimate was and we knew in 1937 what we would need for relief, and a program was presented, and a tax program presented at the same time. I recall distinctly my friend, the Senator from Tioga, Mr. Owlett, on every appropriation bill or transfer, interrogating the gentleman from Adams as to how we were going to raise the money for those bills—bringing out, of course, the reply which was necessary in order to be able to tell the public—and, of course, the gentleman said we were going to impose taxes; and out went the story "The Democrats are going to impose taxes;" and, of course, that was true—they were going to impose taxes and they did impose taxes.

As a result of the imposition of those taxes people have

been fed and clothed and housed. I am ready now, and I am sure my Democratic colleagues are ready now, to join in any program, any reasonable program, that will tell us what are the necessities, where the money is coming from, how you propose to raise it, and what you want to do with it; but I want protest, with all due respect to the Governor of the Commonwealth of Pennsylvania, and without any reflection on the high office which he occupies, that it is not the proper method of approach—to try to confuse the issue, after election, by a speech which can be termed nothing more nor less than political. That election is over as far as I am concerned, I am no more concerned with elections; but I am concerned with the problem which is growing in extensiveness every day we are here, a problem which means the Commonwealth must raise in the next two years more money than it has ever raised before for relief.

I am concerned with that problem and no other problem, and I do not think that it helps the problem any to make charges which serve only to excite people even if they were true—and certainly excite them when, to say the least, the charges are confusing. The fact that I got this information on the state of the cupboard is evidence of the fact that the Governor's representatives or agents could have gotten him the information just as readily as I got it when I wanted it. Nothing would be withheld along those lines from him.

And it does not help for Mr. Russell, in charge of the Department of Public Assistance, to issue a statement that he believes if WPA wages were decreased it would force people back into industry. If you look at the records in that very department you will find the greatest increase in the relief rolls are due to the fact that people were dropped in industry—not WPA alone—but the greatest number of additions to the relief rolls came from industry.

Now, I am frank enough to say that I am not holding the Governor of the Commonwealth of Pennsylvania to the promise that he is going to increase relief, or give the same relief, or take care of relief—and reduce taxes. I think it is time his advisors and he make acknowledgment of the fact that you cannot do both those things; and you cannot do it now particularly, because this Governor is going to have more demand on him for relief because of the present situation than any other Governor in Pennsylvania history, as far as my memory takes me back. I am willing to say the fact that he is going to have more relief to take care of is not due to any fault of his own.

I reserve the right to charge that if the State and Nation act together, instead of fighting each other, the results will be less hazardous and dangerous in Pennsylvania. I reserve the right to charge that the Republicans and Democrats, alike responsible for the reduction in relief—those of them who represent Pennsylvania and voted for it, are voting against the interests of Pennsylvania citizens and industries. Because of the reduction of \$150,000,000 in that program, Pennsylvania will lose at least \$15,000,000 that would otherwise have come here and would have been used in employment, in giving work to people who want work.

The statement that if you reduce wages on WPA people will go back to work is silly. They are working when they are on WPA, and there is no industry ready to take them back.

Now, it is time we meet this issue fairly and frankly,—not as Republicans or Democrats; because, as I have said before and say again, when a man in public life forgets his party affiliations the citizens get better government. What is the amount that is needed? is what I say. Let us forget the talk about the cupboard being bare and the economy of the thousand people just laid off, which has been referred to. I think it would be much better if those things were not on the front pages; it would be much better six months from now if the Governor comes to us and says, "I have saved so many dollars," and it is not necessary to frighten Harrisburg and other places by setting forth in large headlines that a thousand people have been dismissed today and two thousand will be dismissed tomorrow. I saw that migration in 1935, when I was a Republican, and I see it now in 1939 again, when I am a Democrat, and I give you my word I did not relish it any better then, and did not like it on either occasion. Those people who emerge from this Capitol must either be consumed by industry or they must be put on the relief roll; and that is no pleasure to them, and it is certainly no profit to the Commonwealth of Pennsylvania. So there is nothing to brag about in that; and there is no sense in beclouding the issue by saying every department in the Commonwealth of Pennsylvania was increased—instead of tightening our belts.

Of course, if you look at the dollars and cents columns the amount is correct, but if you analyze the figures you will find a six or seven million dollar increase in the various departments, and that was due to the fact that there was a new system set up in the Department of Property and Supplies which accounts for \$3,000,000 alone.

Look at the 1937-1939 budget and you will find the Department of Supplies was awarded \$3,000,000 less in this biennium than it was before. Why? Because each department was charged with its own purchases in the dollars and cents column, and, of course, that sent up the amount necessary to be appropriated to each other department, reducing by \$3,000,000 that department alone, but, of course, you will find the amount awarded the Revenue Department was increased, because it stands to reason that when they collected an additional close-to \$200,000,000 in new taxes they would require more money to operate this department. And that thing went through from one department to another, because the expense of collecting \$450,000,000 or \$500,000,000 is greater than the expense of collecting \$350,000,000 or \$450,000,000. And so, if you will stop trying to jockey for position, and meet the problem as it should be met, you will get cooperation from both sides.

No politically minded person, certainly no fair-minded person, can justify interference with the proper supply of relief, and the picture we have of that today is this: In the House of Representatives, when these bills were first presented, the complaint was made, "You are appropriating \$12,000,000 and transferring \$34,000,000. Now, why do you do that?" And no answer was given. And the matter was just passed because the votes were over there. I hope we are not going to proceed on that basis, because, if we are going to proceed on the basis that you have got votes, then you have got two parties that are antagonizing each other; but if you proceed on the basis we started here, when we said to these gentlemen

on the other side, "We will vote for transfers if you will tell us that you need \$40,000,00," we may be asked the same embarrassing question that we asked you at that time: "How are you going to raise the money?"

Probably there are two reasons. Let us assume the first one will be political, but the second and important one is that our position imposes that duty, and we will be able to tell our constituents, when we go home, that we have transferred these funds but we are sure we are going to get the money back again; but as long as the Governor persists in saying that he is going to cut taxes on industry, then we have no assurance that he will return the money to the Motor Fund, and those of us who are politically minded will say to ourselves "All these motor organizations will be on our necks for having transferred funds which rightfully belong to them, and the Liquor License people in the Department of Revenue, the city, county and borough officials are all going to come to me and tell me what they think of me, and what they are going to do with me when the next election comes around, because we took the Liquor License Fund and the Motor Fund, on which they depended for their budget—which is already made up in most localities—and I cannot show them how they are going to get that money back." That is what fair-minded men will say. You may be asked embarrassing questions, but, embarrassing as they may be, they should be answered, and we are entitled to be answered intelligently.

Last week we voted \$26,000,000, and now you say you want \$4,000,000 more. You appropriated \$12,000,000, and, according to figures which have been given here, there will be required about \$10,000,000 a month. You have \$26,000,000 transferred, and that should last you until the middle of February or the end of February, at least. Certainly \$26,000,000 should go two and a half months. Therefore, between now and that time we think you should come to us with the problem and let us know where we stand, and what you think is ahead of us; but do not come to us and tell us the whole question of relief depends upon your ability to tie up \$4,000,000 of Liquor License Funds that belong to the counties. That is not so, it can not possibly be so; and if it is you must not let it be so, because those people are fighting and striving to meet their own obligations, and you must not depend on the transfer of \$4,000,000 when you know the amount required will reach the tremendous sum of \$120,000,000 for the next year.

I say to you gentlemen now, you can interrogate and ask and make statements all you want to, but you can not get away from the fact that we are not trying to tie you up. You are not prepared to state your program. I say to you: Do not take that \$4,000,000; devise another plan. If you need \$4,000,000, I say you have \$6,000,000 surplus lapsed funds that will take care of the \$75,000 that Senator Gilson talked about, and the \$312,000 that we passed on the floor last night—take that out and that will still leave you some five or six millions of dollars to take care of this bugaboo called Byberry that has been injected into the picture again. Of course the Byberry appropriations were not made because we know of these lapses.

If the Federal Government should decide at this time to pay more on its contributions under these Flood control Acts and therefore release some \$3,000,000, and you have in the surplus the \$6,000,000 from the lapses, and

if the Governor is really going to economize and you save not \$6,000,000—which I know that he cannot save—but save \$1,500,000—and I will say every administration coming in can cut down on the payroll of the previous administration, because unfortunately all administrations right before elections make appointments that otherwise could be dispensed with, and that would not be necessary, and that the government could function without it, if it were not for the fact that there would soon be an election and each side in wants to stay in—that is all water over the dam to me, but I am used to it, it does not faze me at all. I say if there can be savings made there should be savings made, and I hope these savings will be made before the next election, so that we will get the benefit of it now; but you do not need the \$4,000,000 now, and no matter what political aspect you put on it I say we are taking a fair position and will not vote for it.

Mr. OWLETT. Mr. President, the bill is to transfer \$4,000,000 to the General Fund. This is part of a program of transferring \$32,000,000. In addition to that \$32,000,000 it has been definitely determined that we will need, before the end of this biennium, all the lapsed funds that the Senator speaks of, and also the benefit of all the savings that can be accomplished. We are asking for the transfer of this money at this time so it will not go out of the Treasury and it will be for relief, because we know it will be needed for relief purposes. Therefore, I ask that the Senate vote for this bill.

Mr. CAVALCANTE. Mr. President, if one looks about the state and sees the deplorable conditions in which some of these municipalities find themselves financially, it is very hard to justify the statement made by the Senator from Tioga that these funds must be transferred at this time in order to tie them up and keep them from going to those much distressed municipalities that need this money.

We should know, as Legislators, that many of these municipalities must make up their budgets, the same as the State Administration must make up its budget, and all these municipalities have already made their budgets. They have made their estimates, and the budgets of all these municipalities in our State do include this money as part of the income upon which they base their expenditures in their budgets.

Now, I would have no hesitancy whatsoever in voting for the transfer of this \$4,000,000 if there was a present necessity, a present need for the \$4,000,000; but there is not any present necessity. There is no danger of anyone going hungry just because we do not transfer this \$4,000,000 today.

The Senator from Tioga says that if this program of \$34,000,000 is adopted and these \$34,000,000 are transferred from these special funds, then the relief money up until the end of the biennium is assured. But the end of the biennium is yet some months off and no one has any idea of what taxes, what revenue, will yet come into the Treasury of the State from these taxes that have not yet been paid into the State Treasury.

There is no immediate necessity for the transfer of this fund, and I do not think that it is fair—I do not think that there is much justification here to transfer this fund merely to tie it up, tie it up and keep it from these local municipalities.

I say that until the time comes when the fund is

urgently needed, we ought not to harrass these local municipalities and keep from them money that they sorely need; and for that reason I think this bill ought to be defeated and this transfer stopped until there is a necessity shown, a present necessity for the transfer of the fund.

And the question recurring,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—26

Bartlett,	Farrell,	Letzler,	Snowden,
Chapman,	Gelder,	Mallery,	Stevenson,
Crowe,	Geltz,	Miller,	Tallman,
Deltrick,	Heyburn,	Owlett,	Thomas,
Ealy,	Homsher,	Pierson,	Walker,
Edmonds,	James,	Scarlett,	Wolfenden,
Eroe,	Lanlus,		

NAYS—19

Cavalcante,	Gilson,	McCreesh,	Ruth,
Coleman,	Haluska,	McGinnis,	Shapiro,
Dent,	Janpan,	Mundy,	Sipe,
DiSilvestro,	Kilgallen,	Reed,	Stiefel,
Frey,	Levin,	Rice,	

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

ADJOURNMENT

Mr. OWLETT. Mr. President, I move that the Senate do now adjourn until Monday, February 6, 1939, at 9:00 o'clock p. m.

Mr. MALLERY. Mr. President, I second the motion.

The motion was agreed to.

The Senate adjourned at 5:48 o'clock p. m. until Monday, February 6, 1939, at 9:00 o'clock p. m.

HOUSE OF REPRESENTATIVES

TUESDAY, January 31, 1939.

The House met at 1:00 p. m.

The SPEAKER (Ellwood J. Turner) in the Chair.

PRAYER

The Chaplain, Rev. Walter Evans Deibler, offered the following prayer:

In this hour, O Lord, may we learn the seriousness of living straightforward lives. "For if a man thinketh himself to be something, when he is nothing, he deceiveth himself." Help us to realize that we should "be not deceived; God is not mocked: for whatsoever a man soweth, that shall he also reap." Thus, through the stern experiences of life, O God, we learn that

"We get back our meat as we measure
We cannot do wrong and feel right,
Nor can we give pain and gain pleasure,
For justice avenges each slight.
True worth is in being not seeming,
In doing each day that goes by,
Some little good—not in dreaming
Of great things to do by and by."

May the inspiration of Thy presence keep our ideals lofty and our spirits humble, as we invoke Thy blessing upon us, O God, in Thy Holy Name. Amen.

JOURNAL APPROVED

The SPEAKER. The Clerk will read the Journal of yesterday.

The Clerk proceeded to read the Journal of yesterday, when, on motion of Mr. McNALLY, the further reading was dispensed with and the Journal approved.

BILLS INTRODUCED AND REFERRED

By Messrs. DOWNEY and STANK.

HOUSE BILL No. 126.

An Act to amend general rule twenty-seven of Article twelve of the act approved the second day of June, one thousand eight hundred and ninety-one (P. L. 176), entitled "An act to provide for the health and safety of persons employed in and about the Anthracite coal mines of Pennsylvania and for the protection and preservation of property connected therewith," providing that gunpowder and other explosives shall be in metal boxes when taken into or kept in any anthracite mine.

Referred to the Committee on Mines and Mining.

By Messrs. JOHN N. HOFFMAN and ROSEBERRY.

HOUSE BILL No. 127.

An Act to reenact and amend section twenty-one of the act approved the first day of June, one thousand eight hundred and eighty-nine (P. L. 420), entitled "A further supplement to an act entitled 'An act to provide revenue by taxation,' approved the seventh day of June, Anno Domini one thousand eight hundred and seventy-nine," as amended, by reducing the tax on and subsequently exempting from the tax certain corporations, joint-stock associations, limited partnerships and companies.

Referred to the Committee on Ways and Means.

By Messrs. JOHN N. HOFFMAN and BALLIET.

HOUSE BILL No. 128.

An Act to repeal the act, approved the thirtieth day of July, one thousand nine hundred and thirty-eight (P. L. 17), entitled "An act defining the relative powers of the Attorney General and of district attorneys in investigations or proceedings in the criminal courts; authorizing the judges thereof to appoint, subject to appeal to the Supreme Court, special prosecutors in certain cases, and providing for their compensation by the county."

Referred to the Committee on Judiciary General.

By Messrs. JOHN N. HOFFMAN and BALLIET.

HOUSE BILL No. 129.

An Act to repeal the act, approved the thirtieth day of July, one thousand nine hundred and thirty-eight (P. L. 15), entitled "An act defining the procedure for, and regulating, the investigation by the House of Representatives and its committees of charges of, or involving, misdemeanor in office on the part of civil officers liable to impeachment; authorizing the Speaker of the House to appoint a special committee for any such investigation; authorizing the presentation of evidence by the Attorney General and other counsel and the officers investigated; providing for the summoning of witnesses and for the punishment of persons refusing to appear, produce evidence, or testify; and authorizing the employment and compensation of counsel and other assistants."

Referred to the Committee on Judiciary General.

By Messrs. G. R. THOMPSON and FOOR.

HOUSE BILL No. 130.

An Act to amend section four as amended, and section seventeen of the act approved the twenty-first day of May, one thousand nine hundred and thirty-one (P. L. 149), entitled "An act imposing a State tax, payable by those herein defined as distributors, on liquid fuels used or sold and delivered within the Commonwealth, which are ordinarily, practically, and commercially usable in internal combustion engines for the generation of power; providing for the collection and lien of the tax, and the distribution and use of the proceeds thereof; requiring such distributors to secure permits, to file corporate surety bonds and reports, and to retain certain records; imposing duties on retail dealers, common carriers, county commissioners, and such distributors; providing for rewards; imposing certain costs on counties; conferring powers and imposing duties on certain State officers and departments; providing for refunds; imposing penalties; and making an appropriation," by exempting from such tax liquid fuels used for the operation by stationary engines and the operation of tractors and machinery used exclusively for agricultural purposes; and providing refunds of taxes paid on such liquid fuel.

Referred to the Committee on Ways and Means.

By Messrs. JOHN N. HOFFMAN and ROSEBERRY.

HOUSE BILL No. 131.

An Act to repeal the act, approved the thirtieth day of July, one thousand nine hundred and thirty-eight (P. L. 13), entitled "An act relating to the investigation of charges of, or involving, misdemeanor in office made against civil officers subject to impeachment; providing that the jurisdiction of the House of Representatives to make such investigations shall have precedence over the jurisdiction of grand juries; and limiting the circumstances under which courts of oyer and terminer and general jail delivery or courts of quarter sessions, or judges of such courts, may authorize grand juries to make such investigations."

Referred to the Committee on Judiciary General.

By Messrs. JOHN N. HOFFMAN and ROSEBERRY.

HOUSE BILL No. 132.

An Act to repeal the act, approved the thirtieth day of July, one thousand nine hundred and thirty-eight (P. L. 18), entitled "An act suspending, retroactively as well as prospectively, any other pending investigation, legislative, executive or judicial, of charges of, or involving, misdemeanor in office on the part of civil officers liable to impeachment, which the House of Representatives undertakes to investigate, and providing under what circumstances the suspended investigation may be resumed."

Referred to the Committee on Judiciary General.

By Mr. FISHER.

HOUSE BILL No. 133.

An Act to amend section two thousand four hundred and sixty of the act, approved the fourth day of May, one thousand nine hundred and twenty-seven (P. L. 519), entitled "An act concerning boroughs, and revising, amending, and consolidating the law relating to boroughs," by further regulating the use of moneys collected on borough-owned waterworks.

Referred to the Committee on Boroughs.

By Mr. LEYDIC.

HOUSE BILL No. 134.

An Act authorizing executors, guardians and trustees to purchase life endowment or annuity contracts in companies approved and duly authorized to carry on such business in the State of Pennsylvania.

Referred to the Committee on Judiciary General.

By Mr. O'CONNOR.

HOUSE BILL No. 135.

An Act to restrain and regulate the sale of vinous and spirituous, malt or brewed liquors or any admixtures thereof; restricting ownership in licensed places; imposing duties upon the Superior Court, county treasurers, clerks of courts, quarter sessions courts, district attorneys and proper authorities of the counties of the State; providing penalties, right of appeal and repealing inconsistent acts.

Referred to the Committee on Liquor Control.

By Mr. SCHWAB.

HOUSE BILL No. 136.

An Act to add paragraph seventh to clause (a) of section three of the act, approved the thirteenth day of May, one thousand nine hundred nine (P. L. 520), entitled, "An act relating to food; defining food; providing for the protection of the public health, and the prevention of fraud and deception, by prohibiting the manufacture or sale, the offering for sale or exposing for sale, or the having in possession with intent to sell, of adulterated, misbranded, or deleterious foods; prescribing certain duties of the Dairy and Food Commissioner in reference thereto; and providing penalties for the violation thereof," as amended by prohibiting as adulteration with the placing of any token, coupon, prize or gift in contact with any article of food.

Referred to the Committee on Public Health and Sanitation.

By Mr. SCHWAB.

HOUSE BILL No. 137.

An Act to add clause (p) to section two, to amend sections four, six, nine and ten, parts of sections eleven and twelve, sections thirteen and eighteen part of section nineteen, section twenty-two, part of section twenty-three, and section twenty-eight of the act, approved the third day of May, one thousand nine hundred and thirty-three (P. L. 252), entitled as amended "An act to regulate and restrain the traffic in malt and brewed beverages, as herein defined; providing for the licensing of the manufacture, transportation, sale and distribution of such beverages; imposing license and permit fees, and providing for collection and distribution thereof; restricting ownership and interest in licensed places; permitting municipalities and townships, by vote of the electors, to prevent the licensing therein of places where such beverages may be sold for consumption on the premises, and regulating elections for this purpose; imposing duties upon the Pennsylvania Liquor Control Board, quarter sessions courts, district attorneys, the Department of Justice, proper authorities of political subdivisions of the State, and election officers; providing penalties; and repealing existing acts," as reenacted and amended, by providing for the issuance of package retail licenses for the sale of malt and brewed beverages in packages in grocery, food or delicatessen stores; providing for the regulations under which such licenses shall be issued; and providing penalties.

Referred to the Committee on Liquor Control.

By Mr. TAYLOR.

HOUSE BILL No. 138.

An Act to further amend section two hundred and seven of the act, approved the ninth day of April, one thousand nine hundred and twenty-nine (P. L. 177), entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments, boards, commissions, and officers thereof, including the boards of trustees of State Normal Schools, or Teachers Colleges; abolishing, creating, reorganizing or authorizing the reorganization of certain administrative departments, boards, and commissions; defining the powers and duties of the Governor and other executive and administrative officers, and of the several administrative departments, boards, commissions, and officers; fixing the salaries of the Governor, Lieu-

tenant Governor, and certain other executive and administrative officers; providing for the appointment of certain administrative officers, and of all deputies and other assistants and employes in certain departments, boards, and commissions; and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments, boards and commissions shall be determined," by requiring certain qualifications for the Adjutant General.

Referred to the Committee on State Government.

By Mr. SKALE.

HOUSE BILL No. 139.

An Act making it a misdemeanor to disseminate, circulate, exhibit or publish in any manner, or to have in possession for the purpose of disseminating, circulating, exhibiting or publishing any matter of any kind or character, or to abet in any manner in inciting, counseling, promoting or advocating hatred, violence or hostility against any group of persons in this State, by reason of race, color, religion or manner of worship; and prescribing penalties.

Referred to the Committee on Judiciary Special.

By Messrs. ACKERMANN and FLEMING.

HOUSE BILL No. 140.

An Act to amend section one of the act, approved the twenty-second day of June, one thousand nine hundred and seventeen (P. L. 623), entitled "An act prohibiting the erection of fences or similar structures above a certain height, in suburban and similar districts of cities of the first class, except under a permit; declaring certain fences a private nuisance, and their erection a misdemeanor; and prescribing penalties for violation of the provisions of this act," by extending the provisions thereof, to include fences in suburban and similar districts in cities of the second class.

Referred to the Committee on Cities—Second Class.

By Mr. POWERS.

HOUSE BILL No. 141.

An Act providing that the Department of Highways shall pay to the various political subdivisions of the Commonwealth, one-half the costs of maintaining the necessary traffic officers to direct and control traffic on through State highways located within their borders, and authorizing the Secretary of Highways and the authorities of such political subdivisions to enter into agreements relative thereto.

Referred to the Committee on Appropriations.

By Mr. CORDIER.

HOUSE BILL No. 142.

An Act to further amend section five of the act, approved the twenty-sixth day of April, one thousand nine hundred thirty-five (P. L. 90), entitled "An act to promote uniformity in the assessment and taxation of properties and persons within the territorial limits of cities of the second class A, by providing that city and school taxes within such territorial limits shall be assessed, levied, and collected upon the basis of the assessments for taxation for county purposes; and requiring the furnishing of tax duplicates by the county taxing authorities to such cities and to school districts coterminous therewith; abolishing the department of assessors in cities of the second class A; consolidating tax statements covering city, school, county, and poor taxes therein, and making uniform the time for levy and collection of said taxes respectively, and regulating the discounts therefrom and penalties thereon," by changing the date of certain tax payments.

Referred to the Committee on Cities—Second Class.

By Mr. HAMILTON.

HOUSE BILL No. 143.

An Act to amend clause (b) of section four, article two of the act, approved the twenty-fifth day of June, one thousand nine hundred and nineteen (P. L. 581), entitled "An act for the better government of cities of the first class of this Commonwealth," as amended, by providing a succession of officers of such cities to act as mayor in case of a vacancy or disability of the mayor to act.

Referred to the Committee on Cities—First Class.

By Mr. SKALE.

HOUSE BILL No. 144.

An Act to amend the title and the act, approved the fifth day of June, one thousand nine hundred and thirty-seven (P. L. 1703), entitled "An act relating to criminal prosecutions; limiting the effect of demurrers by defendants at the close of the cases of the Commonwealth," by providing that the joinder of the district attorney shall not be required before the court shall entertain a motion, demurring to the Commonwealth's evidence.

Referred to the Committee on Judiciary General.

By Mr. CURRAN.

HOUSE BILL No. 145.

An Act imposing a State license tax for unemployment relief upon outdoor advertising; providing for the collection by the Department of Revenue thereof; prohibiting the licensing of bill-boards; constituting a hazard to traffic; providing for abatement of nuisances; making an appropriation; and prescribing penalties.

Referred to the Committee on Ways and Means.

By Mr. TERRY.

HOUSE BILL No. 146.

An Act to amend sections six hundred seven and six hundred thirteen of the act approved the first day of May, one thousand nine hundred and twenty-nine (P. L. 905), entitled "An act for the protection of the public safety; regulating the use of highways, and the operation of vehicles, tractors, street cars, trackless trolley omnibuses, bicycles, pedestrians, and the riding of animals upon the highways of this Commonwealth; providing for the titling, including liens, encumbrances, and legal claims; registration of certain vehicles and licensing the operators thereof, upon payment of prescribed fees; prescribing and limiting the powers of local authorities to deal with the subject matter of this act; conferring powers and imposing duties upon the Department of Revenue, the Department of Highways, peace officers, mayors, burgesses, magistrates, aldermen, justices of the peace, the courts and the clerks thereof, owners of vehicles, and garage keepers; providing that records are admissible as evidence; imposing upon owners, counties, cities, boroughs, incorporated towns, townships, within the Commonwealth, liability for damages caused by the negligent operation of their motor vehicles; imposing penalties; imposing certain costs upon counties; providing for the disposition of fines, forfeitures, fees, and miscellaneous receipts; making an appropriation and providing for refunds," by authorizing the Department to issue operators' licenses good for a term of three years at the option of the applicant.

Referred to the Committee on Motor Vehicles.

By Mr. SKALE.

HOUSE BILL No. 147.

An Act to further amend section four hundred and three of the act approved the twenty-ninth day of November, one thousand nine hundred and thirty-three (P. L. 15—1933-34), entitled, as amended "An act to regulate and restrain the sale, manufacture, possession, transportation, importation, traffic in, and use of alcohol, and alcoholic and malt or brewed beverages; conferring powers and imposing duties upon the Pennsylvania Liquor Control Board and its agents, the Department of Public Instruction, other officers of the State government, courts, and district attorneys; authorizing the establishment and operation of State stores for the sale of such beverages not for con-

consumption on the premises, and the granting of licenses, subject to local option, to sell such beverages for consumption on and off the premises; forbidding importation or bringing of such beverages into the State except as herein provided; prohibiting certain sales or practices in connection with, and transactions in such beverages by licensees and others; providing for the forfeiture of certain property; making disposition of the receipts from State stores and of fees; and imposing penalties," by changing restrictions on the location of licensed hotels, restaurants and clubs.

Referred to the Committee on Liquor Control.

By Mr. SKALE.

HOUSE BILL No. 148.

An Act to amend section four hundred and one of the act approved the twenty-ninth day of November, one thousand nine hundred and thirty-three (P. L. 15—1933-34), entitled, as amended "An act to regulate and restrain the sale, manufacture, possession, transportation, importation, traffic in, and use of alcohol, and alcoholic and malt or brewed beverages; conferring powers and imposing duties upon the Pennsylvania Liquor Control Board and its agents, the Department of Public Instruction, other officers of the State government, courts, and district attorneys; authorizing the establishment and operation of State stores for the sale of such beverages not for consumption on the premises, and the granting of licenses, subject to local option, to sell such beverages for consumption on and off the premises; forbidding importation or bringing of such beverages into the State except as herein provided; prohibiting certain sales or practices in, connection with, and transactions in such beverages by licensees and others; providing for the forfeiture of certain property; making disposition of the receipts from State stores and of fees; and imposing penalties," as amended, by permitting sales of liquor by hotel and restaurant licensees for consumption off the premises within certain limitations.

Referred to the Committee on Liquor Control.

By Mr. FALKENSTEIN.

HOUSE BILL No. 149.

An Act to amend section two of article two of the act, approved the twenty-fifth day of June, one thousand nine hundred nineteen (P. L. 581), entitled "An act for the better government of cities of the first class of this Commonwealth," by making the mayor of each such city eligible to succeed himself in such office.

Referred to the Committee on Cities—First Class.

By Mr. CORTESE.

HOUSE BILL No. 150.

An Act to amend section ten of the act, approved the twenty-eighth day of April, one thousand nine hundred and thirty-seven (P. L. 480), entitled "An act relating to tax assessments in counties of the first class; conferring powers and imposing duties on the board of revision of taxes, and its agents and employees, and repealing general, local and special laws," by providing for the striking off the records of the receiver or collector of taxes and tax levying authorities and officers of uncollectible taxes in certain cases.

Referred to the Committee on Cities—First Class.

By Mr. SEIF.

HOUSE BILL No. 151.

An Act to amend section one of the act, approved the third day of May, one thousand nine hundred and twenty-nine (P. L. 126), entitled "An act to regulate the salaries of tipstaves in the courts of common pleas,oyer and terminer and general jail delivery, quarter sessions of the peace, and orphans' courts, in counties of the second class," as amended, by fixing a minimum and removing the maximum of such salaries, and extending the provisions of said act to include tipstaves in the county courts of such counties.

Referred to the Committee on Cities—Second Class.

By Mr. SEIF.

HOUSE BILL No. 152.

An Act to amend section four of the act, approved the eleventh day of March, one thousand eight hundred and thirty-six (P. L. 76), entitled "A supplement to the act entitled, 'An act to establish the District court for the city and county of Philadelphia,' passed the twenty-eighth day of March, one thousand eight hundred and thirty-five," by providing for the payment of costs of defendant including counsel fees.

Referred to the Committee on Judiciary General.

By Messrs. BROAD and WEISS.

HOUSE BILL No. 153.

A Joint Resolution proposing an amendment to article nine of the Constitution of the Commonwealth of Pennsylvania by adding section one A.

Referred to the Committee on Constitutional Amendments.

By Mr. ROSENFELD.

HOUSE BILL No. 154.

An Act to amend section two of the act, approved the fifteenth day of June, one thousand nine hundred and thirty-seven (P. L. 1743), entitled "An act relating to magistrates and magistrates' courts in the city of Philadelphia; imposing certain duties upon, and prohibiting certain practices by, magistrates; imposing certain duties on the city controller in regard thereto; authorizing the employment by him of additional clerks and fixing their compensation; regulating the practice in magistrates' courts, the entering of bail, and the issuance of discharges in criminal cases in the county of Philadelphia; conferring certain powers over magistrates and magistrates' courts, and imposing certain duties in connection therewith upon the judges of the courts of common pleas of the county of Philadelphia; providing for the appointment and employment of stenographers to report proceedings in certain cases heard by magistrates; fixing salaries or persons employed by authority of this act; providing penalties for violations of the provisions thereof; and repealing certain prior acts," by increasing the number of magistrates' courts and the number of magistrates in the city of Philadelphia.

Referred to the Committee on Cities—First Class.

By Mr. TERRY.

HOUSE BILL No. 155.

An Act to amend clause (a) of section ten of the act, approved the twenty-first day of May, one thousand nine hundred and thirty-one (P. L. 149), entitled "An act imposing a State tax, payable by those herein defined as distributors, on liquid fuels used or sold and delivered within the Commonwealth, which are ordinarily, practically, and commercially usable in internal combustion engines for the generation of power; providing for the collection and lien of the tax, and the distribution and use of the proceeds thereof; requiring such distributors to secure permits, to file corporate surety bonds and reports, and to retain certain records; imposing duties on retail dealers, common carriers, county commissioners, and such distributors; providing for rewards; imposing certain costs on counties; conferring powers and imposing duties on certain State officers and departments; providing for refunds; imposing penalties; and making an appropriation," as amended, by providing that the moneys paid from the Liquid Fuels Tax Fund to counties, may be used by such counties for any lawful purpose.

Referred to the Committee on Highways.

SENATE MESSAGE

The Clerk of the Senate being introduced, presented extracts from the Journal of the Senate which were laid upon the table.

LEAVE OF ABSENCE

Mr. Habbyslaw asked and obtained leave of absence for Mr. SARGE for the week on account of illness.

RESOLUTION INTRODUCED AND REFERRED

By Mr. TAYLOR. (Concurrent) RESOLUTION No. 11.

In the House of Representatives, January 30, 1939.

Whereas, there are present in the United States various groups and associations of persons organized to foster foreign institutions to overthrow our government, and to engage in Un-American activities; and

Whereas, such groups pay allegiance to and follow the authoritarian philosophy of foreign governments in preference to our own; and

Whereas, such groups whether Nazis, Fascists, or Communists, are hostile to free, democratic government and endanger the welfare of our nation; and

Whereas, the Committee to Investigate Un-American Activities under Chairman Dies, appointed in the House of Representatives of the United States has done and is doing much to expose these foreign groups and associations, and it is to the welfare of the nation that such investigation continue, therefore be it

Resolved (if the Senate concur), that the General Assembly of the Commonwealth of Pennsylvania hereby memorializes the Congress now in session to appropriate the sum of \$150,000.00 to continue the work of the Committee Investigating Un-American Activities, and be it further

Resolved, that copies of this resolution be forwarded to the Speaker of the House of Representatives and the Vice-President of the United States.

BILL RE-REFERRED

Mr. WOODSIDE returned from the Select Committee on Public Assistance with the recommendation that it be re-referred to the Committee on Appropriations, House Bill No. 6, entitled:

An Act to amend Act No. 47-A, approved the fifth day of June, one thousand nine hundred thirty-seven (1937 Appropriation Acts, Page thirty-nine), entitled "An act making an appropriation to the Water and Power Resources Board, for payment into the Flood Control Fund for flood control purposes," by reducing the appropriation made by that act.

The SPEAKER. The bill is now re-referred to the Committee on Appropriations.

COMMITTEE MEETING

There will be a meeting of the Committee on Federal Relations, immediately after this session, in Room 324.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair desires to advise the members of the House that the bills making appropriations for relief which were passed in the House are in the Senate awaiting final passage. It is important that these bills be passed now. The Senate went into session at one o'clock, the Chair is advised that there is a caucus in the Senate, and therefore, if there be no objection, much as the Chair regrets to do so, the Chair will declare a recess until four o'clock.

RECESS

The SPEAKER. If there are no objections the Chair is about to declare a recess until 4:00 p. m. Are there objections? The Chair hears none and declares a recess until 4:00 p. m.

AFTER RECESS

The House reconvened at 4:00 p. m.

The SPEAKER (Ellwood J. Turner) in the Chair.

RESOLUTIONS

SYMPATHY EXTENDED

Messrs. WEBSTER and HINDMAN offered a resolution and asked and obtained unanimous consent for its immediate consideration.

The resolution was twice read, considered and adopted as follows:

In the House of Representatives, January 31, 1939.

The Honorable Charles J. Stott, a Member of this House from the County of Chester, during the Sessions of 1931, 1933 and 1935, died at his home in Coatesville on the 18th day of December, 1938.

Born in the city from which he came to this House, he acquired his education in the public schools of Chester County, and afterwards engaged in the wire and steel business.

He was a director of the Coatesville Trust Company and the Coatesville Building and Loan Association, and President of the City Board of Health. His popularity and the respect in which he was held by his fellow townsmen resulted in his election to this House, and here his cordiality, and his genuine worth soon won the respect and friendship of those with whom he came in contact; therefore be it

Resolved, That this House of Representatives is deeply regretful of his death and that it extends to his widow and the three children that survive him, its sincere sympathy; and be it further

Resolved, That the Chief Clerk of this House shall transmit to the family of the deceased, a copy of this resolution.

SYMPATHY EXTENDED

Mr. SWEENEY offered a resolution and asked and obtained unanimous consent for its immediate consideration.

The resolution was twice read, considered and adopted as follows:

In the House of Representatives, January 31, 1939.

Judge William M. Lewis, for more than sixteen years a member of the Municipal Court of Philadelphia, and one of that city's most active leaders in the Zionist movement, died early yesterday at his home in Philadelphia, following a brief illness.

Very few men more merited the title, "self-made," than the man who came to this country from his native Lithuania as a boy of twelve, unable to speak a word of English.

He learned English so rapidly that he organized classes in English, to teach other immigrants, and after graduating from grammar school entered Central High School.

While attending the University of Pennsylvania he sold insurance and tutored in order to support himself. He was admitted to the bar one year after his graduation from the law school in 1905.

In 1922, he was appointed to the Municipal Court by Governor William Sproul, and the following year was elected for a term of ten years. He was re-elected to a full ten year term in 1933.

Judge Lewis is survived by his widow, Mrs. Marie Rosenthal Lewis; a daughter, Mrs. Mildred Freeman, and two brothers, Joseph and Hyman; therefore be it

Resolved, By the House of Representatives, that in the death of Judge Lewis, the Municipal Court of Philadelphia has been deprived of the services and labor of an outstanding jurist, and the City of Philadelphia has lost a citizen with a record of loyal public service, whose work was but begun; and be it further

Resolved, That this House extends its most sincere sympathy to the widow, daughter and brothers who so deeply

mourn his loss, and that a copy of this resolution be transmitted to them by the Chief Clerk of this House.

SYMPATHY EXTENDED

Mr. MUIR offered a resolution which was twice read, considered and adopted as follows:

In the House of Representatives, January 31, 1939.

Having lived more than her allotted span of three score years and ten, during which she so loyally assisted her husband in his business interests, raised a family of two sons and three daughters, and took a leading part in the affairs of her home town, Mrs. Elisha Kane, the mother of Honorable E. Kent Kane, a Member of this House, early in the beginning of this new year "wrapped the drapery of her couch about her and lay down to pleasant dreams."

Mrs. Kane spent the early days of her life in Du Bois where she attended school and where an accident to her father caused her to combine teaching and studying in order to support herself.

She taught school for four years and then obtained employment as a bookkeeper for a firm in which her future husband was a partner.

After her marriage she continued her work with the firm, and at times directed its business affairs.

That same undaunted courage which caused her to triumph over adversities in early life, strengthened her in her dual capacity of business woman and mother.

Although her time was concerned first with her family and the business of her husband, she found opportunity to play an important part in the growth of the Prohibition Party in Pennsylvania, and for a number of years was President of the Women's Christian Temperance Union of McKean County.

She has left to her sons and daughters a splendid heritage, the memory of her splendid devotion to husband and family, and her unflinching loyalty to a cause in which she believed; therefore be it

Resolved, That the House of Representatives of the General Assembly of Pennsylvania hereby extends its sincere sympathy to our fellow Member, the Honorable E. Kent Kane, and to the brother and sisters who, with him, survive her; and be it further

Resolved, That a copy of this resolution be transmitted by the Chief Clerk of this House to the said Honorable E. Kent Kane, and to his brother and sisters.

SYMPATHY EXTENDED

Mr. ELY offered a resolution and asked and obtained unanimous consent for its immediate consideration.

The resolution was twice read, considered and adopted as follows:

In the House of Representatives, January 31, 1939.

Dr. Albert F. Merrill, a Member of this House for three regular sessions of the General Assembly, died at his home in Hallstead, Susquehanna County, on the 2nd day of December last.

A full half century of his life was spent in ministering to the physical ailments of the people of Hallstead, to which community he moved after his graduation from Hahnemann Medical College in 1888.

He was not only physician to his townspeople, but their counsellor and friend, and so won their love and respect that they elected him to represent them in the legislative body; therefore be it

Resolved, That this House extends its deepest sympathy to the widow and children of Dr. Merrill in this their hour of sadness and sorrow; and be it further

Resolved, That the Chief Clerk of this House shall transmit a copy of this Resolution to the widow of the deceased.

RESOLUTION

Mr. TRONZO offered a resolution and asked unanimous consent that it be read for the information of the House.

The SPEAKER. Will the House give its unanimous consent? Is there objection?

Mr. McKINNEY. Mr. Speaker, I object.

The SPEAKER. The Chair hears objection and consent is not granted.

Mr. TRONZO. Mr. Speaker, I ask unanimous consent for the immediate consideration of the resolution.

The SPEAKER. Will the House give its unanimous consent? Is there objection?

Mr. WOODSIDE. Mr. Speaker, I object.

The SPEAKER. The Chair hears objection and consent is not granted.

MOTION TO SUSPEND RULE

Mr. TRONZO. Mr. Speaker, I move that Rule 84 be suspended for the specific purpose of reading and immediate consideration of the resolution.

On the question,

Will the House agree to the motion?

The yeas and nays were required by Mr. Tronzo, Mr. Edwin F. Thompson and Mr. Skale and were as follows:

YEAS—45

Allmond,	Falkenstein,	Mooney,	Schrope,
Baker,	Fauset,	Moran,	Schwab,
Balthaser,	Finnerty,	Munley,	Skale,
Boney,	Flanagan,	O'Connor,	Stank,
Brancato,	Hindman,	O'Neill,	Tarr,
Broad,	Holland,	Preston,	Thompson E. F.,
Brown, H. S.,	Keenan,	Regan,	Tronzo,
Burns,	Kenehan,	Reynolds,	Weiss,
Check,	Levy,	Rider,	Welsh, E. B.,
Cohes, R. E.,	Lovett,	Rooney,	Welsh, M. J.,
Corrigan,	Mihm,	Rosenfeld,	Westrick,
Downey,			

NAYS—106

Ackermann,	Eckels,	Kilne,	Schrock,
Alspach,	Ewing,	Knoble,	Shearer,
Andrews,	Fisher,	Krise,	Simons,
Atkins,	Flas,	Lee,	Sloan,
Auker,	Fleming,	Lelsey,	Stambaugh,
Balliet,	For,	Leydic,	Stewart,
Bardes,	Freed,	Lichtenwalter,	Stockham,
Bennett,	Fullerton,	Madden,	Sweeney,
Bohn,	Gillan,	Marr,	Tahl,
Boose,	Gillette,	McClester,	Taylor,
Boyd,	Goll,	McGarrity,	Terry,
Bretherick,	Gorski,	McKinney,	Thistle,
Brown, S. W.,	Habbyshaw,	McNally,	Tiemann,
Brünner,	Haines,	McVay,	VanAllsburg,
Cadwalader,	Hall,	Montgomery,	Van Belle,
Calvin,	Hamilton,	Moser, F. S.,	Voorhees,
Carpenter,	Harbeson,	Moser, J. L.,	Wagner,
Clark,	Haudenshield,	Mulr,	Webster,
Clearwater,	Henry,	O'Dare,	Wilkinson,
Cook,	Hewitt,	Peacock,	Wilson,
Cooper,	Hocke,	Reagan,	Winner,
Cordier,	Hoyt,	Reese, D. P.,	Wood, H. M.,
Cortese,	Huntley,	Robertson,	Wood, N.,
Curran,	Irvin,	Pose,	Woodside,
Dalrymple,	James,	Roseberry,	Yeakel,
Denman,	Johnston,	Royer,	Turner,
Dick,	Jones,		Speaker,

So the question was determined in the negative and the motion was not agreed to.

The resolution was filed with the Clerk under the rules.

SUPPLEMENTAL REPORT FROM SLATE COMMITTEE

Mr. WINNER offered a resolution which was twice read, considered and adopted as follows:

In the House of Representatives, January 31, 1939.

Resolved That the following be appointed to the personnel of the House of Representatives:

Millard Tawney, Harrisburg, Penna., Custodian, House of Representatives.

REPORT FROM COMMITTEE

Mr. THISTLE, from the Committee on Federal Relations, reported as committed, House Resolution No. 11.

SENATE MESSAGE

TIME OF NEXT MEETING

The Clerk of the Senate being introduced presented an extract from the Journal of the Senate, which was read as follows:

In the Senate, January 30, 1939.

Resolved (if the House of Representatives concur) That when the Senate adjourns this week it reconvene on Monday evening, February 6, 1939 at nine o'clock; and when the House of Representatives adjourns this week it re-

convene on Monday evening, February 6, 1939, at eight o'clock.

Ordered, That the Clerk present the same to the House of Representatives for its concurrence.

On the question,

Will the House concur in the resolution of the Senate?

It was concurred in.

Ordered, That the Clerk inform the Senate accordingly.

ADJOURNMENT

Mr. CLARK. Mr. Speaker, I move that this House do now adjourn until Monday, February 6, 1939, at 8:00 p. m.

The motion was agreed to, and (at 4.46 p. m.) the House adjourned until Monday, February 6, 1939, at 8:00 p. m.

Legislative Journal.

Session 1939.

133d of the General Assembly.

Vol. 23 HARRISBURG, PA., MONDAY, FEBRUARY 6, 1939. No. 11.

SENATE

MONDAY, February 6, 1939.

The Senate met at 9:00 o'clock, p. m.

The PRESIDENT (Lieutenant-Governor Samuel S. Lewis) in the Chair.

PRAYER

The Chaplain, Rev. BURLEIGH A. PETERS, offered the following prayer:

Our dear Heavenly Father, by the sustenance of Thy providential care we have reconvened this evening.

So often the seemingly smaller blessings of our lives—health, strength, right use of our faculties and the like—received regularly each day are simply taken for granted that we grow negligent in our thanksgiving to Thee. Too often we are so engrossed in the affairs of this material world that we forget the beautiful things of the spiritual.

May we be primarily concerned with the chief reason for living, not the making of a living but the making of a life, for it is written in Thy Holy Word, "Men shall not live by bread alone, but by every word which proceedeth out of the mouth of God."

Give thy people the inclination to lay hold more firmly upon Thy promises that everyone who "hungers and thirsts after righteousness shall be filled." Thus no subversive activity nor pagan philosophy inimical to the well-being, either of our nation or Commonwealth may long endure, and the only "ism" which can and ought to continue is Americanism.

Strengthen the bulwarks of our moral and spiritual defenses through a definite obedience to Thy holy will on the part of all our people.

We pray in the name of Thy Christ. Amen.

JOURNAL APPROVED

The PRESIDENT. A quorum of the Senate being present the Clerk will read the Journal of the preceding session.

The Clerk proceeded to read the Journal of the preceding session, when, on motion of Mr. HEYBURN, the further reading was dispensed with, and the Journal was approved.

LEAVE OF ABSENCE

Mr. CAVALCANTE asked and obtained leave of absence for the Senator from York, Mr. LANIUS, because of the death of the latter's wife.

REQUEST FOR LEAVE OF ABSENCE

Mr. CAVALCANTE. Mr. President, I ask for a leave

of absence for my colleague, the Senator from Allegheny, Mr. Henney.

Mr. OWLETT. Mr. President, I move the request be laid on the table.

Mr. CAVALCANTE. Mr. President, I object. In this same order I call from the table at this time the request for a leave of absence for my colleague, Senator Henney, that was laid on the table, as shown by the Journal of this Senate of January 23, 1939.

The PRESIDENT. Do you want a roll call?

Mr. CAVALCANTE. Mr. President, I do not want a roll call. I have the rules of parliamentary law to show that when a matter is laid on the table it may be called up from the table for action, and I am calling it up for action.

Mr. OWLETT. Mr. President, I move that the request of the Senator from Fayette, Mr. Cavalcante, be laid upon the same table.

Mr. GELDER. Mr. President, I second the motion.

POINT OF ORDER

Mr. CAVALCANTE. Mr. President, I rise to a point of order.

The PRESIDENT. The Senator from Fayette, Mr. Cavalcante, will state his point of order.

Mr. CAVALCANTE. Mr. President, the motion is out of order because the rules of this Senate and the parliamentary law applicable to this problem say that when a matter is laid on the table it may be called up at any time for action, and it can not be laid on the table again. This motion would lay the matter on the table again. It is already laid on the table, and I am calling it up for action; and I cite the Chair Senate Rule No. 34, that says in cases not covered by the rules Jefferson's Manual shall prevail. Then I call the Chair's attention to Section 445 of Jefferson's Manual, which covers the point.

Mr. OWLETT. Mr. President, I suggest that the point of order is not well taken. The Senate, as a body, can refuse to act on any request at any time, and the fact is that it has been laid on the table and called up—it is true it can be called up but the Senate by a motion, and can again lay it on the table. That is in the control of this body and I therefore suggest the point of order is not well taken.

Mr. CAVALCANTE. Mr. President, I think my point of order is well taken. The President must first call it up for action.

The PRESIDENT. The Senator from Fayette, Mr. Cavalcante, called it up and the Senator from Tioga, Mr. Owlett, moved that it be laid on the table, which motion was seconded by the Senator from Susquehanna, Mr. Gelder.

So now the motion before the Senate is to lay the request on the table.

On the question,

Will the Senate agree to the motion?

The yeas and nays were required by Mr. SHAPIRO and were as follows, viz:

YEAS—28

Bartlett,	Farrell,	James,	Snowden,
Chapman,	Gelder,	Letzler,	Stevenson,
Crowe,	Geltz,	Mallery,	Tallman,
Dando,	Haluska,	Miller,	Thomas,
Deltrick,	Heyburn,	Owlett,	Walker,
Ealy,	Homsher,	Pierson,	Wolfenden,
Edmonds,	Jacobs,	Scarlett,	Woodward,

NAYS—19

Cavalcante,	Frey,	McCreesh	Ruth,
Coleman,	Gilson,	McGinnis,	Shapiro,
Dent,	Jaspan,	Mundy,	Sipe,
DiSilvestro,	Kunkel,	Reed,	Stiefel,
Eroe,	Levin,	Rice,	

So the question was determined in the affirmative.

BILLS INTRODUCED

Messrs. HALUSKA and DENT read in their places and presented to the Chair Senate Bill No. 47, entitled:

An Act to amend section four of the act, approved the twenty-fourth day of June, one thousand nine hundred and thirty-seven (P. L. 2045), entitled "An act relating to the support of indigent persons publicly cared for or assisted; providing for the support of such persons by certain relatives, and for the recovery of public moneys expended for care and assistance from the property and estates of such persons; providing for guardians of the person and property of such persons; providing for the arrest and seizure and sale of the property of deserters; and providing procedure," by providing that certain property of an indigent person shall not be liable in any action for the recovery of public funds expended on behalf of such person.

Which was committed to the Committee on Judiciary General.

They also read in their places and presented to the Chair Senate Bill No. 48, entitled:

An Act to amend the first paragraph and clause (b) of section nine of the act, approved the twenty-fourth day of June, one thousand nine hundred and thirty-seven (P. L. 2051), entitled "An act relating to public assistance; providing for and regulating assistance to certain classes of persons designated and defined as dependent children, aged persons, blind persons and other persons requiring relief; providing for the administration of this act by the Department of Public Assistance and county boards of assistance hereby created for this purpose; authorizing the Department of Public Assistance to cooperate with, and to accept and disburse moneys received from, the United States Government for assistance to such persons; providing for the liquidation of the State Emergency Relief Board, Boards of Trustees of the Mothers' Assistance Fund, and Boards of Trustees of Pension Fund for the Blind; and repealing laws relating to mothers' assistance, pensions for the blind, old age assistance, and the State Emergency Relief Board," by increasing and fixing the minimum amount of the monthly cash assistance paid to aged persons.

Which was committed to the Committee on Welfare, Public Assistance and Pensions.

Mr. WOODWARD read in his place and presented to the Chair Senate Bill No. 49, entitled:

A Joint Resolution proposing an amendment to article nine section eight of the Constitution of the Commonwealth of Pennsylvania.

Which was committed to the Committee on Judiciary General.

He also read in his place and presented to the Chair Senate Bill No. 50, entitled:

A Joint Resolution proposing an amendment to article twelve of the Constitution of the Commonwealth of Pennsylvania.

Which was committed to the Committee on Judiciary General.

He also read in his place and presented to the Chair Senate Bill No. 51, entitled:

A Joint Resolution proposing an amendment to article five of the Constitution of the Commonwealth of Pennsylvania by adding thereto section twenty-eight providing for one general court of common pleas.

Which was committed to the Committee on Judiciary General.

He also read in his place and presented to the Chair Senate Bill No. 52, entitled:

A Joint Resolution proposing an amendment to section twelve, article three of the Constitution of the Commonwealth of Pennsylvania.

Which was committed to the Committee on Judiciary General.

He also read in his place and presented to the Chair Senate Bill No. 53, entitled:

A Joint Resolution proposing an amendment to section one, article nine, of the Constitution of the Commonwealth of Pennsylvania.

Which was committed to the Committee on Judiciary General.

He also read in his place and presented to the Chair Senate Bill No. 54, entitled:

A Joint Resolution proposing an amendment to section four, article nine, of the Constitution of the Commonwealth of Pennsylvania.

Which was committed to the Committee on Judiciary General.

Mr. FARRELL read in his place and presented to the Chair Senate Bill No. 55, entitled:

An Act to further amend section one of the act, approved the seventeenth day of June, one thousand nine hundred and thirteen (P. L. 507), entitled "An act to provide revenue for State and county purposes, and, in cities coextensive with counties, for city and county purposes; imposing taxes upon certain classes of personal property; providing for the assessment and collection of the same; providing for the duties and compensation of prothonotaries and recorders in connection therewith; and modifying existing legislation which provided for raising revenue for State purposes," by making further exemptions from the provisions thereof.

Which was committed to the Committee on Finance.

Mr. EROE read in his place and presented to the Chair Senate Bill No. 56, entitled:

An Act to amend section one of the act approved the

seventeenth day of June one thousand nine hundred and thirteen (P. L. 507), entitled "An act to provide revenue for State and county purposes, and, in cities coextensive with counties, for city and county purposes; imposing taxes upon certain classes of personal property; providing for the assessment and collection of the same; providing for the duties and compensation of prothonotaries and recorders in connection therewith; and modifying existing legislation which provided for raising revenue for State purposes," as amended, by eliminating from the provisions of said act the tax imposed for county purposes and for city and county purposes on annuities.

Which was committed to the Committee on Finance.

He also read in his place and presented to the Chair Senate Bill No. 57, entitled:

An Act to amend section three of the act, approved the twenty-second day of June, one thousand nine hundred and thirty-five (P. L. 414), entitled "An act to provide revenue for State purposes; imposing taxes upon certain classes of personal property; providing for the assessment, collection, and lien of the same, and the distribution of the proceeds thereof; imposing duties on executors, administrators, registers of wills, recorders of deeds, prothonotaries, and court clerks, and on persons, copartnerships, associations, banks, national banks, trust companies, and other corporations receiving deposits of money, and on certain corporations and limited partnerships; conferring powers and imposing duties on certain State officers and departments; imposing penalties; and making an appropriation," as reenacted and amended, by eliminating from the provisions of said act the tax on annuities.

Which was committed to the Committee on Finance.

Mr. OWLETT read in his place and presented to the Chair Senate Bill No. 58, entitled:

An Act to amend the definition of "Public Utility" in section two of the act, approved the twenty-eighth day of May, one thousand nine hundred and thirty-seven (P. L. 1053), entitled "An act relating to the regulation of public utilities; defining as public utilities certain corporations, companies, associations, and persons; providing for the regulation of public utilities, including, to a limited extent, municipalities engaging in public utility business, by prescribing, defining, and limiting their duties, powers, and liabilities, and regulating the exercise, surrender or abandonment of their powers, privileges, and franchises; defining and regulating contract carriers by motor vehicle and brokers in order to regulate effectively common carriers by motor vehicle; conferring upon the Pennsylvania Public Utility Commission the power and duty of supervising and regulating persons, associations, companies, and corporations, including, to a limited extent, municipal corporations subject to this act, and administering the provisions of this act; authorizing the commission to fix temporary rates; placing the burden of proof on public utilities to sustain their rates and certain other matters; authorizing a permissive or mandatory sliding scale method of regulating rates; providing for the supervision of financial and contractual relations between public utilities and affiliated interests, and supervision and regulation of accounts and securities or obligations issued, assumed, or kept by persons, associations, companies, corporations or municipal corporations subject to this act; conferring upon the commission power to vary, reform, or revise certain contracts; conferring upon the commission the exclusive power to regulate or order the construction, alteration, relocation, protection, or abolition of crossings of facilities of public utilities, and of such facilities by or over public highways, to appropriate property for the construction or improvement of such crossings, and to award or apportion resultant costs and damages; authorizing owners of such property to sue the Commonwealth for such damages; providing for ejectment proceedings in connection with the appropriation of property for cross-

ings; conferring upon the commission power to control and regulate budgets of public utilities; imposing upon persons, associations, companies, and corporations (except municipal corporations subject to regulation, the cost of administering this act; prescribing and regulating practice and procedure before the commission and procedure for review by the courts of commission action; giving the court of common pleas of Dauphin County exclusive original jurisdiction over certain proceedings; prescribing penalties, fines, and imprisonment for violation of the provisions of this act and regulations and orders of the commission, and the procedure for enforcing such fines and penalties; and repealing legislation supplied and superseded by or inconsistent with this act," by excluding therefrom farmers who transport milk produced on their farm together with milk produced by their neighbors, to factories or milk receiving stations.

Which was committed to the Committee on Public Utilities.

He also read in place and presented to the Chair Senate Bill No. 59, entitled:

An Act to amend section one thousand two hundred six of, and to add section one thousand two hundred six and one-tenth to, the act, approved the third day of June, one thousand nine hundred and thirty-seven (P. L. 1333), entitled "An act concerning elections, including general, municipal, special and primary elections, the nomination of candidates, primary and election expenses and election contests; creating and defining membership of county boards of elections; imposing duties upon the Secretary of the Commonwealth, courts, county boards of elections, county commissioners; imposing penalties for violation of the act, and codifying, revising, and consolidating the laws relating thereto; and repealing certain acts and parts of acts relating to elections," by changing the provisions relating to the judges of the courts of common pleas being in continuous session at the court-house on the day of each primary and election; and imposing additional duties upon the counsels for the county boards of elections.

Which was committed to the Committee on Elections.

Mr. WALKER read in his place and presented to the Chair Senate Bill No. 60, entitled:

An Act to amend section eighteen as renumbered section seventeen of the act, approved the twenty-second day of June, one thousand nine hundred thirty-five (P. L. 414), entitled "An act to provide revenue for State purposes; imposing taxes upon certain classes of personal property; providing for the assessment, collection, and lien of the same, and the distribution of the proceeds thereof; imposing duties on executors, administrators, registers of wills, recorders of deeds, prothonotaries, and court clerks, and on persons, copartnerships, associations, banks, national banks, trust companies, and other corporations receiving deposits of money, and on certain corporations and limited partnerships; conferring powers and imposing duties on certain State officers and departments; imposing penalties; and making an appropriation," as reenacted and amended, by excluding from the provisions thereof participating interests in investment funds or pools of mortgages or other securities held or managed by any bank, trust company, or bank and trust company, for the use and benefit of the owners of participating interests in such investment funds or pools which have been or may hereafter be closed or taken in custody or control by order of any court of competent jurisdiction of this Commonwealth or of the Secretary of Banking of this Commonwealth, as well as the scrip, bonds, mortgages, certificates, evidences of indebtedness, or parts thereof or interests therein, now or hereafter forming or constituting a part or all of such investment funds or pools so closed or taken in custody or control.

Which was committed to the Committee on Finance.

He also read in his place and presented to the Chair Senate Bill No. 61, entitled:

An Act to amend section one of the act, approved the seventeenth day of June, one thousand nine hundred and thirteen (P. L. 507), entitled "An act to provide revenue for State and county purposes, and, in cities coextensive with counties, for city and county purposes; imposing taxes upon certain classes of personal property; providing for the assessment and collection of the same; providing for the duties and compensation of prothonotaries and recorder in connection therewith; and modifying existing legislation which provided for raising revenue for State purposes," as amended, by clarifying certain exemptions therefrom and by excluding from the provisions thereof, participating interests in investment funds or pools or mortgages or other securities held or managed by any bank, trust company, or bank and trust company for the use and benefit of the owners of participating interests in such investment funds or pools which have been or may hereafter be closed or taken in the custody or control by order of any court of competent jurisdiction of this Commonwealth, or of the Secretary of Banking of this Commonwealth, as well as the mortgages and other securities now or at any future time forming or constituting a part or all of such investment funds or pools so closed or taken in custody or control.

Which was committed to the Committee on Finance.

Mr. MALLERY read in his place and presented to the Chair Senate Bill No. 62, entitled:

An Act making an appropriation to aid certain school districts.

Which was committed to the Committee on Appropriations.

Mr. REED read in his place and presented to the Chair Senate Bill No. 63, entitled:

A Joint Resolution proposing an amendment to article nine of the Constitution of the Commonwealth of Pennsylvania by adding section one A.

Which was committed to the Committee on Judiciary General.

Mr. GELTZ read in his place and presented to the Chair Senate Bill No. 64, entitled:

An Act to lay out and establish as a State highway a certain section of public road in the County of Allegheny, and providing for its construction and maintenance at the expense of the Commonwealth.

Which was committed to the Committee on Highways.

DISCUSSION OF PROPOSED LEGISLATION

Mr. DENT. Mr. President, I ask leave to make a few remarks.

The PRESIDENT. The Senator from Westmoreland may proceed.

Mr. DENT. Mr. President, back in 1935 I introduced legislation over in the House reducing the number of licensees in the liquor business. I was very pleased to note in the newspapers recently Governor James also believes in that policy. Therefore, I am introducing a piece of legislation to allow Governor James to have a vehicle with which to reduce the number of liquor licenses in Pennsylvania.

Then I have another bill in line with Governor James policies on economy. I believe all positions in the state that are not needed should be abolished. From the records

of the Superior Court, of which Judge James, before his election to the Governorship was a member, I find that he has not served for the past ten or eleven months. If that is true evidently we can get along without another Superior Court Judge, which would mean a saving of about thirty thousand dollars a year, which may mean relief for thirty or so families in the State of Pennsylvania, and I know the Governor will be pleased to sign this bill reducing the Superior Court Judges by one.

The other bills are incidental bills—appropriations and so forth.

BILLS INTRODUCED

Mr. DENT read in his place and presented to the Chair Senate Bill No. 65, entitled:

An Act making an appropriation to the Westmoreland Hospital Association, Greensburg, Pennsylvania.

Which was committed to the Committee on Appropriations.

He also read in his place and presented to the Chair Senate Bill No. 66, entitled:

An Act to further amend the act, approved the first day of May, one thousand nine hundred and twenty-nine (P. L. 1216), entitled "An act to define real estate brokers and real estate salesmen; and providing for the licensing, regulation, and supervision of resident and non-resident real estate brokers and real estate salesmen and their business," by requiring real estate brokers to file a surety bond.

Which was committed to the Committee on State Government.

He also read in his place and presented to the Chair Senate Bill No. 67, entitled:

An Act reducing the number of judges on the Superior Court.

Which was committed to the Committee on Judiciary General.

He also read in his place and presented to the Chair Senate Bill No. 68, entitled:

An Act to amend article four of the act approved the twenty-ninth day of November one thousand nine hundred and thirty-three (P. L. 15—1933-34), entitled "as amended" "An act to regulate and restrain the sale, manufacture, possession, transportation, importation, traffic in, and use of alcohol, and alcoholic and malt or brewed beverages; conferring powers and imposing duties upon the Pennsylvania Liquor Control Board and its agents, the Department of Public Instruction, other officers of the State government, courts, and district attorneys; authorizing the establishment and operation of State stores for the sale of such beverages not for consumption on the premises, and the granting of licenses, subject to local option, to sell such beverages for consumption on and off the premises; forbidding importation or bringing of such beverages into the State except as herein provided; prohibiting certain sales or practices in connection with, and transactions in such beverages by licensees and others; providing for the forfeiture of certain property; making disposition of the receipts from State stores and of fees; and imposing penalties," as reenacted and amended, by limiting the number of restaurant licenses; increasing the license fee to all licensees; limiting the transfer of licenses and permitting a limited sale of liquor for consumption off the premises.

Which was committed to the Committee on Law and Order.

RECESS

Mr. OWLETT. Mr. President, I move that the Senate do now take a recess for twenty minutes.

Mr. GELDER. Mr. President, I second the motion.

The motion was agreed to.

AFTER RECESS

The PRESIDENT. The time of recess having elapsed the Senate will be in order.

REPORT FROM COMMITTEE

Mr. EALY. Mr. President, I am directed by the Committee on Executive Nominations to report with favorable recommendation the following nomination by His Excellency the Governor of the Commonwealth:

SECRETARY OF REVENUE

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, January 17, 1939.

William J. Hamilton, Jr., Philadelphia, Philadelphia County, for appointment as Secretary of Revenue, to serve until the third Tuesday of January, 1943, and until his successor shall have been appointed and qualified, vice J. Griffith Boardman.

ARTHUR H. JAMES.

EXECUTIVE SESSION

By unanimous consent,

A motion was made by Mr. OWLETT and Mr. WOLFENDEN

That Rule 38 which requires nomination made by the Governor, when reported from Committee lie, on the table one day, be dispensed with, and the Senate do now resolve itself into Executive Session, for the purpose of acting on the foregoing nomination.

Which was agreed to.

Whereupon,

A motion was made by Mr. OWLETT and Mr. WOLFENDEN

That the Senate do advise and consent to said nominations.

On the question,

Will the Senate agree to the motion?

Mr. JASPAN. Mr. President, to me, the matter of confirmation is a very serious and important one. It certainly should not be considered or treated as a personal or partisan matter. I think I have convinced the Republican Senators in this body of my desire to be honest and sincere in questions concerning the eligibility of candidates or nominees submitted to this body for confirmation, irrespective of party affiliations and in this connection, may I recall to their minds the Session of 1937 when I refused to vote for a Democrat for the position of President Pro Tempore of this body, believing him to be unfit for office by reasons of his interests and later voted against a Democrat for a position on the Liquor Control Board.

I realize it is very easy to criticize and sometimes attack but nevertheless it is a very unpleasant duty to shortcomings and weaknesses. In this connection, may I judge fellowmen aware of the fact that we all have our I draw upon the ancient Greek classics for a quotation:

"In men whom men condemn as ill
I find so much of goodness still,
In men whom men pronounce divine
I find so much of sin and blot,
I do not dare to draw a line
Between the two, where God has not."

However, we as Senators, and if true to our oath, owe it to the public and to ourselves to serve honestly and conscientiously and above all express ourselves with the courage of our convictions.

I am not attempting to philosophize or idealize. I want to speak plain and to the purpose. I am not an idealist or an impractical dreamer. If anything, I am now painfully aware of the subtleties of playing the game of politics and I would be the last man in this Chamber to contend that this is a place where men would be angels and angels would be Gods. I realize fully that the purification of politics is an iridescent dream. But I say with that great national Senator of another generation, John C. Calhoun,

"That the very essence of a free government consists in considering the officers as public trusts bestowed for the good of the country, and not for the benefit of an individual or party."

Throughout the ages, it has been the noblest duty of a Senator to be the faithful watchdog of the State and to be alert to repel the intrusion of corruption across its threshold no matter how expedient that practice might appear to the party in power.

Can we so soon forget the example of that great Senator of Roman days, Cicero, who in charging Catiline with the conspiring against the safety and principles of the state, exclaimed:

"Shame on the age and its principles.
The senate is aware of these things."

Has there not in fact been entrusted to us by the Constitution of the State, the specific duty of "advising upon and consenting" to the appointment of certain high offices? We must not forget that this power to "advise and consent" has, through the deteriorating medium of political exigencies, been left to fall into neglect, until today this prerogative is but a mere shadow of what was once proud and majestic duty on the part of this body. Would we not be derelict in the conception of this, our historic duty, if we lightly acted in the interests of expedience and against the best interests of the State, unless there were some more compelling reason to relax our vigilance?

The nomination or candidacy of William Hamilton is before us for consideration. Personally, I have known him for a number of years. I have never had any occasion to question his personal honesty or his general qualifications to hold public office. As to his promotion in public life, I could not even truthfully say that the Republicans are losing a good captain and getting a bad general. However, upon learning of his acceptance and unwarranted retention of fees and costs received by him in his office as Sheriff of Philadelphia County and his questioning of the propriety of legislation passed by this body to terminate that evil, I could only come to the conclusion that he fails in vital respects to measure up to the high standards required of the man seeking to fill the position for which he was named.

In fact, the word "candidate" in the dictionary comes from the practice in ancient times of having those proposed for public office to wear white, the symbol of purity.

Sheriff Hamilton has protested his innocence but does not an innocent man act honestly and sincerely. Mr. Hamilton on the contrary upon appearing at the committee displayed an utter lack of candor and sincerity and above all refused to cooperate. He was very evasive

and parried questions put to him as to the illegal retention of funds. He acted very much like a defendant in a criminal case who when faced with facts concerning his guilt twists and turns and fails to answer pointed questions, trusting to luck that the jury will acquit him. We who are lawyers can better appreciate it and there are many lawyers in this body. He cannot deny that he has converted moneys of others to his own use. That, in itself, without going further, should convince us that he is not fit for the office. There are other things, there are other instances, too numerous to mention, which should disqualify him; but these matters were gone into very thoroughly and ably by both Senators Sipe and Cavalcante one week ago.

I must say of him as Charles Lamb said of an opponent in a card game whose hands were dirty:

"If dirt were trumps, what a hand you would have."

However, it has been forcibly brought to my attention by the press and pressure of other sources, which I need not name, that it should be the inherent prerogative of an incoming Governor to choose as his aides, men in whom he has full confidence. I will not quarrel with the view because I realize that in so doing I would be assuming the grave responsibility of challenging the Governor's judgment in selecting the fitness of the men to sit in his Cabinet if not in fact thwarting the public will, which selected him to head the destinies of the State for the next four years.

Personally, I feel that this matter has come to the attention of the Governor during the past two weeks and notwithstanding he is persisting in the confirmation of William Hamilton and I, therefore, say, it is now his responsibility.

Let it not be later said that we did not warn him of the reasons which would tend to disqualify this man from the particular office. However, I am bowing to that compelling reason that it is the Governor's inherent prerogative to choose his aides and agree to Mr. Hamilton's nomination. Let him take his new post with our blessing and good wishes, but let him not forget the immortal words of Shakespeare as he assumes his new duties.

"Love thyself last: cherish those hearts
that hate thee;

Corruption wins not more than honesty,
Still in thy right hand carry gentle peace,
To silence envious tongues. Be just, and
fear not;

Let all the ends thou aim'st at be thy
country's,

Thy God's and truth's; then if thou fall'st,
O, Cromwell, thou fallest a blessed martyr!"

Mr. CAVALCANTE. Mr. President, some men find it easy, still other men find it hard, to pursue the path of rectitude. Some men, though the spirit is willing, yet selfish influences divert him from that path of rectitude.

I have already spoken on the floor of this Senate concerning the man whose confirmation is now before us. It is either fortunate or unfortunate that men do not see out of the same eyes; nevertheless, I do rejoice very greatly in those words of Shakespeare in which he said "Tis with our judgments as our watches, none go just alike yet each believes his own".

I appreciate that there can be an honest and conscientious difference of opinion. The history of mankind has shown that at a particular time, on the same question, there may be two divergent views and both views

emanate from honest and conscientious minds. There are principles, however, upon which there can be no doubt. I feel not guilty of anything, but I do feel that when the confirmation of Mr. Hamilton was first sent to this Senate I was one of the very first who voiced opposition—opposition that I did not conjure up in my mind, for I did not know the man, I had never met the man, his name was for the first time brought to my attention when it was sent to this Senate for confirmation.

Upon inquiry I did find that Mr. Hamilton was the man who, on January the third of this year, when this Senate met in Session, invaded the sanctity of this Senate by attempting to serve judicial papers upon the president of this body while the president was on the rostrum with the gavel in his hand, and had called this Senate to order. I regarded it then a high breach of constitutional government on the part of Mr. Hamilton, who, later, I found out to be the Sheriff of Fayette County—you can strike that from the record, because I believe we have better sheriffs in Fayette County than this, and subsequent investigation has proven it to me; and at that investigation testimony was given by Mr. Hamilton himself before the Committee on Executive Nominations.

That testimony, from his own tongue, satisfied me conclusively that he was part of that conspiracy which started in the Supreme Court of this Commonwealth, in Philadelphia to deprive a lawful member of this Senate of his seat and his vote. I refer to the Senator from Allegheny, Mr. Henney, for whom I have repeatedly sought to obtain leave of absence, which was refused by the Senator from Tioga.

I have high regard for the Senator from Tioga, Mr. Owlett, but I can judge men only by their actions, and by his actions he does lead me to believe that he, too, may be part of that conspiracy. But I am certain that Mr. Hamilton was a part of that conspiracy, and sought to carry out the object of that conspiracy by invading the sanctity of this Senate.

I am also appreciative of this tradition that a Governor, in years past, had claimed the right to have his cabinet members confirmed by the Senate; but I have not yet arrived at a position where I think that prerogative is absolute, for if the people intended the Governor to have a cabinet of his choice, absolute, they would never have put the check in the Constitution which says that those appointments must be confirmed, or must be with the advice and consent of two-thirds of the Senate. Surely there is some purpose for that provision in the Constitution, and in my humble judgment that check was put in the Constitution in order to stay the confirmation of a man like Mr. Hamilton.

I cannot see eye to eye with my colleague the Senator from Philadelphia, Mr. Jaspan, who with one breath stigmatizes Mr. Hamilton as a thief, stigmatizes him as having been guilty of improper conduct in the handling of money, and then with another breath says he is ready to condone that by his vote—and then seeks to excuse it under a pretended tradition that the Governor has the right to have those whom he selects for his cabinet to be confirmed.

I have sought to be guided, on the floor of this Senate, in my duties as a State Senator, to a great extent by my conscience in these matters, although I have had hurled at me in the Hall of this Senate, and in other places in

this Commonwealth, that a politician does not have a conscience and should not have a conscience. Probably that may differentiate the politician from some of my colleagues here in the Senate.

I am not ready to sacrifice the purposes for which the provision of the Constitution gives the Senate the right to advise and consent to the nominations of the Governor. I am not ready to stultify myself or my conscience by saying that I know this man has improperly handled funds that did not belong to him—say that he is stigmatized thus, and then say, "I can wash my hands and clear my conscience of all this because the Governor wants him."

Well, I, too, was elected by the people of this Commonwealth in the Thirty-second Senatorial District, and I owe those people a duty, and I intend to pursue the course that my conscience dictates to be just and honorable.

I cannot see my way, as the Senator from Philadelphia, Mr. Jaspan, sees his way, to set aside these things and cast my vote for Mr. Hamilton. I cannot condone his invasion of this Senate, nor his participation in the conspiracy to unlawfully take away from the Forty-fifth Senatorial District of this Commonwealth its duly chosen Senator—representative in this body; and it is because of these things that I intend to cast my vote consistently with what I think is honorable and just, and vote "No" on this confirmation.

Mr. WOLFENDEN. Mr. President, like the Senator from Fayette, Mr. Cavalcante, I, too, did not know Mr. Hamilton, and I did not form my opinion of Mr. Hamilton upon any observation that I have made here upon any actions that he might have performed—I knew I could not dig in deep enough; but I did take the trouble to ask a gentleman in our community, who had lived in the city of Philadelphia for a number of years, a gentleman who lived for a number of years in the City of Erie, and whom I know that the Senator from Erie County, Mr. Gilson, knows very well—not just an ordinary gentleman, but a gentleman of outstanding ability, a gentleman who is written up in "Who's Who," a gentleman who in the World War gave his services to our country, a man who was the Senior Chaplain of the A.E.F.—and I said to this gentleman, "Do you know William Hamilton?" and he said, "I do, and I think he is an honorable gentleman. I am glad the Senate of Pennsylvania has the privilege of confirming a man of that type."

But that was not enough; he wrote me a letter about it; and I ask, Mr. President, that that letter be read by the clerk and made a part of the official record before we vote upon William Hamilton for Secretary of Revenue.

The PRESIDENT. The clerk will read the letter.

The letter was read as follows:

FIRST PRESBYTERIAN CHURCH

Indiana, Pennsylvania

Harry Burton Boyd, D.D., LL.D., Pastor

January 28, 1939

Hon. C. Gilbert Wolfenden,
Indiana, Pa.

Dear Mr. Wolfenden:

I was very happy to see in the Press that Governor James had appointed Mr. William Hamilton, Sheriff of Philadelphia County, as Secretary of Revenue.

From 1928 to 1937 I was Pastor of the Arch Street Church in Philadelphia. A portion of that time Mr. Hamilton was an official in the Land Title and Trust

Company where I did my banking. As Secretary of the Presbyterian Social Union he ranked as one of the outstanding Presbyterian laymen in the Philadelphia area.

Pennsylvania needs men with the business ability and the personal integrity of Mr. Hamilton in the key positions of the Governor's cabinet. I sincerely hope that patriotism will triumph over partisan prejudice when the Senate votes on his nomination.

With every good wish, I am

Sincerely yours,

HBB:h

HARRY BURTON BOYD

Mr. REED. Mr. President, I desire to interrogate the Senator from Indiana, Mr. Wolfenden.

The PRESIDENT. Will the Senator from Indiana, Mr. Wolfenden, permit himself to be interrogated?

Mr. WOLFENDEN. Mr. President, I will.

Mr. REED. Mr. President, I would like the Senator from Indiana to inform this Senate whether the practice that has been in vogue in the office of Sheriff of Philadelphia County, wherein the retiring sheriff takes the money in the Attorneys' Fund into his own personal account when his term of office expires.

Mr. WOLFENDEN. Mr. President, may I ask the Senator from Washington, Mr. Reed, to repeat his question? I did not quite understand him.

Mr. REED. Mr. President, is it a practice, or has it ever been a practice, in the Sheriff's office of Indiana County to follow the actions of the Sheriffs of Philadelphia County.

Mr. WOLFENDEN. No, Mr. President, but it has been the practice of Philadelphia County, according to testimony our Committee received.

Furthermore, the testimony shows that William Hamilton has bent over backward in trying honestly to administer that fund.

Mr. REED. Mr. President, the Senator from Indiana, Mr. Wolfenden, heard the testimony?

Mr. WOLFENDEN. Mr. President, that is correct.

Mr. REED. Mr. President, how long did Mr. Hamilton have that fund?

Mr. WOLFENDEN. Well now, Mr. President, this is a guess: I would say he has had it about two or three years. But it showed in the testimony that that fund is a diminishing fund; that he has written, I believe, three letters trying to get the owners of the fund to call for it. There is no other sheriff, prior to him, that made any such effort.

Mr. REED. Mr. President, the sheriffs prior to him kept considerably more money; is that true?

Mr. WOLFENDEN. Mr. President, that is what the testimony shows.

Mr. REED. And, Mr. President, is it not the practice in Indiana County, and in all rural counties, that when any public official has any considerable sum of money that money is immediately paid into court and gotten out of his hands?

Mr. WOLFENDEN. Mr. President, we do not have that practice in our county, but it was shown in the hearing that we held downstairs in the Caucus Room that it was a practical impossibility to pay in a fund of that size to the court; it would have to be put out in two and three and five dollar balances.

Mr. REED. Mr. President, I do not believe that was

the testimony. Is it not possible to pay any sum of money into court?

Mr. WOLFENDEN. Well, Mr. President, balances of approximately—what was it? \$150,000 or \$250,000 to be paid out in two and three dollar amounts would certainly be impracticable.

Mr. REED. Mr. President, does the Senator from Indiana, Mr. Wolfenden, understand that in order to pay the fund into court it would be necessary to pay in two and three dollar amounts?

Mr. WOLFENDEN. Mr. President, the sheriff would have to pay the whole claim in each instance, no matter how small.

Mr. REED. Mr. President, could he not pay whole fund into court, and let the court pay the claimants? Would that not be the honest way to do it?

Mr. WOLFENDEN. Mr. President, that would be an impractical way to do it.

Mr. REED. Mr. President, it is not so much a question of practicality but of honesty.

Mr. WOLFENDEN. Mr. President, I do not think it has anything to do with honesty.

Mr. SIPE. Mr. President, my colleague, the Senator from Fayette, Mr. Cavalcante, said something about the conscience or lack of conscience of politicians. I cannot give much light on the subject, because I do not know whether a politician has any conscience or not. I, for my part, am not a politician; I would hate to be called a politician. So that, when I made my remarks on the floor of this Chamber about a week ago, giving my ideas on the question of whether or not William Hamilton should be confirmed, I was not speaking as a politician, I was speaking simply as an ordinary, fairly intelligent, honest country Senator.

I did not like the attitude of Mr. Hamilton on the stand—or more accurately speaking, before the Senate Committee on Executive Nominations. My colleague, the Senator from Washington, Mr. Reed, asked him the pointed question—five different times—“If this law, the Act of 1937 requiring that you pay over this balance to the County Treasurer, is declared unconstitutional by the Supreme Court, as you want it to be, will you nevertheless turn the money over after the bond has expired and the statute of limitations has expired?”

And five times he gave a hedging and evasive answer.

That attitude did not impress me, as a lawyer. Whenever I have a witness on the stand who acts in that manner I like to see the reaction on the faces of the jury, because it is in my favor.

I expressed my opinions, as I said a week ago, and, in addition—in addition I want to reiterate that I feel that if I would vote for the confirmation of Mr. Hamilton I would be putting the seal of my approval on a practice in the sheriff's office of Philadelphia County, which my intelligence and my conscience tell me is improper and unethical, and I feel that if I put my seal of approval on it I would not be in very good position back home in my country counties to repel the invasion of Philadelphia if such a practice would be endeavored to be instituted in my counties.

This unethical practice, as far as I can learn, in sheriffs' offices, seems to be confined to the county of Philadelphia. It is a Philadelphia County contagion, and I want to quarantine it there, to Philadelphia County, I do not

want the contagion to spread to my county; and I do not want it to spread to Senator Wolfenden's county nor to my friend, Senator Ealy's County of Somerset.

So, in addition to the other reasons I have expressed, let me add this one: that I am voting against Mr. Hamilton to rebuke that unethical practice. My conscience tells me that is what I should do, and I am not very much impressed by the argument of my friends from Philadelphia, that the Governor has a prerogative, a time-honored prerogative to have his cabinet officers confirmed. The Constitution and law of Pennsylvania do not say that; they say that these cabinet appointments are to be made with the advice and consent of the Senate; so I am going to give Governor James my advice that Mr. Hamilton should not be confirmed, and I intend to practice what I preach by voting against him.

Mr. GILSON. Mr. President and my colleagues in the Senate, it seems to me we have generated an awful lot of the heat on this matter of confirmation, and, I think, with some reason and justification. I like to lay the cards on the table face up, and be sort of man to man about this situation. I will say at the beginning that I am going to vote for Mr. Hamilton. I am going to vote for him because I think that while he has sinned, he has also been sinned against, and I am looking over here at the illustrious twenty-five and a half Republican Senators, and I say that I agree that if I were on the other side—sitting over where they are—I certainly would not throw the first stone at Mr. Hamilton, because I believe that they, too, are contaminated—not to the extent of perhaps moral turpitude; but I will say to them, “Gentlemen, you are all in part way, and I want to tell you why.”

Mr. Hamilton made out a pretty poor case for his own confirmation, and so he got his attorney to come before the Committee on Executive Nominations and his attorney made out a worse one—and always with the approval and acclaim of the gentlemen on the other side of the house.

Now, I do not think—I know Walter Burton Boyd, knew him well, he is a fine man, and I think his endorsement of Sheriff Hamilton for the office of Secretary of Revenue was perfectly sincere; but I do not think he saw the record, I do not think he was much concerned with it, or would be, perhaps, any more concerned than I am; but, gentlemen, do you not think when you come in here and say our good Governor, in the process of a time-honored institution of asking for the confirmation of his cabinet, with which we ask you to go along—do you not think it would be a lot more manly and on the up and up if this issue would have been made without any subterfuge?

Now, you men recall the strained argument that his attorney made here. He said, “Gentlemen, just think of it! If you pay this money into court, what every one of these men will have to do will be to hire a Philadelphia lawyer to go into court and get it.”

And I asked of him: “Who are these men that it is due to?”

He said, “Why, it is due to Philadelphia lawyers, ninety-eight per cent. of it.”

Now, can you imagine a Philadelphia lawyer getting another Philadelphia lawyer to go into Court to get money which belonged to the first Philadelphia lawyer?

Then I asked him also, as I recall, where this money came from and he finally gets it around that what it

actually is is the difference in estimate and actual advertising costs, and what this fund is is an accumulation of money—the difference between what Sheriff Hamilton estimated would be coming to a lawyer and what he actually paid to the lawyer; and all the notices from here to Kingdom Come would not get anybody to come in and get what he was owed or settle up and sign for it on the dotted line.

Now, that is why I say to my friends on the other side, "I really believe that Sheriff Hamilton has been largely sinned against by you gentlemen who have upheld him in a more or less devious circuitous route to this high position."

Now, I would rather take it on this basis: I do not think he had any dishonest intention, I think the man will probably get amount back where it belongs or will get it in court, but what I want to say to you is this: That the Governor has made this decision, he has underwritten this man, and I think he has signed a moral oath that Sheriff Hamilton, as Secretary of Revenue, will do what his attorney said he would do, man to man, when I put the proposition to him—that he would investigate thoroughly and find out if this fund was not just what it appeared to be, and then would see that it was put either into the County Treasury or City Treasury of Philadelphia or into court. And I think that this is more or less of a continuing process, and if His Excellency the Governor does not see to it that his cabinet member, Sheriff Hamilton, as Secretary of Revenue, makes good on the promise of his attorney, then he puts not only us on the Democratic side who have gone along with him but he is putting also you gentlemen on this side who have been so urgent in trying to secure this confirmation.

Now, I think all this might very easily have been avoided. We need not have had all this fuss if only Mr. Hamilton and his counsel had been perfectly frank. It bothers me, it irritates me, but I think there is something more than my irritation at stake. I think that we have already been down here waiting six weeks or better for an Administration program, and we have not had it—on the pretext that the Sheriff of Philadelphia County has been too much involved in trying to get himself confirmed to devote any time or attention to the actual situation of the finances of the Commonwealth.

Now, let us get that out of our system, and let us give the Sheriff a chance to see what he can do as Secretary of Revenue. Let us get this thing away and done with, see if we can have some kind of a fiscal policy so you gentlemen on the other side can give us something serious to object to; because I anticipate that this session is going to last quite a while unless you get started pretty soon on some of these bills that the majority of the people of the Commonwealth of Pennsylvania have every right to believe you should be started on, and should have been started on many weeks ago.

And the question recurring,

Will the Senate agree to the motion?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—43

Bartlett,	Frey,	Letzler,	Scarlett,
Chapman,	Gelder,	Levin,	Shapiro,
Coleman,	Geltz,	Mallery,	Snowden,
Crowe,	Gilson,	McCreesh,	Stevenson,
Dando,	Haluska,	McGinnis,	Stiefel,
Deltrick,	Heyburn,	Miller,	Tallman,

DiSilvestro,	Homsher,	Mundy,	Thomas,
Ealy,	Jacobs,	Owlett,	Walker,
Edmonds,	James,	Pierson,	Wolfenden,
Eroe,	Jaspan,	Rice,	Woodward,
Farrell,	Kunkel,	Ruth,	

NAYS—4

Cavalcante,	Dent,	Reed,	Sipe,
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Two-thirds of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Governor be informed accordingly.

Mr. OWLETT. Mr. President, I move that the Executive session do now rise.

Mr. GELDER. Mr. President, I second the motion.

The motion was agreed to.

BILL ON FINAL PASSAGE

Mr. OWLETT. Mr. President, I move that the Senate do now resume the consideration of Senate Bill No. 6, (House Bill No. 3), on final passage postponed.

Mr. MALLERY. Mr. President, I second the motion. The motion was agreed to.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 6, (House Bill No. 3), entitled:

An Act transferring money from the Liquid Fuels Tax Fund to the General Fund and providing for the subsequent return from the General Fund of the transferred money.

And said bill having been read at length the third time, On the question,

Will the Senate agree to the bill?

Mr. SHAPIRO. Mr. President, I desire to interrogate the Senator from Tioga, Mr. Owlett.

The PRESIDENT. Will the Senator from Tioga, Mr. Owlett, permit himself to be interrogated?

Mr. OWLETT. Mr. President, I will.

Mr. SHAPIRO. Mr. President, this is a bill which transfers from the liquid fuel tax fund to the general fund the sum of three million dollars, is that correct?

Mr. OWLETT. Mr. President, that is correct.

Mr. SHAPIRO. Mr. President will the Senator from Tioga state what is the purpose of making this transfer?

Mr. OWLETT. The purpose, Mr. President, of making this transfer is to provide funds for relief, until the end of the present biennium.

Mr. SHAPIRO. Mr. President, will the Senator from Tioga state whether the transfer of the fund itself will provide this money for relief?

Mr. OWLETT. Mr. President, it will provide part of it.

Mr. SHAPIRO. Mr. President, will the Senator from Tioga state whether or not it is not a fact the only appropriation for relief so far is twelve millions of dollars?

Mr. OWLETT. Mr. President, that is correct but a bill has been introduced in the House tonight, a bill appropriating twenty-two millions of dollars for relief, which bill, together with the bill appropriating twelve millions of dollars which has already passed, were appropriated for relief to transfer funds provided by these two bills and the bills already passed by this Senate.

Mr. SHAPIRO. Mr. President, then I understand the gentleman to state that a plan has been conceived and worked out to transfer at one time twenty-two millions of dollars—to appropriate an additional twenty-two millions of dollars for relief.

Mr. OWLETT. Mr. President, that is correct.

Mr. SHAPIRO. Mr. President, will the Senator from Tioga state when that plan was made and completed?

Mr. OWLETT. From the beginning of the Session, Mr. President, it has been the plan of this Senate, as I understand it, to provide adequate and necessary relief for the unemployed of Pennsylvania. I repeat again it was found when this administration went into office there was some forty millions of dollars short in the funds needed to provide relief by the end of the biennium. As a consequence, it was found necessary to transfer these funds to the general fund and appropriate it for relief in order to provide for the unemployed until the end of this biennium. This is part of that program and the twenty-two million dollar appropriation bill is part of that program.

Mr. SHAPIRO. Mr. President, when these bills first appeared on the calendar, they were a group of bills which in effect provided for the transfer of thirty-four millions of dollars and for the appropriation of but twelve millions of dollars. At that time we called attention of the gentlemen on the other side that it would be better if they gave us their plan and their program, what they intended to do with the money, what the money was intended to be used for, and why they stated that they would require—or rather, why they transferred thirty-four millions of dollars without giving us a plan or some figures to ascertain just how much money was needed.

We were then told that the only purpose of the transfer bill was to tie up the funds and that in the meantime, since they knew that about nine million dollars would be required for the ensuing month they appropriated twelve million dollars, some of which was to be used for other than relief, a portion of it to be used to carry on for the rest of this biennium, an institution now known as the Philadelphia State Hospital, but formerly known as Byberry, and that there were other pending deficiencies which would be met, so that it was necessary to provide nine million dollars for relief and the balance for those deficiencies.

Subsequently, last week, four million dollars of funds were taken away from the counties, the very day on which they were to be distributed in the counties—the respective portion of the liquor license tax—and now without any previous notice and without any plan, we are asked to vote for the further transfer of three millions of dollars from the liquid fuel tax, all of which belongs to the counties.

Now, it seems to me that there are only one or two conclusions that can be drawn from that procedure.

The first is that these gentlemen know how much they need, what they need the money for, and when they need it, and they propose to carry that on, or, they do not know what the money is needed for, how much will be needed, and when it will be needed, and they propose to carry that on also. It is clearly obvious that in either event they have apparently made up their minds to carry this plan through without consultation with the minority members of this Senate, and if that is the attitude I think it should be publicly stated, and if it is not stated I feel that the public should be made aware of the procedure.

I have heard rumors of other plans which they will necessarily follow, a procedure to acquire twenty-two millions of dollars transfer and appropriation, and it would seem to me that in the face of the statement of the Governor of the Commonwealth of Pennsylvania that he will

require more time to present his program to the members of the Senate, that the taking of this money blindly by any program or any plan is certainly not good business, and proves further not only is the administration unaware of what the necessities of the Commonwealth are and how they can be met, but that they are equally unaware or unwilling to ascertain what the emergency necessities are, so that proper emergency plans can be considered.

If the attitude of the gentlemen on the other side is as is apparent, and that is, that they have 26 votes irrespective of how they acquired them, and they are going to use those 26 votes to accomplish that on which they have made up their own minds, in Caucus or in secret conclaves, as to what they are going to do, then it is time they frankly tell us about it too. It is most unfortunate, and it certainly does not help towards cooperation, if, when one discussion is finished, then the leader of the majority stands up and moves to carry out plans which only they themselves know, and maybe not all of them know. It was not very long ago that we listened to tirades from the very man who made these motions and others on the other side, complaining that we were transferring funds, sacred funds, special funds belonging to others, which we had no right to take, and therefore we should not appropriate them, and many gentlemen on the other side voted against the transfer of those funds.

In fact, they told us we were violating the trust which these funds impressed. I want to protest against that method of procedure. I want to say that while I am a member of the minority here, I am a representative of the whole state of Pennsylvania and I represent particularly a large group of people, and I am entitled to the courtesy of being able to exercise my judgment in a proper way, and I do not think it is fair to put the rest of the members of the Senate in a position where they do not know whether their vote yes or no is the proper vote.

I know that the Senator from Tioga has explained, first, "we want to tie up these funds; we do not know how much we really need, but we expect to know shortly how much we will need for the rest of the biennium."

Now, if we are going to play politics with that program and try to keep from the people facts and merely provide funds or appropriate from other sources, we are not going to get anywhere. None of us are going to be able to vote intelligently on this. Those of us who vote against this bill will do it, if they feel like I do, as a protest vote, because by this transfer of funds, we are crippling counties which are very much in need of this money.

In Philadelphia, I imagine, the same ratio prevails on these funds as it does in all funds contributed throughout the state, and Philadelphia's portion of this seven million dollars is more than eight hundred thousand dollars. Those of you who live in Philadelphia, my colleagues even on the other side who come from Philadelphia, must know the situation there. They must know that people have been paid only by the grace of the Supreme Court taking upon itself legislative functions. They must know the cash position of Philadelphia is very bad. They must know there is not enough money even if the court granted a further permission for the extension of time for making the budget. There is not enough cash money to keep the hospitals going, to pay the carrying charges on the bonded debt, and yet last week we took away from Philadelphia four hundred thousand dollars, and this week we are

going to take away from Philadelphia another three hundred and fifty or four hundred thousand dollars without a word of explanation, without a word telling them what your propose to do, and how you propose to replace those funds. Surely, two weeks time, three weeks time, since the Inauguration—and two or three weeks time before that when the Governor had the gentlemen going over the financial figures—surely that is sufficient to enable them to know how much money will be needed, within a million or two millions of dollars, for the next four or five months. Surely sufficient time has elapsed to let us know where this money is coming from for replacement purposes.

The Governor of Pennsylvania says he does not propose to put any more taxes on the people. Well, we raised emergency taxes for one hundred and thirty-nine millions of dollars last year. We did not raise any emergency taxes for the money that is necessary to carry on relief for the rest of the biennium, because we did not know until the end of the Session how much money would be needed, whether WPA rolls would be decreased, whether industry would take up some of the slack or not. Now, we do know that for every dollar that is spent for relief from now until the 31st of May taxes must be imposed, because they will require revenue in addition to the one hundred and thirty-nine millions of dollars that was levied in the last biennium.

In other words, all of the taxes levied in the last biennium were sufficient to enable us to pay for all of the bills up until the present time as to relief and up until May 31, as to other functions of the Government, but one hundred and thirty-nine million dollars plus twenty-five million dollars, which was an additional amount received over the estimate by the Revenue Department, have already been spent. Therefore, if you are going to raise enough money to pay only for what we have already spent in these two years on relief you must increase taxes. If the Governor says he is not going to increase taxes, it is obvious that this money is not going to be repaid, and if this money is not going to be repaid as and it must be unless you get it from taxes, then why are we asked to vote to take away from the counties money which rightfully belongs to them, without any assurance that they will get the money back?

If you consider that good judgment, then it is time the people know the facts, that that is your program and your definition of good government I do not understand. We have not been told and we can only guess by what we see in the papers, that the Governor says he is going to cut one hundred and eighteen millions of dollars in order to make expenses meet income. That can come, of course, only by cutting out relief, yet the Governor has said that he will not cut out relief, and if you do not cut out relief the only money that he can cut to save one hundred and eighteen millions of dollars is represented by the sixty-six million dollars that are given in special subsidies and the ninety-nine millions of dollars per biennium in the last budget for schools and hospitals and institutions.

Now, certainly, you are not going to put those institutions completely out of business. You can not get it from governmental functions, because that only costs thirty-six million dollars every two years. Now, where is this money coming from? It is time that somebody told the people who are being asked to vote on this legislation

what program you have, what methods you propose for the purpose of repaying—or replacing, I should say—this money that you are taking from these special funds, and it is time that you recognize that you have a vote—not the right—but the vote to ignore the minority, and as soon as you convince us you feel that way about it, our work will become less burdensome. The time will come however, when you will find that a majority of twenty-six does not always exist.

Mr. WOODWARD. Mr. President, although the hour is very late I still have strength enough to stand up and claim to be more intelligent than my colleague from Philadelphia. There is nothing blind, as far as I am concerned, in my vote. The gentleman uses this argument on the fallacy that there should be no special funds of any kind, except a sinking fund—and our Lieutenant-Governor knows about that—liquid fuel tax, or game or fish or any other special fund. Some day we will outlive that, and our money will be in general funds, so I am delighted to vote for any bill transferring to the general fund, and, if I be blind, and see the light of day, I would like to see every cent going out of the special fund.

Mr. SHAPIRO. Mr. President, I need no conversion on the proposition advanced by my colleague from Philadelphia, whom I admit is more intelligent than I, and certainly he has better health. He has returned from a lovely vacation in the South. I know that the warm climate of the South has warmed his heart to the poor and unfortunate on the relief rolls, and it is not the terrible necessity of being involved in questions concerning these special funds, because really we are all worrying about those on relief.

I am opposed to special funds. In business it would not be tolerated, and it would be silly to ask the bookkeeper of the shipping department to ask the bookkeeper of the manufacturing department to ask for a loan of some fifty thousand dollars when it was in separate funds, but that is not what we are talking about, it is not like a special fund, it is not like the motor license fund, upon which no one has any particular claim, except those who use the highway, and then they have no real claim on it, they only have a right to enjoy it when they perform a special function. On the liquid fuel tax, and the liquor license tax or the insurance tax—at least on the liquid fuel tax and the liquor license tax, these are monies which belong to the communities—the State is merely a trustee—it is not a special fund in the same sense as the motor fund, and I am sure the intelligence, the superior intelligence of the Senator from Philadelphia will make him readily admit that there is a distinct difference between motor license fund and the two funds which we are now concerned. They are funds which belong to the counties, which belong to them by virtue of having them returned; every dollar collected in Philadelphia from the Liquid Fuel Tax should be payable—ought to be paid in Philadelphia and a certain proportion will be collected for and belongs to the citizens of Philadelphia. We have not consulted the citizens of Philadelphia as to whether or not they are satisfied with this arrangement. You have no right to take those funds. This is not a fish fund, this is not a motor fund, this is trust money belonging to the citizens of Philadelphia, and I am sure in the fairness I know the gentleman to have, he will acknowledge that fact.

Mr. EDMONDS. Mr. President, I have listened with a

great deal of pleasure to the two gentlemen from Philadelphia, and I have appreciated their mental agility, but not having that same degree, I must come down to what seems to me to be the root of the complaint of the gentleman from Philadelphia.

He asked the question: "Is this a part of a plan, and if it is a part of the Governor's plan, how is the money going to be paid back?" Well, now, the Governor took office three weeks ago tomorrow, I think—that is a very short period of time. He has taken office under a pledge that he is doing his level best to fulfill—cut down expenses of this Commonwealth. If he can cut down expenses of the Commonwealth, no new taxes will be needed. If he cannot cut down these expenses, that is the question that will come up there.

Now, I think in that policy the Governor has the support of the people of Pennsylvania, and for my part I shall vote for the transfer of funds with a very great deal of pleasure, if that will enable the problem of relief to be solved, until the administration can find out all that must be found out about the financial matters in which the Commonwealth is involved.

Mr. CAVALCANTE. Mr. President, I wish to interrogate the Senator from Montgomery, Mr. Edmonds.

The PRESIDENT. Will the Senator from Montgomery, Mr. Edmonds, permit himself to be interrogated?

Mr. EDMONDS. Mr. President, I will.

Mr. CAVALCANTE. Mr. President, I have just heard the gentleman speak about the Governor's problem. I have read with much interest in the newspaper about the Governor refusing to approve the budget of the Public Utility Commission until that budget is pared down so as to effect a saving. Will the Senator from Montgomery, Mr. Edmonds, state whether or not that economy will be reflected in this new treasury to the advantage of the taxpayers of this Commonwealth?

Mr. EDMONDS. Mr. President, the economy which the Governor will effect—and in which by the way he is pioneering—they will be reflected for the advantage of the people of Pennsylvania.

Mr. SHAPIRO. Mr. President, I would like to interrogate the Senator from Montgomery, Mr. Edmonds.

The PRESIDENT. Will the Senator from Montgomery, Mr. Edmonds permit himself to be interrogated?

Mr. EDMONDS. Mr. President, again with pleasure, but I will ask him to speak a little slowly, I am not as agile mentally as he is.

Mr. SHAPIRO. Mr. President, I ask the Senator from Montgomery if he is familiar with the term, *Timeo Danaos et dona ferentes*.

Mr. EDMONDS. Mr. President, I am thoroughly familiar with it, and may I inquire whether the Senator from Philadelphia is disposed to advise us where he obtained his classical knowledge?

Mr. SHAPIRO. Mr. President, from the Senator from Montgomery. So I approach the suggestion you make about my agility with much fear.

May I inquire whether the Senator knows it is not a fact the monies that the Public Utilities Commission pays—whether it be for payroll or incidental expenses—whether that is borne by the Commonwealth, or is it borne by the Utilities?

Mr. EDMONDS. Mr. President, part of it is borne by

the Commonwealth, by an appropriation made, but later that is to be paid by the utilities.

Mr. SHAPIRO. Mr. President, will the Senator admit, as a matter of fact, when he says part of it is appropriated, he means all of it is appropriated temporarily, but that it is placed back into the treasury by the utilities.

Mr. EDMONDS. Mr. President, part of it is appropriated directly, I understand, for the biennium. As to the other portion, I do not know, and if the Senator from Philadelphia does know, I will be glad to have him tell me. I am not certain whether it is in this general assembly, or not.

Mr. SHAPIRO. Mr. President, I shall be very glad to tell the members of the Senate that every penny of the money now spent by the public utilities under an act of the past legislature, in its last session, is paid for by the utilities; by a certain appropriation, that money is first advanced by the Commonwealth to the Utility Commission, and then it is put into the treasury by utilities when they get their bills. There is not a penny of it paid by anybody else but the utilities.

Mr. EDMONDS. Mr. President, may I ask the Senator from Philadelphia whether we get an accounting from the Public Utility Commission as to what they have collected.

Mr. SHAPIRO. Mr. President, the Public Utility Commission sends out those bills and those bills are paid for by the Public Utilities and paid into the treasury.

Mr. EDMONDS. Mr. President, I ask again when does the Public Utilities Commission report to the General Assembly how much money has been collected?

Mr. SHAPIRO. Mr. President, the Public Utilities Commission files a report or account with the Governor but it does not file any reports as to what it has collected with the legislature. The legislature, with the right to levy and impose taxes—

Mr. EDMONDS. Mr. President, and as a result I understand they increased their payroll in December of 1938.

Mr. SHAPIRO. Mr. President, they may have increased their payrolls and they may be wrong in increasing their payrolls, but I want it clearly understood that the camouflage or pretense of economy is a pretense, when it comes to the Public Utilities Commission. I hold no brief for any department which increases its payroll, whether for the necessity of political purpose or otherwise, but I have seen it done in several administrations during the time I have sat in this Senate and watched them go by—they all did it—and I protest it then and I protest it now. A protest now and then is a good thing, because it keeps them on their toes. Maybe an Utopian era will arrive when that will not happen, but that does not justify the Governor telling the people striving for economy "I am going to save \$375,000 by making the Utility Commission reduce its payroll." That is the danger, because, in the first place, it does not save any money for the Commonwealth, and I do not justify the spenders, because they have no right to make the Utility Commission have unnecessary help.

Mr. EDMONDS. Mr. President, I am glad to hear the Senator say that.

Mr. SHAPIRO. Mr. President, let us understand each other, there are a great many things this Governor can do, if he will do them openly and not camouflage them

by saying he is saving money by asking the Utilities Commission to cut their payroll.

POINT OF ORDER

Mr. OWLETT. Mr. President, I rise to a point of order. The PRESIDENT. The Senator from Tioga, Mr. Owlett, will state his point of order.

Mr. OWLETT. Mr. President, the gentleman is not discussing this bill before the Senate.

Mr. SHAPIRO. Mr. President, I am answering the questions expounded by an expert parliamentarian before this Senate.

Mr. OWLETT. Mr. President, the gentleman was not answering a question of the Senator from Montgomery, he was making a speech; it was not on the subject before the Senate, and I insist upon my point of order.

The PRESIDENT. The Senator from Philadelphia, Mr. Shapiro, will confine himself to the subject.

Mr. SHAPIRO. Mr. President, I disagree with the gentleman, and if you have ruled that I am out of order, with all due respect to you, I disagree with you. I am talking on the question whether or not we are going to get the money back that is being transferred from these funds by this so called economy measure, and if the gentlemen are relying on saving money by upsetting the Utilities Commission they are not going to save money.

What happened is that that is a good method of curtailment operations of the Commission, and if the Governor in the guise of economy wants to do that when he says, "I want you to drop one hundred men," he could say by the same token, "I want you to drop seven hundred men," and leave them without any help and ruin and hamstring them all.

I want to point out to my friend from Montgomery County that when I say I want to know what those economies are, it is not because I am talking in the air, but because I have pointed out to these gentlemen you cannot save one hundred and eighteen millions of dollars by abolishing thirty-six million dollars of expenses. I said, and I repeat, that if every function—if the legislative, the judiciary, or the administrative, were curtailed, and the Governor does not take his own salary—which he has not been known to do—even if he does not take his salary he would not have saved any more than thirty-six million dollars, and yet you are asking my vote on the transfer of funds which you say you intend to repay by economy, first by reason of economy, and second, You cannot economize to that extent. The Democratic organization came into office on the seventeenth day of January 1935, and it found the necessity of making immediate provisions for relief—but you came in here and said you are going to borrow twenty millions of dollars from the Motor License Fund, and we are going to create and impose taxes to pay it back. No, we hear nothing from the other side, but we do get our information from the newspapers, which I suppose is just as reliable as the statement that an oil-burner has been taken out of the Governor's mansion which never had an oil-burner.

Mr. EDMONDS. Mr. President, my theory is if the Governor can make economies more power to his right arm. I feel that the Governor of Pennsylvania in his endeavor to effect economy has the support of the people of Pennsylvania, and if the Senator from Philadelphia can tell him where other economies can be made, why doesn't

the Senator from Philadelphia do it, it would be a great help.

Mr. SHAPIRO. Mr. President, I never go to a man's house if I am not invited.

And the question recurring,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—27

Bartlett,	Eroe	Letzler,	Stevenson,
Chapman,	Farrell,	Mallery,	Tallman,
Crowe,	Gelder,	Miller,	Thomas,
Dando,	Geltz,	Owlett,	Walker,
Detrick,	Heyburn,	Plerson,	Wolfenden,
Ealy,	Homsher,	Scarlett,	Woodward,
Edmonds	James,	Snowden,	

NAYS—19

Cavalcante,	Haluska,	McCreesh,	Ruth,
Coleman,	Jacobs,	McGinnis,	Shapiro,
Dent,	Jaspan,	Mundy,	Sipe,
Frey,	Kunkel,	Reed,	Stiefel,
Gilson,	Levin,	Rice,	

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with the information that the Senate has passed the same without amendments.

BILL ON FINAL PASSAGE

Mr. OWLETT. Mr. President, I move that the Senate do now resume the consideration of Senate Bill No. 7, (House Bill No. 4), on final passage postponed.

Mr. MALLERY. Mr. President, I second the motion. The motion was agreed to.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 7, (House Bill No. 4), entitled:

An Act transferring money from the State Insurance Fund to the General Fund and providing for the subsequent return from the General Fund of the transferred money.

And said bill having been read at length the third time, On the question,

Will the Senate agree to the bill?

Mr. SHAPIRO. Mr. President, in the interest of time I want the record to record that the same things I said about the former bill involving three millions of dollars, applies to this one million of dollars, and I ask the same questions of the gentleman from Montgomery, and I answer the questions of the gentleman from Montgomery the same as I did before when he put them to me, so it will not be necessary to have him interrogate me.

Mr. EDMONDS. Mr. President, my comment on those answers is the same as I made before.

Mr. GELDER. Mr. President, I would like to call the attention of the Senator from Philadelphia to the fact that wherever we get the money to repay this fund one-third of the amount of the transfer will go to the City of Philadelphia.

Mr. SHAPIRO. Mr. President, that is why I am complaining so bitterly.

And the question recurring,
Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—27

Bartlett,	Eroe,	Letzler,	Stevenson,
Chapman,	Farrell,	Mallery,	Tallman,
Crowe,	Geldier,	Miller,	Thomas,
Dando,	Geltz,	Owlett,	Walker,
Detrick,	Heyburn,	Pierson,	Wolfenden,
Ealy,	Homsher,	Scarlett,	Woodward,
Edmonds,	James,	Snowden,	

NAYS—19

Cavalcante,	Haluska,	McCreesh,	Ruth,
Coleman,	Jacobs,	McGinnis,	Shapiro,
Dent,	Jaspan,	Mundy,	Sipe,
Frey,	Kunkel,	Reed,	Stiefel,
Gilson,	Levin,	Rice,	

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with the information that the Senate has passed the same without amendments.

NOMINATIONS BY THE GOVERNOR

NOTARIES PUBLIC

The Secretary to the Governor being introduced presented in writing from His Excellency, the Governor of the Commonwealth, nominations for appointment as Notaries Public which were laid on the table

COMMUNICATION

The Chair cleared his table and laid before the Senate the following communication which was read by the Clerk:

Harrisburg, Penna., February 6, 1939.

Office of the Secretary

Hon. Samuel S. Lewis,
Lieutenant Governor and
President of the Senate,
Commonwealth of Pennsylvania,
Harrisburg, Pennsylvania.

Sir:

On January 18th I was directed by your Honorable Body to inquire from my predecessor whether there was or had been in his office a resignation from Senator P. J. Henney of the 45th Senatorial District of Allegheny County.

On last Tuesday, following the adjournment of the Senate, the Assistant to the Secretary, in examining a folder of my predecessor which had been used for memoranda of personnel, found the attached document which I herewith present to the Senate.

Very respectfully yours,

GEORGE F. HOLMES,
Secretary of the Senate.

In The
SUPREME COURT OF PENNSYLVANIA

THE COMMONWEALTH
OF PENNSYLVANIA EX
RELATIONE ANNA P.
ELKINS,
v.
P. J. HENNEY

Miscellaneous Docket
No. 1026

TO: THE SENATE OF PENNSYLVANIA:
HONORABLE THOMAS KENNEDY, LIEUTENANT-
GOVERNOR: and HONORABLE JOHN MORLOCK,
SECRETARY OF THE SENATE.

I, Patrick J. Henney hereby resign as a Senator representing the Forty-fifth Senatorial District, effective immediately.

PATRICK J. HENNEY
P. J. HENNEY

December 24, 1938

Witness:

Frederick G. Van Denbergh, Jr.

MOTION TO LAY COMMUNICATION ON TABLE

Mr. REED. Mr. President, I was going to move that on account of the fact that Senator Henney filed that paper under a misapprehension that the Supreme Court had already decided the case, it should be laid on the table.

Mr. SHAPIRO. Mr. President, I want to enter my objection to spreading this document on the record, for the reason that while the papers may have the name of Patrick J. Henney, or P. J. Henney, we do not know that that is the signature of the gentleman in question. I doubt very much whether the Senate can make any official record of a document purporting to bear the name of a Senator without the Senator's signature and I suggest therefore that before it be made a part of this record, that it be laid on the table until it can be ascertained whether or not that is his signature, and I therefore move that it be laid on the table.

Mr. REED. Mr. President, I second the motion.
The motion was agreed to.

The PRESIDENT. The communication will be laid on the table.

ERRATUM

Mr. SHAPIRO. Mr. President, I want to take this opportunity of asking that the Legislative Journal of January 31, 1939, be corrected at page 249, the third paragraph, line 9, the figures \$3,332,664.05, should be \$3,232,664.05 and I ask that the correction be noted in the Journal.

BILLS INTRODUCED

Mr. RUTH. Mr. President, I ask unanimous consent to introduce a bill at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. RUTH read in place and presented to the Chair Senate Bill No. 69, entitled:

An Act to further amend section six hundred and nineteen of the act, approved the first day of May, one thousand nine hundred and twenty-nine (P. L. 905), entitled "An act for the protection of the public safety; regulating the use of highways, and the operation of vehicles, tractors, street cars, trackless trolley omnibuses, bicycles, pedestrians, and the riding of animals upon the highways of this Commonwealth; providing for the titling, including liens, encumbrances, and legal claims; registration of certain vehicles and licensing the operators thereof, upon payment of prescribed fees; prescribing and limiting the powers of local authorities to deal with the subject matter

of this act; conferring powers and imposing duties upon the Department of Revenue, the Department of Highways, peace officers, mayors, burgesses, magistrates, aldermen, justices of the peace, the courts and the clerks thereof, owners of vehicles, and garage keepers; providing that records are admissible as evidence; imposing upon owners, counties, cities, boroughs, incorporated towns, townships, within the Commonwealth, liability for damages caused by the negligent operation of their motor vehicles; imposing penalties; imposing certain costs upon counties; providing for the disposition of fines forfeitures, fees, and miscellaneous receipts; making an appropriation and providing for refunds," by making political subdivisions of the State liable for the negligence of their employees.

Which was committed to the Committee on Judiciary General.

Mr. LEVIN. Mr. President, I ask unanimous consent to introduce a bill at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. LEVIN read in place and presented to the Chair Senate Bill No. 70 entitled:

An Act to amend section one thousand two hundred one of the act, approved the eighteenth day of May, one thousand nine hundred eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with provisions by which it shall be administered and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue and repealing all laws, general, special or local or any parts thereof that are or may be inconsistent therewith," as amended by limiting the circumstances under which boards of school directors shall have power to employ substitute teachers.

Which was committed to the Committee on Education.

ADJOURNMENT

Mr. OWLETT. Mr. President, I move that the Senate do now adjourn until Tuesday, February 7, 1939, at 1:00 o'clock, p.m.

Mr. GELDER. Mr. President, I second the motion.

The motion was agreed to.

The Senate adjourned at 11:59 o'clock, p.m. until Tuesday, February 7, 1939, at 1:00 o'clock, p.m.

HOUSE OF REPRESENTATIVES

MONDAY, February 6, 1939.

The House met at 8:00 p. m.

The SPEAKER (Ellwood J. Turner) in the Chair.

PRAYER

The Chaplain, Rev. Walter Evans Deibler, offered the following prayer:

We are the beneficiaries of Thy continued mercy, O God. Again Thou hast permitted us to meet together to do the work of a new week. Thou hast created us for Thy glory. May our services to society dignify the confidence Thou hast placed in us. Thou, O God, art our most credible and reliable witness as to the manner in which we do our work. May Thy servants in these sacred halls have the assurance of Thy constant approbation. May the work that is being done promote the highest good for the people of the Commonwealth. Remember in mercy those members who are ill. May the ministrations

of all the offices of this House continue to dignify the true ideals of government for the honor and glory of Thy Name, through Jesus Christ our Lord. Amen.

JOURNAL APPROVED

The SPEAKER. The Clerk will read the Journal of Tuesday, January 31, 1939.

The Clerk proceeded to read the Journal of Tuesday, January 31, 1939, when, on motion of Mr. CALVIN the further reading was dispensed with and the Journal approved.

BILLS INTRODUCED AND REFERRED

(Referred January 31)

By Mr. AUKEK.

HOUSE BILL No. 156

An Act to further amend section five hundred eight of the act, approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general special or local, or any parts thereof, that are or may be inconsistent therewith," by further regulating the incurring of temporary indebtedness and the repayment thereof.

Referred to the Committee on Education.

By Mr. O'CONNOR.

HOUSE BILL No. 157

An Act imposing an income tax for school purposes on residents of Pennsylvania including fiduciaries and on income of non-residents derived from property or business in Pennsylvania; defining taxable income and requiring filing of returns thereof; providing for the assessment, collection and lien of said tax and for the disposition of proceeds thereof; providing for administration and enforcement of the act by the Department of Revenue; conferring powers and imposing duties on certain persons, partnerships, associations, corporations, school districts, State officers, employes and departments; imposing penalties and appropriating the revenues derived from said tax.

Referred to the Committee on Ways and Means.

By Mr. HABBYSHAW.

HOUSE BILL No. 158

An act to further amend section ten of the act, approved the twenty-first day of May, one thousand nine hundred and thirty-one (P. L. 149), entitled "An act imposing a State tax payable by those herein defined as distributors, on liquid fuels used or sold and delivered within the Commonwealth, which are ordinarily, practically, and commercially usable in internal combustion engines for the generation of power; providing for the collection and lien of the tax, and the distribution and use of the proceeds thereof; requiring such distributors to secure permits, to file corporate surety bonds and reports, and to retain certain records; imposing duties on retail dealers, common carriers, county commissioners, and such distributors; providing for rewards; imposing certain costs on counties; conferring powers and imposing duties on certain State officers and departments; providing for refunds; imposing penalties; and making an appropriation," by extending the purposes for which counties may use moneys received from said tax.

Referred to the Committee on Highways.

By Mr. ANDREWS.

HOUSE BILL No. 159

An Act to amend section nine hundred and ten, paragraph (e) of section nine hundred and fifty-one and sections nine hundred and seventy-six, nine hundred and

seventy-nine and nine hundred and eighty of the act approved the third day of June, one thousand nine hundred and thirty-seven (P. L. 1333), entitled "An act concerning elections, including general, municipal, special and primary elections, the nomination of candidates, primary and election expenses and election contests; creating and defining membership of county boards of elections; imposing duties upon the Secretary of the Commonwealth, courts, county boards of elections, county commissioners; imposing penalties for violation of the act, and codifying, revising and consolidating the laws relating thereto; and repealing certain acts and parts of acts relating to elections," by eliminating provisions prohibiting any one person from being the nominee or candidate of more than one political party or body for the same office where such office is not a party organization office.

Referred to the Committee on Elections.

SENATE MESSAGE

SENATE BILL FOR CONCURRENCE

(Referred January 31)

The Clerk of the Senate being introduced, presented for concurrence bill numbered and entitled as follows:

SENATE BILL No. 32. (HOUSE BILL No. 160)

A Supplement to the act, approved the second day of July, one thousand nine hundred and thirty-seven (P. L. 2706), entitled "An act creating a State World's Fair Commission; defining the powers and duties of said commission; providing for participation in the New York World's Fair; and making an appropriation," by making an additional appropriation thereto.

Referred to the Committee on Appropriations.

BILLS INTRODUCED AND REFERRED

(Referred January 31)

By Mr. ANDREWS HOUSE BILL No. 161.

An Act to safeguard human life and health throughout the Commonwealth by providing for the reporting of communicable, infectious or contagious diseases, and the isolation and hospitalization of such diseased persons, in the discretion of the Department of Health; and providing penalties.

Referred to the Committee on Public Health and Sanitation.

By Mr. SOLLENBERGER HOUSE BILL No. 162.

An Act to amend sections nine hundred ten, nine hundred seventy-six and one thousand four, of the act approved the third day of June, one thousand nine hundred and thirty-seven (P. L. 1333), entitled "An act concerning elections, including general, municipal, special and primary elections, the nomination of candidates, primary and election expenses and election contests; creating and defining membership of county boards of elections; imposing duties upon the Secretary of the Commonwealth, courts, county boards of elections, county commissioners; imposing penalties for violation of the act, and codifying, revising and consolidating the laws relating thereto; and repealing certain acts and parts of acts relating to elections," by excepting candidates for the office of school director from the prohibition against being a candidate of more than one political party for nomination for the same office.

Referred to the Committee on Elections.

By Mr. ROSENFELD HOUSE BILL No. 163.

An Act to reenact section twenty-nine and amend section thirty-one of the act, approved the sixteenth day of

May, one thousand nine hundred and twenty-three (P. L. 207), entitled "An act providing when, how, upon what property, and to what extent, liens shall be allowed for taxes and for municipal improvements, for the removal of nuisances, and for water rents or rates, sewer rates, and lighting rates; for the procedure upon claims filed therefor; the methods for preserving such liens and enforcing payment of such claims; the effect of judicial sales of the properties liened; the distribution of the proceeds of such sales, and the redemption of the property therefrom; for the lien and collection of certain taxes heretofore assessed, and of claims for municipal improvements made and nuisances removed, within six months before the passage of this act; and for the procedure on tax and municipal claims filed under other and prior acts of Assembly," providing for judicial sales on tax or municipal liens that shall permit the sale of property freed and cleared of their respective claims, mortgages, charges, estates tax and municipal claims; and repealing inconsistent legislation.

Referred to the Committee on Municipal Corporations.

By Mr. WOODSIDE HOUSE BILL No. 164.

An Act making a deficiency appropriation to the Lieutenant Governor.

Referred to the Committee on Appropriations.

By Mr. ROSENFELD HOUSE BILL No. 165.

An Act to repeal the act, approved the thirtieth day of April, one thousand nine hundred twenty-nine (P. L. 374), entitled "An act relating to judicial sales and sales upon writs of execution or otherwise; and preserving the lien of mortgages on real estate other than upon unseated lands."

Referred to the Committee on Judiciary General.

By Mr. BOYD HOUSE BILL No. 166.

An Act declaring bonds issued by Authorities existing by virtue of the Municipality Authorities Act of one thousand nine hundred and thirty-five, and its supplements and amendments, legal investments for the investment of certain funds and moneys.

Referred to the Committee on Municipal Corporations.

By Mr. HEWITT HOUSE BILL No. 167.

An Act to regulate the transportation of motor vehicles from without the Commonwealth over the highways of the Commonwealth for the purpose of sale; requiring a caravanning permit for each such motor vehicle and fixing a fee therefor; defining the duties of the Department of Revenue in regard to the enforcement of this act; and fixing penalties.

Referred to the Committee on Motor Vehicles.

By Messrs. SOLLENBERGER and WATKINS
HOUSE BILL No. 168.

An Act making a deficiency and emergency appropriation to aid certain school districts.

Referred to the Committee on Appropriations.

By Mr. BOYD HOUSE BILL No. 169.

An Act to amend subsection eighteen as added to paragraph one of clause (a) of section forty-one of the act approved the seventh day of June, one thousand nine hundred and seventeen (P. L. 447), entitled as amended "An act relating to the administration and distribution of the estates of decedents and of minors, and of trust estates; including the appointment, bonds, rights, powers, duties, liabilities, accounts, discharge and removal of executors, administrators, guardians, and trustees, herein

designated as fiduciaries; the administration and distribution of the estates of presumed decedents; widow's and children's exemptions; debts of decedents; rents of real estate as assets for payment thereof, the lien thereof, sales and mortgages of real estate for the payment thereof, judgments and executions therefor, and the discharge of real estate from the lien thereof; contracts of decedents for the sale or purchase of real estate; legacies, including legacies charged on land; the discharge of residuary estates and of real estate from the lien of legacies and other charges; the appraisal of real estate devised at a valuation; the ascertainment of the curtilage of dwelling houses or other buildings devised; the abatement and survival of actions, and the substitution of executors and administrators therein; the survival of causes of action and suits thereupon by or against fiduciaries; the organization of corporations to carry on the business of decedents; the audit and review of accounts of fiduciaries; refunding bonds; transcripts to the court of common pleas of balances due by fiduciaries; the rights, powers, and liabilities of non-resident and foreign fiduciaries; the appointment, bonds, rights, powers, duties, and liabilities of trustees durante absentia; the recording and registration of decrees, reports and other proceedings, and the fees therefor; appeals in certain cases; and, also, generally dealing with the jurisdiction, powers, and procedure of the orphans' court in all matters relating to fiduciaries concerned with the estates of decedents," by further providing for additional investments of trust funds by fiduciaries.

Referred to the Committee on Judiciary General.

By Messrs. EDWIN F. THOMPSON and REUBEN E. COHEN HOUSE BILL No. 170.

An Act relating to distress for rent; prescribing the conditions precedent to such distress; providing for certain procedure before magistrates, aldermen and justices of the peace; and prescribing penalties.

Referred to the Committee on Judiciary General

By Mr. O'CONNOR HOUSE BILL No. 171.

An Act to regulate nominations and elections for all offices of judge of a court of record; providing for non-partisan nominations and elections for said offices; abolishing certain existing methods of nomination in such cases and the use of party or political names or appellations at elections with respect to said offices; imposing certain duties upon the Secretary of the Commonwealth, county commissioners, and election officers and clerks; and providing penalties for the violation of the provisions hereof and the punishment of certain offenses.

Referred to the Committee on Elections.

By Mr. JAMES HOUSE BILL No. 172.

An Act to amend section two of the act, approved the twelfth day of July, one thousand nine hundred and nineteen (P. L. 941), entitled "An act providing for the preparation, contents, style, printing and binding of the Legislative Journal and its delivery and distribution; providing for the preparation, printing and binding of Journals of the Senate and House of Representatives; authorizing the appointment of official reporters, expert typewriters, clerks and other employees, and providing for their compensation and mileage; providing for the making of an appendix and index, the printing of wrappers or envelopes for mailing the Legislative Journal; and repealing all acts or parts of acts inconsistent herewith," by eliminating requirements as to matter to be printed in the Legislative Journal.

Referred to the Committee on Printing.

By Mr. WINNER HOUSE BILL No. 173.

An Act to safeguard life, health and property; defining and regulating painting, woodfinishing, paperhanging and

decorating contractors by providing for the registration of supervision of persons, copartnerships, associations and corporations engaged in such business; imposing certain duties upon the Department of Labor and Industry; and providing penalties.

Referred to the Committee on Professional Licensure.

By Messrs. GATES and MORAN. HOUSE BILL No. 174.

An Act abolishing taxes on real estate for school purposes except such as may be necessary for funded debt purposes, and for maintenance of school buildings and grounds.

Referred to the Committee on Education.

By Mr. CHRISTLER HOUSE BILL No. 175.

An Act providing for and regulating the assessment and valuation of persons, property and subjects of taxation for county, city, borough, township, school and poor purposes in counties of the second class; creating and prescribing the powers and duties of a Board of Tax Assessment, Appeals and Review; imposing duties on certain county and city officers; abolishing the board for the assessment and revision of taxes in such counties; and prescribing penalties.

Referred to the Committee on Cities—Second Class.

By Mr. BRETHERICK HOUSE BILL No. 176.

An Act to amend section two of the act, approved and seventeenth day of June, one thousand nine hundred and thirteen (P. L. 507), entitled "An act to provide revenue for State and county purposes, and, in cities coextensive with counties, for city and county purposes; imposing taxes upon certain classes of personal property; providing for the assessment and collection of the same; providing for the duties and compensation of prothonotaries and recorders in connection therewith; and modifying existing legislation which provided for raising revenue for State purposes," requiring returns and payment of tax for one thousand nine hundred and thirty-nine and subsequent years on personal property of a decedent in the county of his domicile.

Referred to the Committee on Counties.

By Mr. DENMAN HOUSE BILL No. 177.

An Act to further amend section six of the act, approved the eighteenth day of June, one thousand nine hundred and twenty-three (P. L. 840), entitled "An act concerning declaratory judgments and decrees, and to make uniform the law relating thereto," by permitting proceedings under this act where a divorce or annulment of marriage is sought.

Referred to the Committee on Judiciary General.

By Mr. DENMAN HOUSE BILL No. 178.

A Joint Resolution proposing an amendment to section one, article nine of the Constitution of the Commonwealth of Pennsylvania.

Referred to the Committee on Constitutional Amendments.

By Mr. DENMAN HOUSE BILL No. 179.

An Act prohibiting the imposition of costs and fees upon counties by aldermen, magistrates and justices of the peace except on approval of courts of quarter sessions of the peace.

Referred to the Committee on Judiciary Special.

By Mr. LICHTENWALTER HOUSE BILL No. 180.

An Act to amend the appropriation act, approved the fifth day of June, one thousand nine hundred thirty-seven (Appropriation Act No. 51-A), entitled "An act making an appropriation, out of the Motor License Fund, to the Department of Highways, for expenditure in the various second-class townships of the Commonwealth, for the maintenance of township roads and bridges during the calendar years one thousand nine hundred thirty-eight and one thousand nine hundred thirty-nine; apportioning the funds to the several counties on the basis of the maintenance costs for the year one thousand nine hundred thirty-two; permitting the use of any surplus funds for construction and reconstruction and resurfacing of township roads and bridges; requiring townships to exclude provision for maintenance of roads and bridges from their annual budget and tax levy for road and street purposes for said years; authorizing the Department of Highways to rent road building machinery and equipment belonging to such townships in carrying out the provisions of this act; and lapsing the unexpended or unencumbered balance of the appropriation remaining on January first, one thousand nine hundred forty," by providing that the unexpended and unencumbered balance of such appropriation, at the time this act becomes effective, shall be allocated to and apportioned among the various second class townships on the basis of the population and amount of road mileage in such townships; authorizing the township supervisors to expend the moneys allocated to the township for the purposes prescribed by said act, and excluding therefrom the right of the Department of Highways to rent road building machinery and equipment belonging to such townships, and the lapsing of the unexpended and unencumbered balance of such appropriation remaining on January first, one thousand nine hundred forty.

Referred to the Committee on Appropriations.

By Mr. WOODSIDE HOUSE BILL No. 181.

An Act making a deficiency appropriation to the Department of Public Assistance for the purpose of carrying out the Public Assistance Law for the two fiscal years ending May thirty-first one thousand nine hundred and thirty-nine.

Referred to the Committee on Appropriations.

By Mr. WOODSIDE HOUSE BILL No. 186.

An Act transferring money from the Fire Insurance Tax Fund to the General Fund; and providing for the subsequent return from the General Fund of the transferred money.

Referred to the Committee on Appropriations.

RESOLUTION INTRODUCED AND REFERRED

By Mr. TRONZO. RESOLUTION No. 12.

In the House of Representatives, January 31, 1939.

Whereas, The appropriation of \$725,000,000 by Congress for the Works Progress Administration will cause the dismissal of over 100,000 WPA workers in Pennsylvania; and

Whereas, The great majority of dismissed WPA workers will, with their dependents be thrown upon the already seriously over-burdened relief rolls of our Commonwealth; and

Whereas, The dismissal of over 100,000 WPA workers in this Commonwealth will injure business, lower purchasing power, promote insecurity and reduce living standards; and

Whereas, Both political parties in this Commonwealth are pledged to the continuance of WPA, the maintenance of adequate relief, and the avoidance of new burdens for State and Local taxpayers; and

Whereas, The appropriation bill passed by Congress

permits President Roosevelt to request an additional deficiency appropriation for WPA should the President see fit; therefore be it

Resolved, That this House respectfully petitions the President of the United States that he request the Congress of the United States for an additional deficiency appropriation of at least \$150,000,000 in order to prevent further dismissals of WPA workers until such time as private industry can absorb them.

Referred to Committee on Federal Relations.

SENATE MESSAGE

HOUSE BILL CONCURRED IN BY SENATE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 2.

An Act transferring money from the Liquor License Fund to the General Fund and providing for the subsequent return from the General Fund of the transferred money

With the information that the Senate has passed the same without amendment.

BILL SIGNED BY THE SPEAKER

Bill numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the title was publicly read as follows:

HOUSE BILL No. 2.

An Act Transferring money from the Liquor License Fund to the General Fund and providing for the subsequent return from the General Fund of the transferred money.

Whereupon,

The SPEAKER, in the presence of the House, signed the same.

LEAVES OF ABSENCE

Mr. Lloyd H. Wood asked and obtained leave of absence for Mr. BOORSE, for the week on account of illness.

Mr. McClester asked and obtained leave of absence for Mr. IMBRIE for the week on account of illness.

Mr. Matthews asked and obtained leave of absence for Mr. PEALE for the week on account of illness.

Mr. Habbysaw asked and obtained leave of absence for Mr. SARGE for the week on account of illness.

Mr. James asked and obtained leave of absence for Mr. BRETHERICK for this evening's session on account of illness.

Mr. O'Neil asked and obtained leave of absence for Mr. KENEHAN for the week on account of illness.

COMMUNICATION

FAMILY RELATIONSHIP

The SPEAKER laid before the House a communication from the Communist Party of the United States of America, District Three, and a resolution providing for the enactment of legislation to safeguard the family relationship.

COMMITTEE MEETINGS

There will be meetings of the Committee on

Appropriations, this evening at 9:00 p. m. in Room 323.

Cities—First Class, this evening, at 8:45 p. m. in Room 325.

Judiciary Special, this evening, at 8:45 p. m. in Room 324.

ANNOUNCEMENTS BY THE CLERK

There will be a Democratic caucus in the Senate Caucus Room immediately after the announcement of recess this evening.

There will be a Republican caucus in the House Caucus Room immediately after the announcement of recess this evening.

RECESS

The SPEAKER. If there are no objections the Chair is about to declare a recess until 9:15 p. m. Are there objections? The Chair hears none and declares a recess until 9:15 p. m.

AFTER RECESS

The House reconvened at 9:15 p. m.

The SPEAKER (Ellwood J. Turner) in the Chair.

RECESS

The SPEAKER. If there are no objections the Chair will declare a further recess until 9:45 p. m. Are there objections? The Chair hears none and declares a recess until 9:45 p. m.

AFTER RECESS

The House reconvened at 9:45 p. m.

The SPEAKER (Ellwood J. Turner) in the Chair.

REPORTS FROM COMMITTEES

Mr. DAVID P. REESE from the committee on Judiciary Special reported as amended, House Bill No. 26, entitled:

An Act to repeal the act, approved the fifth day of June, one thousand nine hundred and thirty-seven (P. L. 1670), entitled "An act to amend section three of the act, approved the twenty-seventh day of April, one thousand nine hundred and twenty-seven (P. L. 465), entitled 'An act to provide for the safety of persons employed, housed, or assembled in certain buildings and structures not in cities of the first class, second class, and second class A, by requiring certain construction and ways of egress, equipment, and maintenance providing for the licensing of projectionists; requiring the submission of plans for examination and approval; providing for the promulgation of rules and regulations for the enforcement of this act; providing for the enforcement of this act by the Department of Labor and Industry and, in certain cases, by the chiefs of fire departments in cities of the third class; providing penalties for violations of the provisions of this act; and repealing acts, as amended, requiring buildings to be equipped with certain equipment in connection with gas meters to prevent or retard the escape of gas'"

Mr. NORMAN WOOD from the committee on Appropriations reported as committed, House Bill No. 164, entitled:

An Act making a deficiency appropriation to the Lieutenant Governor.

Mr. STOCKHAM from the committee on Appropriations reported as committed, House Bill No. 186, entitled:

An Act transferring money from the Fire Insurance Tax Fund to the General Fund and providing for the sub-

sequent return from the General Fund of the transferred money.

Mr. SCHROCK from the committee on Appropriations reported as amended House Bill No. 160, (Senate Bill No. 32), entitled:

A supplement to the act approved the second day of July one thousand nine hundred and thirty-seven (P. L. 2706) entitled "An act creating a State World's Fair Commission; defining the powers and duties of said commission; providing for participation in the New York World's Fair; and making an appropriation" by making an additional appropriation thereto.

Mr. THISTLE from the Committee on Cities—First Class, reported as committed, House Bill No. 143, entitled:

An Act to amend clause (b) of section four, article two of the act, approved the twenty-fifth day of June, one thousand nine hundred and nineteen (P. L. 581), entitled "An act for the better government of cities of the first class of this Commonwealth," as amended, by providing a succession of officers of such cities to act as mayor in case of a vacancy or disability of the mayor to act.

Mr. CORDIER from the Committee on Appropriations, reported as committed, House Bill No. 181, entitled:

An Act making a deficiency appropriation to the Department of Public Assistance for the purpose of carrying out the Public Assistance Law for the two fiscal years ending May thirty-first one thousand nine hundred thirty-nine.

REQUEST FOR UNANIMOUS CONSENT

Mr. CORDIER. Mr. Speaker, I ask unanimous consent to have House Bill No. 181 read for the first time.

The SPEAKER. Will the House give its unanimous consent to have this bill read for the first time? Is there objection?

Mr. OMINSKY. Mr. Speaker, I object and I desire to interrogate the gentleman from Dauphin, Mr. Woodside.

The SPEAKER. Will the gentleman from Dauphin permit himself to be interrogated?

Mr. WOODSIDE. I shall, Mr. Speaker.

Mr. OMINSKY. Mr. Speaker, may I inquire why there is a rush at this time in having the bill read for the first time tonight?

Mr. WOODSIDE. Mr. Speaker, it is the desire to have this bill finally passed this week, or at the latest by February 27th, in order to meet the relief needs.

Mr. OMINSKY. Mr. Speaker, do we understand then that it is the intention of the majority to run this House through this week until this bill is passed, and then recess for how long a period?

Mr. WOODSIDE. Mr. Speaker, it is the present thought of the House that when the House and Senate adjourns this week, they will adjourn to reconvene on February 27.

Mr. OMINSKY. Mr. Speaker, the gentleman from Dauphin hasn't as yet answered my question whether or not it is the intention of the majority to run this House until Friday of this week.

Mr. WOODSIDE. Mr. Speaker, I beg the gentleman's pardon; I thought I had answered it. It is the intention to run this House until Friday of this week, and to pass finally this bill this week.

Mr. OMINSKY. I still object.

RULES SUSPENDED

Mr. WOODSIDE. Mr. Speaker, I move that Rules 14, 41 and 43, be suspended for the specific purpose of reading the bill for the first time.

On the question,

Will the House agree to the motion?

Mr. HERBERT B. COHEN. Mr. Speaker and members of the House, the minority finds itself in a position where it must again object to the procedure which has been outlined by the majority, and we can object at the present time, and quite properly, and do so by saying, "I told you so."

This haste means waste. Three weeks ago when the House was confronted with this same proposition, the minority told the majority that the proper thing to do under the circumstances was to pass appropriations equalizing the transfers. Three weeks later the majority comes into this House and asks us to suspend the rules so that haste may be given to a situation that the majority itself has created. If they had listened to the representations that we made, for which we plead both in committee and on the floor of the House, this House would not be confronted with the problem which confronts it.

Today, for the first time, we are informed that it is the intention of the majority of this House to hold the membership of the House for the entire week in order to expedite the passage of bills, and take a vacation for a period of two weeks or more. Many of the members of the minority, coming to the House to the convention of the General Assembly this week, have made very important business arrangements, have made engagements that cannot be broken. Many of us are professional men, who owe a responsibility to our clients. The doctors of the House cannot leave their patients without making proper arrangements, and we are now confronted at a moment's notice, with the problem of holding this House in session until Friday of this week and to infringe upon all of our activities, our previous arrangements and important engagements.

If the majority of this House, three weeks ago, had passed the appropriation bill in the amount that the minority sought to amend it, we would not be confronted with this situation. But what do we find? We find that the first appropriation was passed for twelve million dollars in order to give the majority an opportunity, as they said, to look into the picture.

At that time they knew that these moneys would be required for relief and they did nothing. Today they expect by steam-roller methods to keep the House in continuous session and then declare a "do-nothing" recess for a period of two and one-half weeks or more.

Let me tell you, Mr. Speaker and members of the House, while this House is in adjournment for two weeks this great economy with which we are confronted, will be something that will disappear entirely. The salaries of the employees of the House, and the salaries of the employees of the Senate will continue to accumulate, will continue to grow, and will continue to further embarrass the Governor and his administration in their attempt to cut a supposedly \$118,000,000 from the budget.

I say to the membership of this House that never before in the history of the Commonwealth of Pennsylvania has less been done by any administration, any General Assembly, than has been done by this General Assembly

in its present convention. Five bills have been passed quickly. Outside of that not one single other piece of legislation moved. Those five bills were passed, passed incorrectly, because had they been passed properly we would not be here arguing on a motion to suspend the rules. I ask the membership of this House to apply themselves to their duties. If there is work to be done, we are here to do it, and there is no sense, there is no rhyme or reason to hold this House in session for five consecutive days this week and then take a recess for fourteen, fifteen or sixteen days with nothing to do.

I want to call the attention of the membership of this House to the fact that for the first time in the history of the Commonwealth of Pennsylvania when a new administration came into office all the books, all the records, all the data, all the budgetary figures of accounting were made available to the incoming administration without any hesitancy on the part of the outgoing administration.

This problem is not a problem that has been created immediately. This problem of haste is not one that came upon the administration unexpectedly. Since November of the past year, they have had submitted to them every study of every department and every bureau in the entire Commonwealth, and they know as much as they will ever know about the situation of the finances of the Commonwealth of Pennsylvania and they know a little more than the Governor was willing to say in his radio speech a week or so ago, and still they are asking us to mark time.

Can it be that the desire for haste, and to get rid of the General Assembly for two and one-half weeks that they do not wish to know the difficulty that the Administration is having with the various interests of this Commonwealth in order to impress upon them the fact that promised tax reduction is not going to be a reality? Can it be that the Administration is having difficulty with the Grundys and the Industrialists of the State, that they can't reduce the taxes the corporations have been promised? Can it be that the oil interests of the Commonwealth of Pennsylvania now realize that the proffered and promised reduction of the gasoline tax cannot be made a reality? Can it be that the utilities are now being impressed with the fact that the contemplated reduction of the tax on gross receipts or kilowatt consumption was just an idle promise made by a Governor, made by an individual, in order to gain election? If that is why the majority wishes to get rid of the minority, I think they are correct; I think they are justified, but they cannot get rid of the fact at this time that to hastily indulge in legislation, as the Speaker of this House said on numerous occasions when he was the floor leader, would come back to haunt them, and today you are being haunted by the fact that at the very inception of this Administration, after the very convention of this House, you refused to listen to a word of advice that came from the minority, and today the additional cost of the continuation of this session is the responsibility that is placed upon the shoulders of the majority, and you are being haunted by the fact that haste makes waste. Today you are being brought face to face with the fact that to continue this House is a continuation of an overstuffed appropriation; it means the continuation of drones on the payroll; it means that this House itself is going back

on every promise made by the present administration and every promise made by the membership of this House to the effect that they will have economy in government. To continue this session and prolong it by vacations of two or three weeks is the waste that you gentleman said would be eliminated and now you are being haunted by the false promises, by the false hopes, by the false legislation you have sponsored in this session.

I ask the membership of this House to oppose any suspension of any rule that will allow this House to continue to make waste instead of properly acquitting their legislative functions. I ask the membership of this House to oppose the motion, and speaking for the minority, I wish to say that we are willing to come back this week, next week, and every other week in order to see that our legislative functions are properly performed. We are not willing to remain in this House on such short notice for the period of time indicated by the majority, just to cover up the mistakes made by the majority. Six weeks have elapsed and there is not one bill on the calendar and six weeks more possibly will elapse without a bill on the calendar. I understand that that is saving the printing costs, not getting the bills out, but the printing costs are only a small fraction of the cost to this Commonwealth, and to those ends, in the reduction of the expense of this House, we in the minority are willing to co-operate, but I say to you men, in this particular situation, to expect the minority to play along with you, is expecting too much. Possibly we will meet at the crossroads, but on the other hand, you have the vote. If you feel that it is equitable, it is justifiable, it is acquitting yourselves in the proper manner to continue this House over a prolonged vacation of two weeks, you have the votes to do it but remember you also have the responsibility.

We of the minority want it definitely shown on the record that we are willing to stay here and work with you to accomplish the regular ends of legislation but to be rushed in with no notice whatsoever to a prolonged week and a two and a half week vacation is not within our legislative contemplation and we will conduct ourselves accordingly.

Mr. WOODSIDE. Mr. Speaker, I would like to say to the gentleman from York, Mr. Cohen, that some years ago they had a rule of the House in which each member was charged two dollars a column for every column in the Legislative Journal consumed by his speeches. Now, that would be rather expensive for the gentleman from York because I feel sure that he will admit that he went pretty far afield in his very lengthy debate on the motion to suspend the rule.

I don't propose to answer all of the various political insinuations and charges which he has made. There is one thing certain, that never in the history of this Commonwealth has any administration gone into office faced with the mess faced by this administration left to it by the Democratic administration that has just gone out. This is agitated and increased as a result of the administration in Washington's program relative to relief and the situation which really exists there.

I want to say to the members of this House that we are now faced with the situation of meeting additional relief, and we of the majority propose meeting it, and we pro-

pose to meet by passing this legislation which I am sure the minority in the end will join with us in supporting.

As to the recess, that is not going to be a vacation, it is going to be a recess of work in which various committees will be very active. It will, I feel sure, accomplish more and have this legislature in a better position at the end of two weeks than if we would continue to hold sessions. I think that the real objection coming from the minority, and some of its members, is not the objection to the two weeks' recess, but it is objection to working this week. We say to you, Mr. Speaker, and to the minority of this House that we of the majority propose to work through this week and we propose to work even harder through the next two weeks that this Commonwealth may have good and decent legislation for the 1939 session.

Mr. HERBERT B. COHEN. Mr. Speaker, I desire to interrogate the gentleman from Dauphin.

The SPEAKER. Will the gentleman from Dauphin permit himself to be interrogated?

Mr. WOODSIDE. I shall, Mr. Speaker.

Mr. HERBERT B. COHEN. Mr. Speaker, I desire to inquire of the gentleman from Dauphin whether or not, at the present time, there are any appropriations due and owing to State-aided hospitals of the Commonwealth of Pennsylvania.

Mr. WOODSIDE. Mr. Speaker, I don't know the relevancy of that question, and I don't know the answer to it.

Mr. HERBERT B. COHEN. Mr. Speaker, the relevancy of it is that the gentleman from Dauphin has indicated that the financial mess, as he calls it, with which he is confronted, is worse than any that has ever confronted any incoming administration. I desire to interrogate the gentleman from Dauphin as to whether or not there are any appropriation liabilities, any moneys due State-aided hospitals of the Commonwealth of Pennsylvania at the present time.

Mr. WOODSIDE. Mr. Speaker, I don't know the answer.

Mr. HERBERT B. COHEN. Mr. Speaker, I desire to answer the gentleman from Dauphin, because the gentleman from Dauphin has answered himself. When the gentleman from Dauphin says he does not know and the gentleman from Dauphin apparently does not know when he says that the mess with which we are confronted is worse than any other that confronted any incoming administration, I say that the gentleman from Dauphin is talking through his hat.

The SPEAKER. The Chair hopes that the gentleman from Dauphin does not have his hat on.

Mr. HERBERT B. COHEN. Mr. Speaker, I hope not. The gentleman from Dauphin does not know that there is no liability, there are no appropriations due to State-aided hospitals in the Commonwealth of Pennsylvania to date in 1939. Apparently he also does not know that in 1935 there were \$2,000,000 liabilities owing to the hospitals. The gentleman from Dauphin, I am sure, would not know that there is not one cent of money coming to our educational institutions throughout the Commonwealth of Pennsylvania. Then again the gentleman from Dauphin would not know that in 1935 there were millions of dollars owing to State-aided institutions in the Commonwealth of Pennsylvania.

The gentleman from Dauphin does not know that there are no appropriations due and owing to our State-aided homes, and he still does not know that in 1935 there was a half-year of appropriation liabilities due State-aided

h. Dec. The gentleman from Dauphin apparently does not know the financial situation of the Commonwealth of Pennsylvania, and he did not know the situation that confronted the Democratic administration, when we took over the Commonwealth of Pennsylvania from the previous Republican administration, so when the gentleman from Dauphin speaks about the mess with which we are confronted, he does not know that those same problems were solved by those of us who are in the legislature. It would do the gentleman from Dauphin good to consult with the minority and take our advice. We could help him in the solution of these problems. When the gentleman from Dauphin tells us that we must continue in session until Friday of this week; when he tells us that we must recess for two and one-half weeks, the gentleman from Dauphin is not seeking our solution of these legislative problems, he is dictating the course of this legislature's activities without consulting the minority who have had this experience and have had a worse experience, and know all the answers to the problems. The gentleman from Dauphin should know even though he does not know some of the problems that faced us four years ago. I feel sure that he does know that the problem of relief is, to a great extent, accentuated by the fact that our Senator in the United States Senate, Senator Jim Davis, voted against the necessary appropriation to unburden the Commonwealth of this relief problem, and the gentleman from Dauphin should know that for three years the Republican City Council of the city of Philadelphia has refused to cooperate with the WPA with the result that Philadelphia at the present time is bearing two-fifths of the relief burden of the Commonwealth of Pennsylvania while it has but one-fifth of the population.

The gentleman from Dauphin should know that he should go to the leaders of his party and impress upon them the necessity of changing their ways, then the Commonwealth of Pennsylvania would not be confronted with the problem with which it is now confronted.

I would ask the gentleman from Dauphin in the future, so that he will be prepared, to thoroughly study the financial history of the Commonwealth of Pennsylvania from 1933 up to the present time, and I feel sure if he will do so he will have the answers to the problems himself, and any time he does not know the answers he is at perfect liberty to consult the members of the minority.

Mr. WOODSIDE. Mr. Speaker, may I say to the gentleman from York who knows all the answers, and knew them all for the past three years to the satisfaction of the people of Pennsylvania, that while they may talk of \$2,000,000 or \$3,000,000 which they were short when they took office, there is now at least a deficit of \$48,000,000 according to present estimates in relief alone. May I say also that the last administration has spent in excess of their normal income over \$100,000,000 during the last two years. The gentleman from Dauphin does know that fact, and he does know that no such mess as that ever faced the Earle administration, or any other administration that took office in this Commonwealth.

Mr. TROUT. Mr. Speaker and members of the House, it is very strange that all of a sudden the gentleman from York, Mr. Cohen, became all-wise. If the Democratic administration had fulfilled their obligation it would have provided the necessary funds to continue relief up until the end of this biennium and we would not now be in this position.

Senator Davis, yes, voted "no" on the \$850,000,000 for relief with the distinct understanding, and you may all know it, that immediately upon using up the appropriation of \$725,000,000 if the President will ask for additional funds Senator Davis will vote for additional funds. But Senator Davis did the one right thing, that was to reduce the appropriation in an effort to at least give some semblance of economy to the Democratic administration in Washington.

The gentleman from York says that this proposed vacation of two weeks is an unheard of matter in the legislative halls of the Commonwealth of Pennsylvania and he wants to know what is going to happen. Ye Gods, men! do you forget the session of 1938; the Special Session of 1938? Do you forget that first week? The first six days we passed five bills, and that is all we did other than appropriate \$50,000 to conduct a whitewash investigation of the Earle administration. Do you forget that the majority at that time, under the leadership of the gentleman from York asked for a vacation of two weeks and he got it in order that the Democratic members might go home and do their campaigning in an attempt to be reelected into this House?

What did we do during those two weeks? Were there any legislative matters being considered? No there were not. The only thing that was done was that the gentleman from York conducted his investigation, or supposed investigation, of the accusations that had been made by members of his own party.

This isn't an unusual procedure, it is perfectly reasonable, and we of the majority are perfectly justified in following the tactics of the majority in 1938, when the gentleman from York suggested that the members of this House take a vacation for two weeks, so that his whitewash investigation could be conducted.

Mr. HERBERT B. COHEN. Mr. Speaker,——

The SPEAKER. The Chair recognizes the gentleman from York, Mr. Cohen. The Chair does not desire to in any way curtail the debate at this time, because it is on a question of importance, but we seem to be getting a little afield from the question to suspend the rule.

Mr. HERBERT B. COHEN. Mr. Speaker, I only rise at this time to reply to the gentleman from Lancaster, due to the fact that the gentleman from Lancaster has made an accusation relative to the conduct of a Representative of this House. In my entire legislative career I have never felt the necessity of requesting that apologies should be submitted to me for any of my legislative activities. Men who have known me on the floor of this House for the past six years know that I am in a position and have always been in a position to maintain the integrity of my statements; the integrity of my activities.

I have been accused by the gentleman from Lancaster of conducting a whitewash investigation. I say to the gentleman from Lancaster, and I say to the members of this House, that whether or not the gentleman from Lancaster has been inclined to usurp that word from the Press, and make that a part of the official record of this legislature, is a problem for him, but I say to the membership of this House that in the conduct of my duties as Chairman of the Committee investigating the alleged incorrect activities of the past administration, I conducted that investigation sincerely, honestly and thoroughly and I feel sure that the question of doubt as to my activities as chairman of that committee did not arise from any of

the members who sat on the committee with me, nor did I in any manner, nor would I in any manner impugn the activities of my colleagues both of the majority and of the minority. Enough of that.

Let me say to the membership of this House that I had no intention of indicating that the deficit that confronted the Democrats in 1935 was but the few million dollars that I have indicated, because the record is ample proof of the fact that the determined deficit inherited by the Democrats from the previous Republican administration was \$38,000,000. I might call to the attention of the membership of this House, if we end up, as the gentleman from Dauphin has indicated, with a deficit of \$40,000,000, we will then have conducted our administration with a deficit of \$2,000,000, because the \$38,000,000 we inherited from the Republicans was carried over into the Democratic administration, and if we pass over to the Republicans a \$40,000,000 deficit, it means that we conducted our four years in office with a deficit of \$2,000,000. In addition to that we amortized to the extent of \$15,000,000 the loan that had been made by the previous Republican administration to carry on the necessary general expenses of the Commonwealth.

The membership of this House well knows that Governor Pinchot, the last Republican Governor, found it necessary, in order to get the necessary funds to conduct the affairs of the Commonwealth, to float a bond issue of \$25,000,000. We have paid approximately \$6,000,000 a biennium, or \$12,000,000 in the four years of the administration in the reduction of this general expense obligation, so in fact just going into the figures superficially we find that the Democratic administration, rather than turning over a deficit, has run the Commonwealth of Pennsylvania at an excess of income over expenditures, on those figures alone, of \$12,000,000. We have raised the standard of relief, we have raised the standard of administration, and we have maintained the integrity of the Commonwealth of Pennsylvania. We have borrowed money at the lowest interest rate that any municipality or state or any government has ever borrowed money in the history of the United States, and we have done that by facing the obligation of the people and looking it squarely in the eye, something that apparently the majority at this time cannot do, because they ask us now for more time, another recess, to adjust the conflicting interests that are trying to dominate the affairs of the administration of the Commonwealth of Pennsylvania.

MOTION TO LAY ON THE TABLE

Mr. HERBERT B. COHEN. Mr. Speaker, I move that the motion to suspend the Rules be placed upon the table.

The SPEAKER. The Chair desires to read for the information of the House Rule 88.

Any rule of the House may be suspended at any time for a specific purpose by a majority vote of the members elect; after the accomplishment of which purpose the rule shall remain in force as before.

A motion to suspend the rules may not be amended, postponed, committed or laid upon the table.

The gentleman's motion is therefore out of order.

Mr. HOLLAND. Mr. Speaker, I desire to interrogate the gentleman from Lancaster, Mr. Trout.

The SPEAKER. Will the gentleman from Lancaster permit himself to be interrogated?

Mr. TROUT. I will, Mr. Speaker.

Mr. HOLLAND. Mr. Speaker, will the gentleman from Lancaster, Mr. Trout, guarantee to this House that Senator Davis will vote for an additional WPA appropriation. Has he so stated to you?

Mr. TROUT. Mr. Speaker, in answer to the question of the gentleman from Allegheny, Senator Davis personally told me that he would.

In reply to the ha-ha's from the other side, I want to say that in the presence of at least half a dozen gentlemen who are now in the House, Senator Davis made that statement.

I would like to interrogate the gentleman from Allegheny.

The SPEAKER. Does the gentleman from Lancaster desire to make a statement?

Mr. TROUT. I was still answering the question, Mr. Speaker.

The SPEAKER. The gentleman will proceed.

Mr. HOLLAND. Have I lost the floor, Mr. Speaker?

The SPEAKER. The gentleman from Lancaster has requested permission to interrogate the gentleman from Allegheny.

Mr. HOLLAND. Mr. Speaker, I am not through with my interrogation.

The SPEAKER. The gentleman from Allegheny refuses to be interrogated. Does the gentleman from Allegheny desire to interrogate the gentleman from Lancaster further?

Mr. HOLLAND. Mr. Speaker, I do not refuse. I am not through with my interrogation. I will be glad to be interrogated by the gentleman from Lancaster.

The SPEAKER. Proceed.

Mr. HOLLAND. Mr. Speaker, does the gentleman from Lancaster know that Senator Davis placed himself on record, in reply to questions sent by people of the state of Pennsylvania, that he would vote for the \$850,000,000 appropriation, and only changed his mind after he had a telephone call from somebody in Pennsylvania.

POINT OF ORDER

Mr. WOODSIDE. Mr. Speaker, I rise to a point of order.

The SPEAKER. The gentleman will state his point of order.

Mr. WOODSIDE. Mr. Speaker, this interrogation is entirely out of order, and does not bear on the question in any manner, shape or form. I think it has gone too far afield.

The SPEAKER. The point of order is well taken.

Mr. HOLLAND. Mr. Speaker, is this embarrassing to the gentleman from Dauphin?

The SPEAKER. Does the gentleman from Allegheny desire to further interrogate the gentleman from Lancaster?

Mr. HOLLAND. Mr. Speaker, I would like to interrogate the gentleman from Dauphin, Mr. Woodside.

The SPEAKER. Will the gentleman from Dauphin permit himself to be interrogated?

Mr. WOODSIDE. Mr. Speaker, I shall be very glad to be interrogated on any matter that is properly before the House at the present time.

Mr. HOLLAND. Mr. Speaker, I would like to ask the gentleman from Dauphin, Mr. Woodside: is my question embarrassing to him or to the party that he represents?

Mr. WOODSIDE. Mr. Speaker, I did not understand the question.

The SPEAKER. Will the gentleman from Allegheny please state his question clearly?

Mr. HOLLAND. Mr. Speaker, the question asked the gentleman from Lancaster was: why did Senator Davis change his vote after he had promised to vote for the \$850,000,000 appropriation? Now I ask whether my question is embarrassing to the gentleman from Dauphin, Mr. Woodside, or to the party he represents?

Mr. WOODSIDE. Mr. Speaker, that is in no manner embarrassing to me, nor to the party I represent, and the gentleman himself as a member of this House should know that such a question is entirely out of order and entirely improper.

The SPEAKER. The interrogation is out of order, and the Chair has so ruled. Does the gentleman from Allegheny desire to be recognized?

Mr. HOLLAND. Mr. Speaker, I rise to a question of information.

The SPEAKER. The gentleman will state his question of information.

Mr. HOLLAND. Mr. Speaker, the question was raised of the gentleman from Lancaster, Mr. Trout, as to whether or not he would guarantee the vote of Senator Davis. We of the minority don't know why this recess is being held, or why these bills are being hurried. We ought to have more information from these people who should know about it.

The SPEAKER. The Chair suggests that the gentleman from Allegheny consult with Mr. Cohen, his floor leader, as to why the recess.

On the question recurring.

Will the House agree to the motion?

The yeas and nays were required by Mr. Herbert B. Cohen and Mr. Long and were as follows:

YEAS—121

Ackermann,	Fisher,	Lelsey,	Simons,
Alspach,	Flas,	Leydic,	Sloan,
Atkins,	Fleming,	Lichtenwalter,	Snyder,
Auker,	Foor,	Lyons,	Soilenberger,
Bardes,	Freed,	Madden,	Stambaugh,
Bennett,	Gates,	Marr,	Stewart,
Boose,	Gillan,	Matthews,	Stockham,
Bower,	Gillette,	McClester,	Sweeney,
Boyd,	Goll,	McGarrity,	Tahl,
Bronson,	Habbyshaw,	McNally,	Taylor,
Brown, S. W.,	Haines,	McVay,	Terry,
Brunner,	Hall,	Montgomery,	Thistle,
Burris,	Hamilton,	Moser, F. S.,	Thompson, G. R.,
Cadwalader,	Harbeson,	Moser, J. L.	Tiemann,
Calvin,	Haudenschild,	Muir,	Trout,
Carpenter,	Henry,	O'Dare,	VanAllsburg,
Christler,	Hewitt,	Peacock,	Van Belle,
Clark,	Hocke,	Reagan,	Voorhees,
Clearwater,	Hoffman, J. N.,	Reese, D. P.,	Wagner,
Cook,	Hoyt,	Rhodes,	Watkins,
Cooper,	Huntley,	Riley,	Webster,
Cordier,	Irvin,	Robertson,	Wilkinson,
Cortese,	James,	Rose,	Wilson,
Curran,	Johnston,	Roscherry,	Winner,
Dalrymple,	Jones,	Rothenberg,	Wood, L. H.,
Denman,	Kane,	Royer,	Wood, N.,
Dick,	Kline,	Schrock,	Woodside,
Dix,	Knoble,	Seif,	Yeakel,
Donahue,	Kowalski,	Serrill,	Turner,
Ely,	Krise,	Shearer,	Speaker.
Ewing,	Lee,		

NAYS—61

Achterman,	Donohoe,	Mihm,	Rooney,
Allen,	Falkenstein,	Mooney,	Sarra,
Allmond,	Fauset,	Moran,	Schrope,
Andrews,	Finnerty,	Munley,	Schwab,
Baker,	Flanagan,	O'Brien,	Shaw,

Balthaser,	Harkins,	O'Connor,	Skale,
Boney,	Hess,	O'Keefe,	Stank,
Brancato,	Hindman,	Omlinsky,	Tarr,
Broad,	Holland,	O'Neill,	Thompson, E. F.,
Brown, H. S.,	Jirolanio,	Powers,	Tronzo,
Burns,	Kilroy,	Preston,	Walsh,
Check,	Long,	Readinger,	Welsh, E. B.,
Cheronek,	Lovett,	Regan,	Welsh, M. J.,
Cohen, H. B.,	Malloy,	Reynolds,	Westrick,
Corrigan,	Malone,	Rider,	Williams,
DeNote,			

So the question was determined in the affirmative, the motion was agreed to, and the Rule was suspended.

BILL ON FIRST READING

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 181, entitled:

An Act making a deficiency appropriation to the Department of Public Assistance for the purpose of carrying out the Public Assistance Law for the two fiscal years ending May thirty-first, one thousand nine hundred thirty-nine.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

REPORT FROM COMMITTEE ON RULES

Mr. WOODSIDE offered a report from the Committee on Rules.

The Clerk read the report as follows:

In the House of Representatives, February 6, 1939.

Whereas, The work of this House is being retarded by reason of the lack of meeting facilities for the different committees of the House; and

Whereas, Forty-two House Committees are ready to proceed with the work assigned them, but are prevented from so doing because there are only six rooms available for use; and

Whereas, We are advised that the new Finance Building is ready for partial occupancy, the prompt removal from the main Capitol Building of these bureaus of the departments to whom space has been allotted in the new building would make available rooms for committee use; and

Whereas, Other rooms in the Capitol Building could be temporarily vacated and made available for use of the committees without seriously interfering with the work of those now occupying them, and

Whereas, The progress of the work of this House could be aided and the hope of early adjournment could be made more certain if sufficient rooms were now furnished for the use of the committees of the House; therefore be it

Resolved, That the House respectfully requests the State Authority, the Secretary of Property and Supplies, the State Treasurer, the Auditor General, and the Department of Revenue, which departments are to be located in the new Finance Building, to arrange in some way for the immediate occupancy of the new building by sufficient personnel to make rooms available in the Capitol Building for use of House Committees; and be it further

Resolved, That the Chief Clerk of the House shall immediately request the heads of other departments of the State Government to advise him whether they can furnish any rooms for the use of House Committees; and that the said Chief Clerk shall immediately transmit a copy of this resolution to the State Authority, to the Secretary of Property and Supplies, the Department of Revenue, the Auditor General and the State Treasurer.

ROBERT E. WOODSIDE, JR.
WILSON L. YEAKEL
JACOB B. SCHROCK
NORMAN WOOD
ROBERT S. HAMILTON
ELLWOOD J. TURNER

On the question,

Will the House adopt the report?

Mr. HERBERT B. COHEN. Mr. Speaker, I might say that I am in favor of this motion, and I feel that this resolution should be passed.

However, I do not feel that the House desires to have any of the departments that are going to be petitioned labor under a misapprehension, and I therefore move you, Mr. Speaker, that the second whereas clause reading as follows:

"Whereas, Forty-two House Committees are ready to proceed with the work assigned them, but are prevented from doing so because there are only six rooms available for use"

be stricken from the resolution.

The SPEAKER. Does the gentleman from York desire to amend the resolution?

MOTION TO AMEND REPORT

Mr. HERBERT B. COHEN. Mr. Speaker, I move to amend the report by striking therefrom the whereas clause which I have just read, being the second whereas clause on the first page, beginning with the fourth line, and striking therefrom lines four, five and six.

On the question,

Will the House agree to the motion?

It was not agreed to.

On the question recurring,

Will the House adopt the report?

It was adopted.

RESOLUTION NO. 11

Mr. TAYLOR. Mr. Speaker, I desire to call up at this time Resolution No. 11, Printer's No. 7.

The Clerk read the resolution as follows:

In the House of Representatives, January 30, 1939.

Whereas, there are present in the United States various groups and associations of persons organized to foster foreign institutions to overthrow our government, and to engage in Un-American activities; and

Whereas, such groups pay allegiance to and follow the authoritarian philosophy of foreign governments in preference to our own; and

Whereas, such groups whether Nazis, Fascists, or Communists, are hostile to free, democratic government and endanger the welfare of our nation; and

Whereas, the Committee to Investigate Un-American Activities under Chairman Dies, appointed in the House of Representatives of the United States has done and is doing much to expose these foreign groups and associations, and it is to the welfare of the nation that such investigation continue, therefore be it

Resolved (if the Senate concur), that the General Assembly of the Commonwealth of Pennsylvania hereby memorializes the Congress now in session to appropriate the sum of \$150,000.00 to continue the work of the Committee Investigating Un-American Activities, and be it further

Resolved, that copies of this resolution be forwarded to the Speaker of the House of Representatives and the Vice-President of the United States.

On the question,

Will the House adopt the resolution?

Mr. OMINSKY. Mr. Speaker, I would like to interrogate the gentleman from Dauphin, Mr. Taylor.

The SPEAKER. Will the gentleman from Dauphin permit himself to be interrogated?

Mr. TAYLOR. I will, Mr. Speaker.

Mr. OMINSKY. Mr. Speaker, does the gentleman from Dauphin County know that Congress has already acted on the resolution extending the activities of the Dies Committee?

Mr. TAYLOR. Mr. Speaker, for the information of the members of the House, I might say that the House of Representatives have voted to continue this investigation but has not appropriated the necessary funds.

Mr. OMINSKY. Mr. Speaker, does the gentleman from Dauphin, Mr. Taylor, know that Congress is already pledged to appropriate \$100,000 for the investigation?

Mr. TAYLOR. Mr. Speaker, I am not aware of that.

Mr. OMINSKY. Mr. Speaker, will the gentleman from Dauphin, Mr. Taylor, withdraw this resolution as being unnecessary and a saving of funds for printing, if it is ascertained that Congress has already appropriated or is pledged to appropriate \$100,000 for the Dies Committee?

Mr. TAYLOR. Mr. Speaker, I will not because the United States Senate has not passed the necessary legislation.

QUESTION OF PARLIAMENTARY INQUIRY

Mr. TRONZO. Mr. Speaker, I rise to a question of parliamentary inquiry.

The SPEAKER. The gentleman from Allegheny will state his question of parliamentary inquiry.

Mr. TRONZO. Mr. Speaker, would a motion to place Resolution No. 11, Printer's No. 7, on the table be in order at this time?

The SPEAKER. Such a motion would be in order.

MOTION TO TABLE RESOLUTION

Mr. TRONZO. Mr. Speaker, I move that Resolution No. 11, Printer's No. 7, be placed on the table.

The motion was not agreed to.

On the question recurring,

Will the House adopt the resolution?

Mr. TAYLOR. Mr. Speaker, may I make a brief statement in order that there will not be any misunderstanding as to what this resolution means?

As the sponsor of this resolution, I rise in its defense, even though it is not necessary in this body. This resolution memorialized Congress to continue the Dies Committee investigating un-American activities. It further calls for an appropriation of funds in order that that Committee may be enabled to function.

This resolution, I might say members of the House, has the endorsement of every American Legion Post in Pennsylvania; it has the endorsement of every Post of Veterans of Foreign Wars in Pennsylvania; it has the endorsement of every disabled war veterans post in Pennsylvania; it has the endorsement too of all of the Jewish American War Veterans of Pennsylvania. In addition to that, it has the endorsement of every Camp of Spanish-American War Veterans in Pennsylvania, and I am sure it has the endorsement of every real red-blooded American in this Commonwealth and in the United States.

These Veteran groups in particular are interested in the passage of this resolution. They are interested in the continuance of the Dies Investigating Committee, because everyone of them represents a one hundred percent American organization. They are further interested in this matter because many of them have had some part in aiding this Dies Investigating Committee in their in-

vestigation of un-American activities, which were later reported out by Mr. Dies of that committee.

Mr. Speaker and members of the House, I say to you that these Veterans are anxious to have this Dies Investigating Committee continue in its purpose of driving these un-American individuals out into the open where we may be able to see them and know who they are. No matter who they are, it is about time that we Americans stand up on our feet and throw the light of publicity on them. When we know who they are I am sure every American in this great land will want to drive them from our shores and place them upon the next ship leaving our country, sending them back to the land that will give them the form of government that they would try to force upon us.

That is why these Veteran organizations are for this resolution and for the continuance of the Dies Investigating Committee on un-American activities.

Mr. TRONZO. Mr. Speaker and members of the House, I agree in part with the statements of the gentleman from Dauphin, the sponsor of this resolution, and I disagree on what he calls un-American activities—his definition of un-American activities.

I think that Senator Davis, when he voted against the \$850,000,000 for WPA was un-American, and I believe his voting "no" on an additional \$150,000,000 was un-American. The only trouble I see in this resolution is, who is going to decide who is un-American? That is a very technical point and for that reason I think we should oppose this resolution.

Mr. LONG. Mr. Speaker and members of the House, most resolutions to memorialize Congress to do this or not to do this, or to do that or not to do that, serve no real purpose, and in most cases they are useless. However, this resolution is even more so. The House of Representatives of the United States has seen fit in its good judgment, and I am quite sure that the majority of the Members of this House will agree with them, to continue the activities of the Dies Committee on un-American activities. They have furthermore, after a consultation with the Chairman of the Committee and other members of the Committee pledged themselves to the extent of one hundred thousand dollars to finance the continuation of those activities. I therefore see no reason whatsoever why this House or anyone else should now petition the House of Representatives of the United States to do something which they have already done. I therefore shall vote against this resolution.

Mr. ANDREWS. Mr. Speaker and members of the House, I have consistently voted against every resolution memorializing Congress ever since I have been a member of this House and I do not propose to break that rule in voting on this resolution. I do not believe that this House has any more business to memorialize Congress than Congress has to memorialize this House. Individual Americans, as American citizens, may express themselves and memorialize Congress, but this House has no authority and no mandate to speak for and on behalf of the people of Pennsylvania upon these matters. The people of Pennsylvania have a means whereby they can themselves memorialize Congress. To my mind this business of memorializing Congress is so much poppycock and nonsense. I——. That is all.

On the question recurring,

Will the House adopt the resolution?

The yeas and nays were required by Mr. Gates and Mr. Seif and were as follows:

YEAS—168

Achterman.	Ely,	Leydte,	Schrope,
Ackermann	Ewing,	Lichtenwalter.	Schwab,
Allmond,	Falkenstein.	Lyons,	Seif,
Alspach,	Fisher,	Madden,	Serrill,
Atkins,	Fiss,	Malloy,	Shearer,
Auker,	Flanagan,	Malone,	Simons,
Jaker,	Fleming,	Marr,	Skale,
Balliet,	Foor,	Matthews.	Sloan,
Balthaser,	Freed,	McClester.	Snyder,
Bardes,	Fullerton.	McGarrity.	Sollenberger,
Bennett,	Gates,	McKinney.	Stank,
Boney,	Gillan,	McNally,	Stewart,
Boose,	Gillette,	McVay,	Stockham,
Bower,	Goll,	Mihm,	Sweeney,
Boyd,	Habbyshaw.	Montgomery.	Tahl,
Brancato.	Haines,	Mooney,	Tarr,
Broad,	Hall,	Moran,	Taylor,
Bronson,	Hamilton,	Moser, F. S.,	Terry,
Brown, H. F.	Harbeson,	Moser, J. L.	Thistle,
Brunner,	Harkins,	Muir,	Thompson, E. F.,
Burns,	Haudenschild.	Munley,	Thompson, G. R.,
Burris,	Henry,	O'Connor.	Tiemann,
Cadwalader	Hess,	O'Dare,	Trout,
Calvin,	Hewitt,	O'Keefe,	VanAllsburg.
Carpenter,	Hindman,	Ominsky,	Van Belle,
Check,	Hocke,	O'Neill,	Voorhees,
Christler,	Hoffman, J. N.,	Peacock,	Wagner,
Clark,	Hoffman, S. K.,	Powers,	Walsh,
Clearwater,	Hoyt,	Preston,	Watkins,
Cohen, R. E.	Huntley,	Readinger,	Webster,
Cook,	Irvin,	Reagan,	Welsh, E. B.,
Cooper,	James,	Reese, D. P.	Welsh, M. J.,
Cordier,	Jirolanio,	Reynolds,	Wilkinson,
Corrigan,	Johnston,	Rider,	Williams,
Cortese,	Jones,	Riley,	Wilson,
Curran,	Kane,	Robertson,	Winner,
Dalrymple.	Kilroy,	Rooney,	Wood, H. M.,
Denman,	Kline,	Rose,	Wood, L. H.,
Dick,	Knoble,	Roseberry,	Wood, N.,
Dix,	Kowalski,	Rothenberger.	Woodside,
Donahue,	Krise,	Royer,	Yeakel,
Donohoe,	Lee,	Sarraf,	Turner,
Downey,	Leisey,	Schrock,	Speaker.

NAYS—6

Andrews,	Long,	Tronzo,	Westrick,
Chervenak,	O'Brien,		

So the question was determined in the affirmative and the resolution was adopted.

STATEMENT BY MR. HOLLAND

Mr. HOLLAND asked and obtained unanimous consent to address the House.

Mr. Speaker and members of the House, it would be very appropriate to bring up a matter at this time, especially after a member of this House has memorialized the Federal Government, because I thought after I read a statement made by the Secretary of Forests and Waters, Albert Stewart, that Pennsylvania was having a feud with the Federal Government.

Mr. Stewart stated:

"I will not surrender one acre of Pennsylvania's soil to Washington."

That really sounds as if a war has been started, especially after we have been hearing about the Veterans of Foreign Wars, the American Legion and the Spanish-American War Veterans, of all of which I am a member, with the exception of the Spanish-American War Veterans. I want to say at this time that you would not need this Dies Committee investigating communistic activities in America if we took care of those people in the lower brackets who have to live in the flooded districts and are flooded out every time there is a heavy rain or

a heavy snowfall. When the Governor of this state stops progress on flood control, when the Secretary of Forests and Waters stops progress on flood control, underneath it all it is not the Governor, nor the Secretary of Forests and Waters speaking, but it is the Utilities of Pennsylvania speaking, because they are afraid if these dams are constructed it will mean the generating of cheap electricity for the people of Pennsylvania and at the same time they stay in the background.

We read in tonight's paper about seven thousand families fleeing from the flood, but of course, we must admit that perhaps the Governor does owe some favors to the Utilities. I feel that the stopping of flood control now means a loss of life and large property damage to the people of Pennsylvania. All that the State has to do is to buy property and the Federal Government pays all the expenses to stop these floods. I say to you that when Governor James and the Secretary of Forests and Waters stop the construction of flood walls in the State of Pennsylvania, a little later on those people who are drowned in floods will come back and haunt them for the rest of their lives. Yes, you may laugh; you who come from districts who have no fear of floods, may laugh, but when you come down to the lower part of Pittsburgh and see there people who must live in those localities to get cheap rent, worrying when the next flood is coming, I say to you that this Governor who is supposed to make such a great record, is starting out on the wrong foot, because I prophesy now it will be a record for the Utilities and not for the people of Pennsylvania.

The SPEAKER. The remarks of the gentleman will be spread upon the Journal.

STATEMENT BY MR. HARKINS

Mr. HARKINS asked and obtained unanimous consent to address the House:

Mr. Speaker and Ladies and Gentlemen of the House, I rise to express the gratitude of the citizens of the Eleventh Legislative District of Allegheny County to the Divine Providence which has spared them a disastrous flood in the past few days.

Each year for many years in the past, the Monongahela River, which rises in West Virginia and after crossing the Pennsylvania State Line, divides the Counties of Greene, Washington and Allegheny from Fayette and Westmoreland, has become swollen with heavy rains and melting snows and has been transformed into a mighty torrent.

When heavy rains and thaws occurred on the watershed of the Allegheny River and the watershed of the Monongahela at the same time, Pittsburgh, the Workshop of the World, was visited by severe floods. These floods inundated the lowlands near the rivers, causing many families to flee their homes and often, in addition to carrying away their furniture and other possessions, left famine, disease and death in their wake as the waters receded.

Mr. Speaker and Members of the House, I believe that you can easily understand the feeling of relief that filled all residents of Allegheny County when it became apparent Pittsburgh was to be spared a recurrence of the difficulties which accompany each flood however small. But I call the attention of the members of the House to the headline in the Sunday edition of the Sun-Telegraph,

which reads, "Flood Spares City, Perils Ohio Towns." Mr. Speaker, the next flood which comes this year and those that may come next year may not spare the Golden Triangle of Pittsburgh, the lowlands of McKeesport, Clairton, Duquesne, Homestead and the hundreds of Communities bordering on our rivers in Western Pennsylvania.

It may be well to note that three factors united to prevent a serious flood, namely:

First, the fact that the Allegheny River was ice-locked at Freeport several miles above the Point at Pittsburgh, where the Monongahela and Allegheny flow together to form the Ohio River.

Second, that a sharp cold spell along the watershed of the Monongahela River checked the rapid rise of the small streams which feed it.

Third, That the flood control dam on the Tygart River further reduced the crest of the flood, thus saving the City of Pittsburgh and other Monongahela Valley cities and town from serious damage.

The most populous towns and cities in my Legislative District have located in them the greatest steel making plants in any part of the world. At Homestead is located the great Armor making plant where plates for the U. S. Navy's greatest battleships are made; at Duquesne are found great bar mills, while at Clairton is located in addition to steel mills, one of the largest, if not the largest, by-product coke plants in the world. Not far away is the new \$60,000,000 plant of the Irvin Works of the Carnegie-Illinois Steel Company. These and many other industries suffer each time there is a flood.

In addition to the destruction to these heavy industries, each year there occur losses to the people who live in the districts first flooded, irreparable losses of life and property.

Mr. Speaker and Members of the House, I have spoken somewhat at length of conditions that I know most of us are familiar with, for one reason. I notice that on Page 6 of Part One of the same issue of the Sun-Telegraph, dated Sunday, February 5, 1939, one headline reads, quote, "State Defends Flood Control Spending Curb," and another reads, quote, "Cincinnati Fears Flood as Ohio Nears Crest," and "Red Cross Prepares to Aid Sufferers." Mr. Speaker, we want no repetition of the disastrous flood of March 17, 1936 in Pennsylvania, and the only way we can prevent one is to continue with our program of flood control; to continue with the construction of flood control dams such as the Tygart Dam which saved Pittsburgh in the Spring of 1937 and this past week.

For these reasons, Mr. Speaker, I call on Secretary of Forests and Waters, G. Albert Stewart, to retract his statement in the same issue of the Sun-Telegraph, quote, "The Ohio division, with headquarters at Pittsburgh, will be discontinued in its entirety, since the only purpose in maintaining same would be to collaborate on a federal flood control policy with which we are not in sympathy," end of quote.

Mr. Speaker, it is deplorable if differences of political opinions between the present State Administration and the Federal Government are to be used by the State Secretary of Forests and Waters in order to scrap the plans and program hitherto worked out and thought necessary by experts in the field of flood control, regardless of political opinion.

In closing, let me say, Mr. Speaker and members of the House, I speak not in a partisan manner, I speak not only for the Democrats in my district, but for the Republicans and members of other political parties as well.

I speak, Mr. Speaker, for those who are interested in economy of government, in the name of which an attempt to justify the abandonment of the Flood Control Policy of the State apparently is being made.

Mr. Speaker, all the citizens not only of my district but of all of Allegheny County, want adequate flood control and in their name, Mr. Speaker, I protest against any program which by curtailing flood control threatens the safety of the lives and property of our people. For these reasons, I ask Secretary Stewart not to abandon the present program, but rather to continue the flood control program of the past administration.

The SPEAKER. The remarks of the gentleman will be spread upon the Journal.

LEAVE OF ABSENCE

Mr. Boney asked and obtained leave of absence for Mr. McLANE for the week on account of illness.

COMMITTEE MEETING

There will be meetings of the Committees on Education Tuesday, February 7, at 11:00 a. m. in Room 323.

Elections Tuesday, February 7, at 10:00 a. m. in Room 324.

Judiciary General, Tuesday, February 7, at 10:00 a. m. in Room 325.

ADJOURNMENT

Mr. ALSPACH. Mr. Speaker, I move that this House do now adjourn until tomorrow at 1:00 p. m.

The motion was agreed to, and (at 11:26 p. m.) the House adjourned until Tuesday, February 7, 1939, at 1:00 p. m.

Legislative Journal.

Session 1939.

133d of the General Assembly.

Vol. 23

HARRISBURG, PA., TUESDAY, FEBRUARY 7, 1939.

No. 12.

SENATE

TUESDAY, February 7, 1939

The Senate met at 1:00 o'clock, p. m.

The PRESIDENT (Lieutenant-Governor Samuel S. Lewis) in the Chair.

PRAYER

The Chaplain, Rev. BURLEIGH A. PETERS, offered the following prayer:

"O Lord, Our Lord! How excellent is Thy name in all the earth! Even before the mountains were brought forth, or ever Thou hadst formed the earth and the world, even from everlasting to everlasting, Thou art God." As of old Thou didst strengthen the law-givers, so we beseech Thee, give strength and wisdom and understanding to these and all Thy servants who give us our laws today.

And, Our Father, let Thy tenderest, comforting presence abide in the home of the gentleman from York, Senator Lanius, having sustained the loss of his help-mate in this life. Give him the satisfying consciousness that Thou art too wise to make mistakes and too good to be unkind.

Let each individual member of this Senate seek and find the justice of each decision whether it shall issue into legislation or not. We need Thy sense of equity in each bill we promulgate for it, should it become a law, vitally affects millions of citizens of our Commonwealth.

Give us the ability amicably to legislate together and that here especially we may seek "to promote the general welfare" and continue "to secure the blessings of liberty to ourselves and our posterity." These petitions we ask in the name of Thy Holy One—The Messiah. Amen.

JOURNAL APPROVED

The PRESIDENT. A quorum of the Senate being present the Clerk will read the Journal of the preceding session.

The Clerk proceeded to read the Journal of the preceding session, when, on motion of Mr. GELDER and Mr. OWLETT, the further reading was dispensed with, and the Journal approved.

LEAVE OF ABSENCE

Mr. RUTH asked and obtained leave of absence for himself, for Wednesday, February 8th.

NOMINATIONS BY THE GOVERNOR

The Secretary to the Governor, being introduced, presented in writing from His Excellency, the Governor of the Commonwealth, nominations for appointment as Notaries Public which were laid on the table.

CONSIDERATION OF EXECUTIVE NOMINATIONS
NOTARIES PUBLIC

Mr. EALY. Mr. President, I move that the Senate do now proceed to the consideration of nominations for appointment as Notaries Public, sent to the Senate February 6 and 7, 1939, by His Excellency, the Governor of the Commonwealth.

Mr. GELDER. Mr. President, I second the motion. The motion was agreed to.

The nominations were read as follows:

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, February 6, 1939.
To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for reappointment as Notaries Public, for terms of four years to compute from the date set opposite their names.

LEHIGH COUNTY

Mrs. Anna C. Brenner, Allentown, February 7, 1939.

ALLEGHENY COUNTY

Miss Mary E. Duffy, Rosslyn Farms, P. O., Pittsburgh, February 12, 1939.

POTTER COUNTY

Mrs. Fannie R. Sharp, Austin, February 12, 1939.

ALLEGHENY COUNTY

Thos. E. Finley, Pittsburgh, 909 Berger Bldg., February 16, 1939.
Fred L. Workman, Duquesne, February 19, 1939.

WASHINGTON COUNTY

A. B. Cochran, McDonald, February 20, 1939.

ERIE COUNTY

Miss Charlotte H. Smith, Erie, February 21, 1939.

PHILADELPHIA COUNTY

Miss Mary E. Logan, Phila., 3304 Chestnut St., February 21, 1939.

WASHINGTON COUNTY

T. D. Williamson, Charleroi, February 21, 1939.

LAWRENCE COUNTY

V. P. Travers, Taylor Twp., New Castle Jct., February 26, 1939.

LUZERNE COUNTY

Carl J. Dapper, Duryea, February 26, 1939.

PHILADELPHIA COUNTY

Miss Edythe Finkle, Phila., 4617 Locust St., February 26, 1939.

Alfred G. Walker, Phila., 339 W. Girard Ave., February 26, 1939

ALLEGHENY COUNTY

R. Frank, Pittsburgh, 1439 Woods Run Ave., March 1, 1939.

CAMBRIA COUNTY

G. M. Lang, Cresson, March 1, 1939.

PHILADELPHIA COUNTY

D. Frank Carroll, Phila., 212 S. 15th St., March 1, 1939.
Jay V. Hare, Phila., Reading Terminal Bldg., March 1, 1939.

Edwin B. Ross, Phila., 17th and Cambria Sts., March 1, 1939.

Geo. Z. Sutton, Phila., Summerdale Ave. and Reading Railroad, March 1, 1939.

TIOGA COUNTY

Harry Beck, Liberty, March 1, 1939.

PHILADELPHIA COUNTY

Miss Clara M. Payne, Phila., 2102 Fidelity-Phila. Trust Bldg., March 2, 1939.

W. A. Peffie, Phila., S. E. Cor. 6th and Walnut Sts., March 2, 1939.

CENTRE COUNTY

H. T. Frank, Millheim, March 3, 1939.

MONTGOMERY COUNTY

Horace K. Thomas, Royersford, March 3, 1939.

YORK COUNTY

Samuel M. Hunt, Red Lion, March 3, 1939.

BERKS COUNTY

Adam M. Ruth, Sinking Springs, March 4, 1939.

YORK COUNTY

John B. Rutledge, Spring Garden Twp., 109 W. Jackson St., York, March 4, 1939.

ALLEGHENY COUNTY

Miss Naomi M. Forcey, Pittsburgh, 209 Plaza Bldg., March 5, 1939.

Leon Rudzki, Pittsburgh, 848 Herron Ave., March 5, 1939.

CAMBRIA COUNTY

O. E. Pursel, Johnstown, March 5, 1939.

FRANKLIN COUNTY

Miss Dorothy L. Stepler, Chambersburg March 5, 1939.

LANCASTER COUNTY

Harry G. Martin, Jr., Manheim Twp., Box 540, Lancaster, March 5, 1939.

LEHIGH COUNTY

Miss Helen E. Dorwart, Allentown, March 5, 1939.

Miss Katherine R. McFadden, Allentown, March 5, 1939.

LYCOMING COUNTY

Miss Dorothy A. Brennan, Williamsport, March 5, 1939.

MONTGOMERY COUNTY

E. R. Ambler, Abington Twp., York Rd. and Horace Ave., Abington, March 5, 1939.

NORTHUMBERLAND COUNTY

Jeremiah Haley, Jr., Milton, March 5, 1939.

PHILADELPHIA COUNTY

J. Edward Seipp, Phila., 5643 N. 16th Street, March 5, 1939.

SOMERSET COUNTY

Allen C. Miller, Berlin, March 5, 1939.

ALLEGHENY COUNTY

Joseph M. Bauer, Millvale, March 6, 1939.

Robert S. Beatty, Pittsburgh, 14 Federal Street, March 6, 1939.

Geo. H. Fink, Pittsburgh, 210 E. Park Way, N. S., March 6, 1939.

Miss Emma Hafeli, Pittsburgh, 308 Diamond Bank Bldg., March 6, 1939.

Thomas E. McDowell, Duquesne, March 6, 1939.

Michael Schram, Homestead, March 6, 1939.

A. M. Seibert, Pittsburgh, 5707 Friendship Ave., March 6, 1939.

W. R. Shoup, Pittsburgh, 2117 Penn Avenue, March 6, 1939.

Israel A. Simon, Pittsburgh, 615 Gross Street, March 6, 1939.

Miss Margaret E. Tully, Pittsburgh, 400 Standard Life Bldg., March 6, 1939.

Harold L. Wilson, Pittsburgh, P. O. Box 4281 Carson Station, March 6, 1939.

BEAVER COUNTY

S. W. Fullerton, Beaver Falls, March 6, 1939.

BEDFORD COUNTY

C. A. Bradley, Saxton, March 6, 1939.

Cyrus H. Sell, Woodbury, March 6, 1939.

BERKS COUNTY

J. Brooke Althouse, Temple, March 6, 1939.

James E. Keen, Reading, March 6, 1939.

BRADFORD COUNTY

Mrs. Jane S. Innes, Canton, March 6, 1939.

BUTLER COUNTY

G. J. Yoas, Butler, March 6, 1939.

CAMBRIA COUNTY

P. G. Stormer, Johnstown, March 6, 1939.

J. Harrison Westover, Spangler, March 6, 1939.

CLARION COUNTY

Jas. E. Armagost, Rimersburg, March 6, 1939.

CRAWFORD COUNTY

Mrs. Clara I. Hunter, Meadville, March 6, 1939.

DAUPHIN COUNTY

Emanuel Cohen, Harrisburg, March 6, 1939.

Roy A. Zeiders, Harrisburg, March 6, 1939.

ELK COUNTY

Albert G. Brehm, St. Marys, March 6, 1939.

ERIE COUNTY

Miss Bernice Borland, Erie, March 6, 1939.

GREENE COUNTY

Mrs. Laura Gordon, Waynesburg, March 6, 1939.

INDIANA COUNTY

H. H. Hamill, Plumville, March 6, 1939.

LACKAWANNA COUNTY

Miss Loretta Dorsey, Scranton, March 6, 1939.
 John W. Griffith, Scranton, March 6, 1939.
 John M. Kelly, Scranton, March 6, 1939.
 Walter A. Meskunas, Scranton, March 6, 1939.
 George Perlin, Scranton, March 6, 1939.
 Miss Louise M. Schmidt, Scranton, March 6, 1939.

LANCASTER COUNTY

Mark C. Shulenberger, Lititz, March 6, 1939.

LEHIGH COUNTY

Miss Phebe S. Dinkey, Allentown, March 6, 1939.
 E. J. Nagle, Allentown, March 6, 1939.

LUZERNE COUNTY

William I. Williams, Edwardsville, March 6, 1939.

LYCOMING COUNTY

Henry A. Bussler, Williamsport, March 6, 1939.
 C. C. Worthington, Muncy, March 6, 1939.

MONTGOMERY COUNTY

Walter S. Kesler, Abington Twp., North Hills, March 6, 1939.
 F. Kenneth Moore, Norristown, March 6, 1939.
 John F. Stamm, Pottstown, March 6, 1939.

PHILADELPHIA COUNTY

F. A. Bond, Phila., 5433 Baltimore Avenue, March 6, 1939.
 Mrs. Kathryn F. Carlson, Phila., 1042 Fidelity-Phila. Trust Bldg., March 6, 1939.
 John A. Dermitt, Phila., 2080 East Cumberland St., March 6, 1939.
 Thomas Donnelly, Phila., 1606 S. 58th St., March 6, 1939.
 Louis Entine, Phila., 3101 N. Broad St., March 6, 1939.
 Francis O. Fetter, Phila., 660 E. Erie Ave., March 6, 1939.
 Arthur Goldbacher, Phila., Real Estate Trust Building, March 6, 1939.
 Mrs. Mae M. Gorsuch, Phila., 2337 W. Somerset Street, March 6, 1939.
 J. Wallace Hensler, Phila., 35 W. Gowen Ave., Mt. Airy, March 6, 1939.
 Lawrence H. Hopf, Phila., 1129 E. Tioga St., March 6, 1939.
 Robt. Jack, Jr., Phila., 101 S. 46th St., March 6, 1939.
 Joseph J. Lavery, Phila., 324 W. Lindley Avenue, March 6, 1939.
 Miss Pearl Levin, Phila., 1600 Market St. Nat'l. Bank Bldg., March 6, 1939.
 Miss Claire V. Lynch, Phila., 3201 N. Broad St., March 6, 1939.
 Chas. H. MacBride, Phila., Weightman Bldg., 1524 Chestnut St., March 6, 1939.
 Miss Ella M. McClelland, Phila., 1529 Walnut St., March 6, 1939.
 Miss Vera M. McCloskey, Phila., 1004 Pennsylvania Building, March 6, 1939.
 T. P. McFarland, Phila., 2409 East Allegheny Ave., March 6, 1939.
 F. Clyde Michel, Phila., 1730 North 5th St., March 6, 1939.
 Frederick J. Miller, Phila., 5 Roper Bldg., S. E. Cor. 5th and Tabor Road, March 6, 1939.
 Sanford L. Miller, Phila., 7 N. 36th St., March 6, 1939.
 Matteo Moffa, Phila., 351 N. 64th St., March 6, 1939.
 Miss Rose L. Mogul, Phila., 1104 Franklin Trust Bldg., March 6, 1939.
 Miss Anna Mynar, Phila., 1537 Chestnut St., March 6, 1939.
 George L. Parker, Jr., Phila., N. E. Cor. 17th and Wallace Sts., March 6, 1939.

Mrs. Claire E. Powell, Phila., 511 Commercial Trust Bldg., 15th St. and South Penn Square, March 6, 1939.

J. Vernon Rodel, Phila., 2802 Columbia Avenue, March 6, 1939.

A. C. J. Schabacker, Phila., 1810 Morris Bldg., 1421 Chestnut St., March 6, 1939.

E. Bailey Schmus, Phila., 5939 North Sixth Street, March 6, 1939.

Miss Grace I. Thom, Phila. 905 Land Title Bldg., S. W. Cor. Broad and Chestnut Sts., March 6, 1939.

Edward Webster, Phila., 2447 N. Front St., March 6, 1939.

Miss Z. I. Whiteman, Phila., 5521 Germantown Ave., March 6, 1939.

Edward P. Worthington, Phila., 3904 Germantown Ave., March 6, 1939.

SOMERSET COUNTY

D. Guy Floto, Meyersdale, March 6, 1939.

WASHINGTON COUNTY

J. Glenn Baker, Donora, March 6, 1939.

WESTMORELAND COUNTY

Chas. T. Myers, Jr., Jeannette, March 6, 1939.
 Norman V. B. Ziegler, New Kensington, March 6, 1939.

YORK COUNTY

R. F. Culbertson, York, March 6, 1939.
 Marlet C. Ness, York, March 6, 1939.

ADAMS COUNTY

Miss G. R. Lilly, McSherrystown, March 7, 1939.

ALLEGHENY COUNTY

Miss Harriet C. Armstrong, Pittsburgh, 425 Union Trust Bldg., March 7, 1939.

George N. Bauer, Pittsburgh, 5135 Center Avenue, March 7, 1939.

Mrs. M. V. Bothwell, Pittsburgh, 3212 Gulf Building, March 7, 1939.

John A. Brownlee, Dormont, March 7, 1939.

Miss Ethel C. Cumming, Cheswick, March 7, 1939.

Miss Marjorie Darling, Pittsburgh, Clark Building, March 7, 1939.

John J. Demskie, Pittsburgh, Gulf Bldg., March 7, 1939.

Miss Marie E. Griffin, Pittsburgh, 7 Court Place, March 7, 1939.

G. B. Haudenschild, Carnegie, March 7, 1939.

W. S. Heath, Braddock, March 7, 1939.

L. G. Wesley Orr, Pittsburgh, 5625 Baum Blvd., March 7, 1939.

Miss Jessie Rupert, Pittsburgh, Commonwealth Bldg., 316 Fourth Avenue, March 7, 1939.

Michael H. Stout, Pitcairn, March 7, 1939.

BEAVER COUNTY

Willard M. Lewis, Ambridge, March 7, 1939.

BERKS COUNTY

Allen M. Hawman, Reading, March 7, 1939.

Miss Gertrude E. Moyer, Reading, March 7, 1939.

Mrs. Marguerite R. Young, Reading, March 7, 1939.

BRADFORD COUNTY

Miss Sarah G. Crandle, Troy, March 7, 1939.

BUCKS COUNTY

Ira L. Kinney, Langhorne, March 7, 1939.

Charles W. Miller, Doylestown, March 7, 1939.

Edward B. Watson, Doylestown, March 7, 1939.

BUTLER COUNTY

Floyd V. Pinkerton, Mars, March 7, 1939.

CAMBRIA COUNTY

Miss Elizabeth J. Greiner, Johnstown, March 7, 1939.
Miss Helen Heinze, Johnstown, March 7, 1939.

CHESTER COUNTY

Miss Mary E. Baily, West Grove, March 7, 1939.
Lloyd H. Coulston, Spring City, March 7, 1939.

COLUMBIA COUNTY

Miss Mildred Runyan, Berwick, March 7, 1939.

DAUPHIN COUNTY

Karl F. Achenbach, Harrisburg, March 7, 1939.

DELAWARE COUNTY

C. Russell Peck, Chester, March 7, 1939.

FAYETTE COUNTY

Mrs. Kathryn Trotter, Brownsville, March 7, 1939.

JUNIATA COUNTY

C. H. Cupp, Mifflintown, March 7, 1939.

LACKAWANNA COUNTY

Wilfred J. Harris Scranton, March 7, 1939.

LANCASTER COUNTY

Donald A. Snyder, Lancaster, March 7, 1939.

LUZERNE COUNTY

Michael Repa, Wilkes-Barre, March 7, 1939.

MERCER COUNTY

M. B. Klinesmith, Grove City, March 7, 1939.

MIFFLIN COUNTY

F. W. Cupp, Lewistown, March 7, 1939.
Miss Margaret P. Ulsh, Lewistown, March 7, 1939.

MONTGOMERY COUNTY

Julius M. Cegielkowski, Rockledge, March 7, 1939.
Hervey C. Irwin, Lower Merion Twp., 18 Derwen Rd., Bala-Cynwyd, March 7, 1939.
Mrs. Alice C. Ruth, Pottstown, March 7, 1939.

NORTHAMPTON COUNTY

John J. Shonk, Bethlehem, March 7, 1939.

PHILADELPHIA COUNTY

John C. Campbell, Phila., 2620 W. Girard Ave., March 7, 1939.
Mrs. Catherine E. Crowe, Phila., 5541 Regent St., March 7, 1939.
Prospero De Lizza, Phila., 2702 E. Somerset St., March 7, 1939.
Miss Marie Z. Dubois, Phila., 5330 N. 12th St., March 7, 1939.
George B. Dunn, Phila., S. E. Cor. 56th and Chestnut Sts., March 7, 1939.
Miss Ellen Hynes, Phila., Mitten Bldg., Broad and Locust Sts., March 7, 1939.
Lester N. Kaufmann, Phila., 525 N. 3d St., March 7, 1939.
William H. Liggett, Phila., 230 S. 7th St., March 7, 1939.
Herbert J. Littig, Phila., N. E. Cor. 45th and Parrish St., March 7, 1939.
John B. Martin, Phila., 1625 Oreon Ave., March 7, 1939.
Miss Evelyn A. McLaughlin, Phila., 1023 Public Ledger Bldg., March 7, 1939.
Miss Ethel Rich, Phila., Beury Bldg., 3701 N. Broad St., March 7, 1939.

Miss Florence E. Riter, Phila., 1106 Girard Trust Co. Bldg., 1400 S. Penn Square, March 7, 1939.
C. W. Rogers, Phila., 4549 N. Smedley St., March 7, 1939.
Henry Weilenmann, Phila., 227 W. Allegheny Ave., March 7, 1939.

POTTER COUNTY

C. C. Valentine, Roulette Twp., Roulette, March 7, 1939.

WASHINGTON COUNTY

C. E. Wonsettler, North Bethlehem Twp., Scenery Hill, March 7, 1939.

WESTMORELAND COUNTY

S. F. Hood, Greensburg, March 7, 1939.
Curtis H. Miller, Irwin, March 7, 1939.

BEAVER COUNTY

John Senior, New Brighton, March 8, 1939.

BLAIR COUNTY

John Gieg, Altoona, March 8, 1939.

MERCER COUNTY

William A. Maitland, Sharon, March 8, 1939.

ADAMS COUNTY

Miss Martha C. Dickson, Gettysburg, March 9, 1939.

ALLEGHENY COUNTY

Harold L. Boone, Pittsburgh, Pitt Nat'l Bank, March 9, 1939.
Miss Belle A. Buchan, Pittsburgh, 619 Oliver Bldg., March 9, 1939.
Miss Florence E. Campbell, Pittsburgh, 903 Columbia Bldg., Cor. 4th Ave. and Wood St., March 9, 1939.
Miss Mary E. Connors, Pittsburgh, 2912 Grant Bldg., March 9, 1939.
Joseph N. Dalfonzo, Pittsburgh, 7532 Tioga St., March 9, 1939.
Miss Grace Dapper, Pittsburgh, 1008 Law and Finance Bldg., March 9, 1939.
H. W. Daugherty, Twp. of Harmar, P. O. Box 2038, Pittsburgh, March 9, 1939.
Miss Camille M. Fuhr, Pittsburgh, 917 Frick Bldg., March 9, 1939.
John I. Gearhart, Pittsburgh, 1420 Farmers Bank Bldg., March 9, 1939.
Carl A. Geib, Pittsburgh, 801 Gulf Bldg., March 9, 1939.
J. A. Hamilton, Munhall, March 9, 1939.
John J. Hess, Pittsburgh, 14 Wabash St., March 9, 1939.
T. L. Higham, Pittsburgh, 320 Farmers Bank Bldg., March 9, 1939.
R. W. Hoffman, Pittsburgh, Gulf Bldg., March 9, 1939.
Andrew J. Holan, Duquesne, March 9, 1939.
Guy M. Hull, Pittsburgh, 1103 Western Ave., N. S., March 9, 1939.
Charles M. Johnston, Pittsburgh, 1403 Law and Finance Bldg., March 9, 1939.
Earl V. Jones, Pittsburgh, 211 4th Ave., March 9, 1939.
Merle D. Jordan, Pittsburgh, 435 Union Trust Bldg., March 9, 1939.
Earl J. Koeberlein, Etna, March 9, 1939.
Chas. J. Liptak, Pittsburgh, 1219 Spring Garden Ave., March 9, 1939.
L. W. Long, Pittsburgh, 2 Grant Bldg., March 9, 1939.
John A. Lundy, East Pittsburgh, March 9, 1939.
Verner J. Martin, Pittsburgh, 6229 Penn Ave., March 9, 1939.
Alexander P. McCurdy, Pittsburgh, 106-108 Federal St., March 9, 1939.
A. M. Mitchell, Pittsburgh, 14 Wood St., March 9, 1939.
Mrs. Cora D. Moloney, Pittsburgh, 5092 Jenkins Arcade, March 9, 1939.

Carl J. Nolte, Pittsburgh, 1615 Eben St., March 9, 1939.
 A. J. Pentecost, III, Pittsburgh, 2d floor, Berger Bldg.,
 Potter Title and Trust Co., March 9, 1939.
 S. N. Petraitis, Homestead, March 9, 1939.
 Eugene A. Portman, Carnegie, March 9, 1939.
 Miss Margaret E. Schaffran, Pittsburgh, 620 Bakewell
 Bldg., March 9, 1939.
 Hallock C. Sherrard, Pittsburgh, 1301 Union Trust
 Bldg., March 9, 1939.
 Miss Larue V. Singleton, Pittsburgh, Farmers Bank
 Bldg., March 9, 1939.
 Albert T. Spence, Clairton, March 9, 1939.
 Miss Lillian R. Stitt, Pittsburgh, 2400 Grant Bldg., March
 9, 1939.
 Mrs. Grace L. Stokes, Braddock, March 9, 1939.
 W. H. Stone, Pittsburgh, Commonwealth Bldg., March 9,
 1939.
 Miss Bertha R. Thomas, Pittsburgh, 331 Frick Bldg., March
 9, 1939.
 Albert C. Trudel, Pittsburgh, Mellon National Bank,
 March 9, 1939.
 Miss Helen M. Watson, Pittsburgh, 414 Bessemer Bldg.,
 March 9, 1939.
 Miss Sara H. Wiggins, Pittsburgh, c/o Armstrong Cork
 Co., 24th St. and A. V. R. R., March 9, 1939.

BEAVER COUNTY

C. A. Bianchi, Ambridge, March 9, 1939.
 Lee B. Cain, Freedom, March 9, 1939.
 Robt. F. Garvin, Beaver, March 9, 1939.
 Wm. Haberfeld, Beaver Falls, March 9, 1939.
 Miss Helen P. Matthews, Midland, March 9, 1939.
 John R. McLaughlin, Beaver, March 9, 1939.

BERKS COUNTY

Miss Helen Buckwalter, Reading, March 9, 1939.
 Mrs. Freda K. Scholl, Temple, March 9, 1939.

BLAIR COUNTY

Miss Laura E. Beaver, Altoona, March 9, 1939.
 Homer C. McKillip, Hollidaysburg, March 9, 1939.

BRADFORD COUNTY

Miss Mary S. Wilt, Towanda, March 9, 1939.

BUCKS COUNTY

Mrs. Mary B. Flagg, Bristol, March 9, 1939.
 Gaetano Greco, Bristol, March 9, 1939.
 Robert B. Henry, Quakertown, March 9, 1939.
 Mrs. Bertha S. Shelly, Quakertown, March 9, 1939.
 John P. Taylor, Bristol, March 9, 1939.

BUTLER COUNTY

C. E. McGinnis, Evansburg, March 9, 1939.

CAMBRIA COUNTY

Marlyn R. Fetterolf, Johnstown, March 9, 1939.
 Henry A. Fox, Adams Twp., Dunlo, March 9, 1939.
 Mrs. Anna Stager, Portage, March 9, 1939.

CARBON COUNTY

Gilbert W. Hamm, Weatherly, March 9, 1939.

CHESTER COUNTY

A. L. Hall, West Chester, March 9, 1939.
 Horace H. Lamborn, Easttown Twp., Berwyn, March 9,
 1939.
 I. N. Earl Wynn, West Chester, March 9, 1939.

CLEARFIELD COUNTY

K. L. Scollins, Houtzdale, March 9, 1939.

COLUMBIA COUNTY

D. N. Wise, Berwick, March 9, 1939.

CRAWFORD COUNTY

Miss Genevieve C. Faivre, Meadville, March 9, 1939.
 Carl O. First, Meadville, March 9, 1939.
 O. C. Nichols, Titusville, March 9, 1939.

CUMBERLAND COUNTY

Miss Nora M. Garland, Carlisle, March 9, 1939.

DAUPHIN COUNTY

Charles L. Hardy, Harrisburg, March 9, 1939.
 Carroll B. Price, Harrisburg, March 9, 1939.
 Russell S. Sayford, Harrisburg, March 9, 1939.

DELAWARE COUNTY

George R. Bottomley, Tinicum Twp., Essington, March 9,
 1939.
 Miss Janet N. Mentzer, Chester, March 9, 1939.
 Mrs. Mae E. Mousley, Collingdale, March 9, 1939.
 Philip S. Neison, Norwood, March 9, 1939.

ERIE COUNTY

Edwin F. Ahrens, Erie, March 9, 1939.
 Floyd A. Baker, Erie, March 9, 1939.
 Homer T. Eaton, Erie, March 9, 1939.
 Miss Carrie E. Kraemer, Erie, March 9, 1939.
 Willis H. Pelton, Erie, March 9, 1939.
 H. I. Sweet, Corry, March 9, 1939.

FULTON COUNTY

Geo. S. Grissinger, McConnellsburg, March 9, 1939.

GREENE COUNTY

John T. McMinn, Jefferson, March 9, 1939.
 Frank F. Sutton, Waynesburg, March 9, 1939.

INDIANA COUNTY

Miss Helen Craig, Indiana, March 9, 1939.
 Miss Eleanor M. Herkert, Indiana, March 9, 1939.
 Miss Clara B. Wherry, Indiana, March 9, 1939.

LACKAWANNA COUNTY

Miss Ella A. Hawks, Scranton, March 9, 1939.
 Fred A. Hughes, Scranton, March 9, 1939.
 Miss Clara L. Oakley, Scranton, March 9, 1939.
 Mrs. Elizabeth B. Stocker, Scranton, March 9, 1939.
 Frank M. Walsh, Scranton, March 9, 1939.
 George Waters, Scranton, March 9, 1939.

LANCASTER COUNTY

Henry M. Bruner, Columbia, March 9, 1939.
 G. S. Eberly, Lancaster, March 9, 1939.
 Miss Britannia Eby, Lancaster, March 9, 1939.
 J. Herbert Evans, New Holland, March 9, 1939.
 Mrs. Elsie M. Rutter, Twp. of Salisbury, Gap, March 9,
 1939.

LEBANON COUNTY

Mrs. Mollie A. Swanger, Lebanon, March 9, 1939.

LEHIGH COUNTY

Miss Martha I. Readinger, Allentown, March 9, 1939.
 Miss Dorothy M. T. Rieker, Allentown, March 9, 1939.

LUZERNE COUNTY

Robert K. Flack, Wilkes-Barre, March 9, 1939.
 Wm. T. Howells, Jeddo, March 9, 1939.
 Charles F. Kuhns, Wilkes-Barre, March 9, 1939.
 L. J. McCarthy, Kingston, March 9, 1939.
 Joseph Reichman, Wilkes-Barre, March 9, 1939.
 Allan W. Sanford, Wilkes-Barre, March 9, 1939.
 Robert J. Wright, West Hazleton, March 9, 1939.

LYCOMING COUNTY

Mrs. Leota J. Starr, Hughesville, March 9, 1939.

McKEAN COUNTY

N. Miller Griggs, Bradford, March 9, 1939.
 Albert Johnson, Smethport, March 9, 1939.
 Miss Belle E. Scheffer, Bradford, March 9, 1939.
 Miss Ruth Ann Thomas, Bradford, March 9, 1939.
 James D. Wolfe, Bradford, March 9, 1939.

MERCER COUNTY

Oliver W. Beach, Sharon, March 9, 1939.

MONROE COUNTY

F. S. Weiss, Stroudsburg, March 9, 1939.

MONTGOMERY COUNTY

J. Warren Clemens, Lansdale, March 9, 1939.
 William W. Deissler, Twp. of Springfield, 902 E. Willow Grove Ave., Chestnut Hill, March 9, 1939.
 Mrs. Irene J. Kirsch, Twp. of Lower Merion, 218 Bala Ave., Bala-Cynwyd, March 9, 1939.
 Thomas M. Sloan, Lansdale, March 9, 1939.

NORTHAMPTON COUNTY

Angelo Curcio, Easton, March 9, 1939.
 Miss Margaret L. Davies, Easton, March 9, 1939.
 Fred Jones, Easton, March 9, 1939.
 William S. Kennedy, Portland, March 9, 1939.
 C. H. Weidner, Jr., Bethlehem, March 9, 1939.
 H. P. Wierbach, Wilson, March 9, 1939.
 Joseph A. Palumbo, Mount Carmel, March 9, 1939.
 F. F. Reamer, Shamokin, March 9, 1939.
 Miss Mary A. Seely, Shamokin, March 9, 1939.

PHILADELPHIA COUNTY

E. Robert Balderson, Phila., 2100 W. Allegheny Ave., March 9, 1939.
 Miss Dorothy Bonx, Phila., 703 Market St., Nat'l Bank Bldg., March 9, 1939.
 Herbert Boocock, Phila., 3604 Indian Queen Lane, March 9, 1939.
 Miss Rita M. Brennan, Phila., 1328 Chestnut St., March 9, 1939.
 T. C. Brown, Phila., N. E. Cor. 21st and Market Sts., March 9, 1939.
 Mrs. Marie E. Brucker, Phila., 3402 Richmond St., March 9, 1939.
 M. Alan Bucks, Phila., 220 South 4th St., March 9, 1939.
 Alex Burchuk, Phila., 2471 N. Colorado St., March 9, 1939.
 Chas. P. Cella, Phila., 663 N. 65th St., March 9, 1939.
 Miss Elizabeth Chadwick, Phila., 901-05 Liberty Trust Bldg., N. E. Cor. Broad and Arch Sts., March 9, 1939.
 Martin E. Comeford, Phila., 1333 North 56th St., March 9, 1939.
 Miss Maude Z. Davis, Phila., 2410 N. 10th St., March 9, 1939.
 Warren H. Davis, Phila., 1328 W. Allegheny Ave., March 9, 1939.
 Geo. H. Dodge, Phila., 5944 Walton Ave., March 9, 1939.
 Mrs. Elsie Evers, Phila., 704 Bailey Bldg., 1218 Chestnut St., March 9, 1939.
 Lawrence E. Frankel, Phila., 913 N. American Bldg., March 9, 1939.
 Mrs. Ruth E. Friday, Phila., 1201 Stephen Girard Bldg., March 9, 1939.
 William C. Fries, Phila., 16 North 56th St., March 9, 1939.
 E. Humes Garber, Phila., Girard Trust Bldg., March 9, 1939.
 Robert S. Garrison, Phila., 322 W. Susquehanna Ave., March 9, 1939.
 Miss Margaret E. Geary, Phila., 519 W. Huntingdon St., March 9, 1939.
 Martin M. Gelber, Phila., 5838 Malvern Ave., March 9, 1939.
 George C. Gerstenacker, Phila., S. E. Cor. Broad and Spring Garden Sts., March 9, 1939.

Frank Giacobbo, Phila., 2301 S. 12th St., March 9, 1939.
 Anthony Grieco, Phila., 1122 S. Broad St., March 9, 1939.
 Miss Cecelia M. Gurbarg, Phila., Phila. Saving Fund Bldg., 12 S. 12th St., March 9, 1939.
 Charles F. Hannigan, Phila., 1447 W. Cayuga St., March 9, 1939.
 Miss Florence M. Hoffman, Phila., 44 N. Front St., March 9, 1939.
 Fred L. Johnston, Phila., Corn Exchange Nat. Bk. and Tr. Co. Bldg., N. E. Cor. 2d and Chestnut Sts., March 9, 1939.
 Winfield S. Kalesse, Phila., 28 South 40th St., March 9, 1939.
 Frederick G. Kempin, Phila., 623 Diamond St., March 9, 1939.
 Miss Anna M. Keohane, Phila., 1500 Girard Trust Bldg., Broad St. and S. Penn Square, March 9, 1939.
 Charles Langerman, Phila., 608 Market St., Nat'l Bank Bldg., Juniper and Market Sts., March 9, 1939.
 Frank W. Lewis, Phila., 1549 North Frazier St., March 9, 1939.
 Wm. Mack, Phila., 5239 Spruce St., March 9, 1939.
 John J. Mahoney, Jr., Phila., S. W. Cor. 56th and Havertford Ave., March 9, 1939.
 Miss Marian J. McCauley, Phila., 1421 Chestnut Street, March 9, 1939.
 Thomas B. McDyer, Phila., 430 S. 54th St., March 9, 1939.
 Mrs. Marie S. McGear, Phila., 4421 Germantown Avenue, March 9, 1939.
 Joseph Daniel McIntyre, Phila., Delaware Ave. and Vine St., March 9, 1939.
 Miss Helen R. McSorley, Phila., 1900 Girard Trust Bldg., Broad and S. Penn Square, March 9, 1939.
 Charles Miller, Phila., 1700 North Franklin St., March 9, 1939.
 Theodore E. Nickles, Phila., 1202 W. Lehigh Avenue, March 9, 1939.
 Howard Othoson, Phila., Phila. County Prison, 10th and Reed Sts., March 9, 1939.
 William Radbill, Phila., 677 Drexel Bldg., 5th and Chestnut Sts., March 9, 1939.
 Charles E. Seese, Phila., 2633 West Allegheny Ave., March 9, 1939.
 LeRoy Seney, Phila., 4535 Cottman Avenue, March 9, 1939.
 Mrs. Lillyan F. Smith, Phila., Drexel Bldg., 5th and Chestnut St., March 9, 1939.
 Robert T. Smith, Phila., 3700 Kensington Avenue, March 9, 1939.
 John F. Solomon, Phila., Morris Bldg., 1421 Chestnut St., March 9, 1939.
 Anthony P. Stefanowicz, Phila., 4342 Cresson St., March 9, 1939.
 Miss Maude A. Stewart, Phila., 1510 Chestnut Street, March 9, 1939.
 Kenneth W. Stowman, Phila., 1622 Chestnut Street, March 9, 1939.
 Edward J. Walsh, Phila., 382 Devereaux Street, March 9, 1939.
 Richard J. Walsh, Phila., 1738 N. Broad Street, March 9, 1939.
 L. S. Walters, Phila., 500 W. Allegheny Avenue., March 9, 1939.
 C. H. Zimmerling, Jr., Phila., 209 East Meade Street, March 9, 1939.

POTTER COUNTY

Mrs. Iva M. Burt, Coudersport, March 9, 1939.

SCHUYLKILL COUNTY

Chas. A. Gebert, Tamaqua, March 9, 1939.

SOMERSET COUNTY

Chas. J. Harrison, Jr., Somerset, March 9, 1939.

TIOGA COUNTY

Miss Marguerite R. Baldwin, Tioga, March 9, 1939.

UNION COUNTY

H. Spessard Strunk, Mifflinburg, March 9, 1939.

VENANGO COUNTY

William G. Gilliland, Oil City, March 9, 1939.

WARREN COUNTY

Mrs. Mary MacCorah, Warren, March 9, 1939.

WASHINGTON COUNTY

E. J. Charles, Charleroi, March 9, 1939.
Miss Minnie B. Floming, Washington, March 9, 1939.
J. R. Irwin Knox, Washington, March 9, 1939.
Joseph Prise, Charleroi, March 9, 1939.
S. M. Weisman, Donora, March 9, 1939.

WAYNE COUNTY

Dan C. Osborn, Honesdale, March 9, 1939.

WESTMORELAND COUNTY

Joseph A. Donnelly, Jr., Latrobe, March 9, 1939.
Francis G. Shepard, New Kensington, March 9, 1939.
Lawrence H. Walthour, Vandergrift, March 9, 1939

YORK COUNTY

C. E. Dise, Glen Rock, March 9, 1939.
Miss Ruth E. Wolf, York, March 9, 1939.
L. Norman Zarfos, Red Lion, March 9, 1939.

CLEARFIELD COUNTY

Miss Frances M. Hoffman, Clearfield, March 10, 1939.

PHILADELPHIA COUNTY

Jacob Zausmer, Phila., 2537 N. 33d St., March 10, 1939.
Howard A. Dougherty, Phila., 5116 Haverford Ave., March 11, 1939.

ALLEGHENY COUNTY

W. F. Aull, Pittsburgh, Room 317, Farmers Bank Bldg., March 12, 1939.

CAMBRIA COUNTY

Miss Sarah E. Bernet, Johnstown, March 12, 1939.
Frances W. Pardoe, Cresson Typ., Box 28, Cresson, March 12, 1939.

CRAWFORD COUNTY

Mrs. Gertrude Sheldon, Conneautville, March 12, 1939.

ERIE COUNTY

Miss Winifred A. Zeiser, Erie, March 12, 1939.

LACKAWANNA COUNTY

Mrs. Henrietta Duggan, Scranton, March 12, 1939.

McKEAN COUNTY

Vic Samuelson, Bradford, March 12, 1939.

PHILADELPHIA COUNTY

William F. Callaghan, Phila., 5639 Warrington Ave., March 12, 1939.

John J. Costello, Phila., 119 W. Lehigh Ave., March 12, 1939.

Miss Emma C. Drzymalla, Phila., 1700 Franklin Trust Bldg., 15th and Chestnut Sts., March 12, 1939.

Jos. J. Foley, Phila., 3041 N. 7th St., March 12, 1939.

James A. Holt, Phila., 352 S. 15th St., March 12, 1939.

Mrs. Kay B. Maurer, Phila., 4233-37 Frankford Ave., March 12, 1939.

Louis J. McGrath, Phila., 5256 Horrocks, St., March 12, 1939.

Joseph T. Riday, Phila., 4222 Old York Road, March 12, 1939.

Harold Rodgers, Phila., 20th and Erie Ave., March 12, 1939.

W. Gordon Smith, Phila., 2135 N. 63d St., March 12, 1939.

BEAVER COUNTY

Chas. Theo. Smith, Patterson Twp., 1861 11th St., Beaver Falls, March 13, 1939.

BERKS COUNTY

Miss N. Bessie Detweiler, Reading, March 13, 1939.

DELAWARE COUNTY

Harry J. Turner, Chester, March 15, 1939.

PHILADELPHIA COUNTY

Paul J. Brown, Phila., 600 Mitten Bldg., March 16, 1939.
Geo. S. Knieriemien, Phila., 212 So. 15th St., March 16, 1939.

Samuel Zinman, Phila., 601 N 2d St., March 16, 1939.

ELK COUNTY

Floyd D. Roof, Ridgway, March 17, 1939.

PHILADELPHIA COUNTY

B. F. Hawley, Jr., Phila., 260 S. Broad St., March 17, 1939.

ALLEGHENY COUNTY

J. C. Hennessy, Pittsburgh, 7500 Thomas Blvd., March 19, 1939.

CLARION COUNTY

Robert R. Whitmer, Clarion, March 19, 1939.

FAYETTE COUNTY

Buell M. Saylor, Uniontown, March 19, 1939.

PHILADELPHIA COUNTY

Miss Eleanor S. Johnston, Phila., 643 Land Title Bldg., Broad and Chestnut Sts., March 19, 1939.
Samuel U. Levin, Phila., 825 Ritner St., March 19, 1939.
John Roseman, Phila., 2025 S. 5th St., March 19, 1939.

SOMERSET COUNTY

R. Stuart Shaver, Stoystown, March 19, 1939.

CAMBRIA COUNTY

Miss Mary Luther, Ebensburg, March 20, 1939.

DELAWARE COUNTY

Mrs. Helen V. Harbold, Media, March 20, 1939.

PHILADELPHIA COUNTY

Alvin E. Goodman, Phila., 1615 W. Susquehanna Ave., March 20, 1939.

WESTMORELAND COUNTY

Mrs. Elizabeth B. Rodgers, Irwin, March 21, 1939.

CHESTER COUNTY

Mrs. Gertrude S. Malin, Malvern, March 22, 1939.

PHILADELPHIA COUNTY

Miss Hattie E. Clayman, Phila., 500 Mitten Bldg., March 23, 1939.

ALLEGHENY COUNTY

George R. Jacob, Pittsburgh, 5001 Liberty Ave., March 24, 1939.

CHESTER COUNTY

John G. Hobek, Coatesville, March 24, 1939.

LYCOMING COUNTY

Joseph Snowiss, Williamsport, March 25, 1939.

PHILADELPHIA COUNTY

Emanuel O. Munzer, Phila., City Centre Bldg., 121 N. Broad St., March 25, 1939.

COLUMBIA COUNTY

Norman E. Crawford, Bloomsburg, March 26, 1939.

SOMERSET COUNTY

Robert Cook, Meyersdale, March 26, 1939.

WARREN COUNTY

Mrs. Helen E. Swanson, Warren, March 26, 1939.

CAMBRIA COUNTY

Peter Smorto, Spangler, March 27, 1939.

PHILADELPHIA COUNTY

Mrs. Mabel H. MacCain, Phila., 1732 Bankers Securities Bldg., Juniper and Walnut Sts., March 28, 1939.

ALLEGHENY COUNTY

O. S. Richardson, Pittsburgh, Syndicate Bldg., 518 4th Ave., March 29, 1939.

PHILADELPHIA COUNTY

Elmer F. Rice, Phila., 405 Land Title Bldg., March 30, 1939.

MERCER COUNTY

J. H. McClimans, Greenville, March 31, 1939.

PHILADELPHIA COUNTY

Albanus W. Thatcher, Jr., Phila., 2528 Lewis Tower, 225 S. 15th St., March 31, 1939.

ALLEGHENY COUNTY

Miss Margaret Cagney, Pittsburgh, 341-343 Fourth Ave., April 1, 1939.

Wm. Downey, Pittsburgh, Frick Bldg., April 1, 1939.

W. C. McKenzie, Pittsburgh, Herrs Island, April 1, 1939.

J. B. A. Tracey, Pittsburgh, Pennsylvania Station, April 1, 1939.

CAMBRIA COUNTY

Henry S. Cole, Cresson, April 1, 1939.

ERIE COUNTY

Matthew F. McCarthy, Erie, April 1, 1938.

FAYETTE COUNTY

Angel H. Orler, Jefferson Twp., Newell, April 1, 1939.

FRANKLIN COUNTY

Thomas K. Scheller, Chambersburg, April 1, 1938.

LEHIGH COUNTY

C. E. Bowman, Allentown, April 1, 1939.

MONTGOMERY COUNTY

Robert H. Nagle, Pottstown, April 1, 1939.

Miss Sarah E. Yerkes, Hatboro, April 1, 1939.

PHILADELPHIA COUNTY

Miss Mabel Corson, Phila., 1533 Orthodox St., April 1, 1939.

Samuel Ellis, Phila., 515 Schaff Building, April 1, 1939.

James B. Jackson, Phila., 5211 Baltimore Ave., April 1, 1939.

Henry Ripkee, Phila., Lincoln-Liberty Bldg., April 1, 1939.

Sol. Topkis, Phila., 300 South 4th St., April 1, 1939.

Henry J. Tunstall, Phila., 1006 Cottman Ave., Fox Chase, April 1, 1939.

W. C. Turner, Phila., Curtis Pub. Co., Independence Square, April 1, 1939.

WESTMORELAND COUNTY

William A. Thomas, New Kensington, April 1, 1939.
F. P. Underwood, Derry Twp., Box 151, Latrobe, April 1, 1939.

PHILADELPHIA COUNTY

Frank Zinman, Phila., 601 N 2d St., April 1, 1939.

ALLEGHENY COUNTY

Miss Anna B. Heldman, Pittsburgh, Irene Kaufmann Settlement, 1835 Center Ave., April 2, 1939.

PHILADELPHIA COUNTY

Wm. E. Brockermann, Phila., 1629 N. Bouvier St., April 2, 1939.

Benjamin F. Stilling, Phila., 5933 Chestnut Street, April 2, 1939.

Isaac Goldstein, Phila., 2246 North 29th St., April 3, 1939.

Harold Barr, Phila., 1518 Locust St., April 6, 1939.

ALLEGHENY COUNTY

Arthur A. Oesterling, Wilmerding, April 7, 1939.

PHILADELPHIA COUNTY

P. J. McFarland, Phila., 2409 East Allegheny Ave., April 7, 1939.

ALLEGHENY COUNTY

Miss Katherine M. Ambrose, Pittsburgh, 402 American Bank Bldg., April 9, 1939.

MONTGOMERY COUNTY

Harry M. Detwiler, Souderton, April 9, 1939.

McKEAN COUNTY

James J. Matthews, Bradford, April 10, 1939.

ALLEGHENY COUNTY

Miss Louise M. Rodgers, Pittsburgh, 3101 Liberty Ave., April 23, 1939.

PHILADELPHIA COUNTY

Henry G. Blood, Phila., 3218 North Front St., April 28, 1939.

Robert J. Thompson, Phila., 3218 North Front St., April 28, 1939.

Louis De Sipio, Phila., 5430 Webster Street, May 1, 1939.

Robert Dalglish, Phila., 72 West Cheltenham Ave., May 27, 1939.

LYCOMING COUNTY

Miss Edna M. Breese, Williamsport, June 12, 1939.

ARTHUR H. JAMES.

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, February 6, 1939.
To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for reappointment as Notaries Public, for terms of four years to compute from the date set opposite their names:

LUZERNE COUNTY

Miss Elizabeth K. Meighan, Wilkes-Barre, February 9, 1939.

PHILADELPHIA COUNTY

Samuel J. Fisher, Phila., 2311 Wharton St., February 11, 1939.

LEHIGH COUNTY

Mrs. Lillie E. Thomas, Allentown, February 12, 1939.

PHILADELPHIA COUNTY

Miss Catharine M. Carroll, Phila., 833-839 Market St., February 12, 1939.

CLARION COUNTY

Wallace C. Weaver, Knox, February 17, 1939.

LUZERNE COUNTY

Fred B. Davis, Wilkes-Barre, February 17, 1939.

LEHIGH COUNTY

John B. Simko, Allentown, February 19, 1939.

PHILADELPHIA COUNTY

Henry Block, Phila., 854 N. Broad St., February 19, 1939.

James P. Coyne, Phila., 818 S. 20th St., February 19, 1939.

Miss Mary Ann Wolf, Phila., 349 N. 57th St., February 19, 1939.

ALLEGHENY COUNTY

Charles Harry Bracken, Pittsburgh, Frick Bldg. February 21, 1939.

Miss Sue B. Fritz, Pittsburgh, 1128 Union Trust Bldg., February 21, 1939.

BLAIR COUNTY

Miss Ella M. Nicodemus, Martinsburg, February 21, 1939.

LAWRENCE COUNTY

Homer C. Drake, New Castle, February 21, 1939.

PHILADELPHIA COUNTY

Charles B. Watts, Phila., 1301 Spruce St., February 21, 1939.

ALLEGHENY COUNTY

J. A. Solinsky, Pittsburgh, 1413 Halsey Place, February 23, 1939.

NORTHUMBERLAND COUNTY

Mrs. Mary Malarkey, Mt. Carmel, February 26, 1939.

PHILADELPHIA COUNTY

Miss Katherine M. Hutelmyer, Phila., 1242 Fidelity Phila. Tr. Bldg., February 26, 1939.

WARREN COUNTY

Mrs. Leah J. Miley, Sheffield Twp., Sheffield, February 26, 1939.

BUTLER COUNTY

Mrs. Maude McCullough, Gallery, February 27, 1939.

BUCKS COUNTY

Mrs. Bertha B. Underwood, Doylestown, February 28, 1939.

LUZERNE COUNTY

Louis Shaffer, Wilkes-Barre, March 2, 1939.

ALLEGHENY COUNTY

Mrs. Lavinia R., Taylor, Pittsburgh, 4643 Baum Blvd., March 5, 1939.

BUCKS COUNTY

Brantly S. Duddy, Doylestown, March 5, 1939.

LACKAWANNA COUNTY

Shandor Kovacs, Throop, March 5, 1939.

PHILADELPHIA COUNTY

Miss Rose M. Duffy, Phila., 4861 N. 5th St., March 5, 1939.

ALLEGHENY COUNTY

Miss Aemlia F. Fisher, Crafton, March 6, 1939.
Miss Grace Horn, Pittsburgh, 402 Commonwealth Bldg., 4th Ave., March 6, 1939.

Joseph L. McLane, McKeesport, March 6, 1939.
P. D. Rand, Pittsburgh, 30th and Smallman Sts., March 6, 1939.

BEAVER COUNTY

Otto F. Franklin, New Brighton, March 6, 1939.

BERKS COUNTY

Mrs. Rose L. Schlappig, Reading, March 6, 1939.

BUCKS COUNTY

Arthur E. Flagler, Quakertown, March 6, 1939.

BUTLER COUNTY

Thomas H. Greer, Jr., Butler, March 6, 1939.

DAUPHIN COUNTY

Albert M. Bell, Paxtang, March 6, 1939.
Chester M. Buffington, Harrisburg, March 6, 1939.

DELAWARE COUNTY

Frederick P. D. Hazell, Norwood, March 6, 1939.

FAYETTE COUNTY

Paul Calvaresi, Redstone Twp., Box 96, Republic, March 6, 1939.

W. Harry Williams, Dunbar, March 6, 1939.

JEFFERSON COUNTY

Mrs. Kathryn Hoffman, Brookville, March 6, 1939.

LACKAWANNA COUNTY

John T. Gilmartin, Carbondale, March 6, 1939.

LAWRENCE COUNTY

Ed. E. Marshall, New Castle, March 6, 1939.
Charles Matthews, Jr., New Castle, March 6, 1939.
Wm. W. Stevenson, New Castle, March 6, 1939.

LUZERNE COUNTY

Miss Regina M. Blewitt, Wilkes-Barre, March 6, 1939.

LYCOMING COUNTY

Miss Blanche M. Gage, Williamsport, March 6, 1939.

MONTGOMERY COUNTY

Lewis C. Detwiler, Norristown, March 6, 1939.
C. Walton Hale, Lower Merion Twp., Bryn Mawr, March 6, 1939.

PHILADELPHIA COUNTY

Joseph H. Fiet, Phila., 128 Diamond St., March 6, 1939.
Miss Agnes LeCompte, Phila., 836 Public Ledger Bldg., March 6, 1939.

Walter James Lightfoot, Phila., 1671 Dyre St., March 6, 1939.

Benj. F. Savage, Phila., 42d St. at Lancaster Ave., March 6, 1939.

SCHUYLKILL COUNTY

Norman M. Stauffer, Ringtown, March 6, 1939.

ALLEGHENY COUNTY

Miss Anna Apolenak, Pittsburgh, Jones Law Building, March 7, 1939.

Leo E. Flanagan, Pittsburgh, 404 North Highland Ave., March 7, 1939.

Geo. H. Herb, Pittsburgh, 4750 Liberty Ave., March 7, 1939.
 Lewis Neuman, Swissvale, March 7, 1939.
 Michael J. Wargovich, McKeesport, March 7, 1939.

CHESTER COUNTY

Miss M. Annie Drennen, West Grove, March 7, 1939.

DELAWARE COUNTY

M. J. Grady, Collingdale, March 7, 1939.

LACKAWANNA COUNTY

Harold H. White, Scranton, March 7, 1939.

LEBANON COUNTY

William K. Bowman, Palmyra, March 7, 1939.

LEHIGH COUNTY

Russell J. Yoder, Whitehall Township, Fullerton, March 7, 1939.

NORTHAMPTON COUNTY

Charles F. Bowers, Easton, March 7, 1939.

PHILADELPHIA COUNTY

Joseph Barber, Phila., 3080 Frankford Avenue, March 7, 1939.
 William H. Bauer, Phila., 1637 South Second St., March 7, 1939.
 George I. Haggerty, Phila., 4330 Sansom Street, March 7, 1939.
 James V. Hazlett, Phila., 2442 South Broad St., March 7, 1939.

WESTMORELAND COUNTY

Miss Rebecca McCormick, Greensburg, March 7, 1939.

YORK COUNTY

Raymond P. Groft, York, March 7, 1939.

ALLEGHENY COUNTY

Robert R. Gearhart, Pittsburgh, 5001 Centre Avenue, March 8, 1939.

ALLEGHENY COUNTY

C. C. Allen, Pittsburgh, Gross St. and P. R. R., March 9, 1939.

Miss Ida M. Barr, Pittsburgh, Wallace Bldg., Centre and Highland Sts., March 9, 1939.

Miss Ruth E. Benzing, Pittsburgh, 1607 Oliver Bldg., March 9, 1939.

A. B. Campbell, McKeesport March 9, 1939.

Alex B. Herman, Jr., Pittsburgh, 2006 Beaver Ave., N. S., March 9, 1939.

P. J. Long, Duquesne, March 9, 1939.

J. O. Marlin, Pittsburgh, Baum Blvd. and Liberty Ave., March 9, 1939.

H. G. McKelvey, Richland Twp., R. D. 1, Gibsonia, March 9, 1939.

J. W. Spilker, Pittsburgh, 1227 Fulton Bldg., March 9, 1939.

J. P. Werneth, Pittsburgh, 2914 Sheraden Blvd., March 9, 1939.

BEAVER COUNTY

Ralph J. Hoge, Conway, March 9, 1939.

CRAWFORD COUNTY

Miss Effie Bailey, Meadville, March 9, 1939.

DELAWARE COUNTY

Carroll L. Marsden, Upper Darby Twp., 755 Long Lane, Upper Darby, March 9, 1939.

ERIE COUNTY

Walter L. Peake, Corry, March 9, 1939.

LAWRENCE COUNTY

George S. Miller, New Castle, March 9, 1939.

MONROE COUNTY

Murray G. Burke, Stroudsburg, March 9, 1939.

MONTGOMERY COUNTY

Sol S. Silberman, Jenkintown, March 9, 1939.

MONTOUR COUNTY

Miss Thelma M. Feeman, Danville, March 9, 1939.

NORTHAMPTON COUNTY

Mrs. Eleanor H. Hall, Easton, March 9, 1939.

NORTHUMBERLAND COUNTY

Miss Ethel M. Loreman, Milton, March 9, 1939.

PHILADELPHIA COUNTY

Edwin A. J. Blank, Phila., 339 W. Girard Ave., March 9, 1939.

Joseph De Carlo, Phila., 2314 E. Westmoreland St., March 9, 1939.

A. H. Jamison, Phila., 1328 Chestnut St., March 9, 1939.

T. Roland Madden, Phila., 429 E. Girard Ave., March 9, 1939.

Elmer W. Phillips, Phila., 1730 Snyder Ave., March 9, 1939.

William J. Russell, Phila., 211 S. 12th St., March 9, 1939.

Miss Virginia M. Saurer, Phila., 1335 Land Title Bldg., March 9, 1939.

Aubrey R. Sheetz, Phila., 2359 E. Susquehanna Ave., March 9, 1939.

Arnold H. Shenkin, Phila., 1339 N. 60th St., March 9, 1939.

J. Edgar Spielman, Phila., 1500 Liberty Trust Bldg., March 9, 1939.

Miss Margaret Tredick, Phila., Girard Trust Co., N. W. Cor. Broad and Chestnut Sts., March 9, 1939.

J. Russell Winder, Phila., 5025 Wayne Ave., March 9, 1939.

Isadore M. Yanus, Phila., 2917 N. 5th St., March 9, 1939.

WARREN COUNTY

Miss Hazel N. Druggan, Tidioute Twp., Tidioute, March 9, 1939.

WESTMORELAND COUNTY

Nicholas Long, Greensburg, March 9, 1939.

YORK COUNTY

Wayne G. McFall, York, March 9, 1939.

MONTGOMERY COUNTY

Leonard Hatfield, Pottstown, March 10, 1939.

FRANKLIN COUNTY

Miss Adelia R. Gift, Waynesboro, March 12, 1939.

MONTGOMERY COUNTY

Morris W. Wilson, Cheltenham Twp., High School Rd. and Harrison Ave., Elkins Park, March 12, 1939.

NORTHUMBERLAND COUNTY

Miss Elizabeth C. Burdish, Shamokin, March 12, 1939.

PHILADELPHIA COUNTY

Benjamin Friedman, Phila., 811 Porter St., March 12, 1939.

ALLEGHENY COUNTY

William Herb, Pittsburgh, 4750 Liberty Ave., March 16, 1939.

CAMBRIA COUNTY

Alfred Schofield, South Fork, March 16, 1939.

LEBANON COUNTY

Edgar M. Landis, Myerstown, March 16, 1939.
LaVerd C. Gingrich, Palmyra, March 19, 1939.

NORTHUMBERLAND COUNTY

Thomas A. Foltz, Shamokin, March 25, 1939.

ERIE COUNTY

Timothy F. Carroll, Erie, March 31, 1939.

ALLEGHENY COUNTY

W. V. Blackstone, Pittsburgh, 614 Koppers Bldg., April 1, 1939.

R. B. Drain, Rankin, April 1, 1939.

Charles Gust, Jr., Pittsburgh, 5528-40 Harrison St., April 1, 1939.

James Hull, Pittsburgh, Carnegie Bldg., Fifth Ave., April 1, 1939.

LEHIGH COUNTY

Frank T. Sterner, Allentown, April 1, 1939.

MONTGOMERY COUNTY

Mrs. Sylvia A. Ingram, Norristown, April 1, 1939.

WESTMORELAND COUNTY

W. Aber McGearry, Vandergrift, April 1, 1939.

BERKS COUNTY

Harvey M. Bertolet, Oley Twp., Oley, April 3, 1939.

MERCER COUNTY

Fred H. Bartleson, Sharpsville, April 6, 1939.

MONTGOMERY COUNTY

Miss Katherine J. Laffen, Lower Merion Twp., Narberth, April 9, 1939.

CHESTER COUNTY

J. Smedley Thomas, Avondale, April 16, 1939.

ARTHUR H. JAMES.

Commonwealth of Pennsylvania,

Governor's Office, Harrisburg, February 6, 1939.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointment as Notaries Public, for terms of four years to compute from the date of confirmation:

ALLEGHENY COUNTY

Sidney Abrams, Pittsburgh, 2039 Center Ave.

Everett C. Evans, Pittsburgh, 5001 Second Ave.

Clyde L. Friend, Clairton.

Miss Mary E. Glass, Pittsburgh, Benedum-Trees Bldg., 223 Fourth Ave.

Edgar J. Lewis, Pittsburgh, 14 Wood St.

John L. McCaskey, Pittsburgh, 6811 Kelly St.

Robert J. Ryan, Pittsburgh, 14 Wood St.

BLAIR COUNTY

Frank B. Warfel, Altoona.

BUCKS COUNTY

Wynne James, Jr., Doylestown.

COLUMBIA COUNTY

C. W. Kreisher, Catawissa.

CRAWFORD COUNTY

Mrs. Leah C. Eckels, Meadville.

DELAWARE COUNTY

Mrs. Helen C. Bupp, Chester.

FAYETTE COUNTY

W. E. Foye, Uniontown.

LACKAWANNA COUNTY

Mrs. R. C. Shennen, Blakely.

LAWRENCE COUNTY

Mrs. Mary Jacobsen, Ellwood City.

LEBANON COUNTY

H. K. Beard, Heidelberg Twp., Sheridan, Route 1.

LYCOMING COUNTY

Carl H. Schultz, Williamsport.

PHILADELPHIA COUNTY

Henry N. Cocker, Phila., 4310-14 N. Broad St.

Geo. H. Crowthers, Phila., 1900 N. American Bldg., Broad and Sansom Sts.

Miss Susan E. Donald, Phila., 300 E. Allegheny Ave.

Mrs. L. K. Groskin, Phila., 1108 Diamond St.

Miss Helen A. Hartmann, Phila., 1701 Walnut St., Allman Bldg.

L. Eric Jones, Phila., 3d and Huntingdon Sts.

John W. Lee, 2d, Phila., 1752 Frankford Ave.

Mrs. Marion M. LeGower, Phila., 1526 W. Columbia Ave.

Maurice R. Schurr, Phila., 256 N. Second St.

Miss Mary M. Torchiana, Phila., 4136 Mitchell St.

WESTMORELAND COUNTY

Edward F. DeWitt, Scottdale.

S. C. Stevenson, Mount Pleasant.

YORK COUNTY

George W. Forrest, York.

ARTHUR H. JAMES.

Commonwealth of Pennsylvania,

Governor's Office, Harrisburg, February 6, 1939.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for reappointment as Notaries Public, for terms of four years to compute from the date set opposite their names:

HUNTINGDON COUNTY

Miss Ida E. Saltsman, Huntingdon, February 7, 1939.

NORTHUMBERLAND COUNTY

John Anderson, Shamokin, February 8, 1939.

LUZERNE COUNTY

John W. Hannis, Ashley, February 8, 1939.

MIFFLIN COUNTY

Harvey C. Burkett, Lewistown, February 12, 1939.

PERRY COUNTY

John C. Motter, Bloomfield, February 15, 1939.

NORTHAMPTON COUNTY

Paul M. Lobb, Easton, February 19, 1939.

PERRY COUNTY

Chas. E. Deckard, Liverpool February 21, 1939.

ALLEGHENY COUNTY

C. W. Freehling, Pittsburgh, 2009 Clark Bldg., February 21, 1939.

PHILADELPHIA COUNTY

Miss Florence M. Ruff, Phila., 1930 Land Title Bldg., February 21, 1939.

J. K. Lee Smith, Phila., 3602 Lancaster Ave., February 22, 1939.

BERKS COUNTY

Miss Minnie L. Ludwig, Reading, February 22, 1939.

NORTHAMPTON COUNTY

Mrs. Cora A. Smith, East Allen Twp., R. D. No. 2, Bath, February 26, 1939.

LANCASTER COUNTY

Daniel B. Strickler, Lancaster, February 26, 1939.

PHILADELPHIA COUNTY

Mrs. L. C. Sturtevant Phila., 2301 Packard Bldg., February 26, 1939.

ARTHUR H. JAMES.

Commonwealth of Pennsylvania,

Governor's Office, Harrisburg, February 6, 1939.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointment as Notaries Public, for terms of four years to compute from the date of confirmation:

ALLEGHENY COUNTY

Miss Mary Jo Lippert, Pittsburgh, 811 Jones Law Bldg., Fourth Ave.

CAMBRIA COUNTY

George F. Scanlon, Johnstown.

CHESTER COUNTY

Marion D. Fulton, London Grove Twp., West Grove.

ERIE COUNTY

Miss M. C. Blake, Erie, 212 Commerce Bldg.

LUZERNE COUNTY

Albert L. Fink, Nanticoke.

MONTGOMERY COUNTY

Stanley H. Bardman, Schwenksville.

PHILADELPHIA COUNTY

F. R. Bensinger, Phila., 1521 North 33d St.
Edward C. Disque, Phila., Fire Association Bldg., 401 Walnut St.

Miss Nettie E. Smith, Phila., 201 S. 13th St.
Miss Edna M. Waser, Phila., 444 E. Hartel St.

WAYNE COUNTY

Miss Thelma B. Rutledge, Honesdale.

ARTHUR H. JAMES.

Commonwealth of Pennsylvania,

Governor's Office, Harrisburg, February 7, 1939.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointment as Notaries Public, for terms of four years to compute from the date of confirmation:

BERKS COUNTY

Mrs. Edna M. Noll, Fleetwood.

CRAWFORD COUNTY

Miss Beatrice B. Cotton, Meadville.

JUNIATA COUNTY

Leon P. Eicker, Fermanaugh Twp., Mifflintown.

LUZERNE COUNTY

Mrs. Myrl H. Roth, Nanticoke.

PHILADELPHIA COUNTY

Samuel A. Belsito, Phila., 2203 Frankford Ave.
Miss Nora A. Calhoun, Phila., 1900 Chestnut St.
Edward Cohen, Phila., 413 S. Broad St. (2d floor).
Joseph J. Hogan, Phila., 4421 Lancaster Ave.
Harry L. Neal, Phila., 1622 W. Diamond St.
Boleslaw Piekarski, Phila., 2640 E. Clearfield St.

SCHUYLKILL COUNTY

C. I. Mayer, Hubley Twp., Sacramento.

ARTHUR H. JAMES.

Commonwealth of Pennsylvania,

Governor's Office, Harrisburg, February 7, 1939.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for reappointment as Notaries Public, for terms of four years to compute from the date set opposite their names:

WESTMORELAND COUNTY

N. Halyama, New Kensington, February 9, 1939.

ALLEGHENY COUNTY

Michael V. Blagovich, East Pittsburgh, February 11, 1939.

DAUPHIN COUNTY

Josiah W. Kline, Harrisburg, February 16, 1939.

ALLEGHENY COUNTY

Garnet R. Speer, Pittsburgh, Plaza Bldg., Cor. 5th and 6th Sts., February 21, 1939.

PHILADELPHIA COUNTY

Miss Margaret Y. Kent, Phila., N. W. Broad and Chestnut Sts., February 21, 1939.
Robert F. Toole, Phila., 3323 Ainslie St., February 24, 1939.

ALLEGHENY COUNTY

Miss Florence D. Workman, Duquesne, March 1, 1939.

CAMBRIA COUNTY

Miss Helen Horn, Johnstown, March 3, 1939.

ALLEGHENY COUNTY

Miss Gertrude R. Veiders, Pittsburgh, Plaza Bldg., 5th Ave., March 5, 1939.

COLUMBIA COUNTY

Paul E. Ward, Bloomsburg, March 5, 1939.

ERIE COUNTY

Mrs. Helen D. Graham, Erie, March 5, 1939.

PHILADELPHIA COUNTY

O. B. Kraft, Phila., 4828 Baltimore, Ave., March 5, 1938.

ALLEGHENY COUNTY

Mrs. B. M. Connelly, Sewickley, March 6, 1939.
Edward H. Fey, Duquesne, March 6, 1939.
Fred Shoemaker, Pittsburgh, Walsh Bldg., 434 Diamond St., March 6, 1939.

BERKS COUNTY

Miss Ada E. Fox, Reading, March 6, 1939.

BUTLER COUNTY

Wilbert J. McCaslin, Butler, March 6, 1939.
H. T. Rattigan, Butler, March 6, 1939.

CRAWFORD COUNTY

Miss Mae G. Foley, Titusville, March 6, 1939.

ELK COUNTY

Walter W. Gleason, Johnsonburg, March 6, 1939.

FRANKLIN COUNTY

Miss Daisy E. Mower, Chambersburg, March 6, 1939.

JEFFERSON COUNTY

J. Roy Meneely, Punxsutawney, March 6, 1939.

LUZERNE COUNTY

Mrs. Olive E. Pace, Wilkes-Barre, March 6, 1939.
Joseph Van Dyke, Hazleton, March 6, 1939.

NORTHAMPTON COUNTY

Geo. J. Moran, Northampton, March 6, 1939.
Mrs. Laura G. Wilson, Easton, March 6, 1939.

PHILADELPHIA COUNTY

Geo. W. Beehler, Jr., Phila., 3603 No. 21st St., March 6, 1939.
Mrs. Anna M. Campbell, Phila., 1117 S. 46th St., March 6, 1939.
Mrs. Helen R. Connor Field, Phila., Room 504, Morris Bldg., March 6, 1939.
Roland B. Haig, Phila., 2015 Land Title Bldg., Broad and Chestnut Sts., March 6, 1939.
George A. Scheer, Jr., Phila., S. W. Cor. 6th and York Sts., March 6, 1939.
Michael M. Smolens, Phila., 610 Bulletin Bldg., March 6, 1939.

SOMERSET COUNTY

W. M. G. Day, Rockwood, March 6, 1939.

YORK COUNTY

Mrs. M. E. Freed, York, March 6, 1939.

BERKS COUNTY

Robert R. Boone, Wyomissing, March 7, 1939.
H. Earl Erb, Reading, March 7, 1939.
Jacob N. Tobias, Wyomissing, March 7, 1939.

CRAWFORD COUNTY

Mrs. Mabel E. Groff, Meadville, March 7, 1939.

DAUPHIN COUNTY

Miss Nettie P. Hemperly, Harrisburg, March 7, 1939.

DELAWARE COUNTY

Peter DeAugustine, Chester Twp., Middletown Rd., R. D. 1, Chester, March 7, 1939.
Edgar Earl Trout, Radnor Twp., Wayne, March 7, 1939.

LANCASTER COUNTY

Eugene F. Brubaker, Denver, March 7, 1939.
Mrs. Caroline Imhoff Krouse, Lancaster, March 7, 1939.

MONTGOMERY COUNTY

Stewart Nase, Lansdale, March 7, 1939.

PHILADELPHIA COUNTY

Miss Mary A. Kilgarif, Phila., 4 South 15th Street, March 7, 1939.
William F. Mann, Phila., 1510 Chestnut Street, March 7, 1939.
Raymond McDevitt, Phila., Atlantic and "T" Streets, March 7, 1939.
Elbert Williamson, Phila., Morris Bldg., 1421 Chestnut St., March 7, 1939.

SUSQUEHANNA COUNTY

Mrs. Irene M. Stephens, Lenox Twp., Lenoxville, March 7, 1939.

WESTMORELAND COUNTY

Clyde McCutcheon, Vandergrift, March 7, 1939.

ALLEGHENY COUNTY

Michael R. Brentsynder, West Homestead, March 9, 1939.
Mrs. Mary Blaha Campbell, Pittsburgh, 345 Union Trust Bldg., March 9, 1939.
R. W. Clark, Homestead, March 9, 1939.
Miss Emily H. Goetz, Pittsburgh, 707 May Bldg., 5th and Liberty Aves., March 9, 1939.
Miss L. M. Kelly, Pittsburgh, 7216 Kelly St., March 9, 1939.
W. J. Snodgrass, Pittsburgh, 317 Farmers Bank Bldg., March 9, 1939.

ARMSTRONG COUNTY

J. O. Bothel, Leechburg, March 9, 1939.

BERKS COUNTY

James E. Dalton, Reading, March 9, 1939.
Abner B. Greenawalt, Albany Twp., Kempton, March 9, 1939.
Mrs. Minnie A. Grim, Topton, March 9, 1939.
O. W. Lindgren, Reading, March 9, 1939.
Walter L. Potteiger, West Lawn, March 9, 1939.

BUTLER COUNTY

S. N. Pollock, Butler, March 9, 1939.

CHESTER COUNTY

Walter D. Carlin, Coatesville, March 9, 1939.
Mrs. Josephine F. Warihay, West Chester, March 9, 1939.

CLINTON COUNTY

M. O. Bottorf, Lock Haven, March 9, 1939.

CUMBERLAND COUNTY

Mrs. Mary B. Jones, Newville, March 9, 1939.

DAUPHIN COUNTY

F. R. S. Douglass, Middletown, March 9, 1939.
Mrs. Anna B. Leader, Harrisburg, March 9, 1939.
Thomas J. Sullivan, Harrisburg, March 9, 1939.

ERIE COUNTY

Miss Dorothy M. Half, Erie, March 9, 1939.

LANCASTER COUNTY

Mrs. Marian C. Parker, Lancaster, March 9, 1939.

LAWRENCE COUNTY

Miss Lois D. O'Neil, Bessemer, March 9, 1939.

LEBANON COUNTY

Miss Anna C. Euston, Lebanon, March 9, 1939.

LEHIGH COUNTY

Samuel T. Waidelich, Lynn Twp., R. D. 1, New Tripoli, March 9, 1939.

LUZERNE COUNTY

Robert Challis, Jr., Wilkes-Barre, March 9, 1939.

Fred H. Waechter, Hazleton, March 9, 1939.

McKEAN COUNTY

Mrs. M. L. Jordan, Bradford, March 9, 1939.

MONTGOMERY COUNTY

Carroll L. Rutter, Pottstown, March 9, 1939.

NORTHAMPTON COUNTY

Miss E. M. Reichard, Wilson, March 9, 1939.

NORTHUMBERLAND COUNTY

David G. Bender, Milton, March 9, 1939.

PHILADELPHIA COUNTY

Crawford A. Battle, Phila., 2318-22 Packard Bldg., March 9, 1939.

Samuel R. Blumenthal, Phila., 1205-07 Chestnut St., March 9, 1939.

William Brownlow, Phila., Girard Trust Co., March 9, 1939.

Francis J. Doyle, Jr., Phila., 857 E. Allegheny Ave., March 9, 1939.

James A. Doyle, Phila., 1802 E. Allegheny Ave., March 9, 1939.

F. Robert Gilpin, Phila., Zoological Garden, 34th St. and Girard Ave., March 9, 1939.

John L. Gleeson, Phila., 663 E. Westmoreland St., March 9, 1939.

Miss Gussie Grauner, Phila., 502 Widener Bldg., March 9, 1939.

H. Walter Johnson, Phila., 1608 Walnut St., March 9, 1939.

Walter Koniuszeski, Phila., 519 Parrish St., March 9, 1939.

Miss Henrietta M. Lindsly, Phila., 5719 Walnut St., March 9, 1939.

Miss Florence McArthur, Phila., Independence Bldg., March 9, 1939.

Miss Margaret A. McGovern, Phila., Fox Bldg., 1612 Market St., March 9, 1939.

Howard L. Payne, Phila., Girard Trust Co., Broad and Chestnut Sts., March 9, 1939.

Ildebrando Schifalacqua, Phila., 813 Christian St., March 9, 1939.

Irving Silver, Phila., 674 N. Broad St., March 9, 1939.

SOMERSET COUNTY

Russell R. Deaner, Somerset, March 9, 1939.

D. H. Pore, Confluence, March 9, 1939.

WARREN COUNTY

Mrs. Helen A. Branch, Warren, March 9, 1939.

WESTMORELAND COUNTY

Edgar A. Aland, Jeannette, March 9, 1939.

YORK COUNTY

Harold D. Keller, Glen Rock, March 9, 1939.

Mrs. Pauline E. Pfaltzgraff, York, March 9, 1939.

CAMBRIA COUNTY

Mrs. Rozella L. Ealy, Barnesboro, March 10, 1939.

FAYETTE COUNTY

Miss Anna S. Nobel, Brownsville, March 10, 1939.

PHILADELPHIA COUNTY

Michael A. Bozzuto, Phila., 1725 S. 12th St., March 10, 1939.

ALLEGHENY COUNTY

Miss Isabella Murphy, Pittsburgh, 582 Union Trust Bldg., March 12, 1939.

Miss Florence P. Stroud, Swissvale, March 12, 1939.

CRAWFORD COUNTY

J. Albin Carlson, Titusville, March 12, 1939.

DELAWARE COUNTY

Mrs. Lucy N. Brighton, Norwood, March 12, 1939.

McKEAN COUNTY

L. E. Smith, Bradford, March 12, 1939.

PHILADELPHIA COUNTY

Miss Marie O. Vourion, Phila., Mount St. Joseph Convent, Chestnut Hill, March 12, 1939.

SOMERSET COUNTY

Mrs. Nellie G. Barnett, Somerset, March 12, 1939.

CHESTER COUNTY

J. Harry Grover, Phoenixville, March 14, 1939.

WESTMORELAND COUNTY

G. A. McDowell, Greensburg, March 14, 1939.

ALLEGHENY COUNTY

W. M. Hall, Mt. Lebanon Twp., Mt. Lebanon, March 15, 1939.

BUTLER COUNTY

John W. Krisko, Butler, March 16, 1939.

PHILADELPHIA COUNTY

Miss Iola S. Ranck, Phila., 1608 Walnut St., March 16, 1939.

NORTHAMPTON COUNTY

William L. Ealer, West Easton, March 17, 1939.

MONTGOMERY COUNTY

Edward G. Zepp, Abington Twp., 741 Edge Hill Rd., Ardsley, March 19, 1939.

PHILADELPHIA COUNTY

Miss Blanche Hackman, Phila., 21 N 52nd St., March 19, 1939.

ELK COUNTY

John H. Cartwright, Ridgway, March 26, 1939.

MONTGOMERY COUNTY

James J. Carr, Norristown, March 26, 1939.

PHILADELPHIA COUNTY

Adolph T. Kohn, Phila., 313 North American Bldg., March 26, 1939.

Miss Elizabeth E. Speed, Phila., 32d and Powelton Avenue, March 29, 1939.

ALLEGHENY COUNTY

Charles A. Lewis, Pittsburgh, 518 Berger Building, March 31, 1939.

LEBANON COUNTY

Irving K. Walborn, Lebanon, March 31, 1939.

ALLEGHENY COUNTY

Miss Gertrude G. Curran, Duquesne, April 1, 1939.
Edward R. Hazlewood, Pittsburgh, 2510 First National Bank Bldg., April 1, 1939.

DELAWARE COUNTY

Miss Myrtle M. LaRue, Chester, April 1, 1939.

LACKAWANNA COUNTY

Wm. H. Horger, Taylor, April 1, 1939.

PHILADELPHIA COUNTY

Casimir J. Przybylowski, Phila., 2643 Orthodox Street, April 1, 1939.

CRAWFORD COUNTY

Mrs. Anna I. Bunce, Meadville, April 2, 1939.

BERKS COUNTY

Daniel K. East, Boyertown, April 9, 1939.

LUZERNE COUNTY

Miss Anna Breese, Hazleton, April 9, 1939.

WESTMORELAND COUNTY

R. R. Whenry, Jeannette, April 21, 1939.

PHILADELPHIA COUNTY

Joseph W. McDowell, Phila., Security Bank and Tr. Co. Bldg., Kensington and Allegheny Avenues, April 25, 1939.
August J. Kolbe, Phila., 1224 N. 28th St., May 14, 1939.

ARTHUR H. JAMES.

EXECUTIVE SESSION

By unanimous consent.

A motion was made by Mr. EALY and Mr. WOODWARD

That Rule, 38, which requires nominations made by the Governor be referred to an appropriate committee be dispensed with, and the Senate do now resolve itself into Executive Session, for the purpose of acting on the foregoing nominations.

Which was agreed to.

Whereupon,

A motion was made by Mr. EALY and Mr. WOODWARD

That the Senate do advise and consent to said nominations.

On the question,

Will the Senate agree to the motion?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—44.

Bartlett,
Cavalcante,
Chapman,
Coleman,
Crowe,
Dando,

Eroe,
Farrell,
Frey,
Gelder,
Geltz,
Gilsen,

Letzler,
Mallery,
McCreesh,
McGinnis,
Miller,
Mundy.

Scarlett,
Shapiro,
Sipe,
Snowden,
Stevenson,
Stiefel.

Deitrick,
Dent,
DiSilvestro,
Ealy,
Edmonds,

Haluska,
Heyburn,
Homsher,
James,
Kunkel,

Owlett,
Pierson,
Reed,
Rice,
Ruth,

Tallman,
Thomas,
Walker,
Wolfenden,
Woodward,

NAYS—0.

Two-thirds of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Governor be informed accordingly.

Mr. EALY. Mr. President, I move that the Executive Session do now rise.

Mr. GELDER. Mr. President, I second the motion.

The motion was agreed to.

BILLS SIGNED

The PRESIDENT (Lieutenant-Governor Samuel S. Lewis) announced that the Chief Clerk having reported that the following bills had passed both houses of the General Assembly and the same being correct the titles were publicly read as follows:

House Bill No. 3, entitled:

An Act transferring money from the Liquid Fuels Tax Fund to the General Fund and providing for the subsequent return from the General Fund of the transferred money.

House Bill No. 4, entitled:

An Act transferring money from the State Insurance Fund to the General Fund and providing for the subsequent return from the General Fund of the transferred money.

Whereupon,

The PRESIDENT (Lieutenant-Governor Samuel S. Lewis) in the presence of the Senate signed the same.

HOUSE MESSAGE

The Clerk of the House of Representatives being introduced, presented an extract from the Journal of the House of Representatives which was twice read as follows:

In the House of Representatives, January 30, 1939.

Whereas, there are present in the United States various groups and associations of persons organized to foster foreign institutions to overthrow our government and to engage in Un-American activities, and

Whereas, such groups pay allegiance to and follow the authoritarian philosophy of foreign governments in preference to our own, and

Whereas, such groups whether Nazis, Fascists or Communists are hostile to free democratic government and endanger the welfare of our nation and

Whereas, the Committee to Investigate Un-American Activities under Chairman Dies appointed in the House of Representatives of the United States has done and is doing much to expose these foreign groups and associations and it is to the welfare of the nation that such investigation continue, therefore be it

Resolved (if the Senate concur) that the General Assembly of the Commonwealth of Pennsylvania hereby memorializes the Congress now in session to appropriate the sum of \$150,000.00 to continue the work of the Committee Investigating Un-American Activities and be it further

Resolved that copies of this resolution be forwarded to the Speaker of the House of Representatives and the Vice-President of the United States

On the question,

Will the Senate agree to the resolution?

Mr. MILLER. Mr. President, I rise to speak on the Resolution just read.

POINT OF ORDER

Mr. SHAPIRO. Mr. President, I rise to a point of order.

The PRESIDENT. The Senator from Philadelphia, Mr. Shapiro, will state his point of order.

Mr. SHAPIRO. Mr. President, there is nothing before the Senate. I have not heard anybody ask for consideration of this resolution.

Mr. MILLER. Mr. President, I then move that we concur in House Resolution No. 11.

Mr. OWLETT. Mr. President, I second the motion.

Mr. SHAPIRO. Mr. President, I object to immediate consideration of this resolution.

The PRESIDENT. The Chair hears objection. The resolution will be referred to the Committee on Federal Relations.

RESOLUTION EXTENDING SYMPATHY TO SENATOR LANIUS AND SON, ON THE DEATH OF THE SENATOR'S WIFE.

Mr. RICE offered the following resolution which was twice read, considered, and agreed to:

In the Senate, February 7, 1939.

Whereas, God in his wisdom has seen fit to call to heavenly rest Mrs. Cora Elizabeth Lanus, beloved wife of our colleague from the County of York, Honorable Henry E. Lanus.

And Whereas, Mrs. Lanus embodied those Christian virtues which made her an ideal wife and mother, one who gave to her husband loving care contributing much to his rise among his people and whose kindness and pleasant ways endeared her to her neighbors.

Therefore Be It Resolved, that the Senate of Pennsylvania record its deep sorrows at the death of Mrs. Lanus and extends its heartfelt sympathy to our associate, the Senator from York County, and to her son, Marcus Lanus, long an employe of this body, and bids them be comforted by the memories of her fine unselfish personality with its rich heritage of service for themselves and their neighbors.

PRESIDENT PRO TEMPORE TO APPOINT SPECIAL COMMITTEE OF THE SENATE TO ATTEND FUNERAL OF SENATOR LANIUS' WIFE.

Mr. HOMSHER offered the following resolution which was twice read, considered, and agreed to:

In the Senate, February 7, 1939.

Resolved. That the President Pro Tempore appoint a committee to represent the Senate of Pennsylvania at the funeral of the beloved wife of our honored colleague, Senator Henry E. Lanus, on Thursday afternoon, February ninth, at one-thirty o'clock, at the Lanus home in Spring Grove, York County

COMMITTEE TO ATTEND FUNERAL

The PRESIDENT. On behalf of the President Pro Tempore of the Senate, I wish to announce the following committee appointed to attend the funeral:

The Senator from Adams, Mr. Rice; the Senator from Lancaster, Mr. Pierson; the Senator from Dauphin, Mr. Kunkel; the Senator from Cumberland, Mr. Jacobs; and the Senator from Lancaster, Mr. Homsher.

CALLING ATTENTION TO THE DEPARTMENT OF PUBLIC ASSISTANCE TO EXCLUDE FROM RELIEF ROLLS ALL BENEFITS FOR MIGRATORY APPLICANTS

Mr. WOODWARD offered the following resolution which was twice read, considered, and agreed to:

In the Senate, February 7, 1939.

Whereas, The mounting cost of relief is a menace to the orderly functions of State Government; and

Whereas, There is a common belief that there are a large number of migratory beneficiaries on the relief rolls; therefore be it

Resolved (if the House of Representatives concur), That the attention of the Department of Public Assistance is called to this complication, and that it is the sense of the General Assembly that the Department should exclude from relief rolls all benefits for such migratory applicants.

Ordered, that the Clerk present the same to the House of Representatives for concurrence.

PROPOSING A LEGISLATIVE INVESTIGATION OF ENTIRE MILK CONTROL PROGRAM OF STATE

Mr. HEYBURN. Mr. President, on behalf of myself and the Senator from Chester, Mr. Scarlett, I am about to introduce a resolution, which directly affects the prosperity and health of the people of our community. Due to the fact that we have been unable to contact some of the members of the Senate this morning, I suggest that this resolution be referred to the Committee on Agriculture.

Messrs. HEYBURN and SCARLETT offered the following resolution which was twice read, considered, and agreed to:

Whereas, Milk Control has been the subject of much controversy, and

Whereas, The production and distribution of milk is a subject of such vital importance to the citizens of the Commonwealth; therefore be it

Resolved (if the House of Representatives concur), That the President Pro Tempore shall appoint three members of the Senate, one of whom shall be designated as Chairman, and the Speaker of the House of Representatives shall appoint four Members of the House, who, together shall constitute a joint legislative committee and whose duty it shall be to investigate and study, (a) all regulations, records and activities of each department, severally and jointly, and to take the testimony of such witnesses as may be deemed necessary to ascertain full facts which will be useful and helpful in formulating future remedial and regulatory legislation;

Resolved, That said committee shall have power to issue subpoenas under the hand and seal of its Chairman, requiring and commanding any person to appear before it and answer such questions touching matters properly being inquired into by the committee, and to produce such books, papers, records and documents as the committee may deem necessary. Such subpoenas may be served upon any person and shall have the same force and effect as subpoenas issued out of the courts of this Commonwealth. Each member of the committee shall have power to administer oaths and affirmations to witnesses appearing before it. Any person who shall wilfully neglect or refuse to appear and testify for said committee, or to produce any books, papers, records and documents, shall be subject to the penalties provided by the laws of this Commonwealth in such cases.

Ordered, that the Clerk present the same to the House of Representatives for concurrence.

TIME OF NEXT MEETING

Mr. OWLETT offered the following resolution, which was twice read:

In the Senate, February 7, 1939.

Resolved (if the House of Representatives concur), That when the Senate adjourns this week it reconvene on Monday evening, February 27, at nine o'clock; and when the House of Representatives adjourns this week it reconvene on Monday evening, February 27, at eight o'clock.

On the question,

Will the Senate agree to the resolution?

Mr. SHAPIRO. Mr. President, I understand the Senate is going to be asked to stay this week until Friday, to pass a bill which is coming over from the House, appropriating the twenty-two million dollar balance of funds transferred from the Motor License Fund, the Liquor License Fund and Liquid Fuels Tax Fund. I understand there are a considerable number of bills over in the House, some of them important. There are forty-six bills which have been offered and introduced in the Senate.

This is the first time that I can recall to mind, in the history of the Senate, that after the House and Senate had convened and had taken the customary two weeks' recess, to permit the appointment of employees, the organization of the Senate and the inauguration of the incoming Governor, that we have asked for an adjournment and the Senate has adjourned for a further period of approximately three weeks.

I think the people of the Commonwealth of Pennsylvania, particularly at this session, sent us here to perform a duty. I do not think we have a right to run away from it. I think we have a very serious problem confronting the Commonwealth of Pennsylvania; what we do in Pennsylvania will have its effect on the rest of the nation.

The problem of relief is one of the problems that will go far—the solution of that problem will go far in determining what form of government we are going to have.

I have been asked by some of the newspaper men—I have just received a note as to why I objected to the immediate consideration of the resolution relative to the Dies Committee, and I think my remarks on the subject of this adjournment will answer that question.

I think the kind of legislation we have just introduced, memorializing Congress, and asking that \$150,000 additional be appropriated for the continuance of the work of that Committee—this Committee has already received plenty—is innocuous, it is merely a gesture that does not mean anything, it is a resolution that calls people names, the purpose of which many of us are unfamiliar with. To just simply say you object to a Communist does not get you anywhere. I do not object to "ists" and "isms," I object to behavior. I do not think that any resolution we can pass or any investigation we can start will do anything to stop what is referred to as "authoritarian"—what I think they mean is "totalitarian"—form of government. I think the behavior of the law-making bodies, the behavior of public officials, the appreciation of individuals and public officials of the real form of government, the Democratic form of government, we enjoy, will do more than investigations; and when I say "appreciation" I do not mean enjoyment, but appreciation by proper conduct.

The relief problem in this Commonwealth and in many Commonwealths will get beyond control unless we all get together and spend every moment of the time available to help solve it. There are a number of people in this country, and in other countries, who are willing to work and who cannot get the work, the employment. It is the obligation of the Commonwealth to help those people.

There are many people who take advantage of the fact that the Commonwealth is willing to do its duty and perform its functions, and ride on the coat-tails of anything or any cause or any program that will enable them to get something for nothing; and the longer we delay a proper study of the problem, which will confine relief within the true meaning of the word, the further we will be away from the solution of the problem and the nearer we will approach dictatorship. Undoubtedly people with understanding must know that as the roll of unemployed increases and as the roll of people who do nothing to earn the money which they receive increases we approach nearer to a form of government which means the loss of control by the governing body and by the people appointed and elected to control the government; and I think it is a pity that two weeks' or three weeks' time should be allowed to pass when the Legislature recesses at a time like this.

The Governor of the Commonwealth of Pennsylvania says that the problem requires study, and I think it's much better that the Legislature stay in session—to give to the Governor the advice and information that all of us have from our respective districts, to help him solve that problem.

I say to you now that I have somewhat of an inkling of what is going on with regard to relief. It is my impression that what I prophesied in the confirmation proceedings we had are coming through. The gentleman who was appointed as the Public Assistance Director is now giving to this Governor the same scare that his predecessor, in the former Administration, gave to the other Governor; as much as the intentions of the Governor of the Commonwealth may be of the best, he is going to have those intentions undermined by a fear instilled into his mind by the same group of persons, the only difference being in the representative.

We had DeSchweinitz, and Governor James has Mr. Russell; and all those people work on a theory and on a decimal point; they all figure out that it take 8.57 to keep certain members of a family in clothing and in good health. That is their theory, and it does not make any difference how that portion of this money is being distributed, whether sickness occurs—which increases the amount—or changes occur which decrease the amount. They have their pencil and their paper, and they are the most impractical group of people that we, as Legislators, have come in contact with. And we are allowing those people, while we are laying off these three weeks, to undermine the good intentions and the judgment of the Governor, and instill fear into his heart.

I have been wondering where the Governor of Pennsylvania gets the figure \$118,000,000, and I have been wondering where he is going to save it; but I think what is happening is, he is being confused, and frightened into a decision which is going to bring us nearer to increasing the army of unemployed, because, after all, human nature is human nature, if I can find a way to get ten dollars

or thirty dollars a week without working I am going to get that ten dollars or thirty dollars; and the sooner you make that possible the sooner you increase the multitude on the relief rolls.

The \$118,000,000, in my mind, represents the difference between the amount of money which was allocated for relief in the 1937-39 biennium—in other words, I am sure the Governor has been told, "Now, it will take \$139,000,000 plus \$118,000,000, or \$257,000,000, to support the relief roll in the Commonwealth of Pennsylvania." If that is the information he has been given, we ought to know it; and if that is the information he has been getting and the plan upon which he is proceeding, we ought to know it, and ought to be here to talk about it and to find out the fallacies and dangers of misinformation. After all, we can make all the political capital we want; when it comes to the imposition of taxes I am sure the minority group here can shoot at the program which the Governor will present for the raising of money for the carrying on of the normal and abnormal functions of the government; but I am sure we would be better off if we quit this waste in our motions, and our opposition to that end of it; but I am equally certain that the tax proposition must remain in abeyance until the relief proposition is determined. In other words, nobody knows how much taxes are going to be necessary until it is determined how much relief is going to be necessary, and I for one, feel that we are derelict in our duty—to leave this Chamber and to permit these men to have paper and pencil to figure out for us how much money is necessary for relief, and say to the Governor, "Here is your bill; that is what you have got to provide. Now, you go and provide it."

And the longer that condition is permitted to go on the more conflict and the more contrary statements you will get from the Executive Chamber. Every time the Public Assistance Director visits the Governor the plan must change, because they keep on using those pencils—for which we pay—and increasing those figures, because in increasing the amount of money to be distributed that necessarily increases the amount of social service workers who will be on the payroll; and it has gotten to be, in our Commonwealth, that the job of a social service worker is to create work, and the only way she can create work for herself is to increase the number of customers they have to come in on the regular day and get their checks.

Now, of course, there are exceptions to every rule, and there are some high-minded people who are associated with public charity; but, also, all of those people, in the main, get so taken up with their own percentages and their own figures and their own theories that they lose complete sight of the practical situation. There is a limit to the money that can be raised; there is a limit to the people who are entitled to be on the relief rolls.

I want it understood that I would feel it is much better that ten per cent of the people are what we used to call "chiselers" here, that we would be much better off to let those people participate, than to stop relief. I want it understood that I have a great respect and feeling of sympathy for those people who are rightly on relief and cannot do anything about it and cannot get work; but I haven't the slightest sympathy for the man who wants to take advantage of the fact that we are providing relief for those who deserve it, and gets money without working.

There are hundreds of cases in my own district. I can

tell any social service worker, within three minutes' time, what the situation is in any home in the district, in the division, in which I live. No social service worker, either under this administration, the last administration or the preceding administration, has ever come to me to get my opinion on the situation of the necessities of any person in my division. There are hundreds of committeemen, both Republican and Democratic, who could give the chiefs at headquarters, over the telephone, more information than any social service worker who spends a week or two weeks determining whether certain people are entitled to relief. Some of them, in the meantime, are starving, and others in the meantime are pretty happy that they are able to conceal the real fact that they are getting relief they are not entitled to; and the State is encouraged by these Public Assistance Directors and these social service workers, because they do not believe that I know anything about the situation in my neighborhood—because I happen not to have had a social service education, I cannot figure out in decimal points how much is necessary; and they don't think my wife, or any other wives in the neighborhood, who know these families, have any ability to tell them about the necessities of the children in the neighborhood because she didn't attend the social service school; and we are allowing, by adjourning here we are allowing this problem to be delayed three weeks further. The important thing in the Constitution is not with reference to appointments we had that provision referred to last night—is not that with the advice and consent of the Senate the Governor's appointments may be confirmed—I think it would be much better if that were changed, and if the Governor could have advice and counsel from the Senators on the new problems which are arising today, and which are much more important.

As I said, I did not advise the Governor that he should appoint Mr. Russell; he did not ask us and we did not consent—because we did not believe, and many of my friends on the other side did not believe, that Mr. Russell was the right man. But certain interested groups of people in Philadelphia—not Republicans or Democrats, but certain groups—the same groups that recommended the appointment of Dr. DeSchweinitz to one Governor recommended the appointment of Mr. Russell to another Governor; but he is the gentleman who is now the head of the Public Assistance Department and is going to have charge of the distribution of upwards of two hundred millions of dollars, and not one of us would think of putting at the head of any business establishment that we were interested in—a man to distribute that amount of money, who was inexperienced in such work. After all, this Senate is entitled to a bit of consideration, too, and many of us have had it here; and I am strongly objecting to this precarious and dangerous business—of allowing the Governor to be influenced, without our advice, by these men who have no practical experience but are dealing with theory.

MR. OWLETT. Mr. President and members of the Senate, the resolution that my colleague from Philadelphia has just spoken on is the resolution providing for a recess of this Senate until the twenty-seventh day of February, skipping two of the regular weekly meetings of this Senate.

I want to say, first, that what has been said by the Senator from Philadelphia, Mr. Shapiro, in connection with the theory and approach that we have observed, to the problem of relief, I am sure that many of us concur in. We believe,

however, Mr. President, and I am sure that the Governor believes, that the new Secretary of Public Assistance proposes to clean out this system which is saddled on this State. There are many people on the relief rolls whom we believed are not entitled to be there. However, this Administration and both parties have pledged themselves to furnish adequate relief to those in need.

Now, Mr. President, this resolution has as its basis the information, that has come to this body, that it will take at least two weeks in order to complete this budget. It will take, in other words, two weeks to ascertain what the requirements of the next biennium will be, what the effects of the savings in the various departments will be on the budget. In other words, the whole legislative program of this session of the Legislature depends to a large extent on just what can be worked out in the way of economy and just what will be found to be the actual needs for relief when the proper surveys have been completed.

Now, it is very obvious, Mr. President, that this Administration, having taken office just three weeks ago without having any opportunity to know the true state of affairs, and learning, after coming into office, that we are faced with a deficit probably greatly in excess of the deficit that was indicated prior to the inauguration—it is very obvious that the work necessary to be done in order to intelligently approach the whole legislative program has got to be carefully worked out.

I want to make it clear that this time is not going to be wasted. It is proposed, during this recess, to have numerous committees of the Senate and of the House work on this legislative program, consult with the heads of the departments, and see in what way we can cooperate to cut down these costs and save this State from what otherwise would be financial disaster—if we went on at the rate at which we were going prior to this Administration.

That is the purpose of this recess; it is to do this necessary preliminary work in an orderly way, and many of us are convinced that if this recess is taken and if this intensive work is done during this period, until the twenty-seventh, we will save much time in the end.

That must be so, under the circumstances; and, may I point out, it has been suggested by the Senator from Philadelphia, Mr. Shapiro, that there is a lot of other legislation that should be considered. In the last Special Session of this Legislature bills were introduced and passed which have saddled on this Commonwealth some nineteen million dollars of additional expense—just last November. Now, that is a very good illustration of how necessary it is, in considering our whole legislative program, to know what the revenues are going to be and what the requirements are going to be for relief and for all other purposes.

Now, I want to assure the Senator from Philadelphia, Mr. Shapiro, that we are all as anxious as he is to see that this department that handles relief cuts out the chiselers, cut down the expense, does away with these theories which we know have produced costs that run into fifteen or twenty per cent of the money that is appropriated for relief; and I want to assure the Senator from Philadelphia that this Administration will welcome, during this recess, any suggestion from any single member of this Senate, whether on the Republican side or the Democratic side, which will bring about a saving of money in this next biennium.

We are approaching this next biennium with a problem such as no Administration ever before faced, and it is go-

ing to require the concerted, intelligent, honest effort of every single member of this body and of the House to meet this problem; and I speak advisedly when I say that if there is any member of this Senate, whether he be on the right or the left, who has any suggestions to make by which relief can be cut down and still take care of the needy and unemployed in this State, or where money can be saved in any other department, we hope that such suggestions will be made, because we have got to cut the cloth to fit the pattern, we have got to economize. The people of this Commonwealth have got to understand that the time has come when there is not an unlimited supply of money, that in the last analysis the people pay these bills.

I could not help thinking, last night when I heard them speaking here on the Public Utility Commission, and explaining the actual necessity for the Public Utility Commission to cut down its expenditures, and they on the other side answered by saying, "Why, that does not come out of the Commonwealth"—I could not help thinking how erroneous that answer was; because it does come out of the Commonwealth, every cent of expense comes out of the people of this Commonwealth, whether it is paid through rates to a utility or through taxes which go into the State Treasury.

It is a fallacious approach to this problem, to propound such a theory. The time has come when we have got to realize that when you pay out money for a salary of an unnecessary employee, that money is coming out of the pockets of the people, whether you do it through the subterfuge of taking it out of the coffers of a utility or you take it out of the coffers of an industrial enterprise that pays, in rates, toward the expense of the Workmen's Compensation Board—it all, in the end, comes out of the people; and we propose, Mr. President, during these two weeks; to give—the Republican members propose to give practically all their time and thought to this; and we hope that our Democratic colleagues will join with us in studying these problems, and assist in working out a program so that when we come back here in the twenty-seventh we can face this whole situation as it should be faced, knowing what our requirements will be, and meeting this in the way it should be met. I hope this resolution passes, that we may have this time to give to this study.

Mr. SHAPIRO. Mr. President, I learned last night, and I want to say frankly I have heard a lot of talk about lobbyists coming around in the Senate. I should like to say to the members of the Senate that on many occasions I have taken dinner with some lobbyists, and also lunch; I know some of these so-called lobbyists personally—and I do that because I want to get their point of view. I talk to labor lobbyists and I see no reason why I should not talk to utility lobbyists, as long as they will give me their opinion without trying to sway me by ulterior means and for ulterior purposes; and I found to my amazement last night that one of the utility expenses, because of the new regulations placing costs on the utilities, is around ninety thousand dollars.

Now, I agree with the Senator from Tioga, Mr. Owlett, that that comes out of the pockets of the community; and I agree that if that can be cut down it should be cut down; but I disagree with the Senator in this way: that no problems can be solved unless the facts are approached with honesty and fairness; and I agree that if the Governor of the Commonwealth had said, "I want these pay-

rolls cut down because you are putting an unnecessary burden on the Utilities," I could not have any quarrel with him; but when the Governor comes out on what is called an economy drive and says he is going to save millions of dollars, and in the course of that statement, and in the next breath, says he is going to have the Utility employes fired and save money, he is not frank, and if he believes that statement somebody is giving him misinformation.

Last night the Senator from Montgomery, Mr. Edmonds, suggested to me that if I have some way of helping solve this problem I should go to the Governor and tell him about it. I stated that I do not go to a man's home unless I am invited. I have been a Senator here since the first of January, and the Governor, I have no doubt, knows I am here, and knows a lot of other Democratic Senators are here, but none of us have been asked to give our views.

I say that, as a Senator, feeling my responsibility, I have examined the budget from 1927 to the present time, and I have analyzed it and am familiar with the figures, and with the governmental functions and what they cost; and the only source, I submit, for obtaining information, that I have known up to now, is by getting it on the floor of the Senate. And I say that when we vote \$26,000,000, having already voted the transfer and appropriated it to the Department of Public Assistance when we had the information that it is going to cost \$9,000,000 a month from now on to run the relief problem, and in my humble way I figure three times nine is twenty-seven, and therefore in three months that \$26,000,000 should be enough—and when I see a member of the Senate, for whose integrity I have the highest regard, stand on the floor and say it is not enough—not only not enough for three months but, unless we pass these bills now, when we come here on the twenty-seventh we will not be able to send out checks on the twenty-seventh, then I say it must be because information is given to the Governor that nine million dollars per month is not the maximum but that probably twelve million dollars per month is the maximum, because three times twelve is thirty-six, and \$34,000,000 is being asked.

And then I view with alarm the picture, as I figure it up in my own mind, and I say, why is it that these additional millions are needed now?—because the first figure was wrong or because the second figure was wrong? and when I read in the reports of the Public Assistance Department that last week—the week ending January the twenty-first, close to last week, one of the previous weeks, this was the situation, I am further alarmed: there were 9,628 cases opened, and 4,167 closed. That means we have increased our relief loads by some 5,400 cases; that of the 9,000 cases opened 4,118 were accepted for assistance because of the loss of private employment or decrease of wages, 2,946 were accepted because of loss of Federal Works Program. Now, I compared the closing—to be fair about it—and I say that 383 were dropped because of Federal Works employment, which means a net of 2,600 people were dropped off WPA employment. Those are the people I am concerned with, because they have shown they are willing to work and now they are thrown on the relief roll. Why? Because Republicans and some Democrats alike have failed to secure for Pennsylvania

the benefit of the proper proportion of the taxes which we pay; and I say we should stay in session, because my first suggestion, making it from the floor as I would do—because I have not been invited, nor have any of my colleagues, to tell this to the Governor—that a resolution instead of memorializing Congress to give \$150,000 to the Dies Committee—and, by the way, \$100,000 has already been appropriated, so there is no use talking about the resolution—we should have a resolution there that a committee should be appointed, of members of the House and Senate, to visit those in authority in Washington and show them this picture and tell them that this load may likely be \$12,000,000 instead of \$9,000,000 if we continue to drop from Works Progress the people that they are dropping every week; I say that the Senators representing Pennsylvania, including the Senator from Pennsylvania Mr. Davis, should immediately proceed to join with us to solve this problem by introducing a resolution at once to increase that appropriation by the \$150,000,000 which was unadvisedly refused.

Who is paying that \$150,000,000? We have not reduced our tax payments to the Government of the United States in the last six months? our share is the same. Why should we not get that money we are receiving, so that Pennsylvania taxpayers will not be paying twice as much money—being asked to add this additional amount to their taxes? And that is the reason I say, when asked about this question of taxes, we can take our political views and spread them on the floor here but I am asking the Governor of the Commonwealth of Pennsylvania to give us the estimate of unemployed, I am giving him our word that we are ready to help solve this problem, with what little knowledge I have of the situation. But I want that he should make up his mind that the election is over, and that he did make promises which it is quite likely he cannot possibly fulfill; and I am agreeing, for the sake of settling the argument, that the situation is changed, if that will help, and it is not what he thought it was; and he frankly admits that the real problem in Pennsylvania is the relief problem, and we have got to see what we can do to solve it, and stop trying to play for political position by saying he will cut out four or five millions of dollars in the administration of the government, and that will save it.

If you will look at the address of the Governor in 1937, on February the twenty-fourth, you will find that he pointed out that he saved four million dollars in the costs of government; and he asked \$139,000,000 for relief. What was his \$4,000,000 compared to the difference between the amount appropriated for relief and the amount actually necessary? Why, for the two years, instead of \$139,000,000 we are going to spend \$218,000,000, and I would rather have spent that \$5,000,000 by setting up an intelligent personnel who would have looked into the relief problem, given that \$5,000,000 to them, and I am quite sure that in Philadelphia alone one-third of the relief can be saved by an intelligent and proper study of the situation.

But you will have to be equally frank about your politics, and stop worrying about whether Roosevelt is going to run for a third term or not, and give Pennsylvania its fair share of the taxes they pay to the Federal Government. That is what you will have to do; you cannot, in

one breath, in Congress decrease the income in the Commonwealth of Pennsylvania from the Federal Government, and then try to decrease the expenses, the money we will have to spend for relief.

And my friend referred to nineteen million dollars of a new program. I would like to have this \$19,000,000 analyzed, and I would like to know whether some of it will go to the building of schools, to the building of public institutions—which will decrease our unemployment by providing employment, which will increase our industry in Pennsylvania, by enabling industries to sell to the manufacturers and sell building materials.

I would like also, on the other side, to look into the costs and see whether or not it will cost more than the Commonwealth can afford; but if, as we spend that nineteen million dollars, and as the result of the spending of the nineteen million dollars we get money from the Federal Government, an additional sum for employment, our relief roll will be reduced. The only problem we have to consider there is whether the overhead created by this new problem is so great we will not be able to function normally without additional taxes and expenses.

My friends, that is the proposition up until the approach of this relief situation, without politics. We are human beings; you cannot expect to call us names today and tomorrow expect us to sit down with you and help in harmony, help you with difficult matters and help you solve important problems, if you tell us we are children of an Administration that has been extravagant, and you tell us that with facts and figures that are not fair and not right. We are going to object and get mad about it, and if we get mad about it we are not going to be able to reason; and that is why I say, "Who are these committees that are going to meet?" That is why I say, "Why are you going to adjourn?"

You are going to have various committee meetings, and once these gentlemen leave here they will find enough problems to solve at home, and if other individuals ask them, they will not be back; and when I say it is an emergency, that in a situation as critical as this the people of the Commonwealth are not told—it is everybody's problem, it is every citizen's problem, and they should be warned that when they see a neighbor collecting relief to which he is not entitled it is not merely playing tattletale to tell on them, but it is a public duty to let the proper authorities know.

We know, no matter whom you get, you will have some unnecessary expenditures, and we will know, whether it is a Republican or Democratic form of government in power, these things will occur; but we can get it done. There is no reason why the thing should be allowed to run away with us, so we should take the word of one man here that relief necessity of one week has increased from nine million dollars to twelve million dollars.

We should say to Governor James, "You promised these gentlemen relief from taxes." He would say to that, "Well now, I thought I was going to be able to reduce taxes, but I find the record shows that as a result of private employment there were at least three thousand people dropped from their work by private industry last week, and put on the payroll."

I want to say to you, as Governor, now, that if that is what you are wanting to do on account of cutting taxes,

you can intercede; and if he approaches it frankly, approaches it on both sides, he will get cooperation.

If a corporation is making six million dollars in profits and it will only make four million dollars by employing more people, it is its duty to put those people on the payroll and make the four million dollars, and keep them off the relief rolls for a year.

Who is paying that payroll except the people? They will be asked by these people; "Why run away now? Why run away now when in only a matter of two or three years from now we will be in the same position, and give the same excuses, and have the same reasons for over-throwing this form of Government as has caused the governments to be overthrown in Europe.

You gentlemen may have seen in the New York Times a review of a book by a former member of the Reichstag. I advise you to read it; it will give you the causes and the explanation—not the excuse—for the rise to world power of Hitler; it gives you an explanation; and I say to you when you compare those causes, as years go by, with what is going on in this country, you will find that they approach and parallel the excuses for the overthrow of government there; and it is time, high time, that we realize that we are playing with dynamite, and I see no reason why we, as Legislators, should leave this session now for two weeks when the problem is so all-important and so dangerous in its aspects.

Mr. WOODWARD. Mr. President, what I want to say is, I agree so thoroughly with my colleague from Philadelphia that there is no excuse whatever to stand up in opposition. I agree with him that the social workers have come to a point where they have what might be called a closed shop, and today are more or less what might be called cocky; and it makes no difference whether Isaac Biddle or Robert Johnson or Karl DeSchweinitz or Secretary Russell is in charge, if we have some way of bringing a large body of men to a focus, to intelligently cross-examine those people, I have no doubt it will save the Commonwealth money.

I remember distinctly, and you also remember, that we had Karl DeSchweinitz here at the bar of the Senate, and we cross-examined him here, and in at least one instance we did show an unnecessary expenditure of money; but, of course, that is a crude method—for fifty men to try to cross-examine an administrator. But, of course, that is our handicap—with all the members of the House and the members of the Senate it is very difficult to put your finger on the failure of these professional social workers.

But I realize that we are responsible for the money of the taxpayers, every penny is appropriated by us; and I can easily imagine that an over-worked man like the Governor is only too willing to yield to the opinion of the professional social worker.

Now, it is easy enough to say all that, and I digress for a moment—you may be interested—I knew a doctor in Jackson's Hole who was made the administrator of relief, and he was a very intelligent doctor and had many patients who owed him money, and he put all the delinquents on the payroll for relief, and when they made enough money they paid his bills; and that was a very intelligent way, I imagine, to administer relief, I imagine it was very wise; but my constructive suggestion,

that I would like to put up to the Senate and the House, is that, recognizing our responsibility to the taxpayer, and also recognizing the fact that we are too big a body to operate as a Senate and a House, that we set up what we may call a Legislative Auditor—not a new idea at all, but this man would have the power to investigate any department and would have a perfect right to examine or use important file papers.

Some of us, perhaps, may feel this is a reflection on the Governor, but I think not at all if we recognize that the Governor is overworked and he would welcome such an individual as that. He would have to be a very exceptional man, I admit; but if he were given the power of pre-auditing, if he could shut the door before the horse is stolen, if he could discover extravagance in the administration of relief, I think it would be a very good idea, it would be very useful.

I would be very happy to have the Governor consider that; I think it should be considered; I am willing to vote for such a bill, and I think there is merit in the employing by the legislative body of a competent man to represent them and he to have the right to go into the Governor's office or anywhere else.

Mr. EALY. Mr. President, the Senator from Philadelphia, Mr. Shapiro is a man of many words and I take it from all these speeches he has made that he thinks while no one in this State should go hungry, and we all agree to that, nevertheless there is a great deal of waste, extravagance, and unnecessary expense in the administration of relief. The thing that sort of surprises me or impresses me is the fact that Senator Shapiro is introducing that as a new principle in this Senate. It seems to me that he has gotten some of those things from the pioneering some of us on this side and some on the other side did away back in 1933, 1934, 1935, 1936 and 1937. During all those years some of us were talking this but Senator Shapiro was using other tactics but I never heard him talking and saying that people were getting too much relief. I am glad to see that he is converted to that viewpoint. Someone has said, remember the old saying that arithmetic is first of sciences and the mother of safety, and I am very glad to know that the Senator from Philadelphia is converted to that viewpoint.

Mr. REED. Mr. President, I think we should realize we are living in very precarious time. I am not so much interested in these political issues. I am more interested in the preservation of our Democratic form of Government. Every day brings new problems and I realize that the Governor of this great Commonwealth has many complicated problems before him. I want to say as a citizen of this Commonwealth that I want to help him in every constructive way I can. I want to further say that I am glad to have Senator Ealy as head of the Appropriation Committee; because of his past conduct I am sure that he will hold Secretary Russell and the other social welfare workers in line; but, my friends, I want to repeat that these times must take the full energy of every person who is interested in the Democratic form of government. This morning I received through the mail from a taxpayer in Washington County, a county that I hold dear, a clipping from a local newspaper which says that twenty thousand properties are to be sold for taxes and further down in the article it says "possible two and

one half mill tax increase." That is another problem that we must consider, the problem of taxation in connection with this adjournment and I want to call attention of the Senators to this, that I learned, when I first came to the Senate, that almost all of the legislation was held until the last week or two of the session and that as a result it is a matter of common knowledge that no man—I do not care who it is—can give that legislation the attention that it justly deserves and as a consequence much of that legislation goes through in a very unsatisfactory manner and when it goes up to the courts much of it is declared unconstitutional. I advised some of our Democratic leaders before the session of 1937 that a lot of the legislation ought to be presented early and considered early and passed early, if possible, in order to get out of the jam that occurs at the end of every session. I repeat that today. It seems to me that unless there are other factors and forces of more importance that we should give any legislation that we have before the Senate now immediate attention, immediate study, immediate consideration, so that it will not go down the line to the end of the session and jam up other legislation and other things that may be before the Senate for consideration then. We have bills like the bill Senator Edmonds introduced, a very controversial measure that will require much attention, and there are other bills and matters of like import. Now it seems to me that unless we have reasons extraordinary or contrary I do not think we ought to adjourn but we ought to give these matters consideration in order to get them out of the way before the last week of the session, when we will have so many important problems to consider that we will not be able to give them the just consideration that they deserve. So, Mr. President, unless we have other reasons or important matters which to my mind have not been presented yet I shall vote against this adjournment.

Mr. CAVALCANTE. Mr. President, I desire to interrogate the Senator from Tioga, Mr. Owlett.

The PRESIDENT. Will the Senator from Tioga, Mr. Owlett, permit himself to be interrogated?

Mr. OWLETT. Mr. President, I will.

Mr. CAVALCANTE. Mr. President, does the Senator from Tioga, Mr. Owlett, know approximately how many able-bodied men and women in this Commonwealth are unemployed?

Mr. OWLETT. Mr. President, I do not.

Mr. CAVALCANTE. Mr. President, does the Senator from Tioga know approximately how many able-bodied men and women are on the relief roll?

Mr. OWLETT. Mr. President, I do not know at this time.

Mr. CAVALCANTE. Mr. President, what problem is paramount in the view of the gentleman from Tioga—the effect of economies such as is contemplated by the Republican administration, economies through the pockets of the Public Utilities and corporations. I want the gentleman from Tioga to give us his view whether that problem is paramount in his mind or whether the solving of the unemployment problem should be paramount?

Mr. OWLETT. Mr. President, in reply to the gentleman's inquiry I wish to state that the problems which this administration found confronting it after taking office on the seventeenth of January, have been found to be so many and so varied that it is pretty difficult to say what is the biggest

problem. However, I think we can all safely suggest that this whole question of relief involving as it does the expenditures of millions upon millions of dollars is probably the greatest problem facing this State and this nation today. I was interested in hearing the Senator from Philadelphia complain of the WPA and the cutting down of that expense and in the same breath complaining of the manner in which relief has been administered. If I understand correctly it seems now that we are agreed that WPA if it was administered honestly, if it was administered with the cutting out of huge salaries, that have been paid and if politics were taken out of WPA, which we all know was begun in Washington that we probably would not have any relief problem in Pennsylvania anywhere near approaching what we have today. Now, unfortunately this administration cannot tell what is going on in Washington. We are in the position of having turned over to the national government the same type of people that the Senator from Philadelphia complains of. We are not in a position to object to the wasting of the money on public payrolls which we found existing in this state. That same waste everybody knows is going on in Washington but unfortunately we cannot do anything about that now. The elections do not come until 1940. We certainly can clean our own house. We certainly can meet the situation in an honest spirit here and that is what we propose doing and I say to the gentleman from Fayette, that if he has any suggestions as to the cutting down of relief, I repeat I think he owes it to the people that sent him to the Senate and he owes it to the State of Pennsylvania to give those suggestions and the value of his experience to this administration, because I take it that we are all after the one thing, namely, to adequately take care of those in need and do it at the least possible expense.

Mr. CAVALCANTE. Mr. President, whenever I go into court with a case and the problem or question involved is a very simple one and the law is very plain and then the court files an opinion of thirty or forty pages I know there is something wrong, the judge is trying to get away probably from an unpleasant decision that he does not want to make and so I feel it is with the gentleman from Tioga. The question I asked him was very simple and his answer to that question will govern the action of many of the Senators here on this floor. The question is plain; I want to know the views of the Senator from Tioga on this dilemma we have here. On the one hand we have millions of unemployed and on the other hand we have the claim of the public utilities and corporations who claim that the burden of taxation on them is too heavy and they are asking for relief of that burden.

Now the question I have asked the Senator from Tioga—I want to know from this administration which one of these two problems is paramount in their minds, the relief of the public utilities, and these corporations from these taxations or the solution of the unemployment problem, seeking to find jobs, and establishing jobs for these unemployed. Now this is a very simple question, it does not take a thirty or forty page opinion to answer what his views are on that.

Mr. OWLETT. Mr. President, apparently the Senator from Fayette has an entirely wrong approach to this whole situation and that is why the elections resulted as they did last November. He apparently does not realize that the solution of this relief problem is fundamentally getting our people back to work, and he apparently does not realize that the way to get them back to work is to encourage business. Now that does not mean, Mr. President, and the

Senator from Fayette knows it as well as anybody else that you can stand here or anybody can stand here and say relief is more important than corporations. The whole mess we are in today is a result of the demagoguery of certain people in this State and in Washington who, as an excuse for playing politics with human misery, has spent all their time talking about utilities and corporations and business. Instead of getting down to brass tacks, and if he wishes an answer I say if we are going to go ahead we do not need any classes in this country. We are all in favor of the same thing, are after good business to get our people back to work and that will solve the unemployment problem, and what we propose, if I understand this administration correctly, this administration proposes at the same time while they are taking care of those in need, to give encouragement to business so we can get the unemployed back on private payrolls at a decent salary so that they can be again independent law abiding citizens instead of vassals of the State kept on the relief rolls at inadequate wages so that they are merely existing, and that is the only answer I can make to the interrogation of the Senator from Fayette.

Mr. CAVALCANTE. Mr. President, then I am right in assuming that the view of the gentleman from Tioga is that we must reduce those taxes, if any, that are burdensome on the business so that business may have that relief, and as a result of that big business will then start the wheels of industry going and absorb the unemployed. May I take that as a proper view of the answer of the Senator from Tioga?

Mr. OWLETT. Mr. President, the answer to the Senator from Fayette is that he apparently does not realize that all taxes in the final analysis are paid by the people. All taxes are. When he stands up here and says we want to relieve corporation taxes and talks as though that was only taking it out of some huge coffer or some bloated bond holder, he just is not talking about the truth.

All the taxes come out of the people in the final analysis and we want to relieve the people of Pennsylvania from all the taxes we possibly can. Of course we do. That is what our duty is, to cut down taxes wherever we can.

Mr. CAVALCANTE. Mr. President, I want to understand the gentleman from Tioga real well.

Mr. OWLETT. Mr. President, I want him to.

Mr. CAVALCANTE. Mr. President, do I now clearly understand that it is his view that the reduction of taxation generally, state taxation is what this administration will aim to do in this session?

Mr. OWLETT. Mr. President, positively, this administration, as far as I know and at least as far as my views go, is that one of our main objects should be the reduction of taxation all along the line as fast as we can and adequately take care of the functions of this government, and adequately take care of relief.

Mr. CAVALCANTE. Mr. President, since the Senator from Tioga is extending an invitation on behalf of this administration, expecting the Democratic members of this Senate to contribute their views towards this problem, will the Senator from Tioga also extend the promise or assurance to the Democratic members of this Senate that the administration will, in this session, take steps to reduce taxation on the people of this Commonwealth.

Mr. OWLETT. Mr. President, I think I have made that clear, on this whole situation.

Mr. CAVALCANTE. Mr. President, I do not think he

has with me, because I think every member of this Senate, every Democratic member of this Senate is ready to pledge to the Senator from Tioga and promise him faithfully that if the Governor will suggest what taxes can be reduced and taken off of relief—and by doing that the unemployment situation will be solved—I do not think there is a single Democratic Senator on this floor that will not pledge and promise faithfully and truthfully at this very moment that they will vote for that kind of a program.

We will do that and we want the Senator from Tioga, who is speaking for the Governor and the administration, if he will promise that, that they will give us, Mr. President, some idea of how legislation can be introduced here to reduce taxation, that will reduce unemployment. I always receive considerable information that I would not receive otherwise whenever debates on matters take place here on this floor.

I enjoyed immensely the suggestions made by the Senator from Philadelphia, Dr. Woodward, I regard his suggestions of a legislative auditor a very interesting one, and one that should not be passed up without some consideration, but I tell the Senator from Philadelphia, Dr. Woodward, that those who conceived the form of Government that we have and who conceived the machinery of this Government, the parliamentary machinery, had all of that in mind, because in the adoption of the parliamentary laws they devised a system of committees as we have here in this Senate. We have various committees, a Committee on Aeronautics, a Committee on Agriculture, a Committee on Appropriations, and a Committee on Banking. Now those committees are so classified and so designed, that when matters come before a body pertaining to a certain subject that that matter would be referred to a committee that would have knowledge of that particular matter, and that committee, if I understand well the intentions of the founders of this system of Government, if that committee should have on it—if it is a committee on Labor and Industry, why then it ought to have on it members who have some knowledge of that, if there are members in that body that has that particular knowledge. I trust that the Republican colleagues on the other side takes my remarks in the proper spirit.

I say this not as a reception upon the Senator from Delaware, Senator Heyburn, in making this illustration but here, ever since the Senator from Delaware, has been a member of this Senate, he has been regarded as one who has some knowledge of agriculture, an agriculturist. Of course I appreciate the fact that agriculture is an industry of this State and this nation, but I say that in the organization of a parliamentary Government it was also taken into consideration here in this Senate that we have a Committee on Agriculture. The intention is to refer to that committee all matters pertaining to agriculture, but lo and behold! in the organization of this Senate the gentleman from Delaware, Mr. Heyburn, the agriculturist, the man who knows considerable about farming and agriculture, this man is Chairman of the Committee on Labor and Industry. In my opinion, that is putting a square peg in a round hole.

I want the Senator from Delaware to take my remarks in good spirit, because I am not reflecting on him, I am merely analyzing the suggestions made by the Senator from Philadelphia, Dr. Woodward, that we ought to have

a proper man to be an auditor for this legislative body, and then we look down on those members of that committee who are members of the Committee on Labor and Industry. I cast no reflections, but I want to say that there is my good friend, Senator Chapman, on the other side. Now, Senator Chapman is a doctor, he has studied medicine, he is well versed in that philosophy and in that science and he has devoted all his life to that thing.

There is nothing that will convince me that Dr. Chapman would know as much on that subject as Senator Dent or Senator Haluska about the coal mining industry, the views of the coal miners. You cannot convince me and that is no reflection on the Senator from Warren, Mr. Chapman. That, I think, is another square peg in a round hole.

I have called attention of the Senator from Tioga, Mr. Owlett, who has devoted all his life to the study of the law and the representation of public utilities and corporations, now he knows a whole lot of things about the coal men or about the steel mills or industry of that kind, and I say that is another round peg in a square hole.

We can go all down the line and the appointments of those members of those committees—and I do not want to reflect upon the gentleman from Susquehanna, the Honorable President Pro Tempore of this Senate, I do not wish to reflect upon his good judgment here and his honesty in these matters but I say that if you were sincere and honest and statesmen as we understand statesmen to be, in this body there would be great care exercised in the appointment of chairmen to these committees and the appointment of members because you would take some pains at least, and if you wanted to pick out a committee on Labor and Industry you would pick out men in this body who would have reasons to have some knowledge of labor and industry, and when we pick a committee on Agriculture, we would pick men who have knowledge on that, and then when bills are left to those committees pertaining to those subject matters, they would have better consideration and would have a chance of getting better legislation.

I am inclined to agree with the gentleman from Philadelphia Senator Shapiro, and my colleague from Washington, Senator Reed, that with these problems before us and the chaos that prevails and the uncertainty of the plans of the administration, this is no time to adjourn, and say, "you go home, and when you come back about three weeks hence, we will know where we are heading."

Now, if the interpretation of the Senator from Tioga is sincere, then I say let us stay right here. We will stay here, we will give them our opinions on these problems, but do not send us home, and then expect us to come back here three weeks from now and then say well, you did not stay here and give us your views on this matter. We are ready now. Let us not shirk. Let us meet the problem. If the Governor wants our opinion you tell us, and if the Governor does not want to invite the whole Democratic delegation into his chamber, we will appoint a committee to go over and talk this matter over with the Governor before we adjourn.

Mr. SIPE. Mr. President, probably at the outset of the remarks of the Senator from Fayette, Mr. Cavalcante, members of this Senate got the impression that the Committee on Agriculture is a hopeless committee. I want to disabuse their minds of that theory. The Com-

mittee on Agriculture is in very good shape—because I am on it. At this point I would like to interrogate my friend the Senator from Tioga, Mr. Owlett.

The PRESIDENT. Will the Senator from Tioga, Mr. Owlett, permit himself to be interrogated?

Mr. OWLETT. Mr. President, I shall be very glad to be interrogated by the Senator from Armstrong, Mr. Sipe.

Mr. SIPE. Mr. President, I wish that the Senator from Tioga would tell this body whether or not—if he knows—whether or not the Governor has requested this intermission of several weeks.

Mr. OWLETT. Mr. President, in reply to the Senator from Armstrong, Mr. Sipe, I desire to state that I do not understand that the Governor has requested the Legislature to adjourn. The Governor has stated, and the report was in the newspaper and I shall not try to question it, that his budget will not be ready for at least two weeks. The Republican caucus, having that statement before it, concluded that it would save time and expense, as I have already indicated, for all the Senators to work and be ready, when the budget is ready, to go ahead—the thought being that all the legislation is involved in the budget, directly and indirectly.

Mr. SIPE. Mr. President, the reason I asked the question is this: I was over in the House about half an hour ago and I heard Mr. Woodside, in the House, make the statement over there that the Governor had not asked for this intermission.

Mr. OWLETT. Mr. President, I think that is what I replied.

Mr. SIPE. Mr. President, I am wondering whether it is something the other side here are trying to ram down the throat, or throats, of both the Governor and us Democrats.

I am willing to admit that the Governor is greatly interested in economy, as well as the rest of us are. I am willing to admit that he has done a great deal of talking about the theory, at least, of economy; but he seems to be a little short on the practical side; and so it occurred to me that probably it was with his knowledge and consent that this adjournment or intermission of several weeks was asked for, that he wants to get a little bit of the practical side of economy in his mind.

I say, he has a great deal to say about the theory of it. Sometimes it takes a man a considerable time to bridge over from theory to practice—and he is short on the practical end; but, as I said the other night here, during the past year, for about ten months, he had a great deal to say about the theory of economy while holding down his job as Judge of the Superior Court, and doing no work; for ten months he leaned on his shovel. But at the same time I was hearing, in my district, a great deal of criticism about the poor fellow on WPA who occasionally leaned on his shovel; while here we have the spectacle of the now Governor of Pennsylvania leaning on his shovel for ten months, and drawing down approximately \$14,000 for that shovel-handle leaning, which is as much as a poor devil on the WPA would be paid for his shovel-handle leaning in twenty-eight years. So, probably, I feel what the Governor really wants is a little intermission here for a couple of weeks while he gets booked up on the practice of economy.

I am sorry that the answer of the Senator from Tioga does not set me clear on it yet. I do not know, for the

life of me, whether he genuinely and bona-fidely wants this adjournment or whether it is being rammed down his throat as well as down our throats on this side.

My own opinion of the matter is this: In these serious times, with these questions which are thundering in the ears of the State with the solemnity of the thunder of the Apocalypse, in this situation as it presents itself to us, it would be un-American for us to go home for two or three weeks.

Mr. GELTZ. Mr. President, I favor this resolution, and feel that the learned Senator from Philadelphia, Mr. Shapiro, should also favor it. He has led the opposition to the passage of certain bills in this Senate, and principally on the ground and for the reason that we are offering no definite program or plan. In fairness I will say that his arguments have had some logic and some soundness to them, and in some respects I agree with him. This I believe to be the opportunity to study, formulate and advance the proper program and plan for this Administration.

While we have received some sound argument and logic from Mr. Shapiro, I am sorry to say we have wasted an awful lot of time in this Senate listening to some of Mr. Shapiro's colleagues, on his side of the Senate. It appears we have in the Senate, unfortunately, a couple of Senators who appear to be quite good painters. They have attempted to paint pictures here since the opening of the Senate on the third of January. On the one hand the two gentlemen—the Senator from Armstrong and the Senator from Fayette—have attempted to paint the judicial and executive departments of our government in most terrible colors, while at the same time attempting to paint their portraits in brighter and fairer hues. The Senator from Armstrong has persistently attempted to show us his portrait in the spirit of a dirt farmer; and, try as I may, the only thing I have been able to see in that portrait of a dirt farmer is the corncob pipe which he has been smoking here on the Senate floor; and yet I suppose we do owe him some debt of gratitude because, as I recall, either on the third of January or the fourth of January he attempted to give us some reasons as to why he was proud of being a Democrat; and, incidentally, the fact that their supposed great leader, President Roosevelt, had admonished the people of this country not to look back at the horse and buggy days.

The Senator from Armstrong County takes us far beyond the horse and buggy days, back to the time of Thomas Jefferson, to find some reason for which he could be proud to be a Democrat. And yet, possibly he should not be blamed altogether for that, because we citizens of Pennsylvania have learned during the past four years some things about the Democratic party, and I am afraid many of the citizens of this Commonwealth came to feel that the Democratic party stood for a different principle than the one for which Thomas Jefferson stood; and, too, many of the citizens of this Commonwealth came to think of the Democratic party, in this State at least, along the lines of the Gag Law Rule and the Gravel Scandal; and so, possibly, we do owe a debt of gratitude to the Senator from Armstrong County for showing us some goodness in the Democratic party.

Now, the Senator from Fayette County has been attempting to paint his portrait in the guise of the squire and protector of the poor people; and so, every time he has

taken his seat in this Senate he has again appeared to add to that panel portrait of himself even to the extent that he would try to create a laugh at Senator Owlett's expense, at being the representative of some companies, possibly, in this State.

Now, I do not know how the rest of the Senators feel but I, for one, am sick and tired of hearing the kind of stuff we have been hearing in this Senate. It seems to me that each and every one of us should come to the conclusion at this time, if we have not before, that the people of this State are no longer interested in Democratic fakers and hypocrites; the people of this State are interested in securing in this State a businesslike administration.

The people in this State do not want relief except as they are forced upon relief. What they do want are good jobs back in private industry. And so, I earnestly and sincerely make a request of all of our colleagues in this Senate, no matter on which side of the Hall they may be seated, that each and every one put his shoulder to the wheel and try to give to the people of this State that for which they have been so earnestly calling and praying for the past four or five years.

Before taking my seat, in fairness I want to say that I am thankful, and I think our citizens back home are thankful, to know that our Democratic colleagues from Allegheny County, on the other side of the house, have not been guilty of the same things that some of their own colleagues have been guilty of.

Mr. EDMONDS. Mr. President, this a debate on the resolution that we adjourn for two weeks, until the third Monday from now. On that resolution I shall vote "aye" with great good will, because I am convinced that the first step toward the orderly formulation of a policy requires a budget—a budget that will be accurate in regard to costs, and for the preparation of such a budget, the Governor says he needs more time. I am satisfied with that statement, and personally, I think we should adjourn in order that the budget may be prepared. But the discussion today has taken several very wide lines and very interesting lines. Like my colleague from Allegheny who has just spoken, I too, have observed the comments and the criticisms that have been made. Some people ask, "Are you going to provide money for relief?"—then, "Are you going to decrease taxes on business?"—and then, "What new ways are you going to devise for the purpose of raising money?"

I do not think, Mr. President, that anyone is qualified to answer those questions in advance of having reached a conclusion, and I do not see how anyone can reach a conclusion without knowing how much the legitimate expenses of the ordinary program of the State, as well as the extraordinary program of the State, are likely to be; and, therefore, while it may be possible to ask those questions, I do not attempt myself to answer them.

Now, I want to devote myself to this question of relief for a few moments—which seems to have been brought into the situation. As I understand the matter in the State of Pennsylvania, about 15% of our population are dependent upon Government funds for support at the present time; about one half of this comes from the State and about one half from the Federal Government. That is a very heavy proportion; it is about a million and a

half people. How on earth can we get those people back to work and end this problem? I want to suggest a few facts on that subject, that I think are well worth while.

In 1870, when the census was taken, we had 32.4% of our population who were gainfully employed. In 1930, sixty years later, when the census was taken, we had 39.8% of our population employed in gainful employment,—a gain of 7½% on the basis of 120,000,000 population, so, roughly speaking, say 9,000,000, we had a basis of 9,000,000, then shortly after that came a stage when 9,000,000 got out of work.

Now, that has been due in very large measure to the abnormal growth and the employment of women which has gone on in my life, that has made of women up and honest producers in social life. I regard it as a very fine movement, and I know there are many of us in this Senate now who know of homes in which the man has not been able to be the bread winner, in which the women has taken on the responsibility; that is a great thing.

Now, we have right now forty-nine million people in the United States gainfully employed at the present time. That would include the men and women who would want to work, and would end the relief problem.

Recent statistics prepared by Colonel Ayres, of the Cleveland Trust Company—he will be remembered by those in the World War as the statistician of the Aes, who produced the figures in General Pershing's report. He has directed attention to the fact that out of the forty-nine million people, twenty-six million are engaged in productive lines, and twenty-three million are preserved in servicing lines; the two groups are almost equal in the United States, more nearly equal than any country on the face of the earth.

Twenty-six million factory workers, miners, agriculturists, that produce something by their labor; twenty-three million are the skilled workers, the clerks in retail stores, doctors, dentists, lawyers, and the people they serve, and as a result we are justified in saying in the United States that when we give one hundred people employment in a productive line, we employ ninety people in a servicing line. Now, as a matter of fact, we in the State of Pennsylvania could find private productive employment for eight hundred thousand, the servicing lines that would be necessary by the work of those eight hundred thousand would take up the other seven hundred thousand. How are you going to get it? We can only get it in my judgment, by encouraging new industries in this State; we will not get it by having a system of business taxation which sends industries to other states.

I call your attention to certain significant facts, that to my mind read a lesson to those of us who really want to end unemployment.

In the fifth year period from 1920 to 1926—now remember that—time. We can all remember that. It was a time, Senator Gelder, when you and I were serving in the House. In 1920 there was a panic, with a consequent low of employment. One thousand nine hundred twenty-six was such a prosperous period that in that six year time we had developed to such a stage that when a person now says he wants to re-establish economic standards he refers to 1926, and that is what we want to reach. In other words six years went through the cycle which we hope the next six years will go through, starting with a panic and unemployment and ending with a period of prosperity for this

country. In that six year period there were nine hundred and seventeen thousand fewer employed in factories, and yet the factories produced more work; and there were eight hundred thousand fewer employed in agriculture, and yet the farms produced more food; there were two hundred and forty thousand fewer employed by the railroads, and yet the railroads carried more goods and carried them more cheaply. Now, if I stop at that side of the line you would say they were too many employed during that period, probably two million lost their work, and there are a great many of the economists who talk about economies, merely from the desire to avoid trouble, they just give you the figures and stop that side of the line, and yet to complete the answer, by presenting the other half of the case, that same period of six years from 1920 to 1926, seven hundred and sixty thousand more people were employed in the automobile and its servicing. Including a hundred thousand drivers on Sundays; a hundred thousand more were employed as insurance agents; a hundred thousand more in electrical servicing, a hundred thousand more in the general direction of construction enterprises; two hundred and thirty-two thousand more as teachers in the public schools made necessary by the tremendous increase and the enrollment in the higher schools and colleges; a 125,000 more in the servicing of motion pictures; 170,000 more as barbers and hairdressers, made necessary by a development to which I myself contributed nothing. Five hundred and twenty-five thousand more were employed in the preparation and servicing of food in the great settlements of restaurants and road houses, tea houses, to the extension of traffic.

Now, in these new lines, two million one hundred and twelve thousands were employed in that same period of six years, and that is the normal development for this country.

I see no objection at all to a boy leaving the farm and becoming an insurance agent, if he is good in that field. I see no objection at all to a man leaving a factory and becoming a school teacher, that is an indication of the higher development of civilization on the part of the American people.

How can we bring that about in Pennsylvania? I do not think—this is the only partisan element that comes into this speech that I make this morning—I do not think we can do it by the kind of legislation that was enacted in 1937. I am inclined to think that there must be a kindlier attitude before men who have ideas will bring those ideas into Pennsylvania, in order that they might settle here.

As I suggested along this line, I hope my colleagues will permit me to refer to a bill that was introduced in the House of Representatives this morning, Act No. 237, introduced by Representative Edwin Winner, of Montgomery County. This is the first attempt to introduce taxation along practical lines that I personally have heard of in the United States. There may have been other attempts, but this is the first thing that has come to my attention as an incentive to encourage employment within this Commonwealth; providing for refunds from capital stock and corporate net income taxes for a limited period, to corporations, joint stock associations and limited partnerships, which, during the calendar year 1939 increases its employment within this Commonwealth as hereinafter prescribed, ten per centum or more over its employment within this Commonwealth during the cal-

endar year one thousand nine hundred and thirty-eight, shall be entitled to a refund equal to five per centum of the amount of the capital stock tax and corporate net income tax, if any, paid by it at any time during the calendar year one thousand nine hundred and forty for the preceding calendar or fiscal year; and every corporation, joint-stock association and limited partnership, which during the calendar year one thousand nine hundred and forty, increases its employment within this Commonwealth as hereinafter prescribed, ten per centum or more over its employment within this Commonwealth during the calendar year one thousand nine hundred and thirty-nine, shall be entitled to a refund equal to five per centum of the amount of the capital stock and corporate net income tax, if any, paid by it at any time during the calendar year one thousand nine hundred and forty-one, for the preceding calendar or fiscal year. Employment is to be determined on the basis of a combination of three factors, the average number of employees within this Commonwealth per working day; the total amount paid out in salaries and wages to employees within this Commonwealth during a total year; and the total number of man-hours of employment furnished as compared with the total number of man-hours of employment furnished in the preceding year.

I was interested in studying that question, and obtained figures from a dozen representative corporations in manufacture and transportation and that bugaboo, the utilities and other things of that kind, and I find there that if they raise their employment ten percent, and we then give them a deduction of five percent on their taxes for two years we would gain ten dollars for every one dollar we lost; we would lose the one dollar but we would gain the ten by the number that would be taken off the relief rolls.

I regard the spirit of this bill as indicating what legislators can do to encourage industry. I do not feel that the speeches of the three guardsmen, if I may so call them—I do not think those figures will encourage newcomers to come into this Commonwealth. I think we have got to show them Pennsylvania is prepared to give the worker, industry, its good share, that Pennsylvania is prepared to play fairly with industry, and when we once demonstrate that, we can look for the time when each year there will be an increase of the migration of industry into Pennsylvania. Remember, with every thousand productive workers you have got nine hundred service workers provided for, and realize that it will not take so many years before we can recover from this period.

If, on the other hand, we adopt the attitude that the industrialist is an undisclosed crook, if we adopt the attitude that the industrialist is to be penalized for his work, then we will not have small industries growing great in this State.

Remember, Mr. President, that every big industry in this country starts with a man, and ideal. The Baldwin Locomotive Works, one hundred years ago, Baldwin was a little jewelry store up in the Frankford region, and he produced a steam engine in his back yard, and out of that finally developed the Baldwin Locomotive Works.

Henry Ford had precisely the same experience. I believe there is just as much inventiveness among the American people as ever. I believe very strongly ideas of fermenting now, that will make as much change in the social life of our people as the automobile and the motion picture has been in our own generation.

I believe we in Pennsylvania should account those industries into our State and I believe we can do it by playing fair with industry.

All of this is far aside from the question we have before us, as to whether or not we will give the Governor time to prepare a budget, so that he may proceed with his plans.

Personally, I am in favor of giving him the time and I am going to vote "aye".

Mr. HEYBURN. Mr. President, I would like a couple of minutes to talk on the square peg and the round hole. Now, evidently, my good friend from Fayette, Senator Cavalcante, has not taken the trouble to investigate the background of his colleagues in this body. I, of course, own and operate a farm, and I am a partner in another establishment. I have arbitrated labor disputes in Delaware County. This thing has been going on now for some time.

The Senator from Fayette has been putting this on my shoulders on innumerable occasions, so I took the trouble to investigate the thing and I found out the Senator has aspirations to the chairmanship, and the disappointment has been too much for him. I regret very much he has taken it so hard, and I wish to state that some time in the near future I will introduce a resolution expressing the sympathy of this body to the distinguished Senator from Fayette in his dark hour of bereavement.

Mr. MCGINNIS. Mr. President, I am not surprised that our friends on the right and the Governor do not know what to do. They promised us so much during the campaign, they promised to give a good job to every WPA worker, they promised to reduce taxes on industry, and attract and hold industry in Pennsylvania, and all I heard was, "Well, we have got to get back to the good old days."

Well now, I remember the "good old days" very well and I saw under that system of "good old days" values disappear in the United States. I saw ten thousand banks close their doors, and they were closing up like paper shells and as I said, I saw values disappear in the United States.

We have had an administration that had some tough propositions. I am proud to stand here today and have our Governor acknowledge that the taxes that we levied in the last four years cannot be reduced now. He did not say that during the campaign, but he does have the courage and manhood to say it now, and so we have got to have the same taxes, and that is an admission that we did not levy too much taxes. We have got to have the same taxes, that same amount, or maybe more and I know that is bothering my good friends on the other side, how to keep their promise of taking taxes off the manufacturer or industry, or whatever you may call it, and putting it some place else.

Of course, for forty years in Pennsylvania this Government provided a taxation system that made the real-estate man, the little home-owner, pay about ninety per cent of the taxes of Pennsylvania; although of all the wealth you see in Pennsylvania, of all the land and all the buildings and all the mills you see that is only about forty per cent of the wealth of Pennsylvania. Sixty per cent of the wealth of Pennsylvania you can not see at all, and yet there has been only about a ten per cent taxation of Pennsylvania industry; and so, when we in the last four years, took some of this tax off of real-estate locally and made some of the people, who had a little—like the

owners of stocks and bonds—they could have paid a little and help the Government.

I want to say to you we have gone through a crisis and we are in a crisis now, and if we are going to save this nation, if we are going to save this nation and if we are going to save this State, I am saying to you that you could not have done that by economies from taxation, but in doing that we have helped to keep the people alive.

I can say while I hear a lot of criticism about our National Administration here on this floor, I know that in Western Pennsylvania eighty-seven thousand homes were saved by the Home-Owners Loan Corporation, to say nothing about the banks and trust companies saved through those loans, obtained through the Federal government. I am proud to say that during those years I have not seen a soup house in the United States; and I know that for years under the B. and O. depot in Pittsburgh there is a wide open space there and for years—and especially during the Hoover administration—I have seen thousands of people sleep there at night with nothing over them but papers. Thank my stars since President Roosevelt took office there has not been a soul that has slept under the B. and O. from the day he took office.

Now, we hear a lot about industry being run out of Pennsylvania. I do know that the manufacturing corporations of this state save about fifteen million dollars a year through exemption from the capital stock tax. I feel today the manufacturing corporations of Pennsylvania are not taxed any more than they are in any other State.

Now, of course, you can pick out one class of taxation in this State, or in one line of industry or one class of property, and go over to another state and say they are not taxing that much over there; but when you add up all the taxes in that other state, and all the classifications, you will find that even today in Pennsylvania the manufacturing corporations or industry are not taxed on the whole any more than in any other state. By the way, during these last four years of this terrible administration that we have heard so much about during the campaign, in my county there was built over a hundred million dollars' worth of mills; in my county, during the last four years, a sixty million dollar mill was built this year—or last year—so that I do not see that the industries are very scared about what has happened in Pennsylvania.

Now, I know this relief problem is a fearsome thing, and I was not in favor of Johnson or DeSchweintz being at the head of relief, or of Dr. Russell being at the head of it; I am mighty sorry that our Governor did not pick a hard-headed business man to handle relief, and cut down on these taxes. I am thoroughly convinced that so long as we have a professional social worker running the relief of this State we will never get anywhere, and we can worry and fret and sit here, you gentlemen on the other side and we on this side, but so long as we let a professional group like that run relief we will have that condition. We have got to adopt different methods; and so I say, then, let them take a pencil and write out what they want.

I know there are some men on the other side who would oppose that kind of financial management, and I know that there are men on the other side who will cooperate. I do feel, however, that this thing is so serious, and I know it is a pathetic thing to see a party come into power and after

three, four or six weeks they then find out they have a job and not know where to turn.

I do not say they are lost but I do say they made so many promises during the campaign that they cannot fulfill now that they are worrying and do not know where to turn, and want to call a halt for a couple of weeks so that if possible they can find some way, somebody who has some sort of a program—and I agree with the Senator from Philadelphia that the place to do that is right here—not let these department heads handle it—what do they know about state government? No man, no matter how brilliant he is, can go in and clean out a department or cut out those positions. It was amazing how he cut into the Utility Commission payroll, and I was a little bit suspicious that maybe the urge there was to save the utility treasuries as much as the Treasury of Pennsylvania; then, too, it may be that these utilities do not want to have quite so much inspection as they have had, to see whether they were doing right or wrong, but I do not see how any Governor or any man could come into the State of Pennsylvania and say you must chop out two or three hundred men in a department.

That sounds good for Pennsylvania and that will sound good for two or three weeks, and I see the political effect of that, it will be in the people's minds for three or four weeks and soak, or lie there, but I know, and every Senator in this room knows, or on this floor knows, that this payroll will not stay cut. When you weed out a department almost completely and then say—for a few weeks—we are going to save millions and millions and millions of dollars, I can see how that looks good in print for the time being, but everyone of us knows that the greater portion of these men will slip back in there so slyly that no one of us will hardly know it; so that in no time you will find that department will be manned by about the same proportion as in our administration, because I say you may all watch the old administration pretty carefully, and I say to you they did a lot of cutting, but they never did as much wholesale cutting without replacements right off the bat. Even today or when this Republican administration took control of this administration of this State, one-third of the old payroll was still here. In other words, after four years of Democratic administration there were only removed two-thirds—after four years so that one-third old Republicans, under the old Republican administration remained on the payroll and are there today, unless our new Governor has knocked them off; and so I realize we are up against a stiff proposition, but I say to you, Mr. President, the thing to do is for us to stay here and get at the bottom of this thing.

Mr. GILSON. Mr. President, I presume I am poaching a little bit on the preserves of the Senator from Armstrong County if I go back not merely to the time of Jefferson, but go back even beyond the Caesars to the time of the Tunic Wars.

It is proposed that we adjourn for two weeks, to come back the twenty-seventh of February. I do not remember about Carthage, but I remember that there is a famous Latin phrase *Carthago delenda est*, which means for the benefit of agriculture and labor and industry or Carthage must be destroyed.

Now on each and every occasion where the noted Roman at the Bar was speaking, he said *Carthago delenda est*,

which is very germane to this resolution of adjournment. I would like to indulge in a little repetition of the inaxim, and in doing so I take keen pleasure in contemplating the courteous gentleman from Philadelphia, Senator Woodward, who, I think, joins me in this same translation or conception of this idea.

I have noticed that at almost every session of the Legislature the gentleman from Philadelphia has a resolution to amend the Constitution which goes to the question of the form of taxation. I believe that he was wholeheartedly in support of the adoption by the electorate of Pennsylvania of a Constitution which would be sufficiently elastic to be competitive with the bordering States and enable us to compete with them in the kind of taxes which we might levy, regardless of the size of the burden, where it could most readily and most equitably be borne.

Now, I think there is a little poetic justice and a little irony of fate that the organization which took upon itself the burden of convincing the people of Pennsylvania that their Constitution should not be amended according to the lines suggested by the gentleman from Philadelphia, who belongs to their own organization are faced here today with a problem which they helped at that time to create.

It seems to me that it is an act of human nature to see a problem in one particular light and then magnify that and keep the spotlight focussed upon that one particular idea. We are all prejudiced toward our own ideas. Everyone who has listened here this afternoon is convinced that the members of this Senate who are Republicans are still Republicans, and we who were Democrats are still Democrats. There is a lot in the philosophy that has to do with pride of performance.

Those who have conceived the idea that the sole solution of the problem of relief and the problem of industry in Pennsylvania rests upon the policy of taxation are only following the bent of human nature, and sort of indulging themselves in the delight of their own conception.

Now I say there is much more to this question than that, there is a great deal more, Mr. President; you and I and the good Senator from Montgomery County have given us here today facts that ought to remind us that the necessities of industry change with science and invention.

We can remember when the railroad in this Commonwealth were not only great employers of labor but they were the great purchasers of materials, because of the purchase of steel rails, the construction and improvement of roadbeds, the construction of railway cars—men by the thousands were employed. Our coal fields, both bituminous and anthracite, have reflected and coincided more or less with the development and then with the decadence of that great industry.

That is not the only industry in Pennsylvania that has been affected not merely by the development of automobiles, not merely by the development of other means of transportation and communication, but we have seen a change in the method of doing business and we have tried to accommodate ourselves to this swift moving cycle and finding no adequate solution it is perfectly easy and simple to say it all refers back to the tax burden.

Now, let us assume that if we relieve the burden of taxes upon industry by cutting one or two mills off the five mill tax, capital stock tax, of Pennsylvania we are

going to assist the coal mining industry of Luzerne County or the bituminous industries of the western part of the State, that we are going to create a demand for steel rails, or that we are going to create a demand for railroad cars, that are going into some other industry and create a demand—now, let us not focus our minds too much upon a subject that is too easily discussed, but which does not have the significance that it should have.

Now I think that any solution that is approached on such a general basis without any understanding of the real cause of the decay of Pennsylvania industry is not going to do anything to satisfy the fellow who advocates such a change.

We do have a large job in Pennsylvania, and this Legislature can perhaps be of some assistance in trying to work out that problem, to do anything that while we may by taxation be able to lick this problem in a very small degree, we can not during this time overlook the fundamental difficulties that have reduced Pennsylvania industry to the low ebb at which it is today.

I have heard nothing excepting the subjects of taxation and relief discussed in this Senate for some time. I think these are both important problems, but taxation means very little to an industry or an individual whose income is perfectly adequate to take care of the taxation. It means a great deal to industry or to the individual who has no income with which to take care of these taxes.

I think it would be very well during this interim that is going to be imposed upon us that it be called to the attention of the designers of the mechanics of recovery, which we expect to see in full bloom when we return back here two weeks from now to call the attention of these architects to the fact that there is something else wrong in the policy of Pennsylvania Legislation in its relation to business besides the subject of taxation and I would like to have an answer when I come back here in two or three weeks from now as to whether or not the administration is satisfied that there is anything else wrong and whether or not there is anything that we as a Legislature can do to help, and I then would like to analyze that answer and I think I can then demonstrate that what is proposed as a method of taxation is far less important than what we can do to directly bring out established industries in Pennsylvania to a place where they become not merely producers but also customers in the market stimulating production of other industries and the reduction of unemployment.

Mr. SHAPIRO. Mr. President, we have gone far afield from the question whether or not we should adjourn now to discuss the relief problem. The best answer on the question has been given by my friend, the gentleman from Somerset, Mr. Ealy, when he said that he now is glad to find that I have been converted to his view; and now, whether it be conversion or not, I am of the opinion that the Governor should adopt his budget at a time when he can still be in a position to secure an exchange of views. I would like to tell him directly on the question because I think being here will be helpful.

For instance the gentleman from Montgomery, Mr. Edmonds, suggests there is a very fine bill in the House, a marvelous bill that will help industry to increase employment.

Now, let us analyze that for a moment and then we will

know he cannot do it. That is not going to solve our problem because in the years 1935-1937 there was collected from corporations a capital stock tax of fifty-three million dollars from domestic corporations and twelve million dollars from foreign corporations, a total sum of sixty-five million dollars and if all the corporations took advantage of the Act and were entitled to their five percent discount, which would entitle them to \$3,250,000, and if that were divided among forty thousand corporations, then you could release the magnificent sum of eighty dollars per corporation—that would be the benefit derived by the corporations.

Now, seriously and honestly, are we to believe that corporations are going to increase their payrolls ten percent, increase their employees by ten percent, because they will have had an average decrease in taxation of eighty dollars a year, or rather eighty dollars per biennium, two years, or forty dollars a year.

Now, that may be an answer to the question, but I cannot see it. There is nothing to the proposition that by saving three and a quarter millions of dollars out of sixty-five million dollars that will induce employers to increase employment.

We are discussing the subject of adjournment, and I say there should be no adjournment while we have these problems to solve.

Certainly, before we can sit down and discuss these problems intelligently, all this steam has to be gotten out of our systems and all these resentments should be laid aside and this is one of the ways of laying them aside.

The new Senator from Allegheny is amazed at some of the things presented, at some of the things that have been said on this side of the house—he has not heard any from the other.

I am in the fortunate position of being one gentleman who has been on both sides of this Senate, and you can appreciate, and I think my friend from Tioga will admit that that is a distinct advantage, because of that I have been able to listen to both sides, and you can appreciate the opportunities I have had to listen on both sides. I will say that although the song may have been titled differently, the tune has been the same, there has been very little harmony and plenty of discord and lack of mutual understanding. The gentlemen will find these things can be intelligently handled, and we want to help and there is no malice on this side of the Senate, but in the excitement on these questions I do contend and do insist that the arguments that have been made and the talks that have occurred on the floor—I am convinced of the fact that this session should not adjourn, it is not necessary, that I should go home while the Governor makes his budget.

If it has taken so long and he is unable to make the budget, then that is because he has not received proper assistance, and we should be here daily to confer with him and discuss these matters with him. We are ready to show you that we are willing to cooperate in solving these problems. I cannot promise you we will be able to cut taxes and solve it in that way, but we can talk about what the problem is.

The gentleman from Somerset says I am converted. I was not converted. Let me put the proposition to you. We came here in 1935, there was great excitement, people were starving, there was pressure from all groups, nobody was able to consider the problems fairly and in a

proper way and we did what we thought best under the circumstances, but shortly afterwards the Governor of Pennsylvania appointed some men who I consider are outstanding citizens—and I do not think the problem can be solved unless you will give the people who pay the bills the outstanding citizens, who are interested an opportunity to take a real interest, and how can they expect to cut taxes without understanding that it could or could not be done.

We should take these people into our confidence and we found ourselves that when we appointed a committee of interested citizens—disinterested from politics, but interested in the problems confronting us, what did we get? We got a report from those people that it would take \$39,000,000.00 to take care of old age, mother's assistance, and blind pensions and that it would take \$99,000,000.00 to take care of direct relief, and that is \$138,000,000.00. Now, what happened? Remember—and you will understand the importance of the situation when you find that in addition to that \$138,000,000.00 the Government almost matched the first \$39,000,000.00 contribution to old age assistance, mother's assistance, and pensions for the blind, and you have a colossal sum.

What is it that caused that tremendous increase from the amount suggested by people who made a disinterested survey? That took into consideration the fact that by virtue of the fact that by taking off the unemployed list what were known as old age, from the relief, where we would reduce the amount spent for direct relief—we could then increase the proposed payments for old age, mother's assistance and blind pensions, because we would get money from the Federal Government which would match our efforts. If that was so why is it today instead of that plan having worked out the necessities have increased from \$139,000,000.00 to \$218,000,000.00?

It is in discussion of that fact—it is in consideration and analysis of those figures that we will arrive at some solution of this problem, because we will arrive at the cause of the failure if you will call it that, and that will enable us to reach a solution.

There is no sense talking about the politics of the situation and saying that the Democrats were licked—everybody knows they are licked—that is past, and that is not going to help.

Instead of saying Carthage must be destroyed—the Democratic party must be destroyed—so that the Republicans can get full control of the Government, my answer is in the form of saying if you destroy the Democratic party you will destroy Government, because you can not start out with that perspective today any more than you can accomplish the best results.

I believed in that report, I believed those men were disinterested in creating that bill which created the Department of Public Assistance. It is wrong to put this machinery in the hands of people—and I say to you now I sat on the other side of this House, and I do not want to see this machinery put into the hands of the same type of people.

I have seen political appointments made, I have seen them made before this, and I hold no brief for that, it is just one of the evils of our form of government.

Let us understand this one thing, the Governor does not need that we adjourn in order to make his budget up. The Governor needs only two things, first, that we shall not adjourn and shall give him our counsel if he will take it,

and secondly, he should adopt this—he should forget politics for the next four months, because there are no elections until the fall election—we should forget all about politics, and make up our minds that we will not have opportunity to be either politicians or statesmen.

POINT OF INFORMATION

Mr. DENT. Mr. President, I would like to rise to a question of information, if I can get the information from the gentleman from Tioga, I desire to know whether he will be interrogated.

The PRESIDENT. Will the Senator from Tioga, Mr. Owlett, permit himself to be interrogated?

Mr. OWLETT. Mr. President, I will be glad to.

Mr. DENT. Is it not true that the statutes provides the Governor shall make his budget message to the General Assembly on or before February the 15th?

Mr. OWLETT. Mr. President, I am sorry I can not answer the question of the Senator from Westmoreland. I have not read that statute recently.

Mr. DENT. Mr. President, it has come to my attention that that is a law, and I believe that that is the reason for the answer about whether or not the Governor asked for a recess. I feel the Governor would not do that knowing so well he must submit his message before the fifteenth of February.

I feel it is unfair to the minority to put us in a position of saying to the people at large that the Senate of Pennsylvania and the House of Representatives of Pennsylvania recess for two weeks, and therefore the Governor of Pennsylvania cannot give his message on the situation of the budget to the General Assembly as the law provides. I do not think it is fair to put him in a position where he cannot obey the law as it is written.

I don't think this General Assembly should recess for two weeks. I do not want to go into the case of taxation, because when I do I will present facts, after a study of them—and some of the members tried to get a report of that study long before it was due. When we make that report we will give you the best of our knowledge and information, and the proper status of the taxes and what should be and what should not be done regarding taxes on industry.

I therefore intend to vote "no", and I think you all ought to vote "no"—although I know you will not.

Mr. WOODWARD. Mr. President, I am intrigued by the musical figure of speech my colleague from Philadelphia, Senator Shapiro, used. In his conducting of a symphonic orchestra of the Senate I want to extend my compliments to him, for his energy in conducting them, but my one objection is that he is very fond of encores.

Mr. SIPE. Mr. President, I have no intention of consuming any considerable time of the Senate on this occasion. I simply wish to make one or two remarks in reply to the remarks of the new Senator from the State of Allegheny. Abraham Lincoln called it the State of Allegheny, so therefore, I have good Republican precedent for calling it that myself.

In one breath he seems to be greatly distressed that Senator Cavalcante and myself painted what he called pictures of ourselves, but I believe that down in his heart he is not greatly opposed and averse to painting personal pictures, because he has just gotten done painting a picture of himself, and he seems to have made up his mind that he would not keep us weepingly waiting for an early view of that picture.

As to the epithet "demagogue" which he hurled at us—and I take it that he meant it as an epithet, because that is the general acceptation in these times, I like to think of the word "demagogue" in its original meaning—you know it is from the Greeks—*demos*, meaning the people, and *gos*, to leave, so that it literally means leader of the people, and that peradventure he meant it in that sense, and I accept the compliment on behalf of my colleague and myself with profound thanks.

Now, I do not know that I have been particularly noted for criticising the courts on the floor of the Senate. It is true that I did criticise a member of the Superior Court of Pennsylvania—now the Governor of Pennsylvania—for his lying down on the job, for his doing no work but drawing full pay. I would consider myself a coward if I would rebuke a WPA worker for loafing on the job—rebuke a poor devil for loafing on the job and drawing full pay—and not having the courage to rebuke the Governor of Pennsylvania, who is setting an example that is worse than a thousand WPA loafers. I would think I was as big a coward as any person of my acquaintance if I would rebuke the little fellow and be afraid to rebuke the big fellows, and I have no apologies to make for rebuking the Governor of Pennsylvania for setting that bad example, either here in this Senate or elsewhere.

Mr. MUNDY. Mr. President, I have enjoyed the excursion this afternoon far afield, and I certainly have enjoyed the brilliant talks of my colleagues in this Senate but I confess that I have only a certain amount of cerebral brilliance, but I think the best effect of all this culture could be brought about if we had just a little interval in between to digest the same. I say to you, Mr. President, if you continue in the extreme tolerance you have shown this afternoon that the Senate will not be called upon to vote for an interval of months, so I move you that we proceed to the original question.

Mr. REED. Mr. President, before that is done I would like to say a few words and I would like to ask the good Senator from Montgomery, Mr. Edmonds, a question. There has been, Mr. President, an awful lot of discussion here this afternoon, but I have attempted to follow it very closely and while there has been a lot of chaff thrown out here this afternoon, there has been a lot of good constructive information. I was particularly impressed with what the Senator from Montgomery furnished in the way of statistics. I believe that there was in what he said much constructive information that can be used in the solving of the problems that must come before this body. I would like to ask the Senator from Montgomery one question along the lines that he has discussed.

Senator Edmonds, in your investigation of these economic problems did you find any statistics showing how many people had deserted the farms in Pennsylvania in the last ten years?

Mr. EDMONDS. Mr. President, no sir, at least I have no figures on that line, but I think they might be obtained. The figures that I gave for the six year period were prepared by the Committee of Social Changes at Washington, for a ten year period, and they were accepted by the American Statistical Association and published by them. That is the best authority that I have seen in this country, but I have never seen it broken down into states. I have no doubt Pennsylvania would have its fair share.

Mr. REED. Mr. President, thank you very much.
And the question recurring,

Will the Senate agree to the resolution?

The yeas and nays were required by Mr. CAVALCANTE and were as follows, viz:

YEAS—27

Bartlett,	Eroe.	Letzler.	Stevenson
Chapman.	Farrell,	Mallery,	Tallman,
Crowe,	Gelder	Miller,	Thomas,
Dando,	Geltz,	Owlett,	Walker,
Deltrick,	Heyburn,	Pierson,	Wolfenden,
Ealy,	Homsher,	Scarlett,	Woodward,
Edmonds,	James,	Snowden,	

NAYS—17

Cavalcante,	Gilson,	McGinnis,	Ruth,
Coleman,	Haluska,	Mundy,	Shapiro.
Dent,	Kunkel,	Reed,	Sipe,
DiSilvestro	McCreesh,	Rice,	Stiefel,
Frey,			

So the question was determined in the affirmative.

Mr. SHAPIRO. Mr. President, I ask for a verification of the roll. The roll was verified and was as follows:

The yeas were as follows: Messrs. Bartlett, Chapman, Crowe, Dando, Dietrick, Ealy, Edmonds, Eroo, Farrell, Gelder, Geltz, Heyburn, Homsher, James, Letzler, Mallery, Miller, Owlett, Pierson, Scarlett, Snowden, Stevenson, Tallman, Thomas, Walker, Wolfenden, and Woodward.

Mr. DIETRICK. Mr. President, I would like to be recorded as voting "aye."

The PRESIDENT. The Senator's vote will be recorded.

The nays were as follows: Messrs. Cavalcante, Coleman, Dent, DiSilvestro, Frey, Gilson, Haluska, Kunkel, McCreesh, McGinnis, Mundy, Reed, Rice, Ruth, Shapiro, Sipe, and Stiefel.

(The yeas 27 and the nays 17)

So the question was determined in the affirmative.

Ordered, That the Clerk present the same to the House of Representatives for concurrence.

OFFICER AND EMPLOYEE OF THE SENATE

Mr. CHAPMAN offered the following resolution which was twice read, considered, and agreed to:

In the Senate, February 7, 1939

Resolved, That Raymond Hafler, 423 Orwell Street, Pittsburgh, Pa., be elected night watchman of the Senate.

BILLS OUT OF ORDER

Mr. WOODWARD. Mr. President, I ask unanimous consent to introduce a bill at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. WOODWARD read in place and presented to the Chair Senate Bill No. 71 entitled:

An Act to authorize the Secretary of the Department of Forests and Waters of the Commonwealth of Pennsylvania to accept on behalf of the Commonwealth a deed of conveyance for so much of the property of the Delaware Division Canal Company of Pennsylvania as lies between and includes the impounding basin at the Lehigh River at Easton, Northampton County, Pennsylvania, and a point in the canal where the Lincoln Highway crosses the same at Morrisville, Bucks County, Pennsylvania, provided that no consideration shall be paid to the Delaware Division Canal Company of Pennsylvania by the Commonwealth of Pennsylvania; and to authorize the Secretary of the Department of Forests and Waters to hold and retain the same as and for a public park and for highway purposes.

Which was committed to the Committee on Game, Fisheries and Forests.

Mr. McCREESH. Mr. President, I ask unanimous consent to introduce bills at this time

The PRESIDENT. Is there objection? The Chair hears none.

Mr. McCREESH read in place and presented to the Chair Senate Bill No. 72 entitled:

An Act making an appropriation to the Board of Trustees of the Philadelphia Commercial Museum, Exhibition and Convention Halls.

Which was committed to the Committee on Appropriations.

He also read in place and presented to the Chair Senate Bill No. 73, entitled:

An Act making an appropriation to the American Oncologic Hospital, Philadelphia, Pennsylvania.

Which was committed to the Committee on Appropriations.

Mr. GELTZ. Mr. President, I ask unanimous consent to introduce bills at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. GELTZ read in place and presented to the Chair Senate Bill No. 74, entitled:

An Act to amend clause (a) of section three of the act, approved the second day of June, one thousand nine hundred and thirty-seven (P. L. 1193), entitled "An act to protect the public against fraud and deception; regulating the business of selling liquid fuels by requiring persons engaged in the sale or distribution of liquid fuels to secure a permit or permits for pumps or outlets used therein; prescribing the method and manner of obtaining such permit or permits and prescribing the fees for the issuance thereof; conferring powers and imposing duties on the Department of Revenue and prescribing penalties," by further regulating the size and type of signs, size of numerals and lettering and location of signs.

Which was committed to the Committee on Highways.

He also read in place and presented to the Chair Senate Bill No. 75, entitled:

An Act authorizing executors, guardians and trustees to purchase life endowment or annuity contracts in companies approved and duly authorized to carry on such business in the State of Pennsylvania.

Which was committed to the Committee on Judiciary General.

REPORTS FROM COMMITTEES

Mr. EDMONDS. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. EDMONDS, from the Committee on Education, reported as committed, Senate Bill No. 34, entitled:

An Act to further amend section five hundred eight of the act, approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish

and maintain the same, and the method of collecting such revenue, and repealing all laws, general, special, or local, or any parts thereof, that are or may be inconsistent therewith," by further regulating the incurring of temporary indebtedness and the repayment thereof.

MOTION TO READ BILLS THE FIRST TIME

Mr. GELDER. Mr. President, I move that the Senate do now proceed to the first reading of all bills reported from committees for the first time at today's session.

Mr. MALLERY. Mr. President, I second the motion.

The motion was agreed to.

BILL ON FIRST READING

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 34, entitled:

An Act to further amend section five hundred eight of the act, approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309), entitled: "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special, or local, or any parts thereof, that are or may be inconsistent therewith," by further regulating the incurring of temporary indebtedness and the repayment thereof.

And said bill having been read at length the first time,

Ordered, To be laid aside for second reading.

ADJOURNMENT

Mr. OWLETT. Mr. President, I move that the Senate do now adjourn until Wednesday, February 8, 1939, at 1:30 o'clock, p. m.

Mr. GELDER. Mr. President, I second the motion.

The motion was agreed to.

The Senate adjourned at 4:38 o'clock, p. m., until Wednesday, February 8, 1939, at 1:30 o'clock, p. m.

HOUSE OF REPRESENTATIVES

TUESDAY, February 7, 1939.

The House met at 1:00 P. M.

The SPEAKER (Ellwood J. Turner) in the Chair.

PRAYER

The Chaplain, Rev. Walter Evans Diebler, offered the following prayer:

We thank Thee, O God, for the definition Thou dost give us concerning the performance of our civic duties. Thy Word teaches us "Let every soul be in subjection to the Higher Powers: for there is no power but of God; and the powers that be are ordained of God. Therefore, he that resisteth the power withstandeth the ordinance of God: and they that withstand shall receive to themselves judgment. For rulers are not a terror to the good work, but to the evil. "Wherefore we are in subjection for conscience' sake. Help us then to render to all their dues: 'Tribute to whom tribute is due; custom to whom custom; fear to whom fear; honor to whom honor." Bless all public officials in the discharge of their duties in the

light of this Sacred Trust. This we pray in the name of our God. Amen.

JOURNAL APPROVED

The SPEAKER. The Clerk will read the Journal of yesterday.

The Clerk proceeded to read the Journal of yesterday, when, on motion of Mr. G. R. THOMPSON, the further reading was dispensed with and the Journal approved.

BILLS INTRODUCED AND REFERRED

By Mr. CARPENTER

HOUSE BILL No. 182.

An Act to amend section four hundred twenty-six of the act approved the second day of May, one thousand nine hundred twenty-nine (P. L. 1278), entitled "An act relating to counties of the second, third, fourth, fifth, sixth, seventh and eighth classes; and revising, amending and consolidating the laws relating thereto," as amended, by extending the provisions as to headstones, markers or concrete bases for graves of service men to deceased Pennsylvania War Veterans in certain cases.

Referred to the Committee on Counties.

By Mr. STEWART.

HOUSE BILL No. 183.

An Act to amend sections five hundred and fifty-seven and five hundred and fifty-eight of the act, approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith," as amended, by making all employers, including governmental agencies, liable for delinquent per capita taxes of their employes in school districts of the second, third and fourth classes, and requiring tax collectors to collect the same from the employers.

Referred to the Committee on Education.

By Mr. DIX

HOUSE BILL No. 184.

A Joint Resolution proposing an amendment to article eight of the Constitution of the Commonwealth of Pennsylvania by adding thereto section eighteen.

Referred to the Committee on Constitutional Amendments.

By Mr. POWERS

HOUSE BILL No. 185.

An Act permitting, licensing, regulating and controlling dog racing and betting and wagering on such races in this Commonwealth; creating a State Racing Commission with jurisdiction over the same; defining its powers and duties; imposing certain license fees and state taxes; imposing certain duties on the Department of Revenue and providing penalties.

Referred to the Committee on Law and Order.

By Mr. POWERS

HOUSE BILL No. 187.

An Act to amend section five hundred and one of the act approved the first day of May one thousand nine hundred and twenty-nine (P. L. 905), entitled, "An act for the protection for the public safety; regulating the use of highways, and the operation of vehicles, tractors, street cars, trackless trolley omnibuses, bicycles, pedestrians, and the riding of animals upon the highways of this Commonwealth; providing for the titling, including liens, encumbrances, and legal claims; registration of cer-

tain vehicles and licensing the operators thereof, upon payment of prescribed fees; prescribing and limiting the powers of local authorities to deal with the subject matter of this act; conferring powers and imposing duties upon the Department of Revenue, the Department of Highways, peace officers, mayors, burgesses, magistrates, aldermen, justices of the peace, the courts and the clerks thereof, owners of vehicles, and garage keepers; providing that records are admissible as evidence; imposing upon owners, counties, cities, boroughs, incorporated towns, townships, within the Commonwealth, liability for damages caused by the negligent operation of their motor vehicles; imposing penalties; imposing certain costs upon counties; providing for the disposition of fines, forfeitures, fees, and miscellaneous receipts; making an appropriation and providing for refunds," by requiring extra fees for the assignment of special registration plates.

Referred to the Committee on Motor Vehicles.

By Mr. ROYER.

HOUSE BILL No. 188.

An Act authorizing and directing the Legislative Reference Bureau to compile, edit and publish a compilation of laws, relating to soldiers, sailors and marines, their dependents, and war veteran organizations; and making an appropriation.

Referred to the Committee on Appropriations.

By Mr. BARDES.

HOUSE BILL No. 189.

An Act providing for and regulating the appointment, promotion, and reduction in rank, and removal of paid members of the bureau of police, bureau of detectives, police women, bureau of electricity in connection with police departments, police telephone operators and their assistants, police radio operators and their assistants, and all other agencies connected with police departments in counties, cities, boroughs, incorporated towns, and townships maintaining a police force; creating a Civil Service Commission in each county, city, except cities of second class A, borough, incorporated town, and township; defining the powers and duties of such Civil Service Commission; imposing certain duties and expenses on the counties, cities, except cities of second class A, boroughs, incorporated towns, and townships; imposing penalties and repealing inconsistent laws.

Referred to the Committee on Municipal Corporations.

By Mr. NORMAN WOOD.

HOUSE BILL No. 190.

An Act to further amend section seven hundred and three of the act approved the first day of May, one thousand nine hundred and twenty-nine, (P. L. 905), entitled "An act for the protection of the public safety; regulating the use of highways, and the operation of vehicles, tractors, street cars, trackless trolley omnibuses, bicycles, pedestrians, and the riding of animals upon the highways of this Commonwealth; providing for the titling, including liens, encumbrances, and legal claims; registration of certain vehicles and licensing the operators thereof, upon payment of prescribed fees; prescribing and limiting the powers of local authorities to deal with the subject matter of this act; conferring powers and imposing duties upon the Department of Revenue, the Department of Highways, peace officers, mayors, burgesses, magistrates, aldermen, Justices of the peace, the courts and the clerks thereof, owners of vehicles, and garage keepers; providing that records are admissible as evidence; imposing upon owners, counties, cities, boroughs, incorporated towns, townships, within the Commonwealth, liability for damages caused by the negligent operation of their motor vehicles; imposing penalties; imposing certain costs upon counties; providing for the disposition of fines, forfeitures, fees, and miscellaneous receipts; making an appropriation and providing for refunds," by making changes in fees for certain commercial motor vehicles and truck tractors.

Referred to the Committee on Motor Vehicles.

By Mr. O'CONNOR.

HOUSE BILL No. 191.

An Act to amend the title and section six of the act, approved the twenty-ninth day of May, one thousand nine hundred thirty-one (P. L. 280), entitled "An act relating to delinquent taxes on seated lands, and prescribing interest charges on nonpayment thereof; requiring the receivers and collectors of county, city, borough, town, township, school district and poor district taxes to make a return to the county commissioners of such unpaid taxes, and providing for the lien thereof; authorizing the county treasurers to collect such taxes, and to sell seated lands at public sale for taxes heretofore or hereafter returned as unpaid; and authorizing the county commissioners to purchase such lands and resell the same under certain circumstances," by providing that tax collectors and receivers shall be paid a commission on all delinquent taxes collected.

Referred to the Committee on Municipal Corporations.

By Messrs. SCHROCK and AUKER.

HOUSE BILL No. 192.

An Act for the relief of the burden of local taxation; making an appropriation out of the Motor License Fund; providing for the allocation thereof to cities, incorporated towns, boroughs and townships for road and street purposes; and conferring powers and imposing duties on the Department of Highways, the Department of the Auditor General, and Treasury Department, and on cities, boroughs, incorporated towns and townships and officers thereof.

Referred to the Committee on Highways.

By Mr. HAMILTON.

HOUSE BILL No. 193.

An Act relating to the assessment of real and personal property and other subjects of taxation in counties of the first class; providing for the appointment of members of the board of revision of taxes by the judges of the courts of common pleas; providing for the appointment by the board of personal property assessors, real estate assessors and assistant real estate assessors, clerks and other employees; fixing the salaries of members of the board assessors and assistant assessors and providing for the payment of salaries and expenses from the county treasury; prescribing the powers and duties of the board and of the assessors, the time and manner of making assessments, of the revision and notice of assessments and of appeals therefrom; prescribing the records of assessments; and repealing existing laws.

Referred to the Committee on Cities—First Class.

By Mr. CORTESE.

HOUSE BILL No. 194.

An Act providing for the validation and amendment of defective tax liens and municipal claims heretofore or hereafter entered of record.

Referred to the Committee on Municipal Corporations.

By Mr. FREED.

HOUSE BILL No. 195.

An Act making an appropriation for the compensation of Pennsylvania soldiers, sailors and marines who were awarded certain medals for their services in military campaigns of the United States.

Referred to the Committee on Appropriations.

By Mr. STOCKHAM.

HOUSE BILL No. 196.

An Act to amend the act approved the seventh day of August, one thousand nine hundred and thirty-six, (P. L. 117), entitled "An act making an appropriation to the Department of Forests and Waters for the purpose of building and constructing new dikes, levees, and river bank protections along the Delaware River at Morrisville Borough, Bucks County," by fixing the elevations of the said dikes, levees and river bank protections.

Referred to the Committee on Forestry.

By Mr. ROYER.

HOUSE BILL No. 197.

An Act providing that officers and employees of the Commonwealth, who are members of the Officers Reserve Corps of the United States Army shall be entitled to leaves of absence without loss of pay, time or rating while engaged in active service or in field training.

Referred to the Committee on State Government.

By Mr. MELCHIORRE.

HOUSE BILL No. 198.

An Act relating to monopolistic abuses and activities in connection with copyrighted vocal and instrumental musical compositions; declaring certain practices unlawful; providing civil and criminal remedies and procedure; granting and imposing extraordinary rights and liabilities; imposing duties on certain State and local officers; and prescribing penalties.

Referred to the Committee on Judiciary General.

By Messrs. HAMILTON and OMINSKY.

HOUSE BILL No. 199.

An Act to confirm and validate past tax levies or assessments made by school districts of the first class and liens filed thereon.

Referred to the Committee on Education.

By Mr. OMINSKY.

HOUSE BILL No. 200.

An Act limiting the term of years of any agreement, contract or lease to which any city of the first class shall be a party.

Referred to the Committee on Cities—First Class.

By Mr. CORDIER.

HOUSE BILL No. 201.

An Act to amend section two of the act, approved the ninth day of July, one thousand eight hundred and ninety-seven (P. L. 219), entitled "An act providing for the classification of real estate and other property for purposes of taxation, and for the election of assessors and prescribing the duties thereof in cities of the second class," by providing for appeals from assessments in years other than triennial years

Referred to the Committee on Cities—Second Class.

By Mr. MATTHEW J. WELSH. HOUSE BILL No. 202.

An Act making an appropriation to the Department of Property and Supplies for the enlargement and modernization of the Pennsylvania Soldiers and Sailors Home at Erie, Pennsylvania.

Referred to the Committee on Appropriations.

By Mr. CORDIER.

HOUSE BILL No. 203.

An Act to amend section five hundred and eleven of the act approved the twenty-second day of May, one thousand nine hundred and thirty-three (P. L. 853), entitled "An act relating to taxation; designating the subjects, property and persons subject to and exempt from taxation for all local purposes; providing for and regulating the assessment and valuation of persons, property and subjects of taxation for county purposes, and for the use of those municipal and quasi-municipal corporations which levy their taxes on county assessments and valuations; amending, revising and consolidating the law relating thereto; and repealing existing laws," by providing for appeals from assessments in years other than triennial years in counties of the second and third class.

Referred to Committee on Counties.

By Mr. WINNER.

HOUSE BILL No. 204.

An Act to promote the public welfare by prescribing circumstances under which sexual sterilization of certain types of individuals may be performed without civil or

criminal liability; making such operations unlawful in all other cases; imposing the cost of such operations on State and licensed institutions and individuals; conferring powers and imposing duties on the Board of Sterilization; making it unlawful to release or parole or authorize the release or parole from certain institutions of unsterilized inmates; and providing penalties.

Referred to the Committee on Public Health and Sanitation.

By Mr. WINNER.

HOUSE BILL No. 205.

An Act to amend the act approved the ninth day of April, one thousand nine hundred twenty-nine (P. L. 177), entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments, boards, commissions, and officers thereof, including the boards of trustees of State Normal Schools, or Teachers Colleges; abolishing, creating, reorganizing or authorizing the reorganization of certain administrative departments, boards, and commissions; defining the powers and duties of the Governor and other executive and administrative officers, and of the several administrative departments, boards, commissions, and officers; fixing the salaries of the Governor, Lieutenant Governor, and certain other executive and administrative officers; providing for the appointment of certain administrative officers and of all deputies and other assistants and employes in certain departments, boards and commissions; and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments, boards and commissions shall be determined," as amended, by creating the Board of Selective Sterilization as a departmental administrative board in the Department of Welfare.

Referred to the Committee on Public Health and Sanitation.

By Mr. SCANLON.

HOUSE BILL No. 206.

An Act to amend section two as amended, clause (a) of section four, and the first paragraph and clause (b) of section nine of the act, approved the twenty-fourth day of June, one thousand nine hundred and thirty-seven (P. L. 2051), entitled "An Act relating to public assistance; providing for and regulating assistance to certain classes of persons designated and defined as dependent children, aged persons, blind persons and other persons requiring relief; providing for the administration of this act by the Department of Public Assistance and county boards of assistance hereby created for this purpose; authorizing the Department of Public Assistance to cooperate with, and to accept and disburse moneys received from, the United States Government for assistance to such persons; providing for the liquidation of the State Emergency Relief Board, Boards of Trustees of the Mothers' Assistance Fund, and Boards of Trustees of Pension Fund for the Blind; and repealing laws relating to mothers' assistance, pensions for the blind, old age assistance, and the State Emergency Relief Board," fixing minimum amounts of assistance to be given in certain cases and changing age limits of persons eligible for certain assistance.

Referred to the Committee on Welfare.

By Mr. MARR.

HOUSE BILL No. 207.

An Act to amend clause (c) of section five hundred one of the act, approved the twenty-fourth day of June, one thousand nine hundred thirty-seven (P. L. 1917), entitled "An act creating in each county (except of the first class) as a separate corporation, and in each city of the first and second class as a part of the city government, an institution district for the care and maintenance of certain indigent persons and children; prescribing the powers and duties of county commissioners, county treasurers, city departments of public welfare, the State Department of Public Assistance in respect thereto; abolishing certain poor districts and terminating the terms of

directors, overseers, guardians and managers of the poor and poor district auditors, and providing for the temporary employment of certain of them; providing for the transfer, vesting, sale and disposition of the property of poor districts and the payment of their obligations; imposing certain existing obligations on institution districts and on the Commonwealth; regulating the affairs of poor districts until abolished; revising, amending, changing and consolidating the law relating to the care of the poor; and repealing existing laws," by further regulating the loss of settlements by persons removing from the Commonwealth.

Referred to the Committee on Welfare.

By Mr. BAKER.

HOUSE BILL No. 208.

Act Act to amend section nine of the act, approved the twenty-fourth day of June, one thousand nine hundred thirty-seven (P. L. 2051), entitled "An act relating to public assistance; providing for and regulating assistance to certain classes of persons designated and defined as dependent children, aged persons, blind persons and other persons requiring relief; providing for the administration of this act by the Department of Public Assistance and county boards of assistance hereby created for this purpose; authorizing the Department of Public Assistance to cooperate with, and to accept and disburse moneys received from, the United States Government for assistance to such persons; providing for the liquidation of the State Emergency Relief Board, Boards of Trustees of the Mothers' Assistance Fund, and Boards of Trustees of Pension Fund for the Blind; and repealing laws relating to mothers' assistance, pensions for the blind, old age assistance, and the State Emergency Relief Board," by providing special assistance to mothers.

Referred to the Committee on Welfare.

By Mr. MONTGOMERY.

HOUSE BILL No. 209.

An Act to amend section two thousand eight hundred forty-two of the act, approved the twenty-third day of June, one thousand nine hundred thirty-one (P. L. 932), entitled "An act relating to cities of the third class; and amending, revising, and consolidating the law relating thereto," by authorizing the city to appeal from reports of viewers, and demand a trial by jury, and making such provisions retroactive so as to apply to cases now pending.

Referred to the Committee on Cities—Third Class.

By Mr. MONTGOMERY.

HOUSE BILL No. 210.

An Act to further reenact and amend the act, approved the eighteenth day of May, one thousand nine hundred and thirty-three (P. L. 826), entitled "An act authorizing courts of common pleas to stay writs of execution against, and tax sales of, certain real property in certain cases; providing for the continuance of return days of writs of execution; and authorizing sales thereon without issuance of further writs."

Referred to the Committee on Judiciary General.

By Mr. HOYT.

HOUSE BILL No. 211.

An Act to amend section one of the act, approved the twelfth day of June, one thousand nine hundred nineteen (P. L. 450), entitled "An act permitting counties of the Commonwealth of Pennsylvania to appropriate and expend moneys, and to incur indebtedness and issue bonds and other obligations, for the improvement and maintenance of State highways and State-aid highways or any public highway in any county of the Commonwealth, and providing the method for applying for said moneys, and for the approval thereof by the State Highway Department in certain cases," as amended by extending the provisions thereof to include the improvement and maintenance of public highways in towns.

Referred to the Committee on Counties.

By Messrs. DENMAN and ATKINS.: (By request).

HOUSE BILL No. 212.

An Act requiring school districts to progressively reduce their tax rate on real estate and providing that the Commonwealth shall pay to the school districts the amount of such annual loss in revenue.

Referred to the Committee on Education.

By Mr. MORAN.

HOUSE BILL No. 213.

A Joint Resolution proposing an amendment to section one, article nine of the Constitution of the Commonwealth of Pennsylvania.

Referred to the Committee on Constitutional Amendments.

By Mr. BRUNNER.

HOUSE BILL No. 214.

A Supplement to the act, approved the second day of July, one thousand nine hundred thirty-seven (Appropriation Acts, page seventy-four), entitled "An act to provide for the ordinary expenses of the Executive, Legislative, and Judicial Departments of the Commonwealth, interest on the public debt, and the support of the public schools for two years beginning June first, one thousand nine hundred and thirty-seven; and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending May thirty-first, one thousand nine hundred and thirty-seven," making a deficiency appropriation to the Department of State.

Referred to the Committee on Appropriations.

By Mr. BOYD.

HOUSE BILL No. 215.

A Supplement to the act, approved the second day of July, one thousand nine hundred thirty-seven (Appropriation Acts, page seventy-four), entitled "An act to provide for the ordinary expenses of the Executive, Legislative, and Judicial Departments of the Commonwealth, interest on the public debt, and the support of the public schools for two years beginning June first, one thousand nine hundred and thirty-seven; and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending May thirty-first, one thousand nine hundred and thirty-seven," providing for deficiencies in certain appropriations to the Department of Justice for the fiscal biennium ending May thirty-first, one thousand nine hundred thirty-nine.

Referred to the Committee on Appropriations.

By Mr. STAMBAUGH.

HOUSE BILL No. 216.

An Act establishing as State highways all existing township roads in townships of the first and second class which have not heretofore been established as State highways, and highways hereafter established by the proper court of quarter sessions; authorizing their construction maintenance and improvement under certain conditions and restrictions, and authorizing the Secretary of Highways, under certain conditions, to petition the court of quarter sessions to vacate certain of said roads.

Referred to the Committee on Highways.

By Mr. STAMBAUGH.

HOUSE BILL No. 217.

An Act to amend section five hundred and twelve of the act, approved the first day of May, one thousand nine hundred and thirty-three (P. L. 103), entitled "An act concerning townships of the second class; and amending, revising, consolidating, and changing the law relating thereto," by providing that township supervisors shall meet upon the call of the chairman.

Referred to the Committee on Townships.

By Mr. SKALE.

HOUSE BILL No. 218.

An Act making it unlawful to maliciously write, publish or distribute or cause to be written, published or distributed any writing, printing, sign or pictorial representation, reflecting upon any race or exposing such race to public hatred, contempt, ridicule or prejudice.

Referred to the Committee on Judiciary Special.

By Messrs. FINNERTY and McGARRITY.

HOUSE BILL No. 219

An Act to enable school districts to provide food free or at low price to needy pupils in public, private and parochial schools and to cooperate with and receive aid from public agencies for this purpose.

Referred to the Committee on Education.

By Mr. MALONE.

HOUSE BILL No. 220.

An Act to amend Clause (b) of section five hundred and one of the act approved the first day of May, one thousand nine hundred and twenty-nine, (P. L. 905), entitled "An act for the protection of the public safety; regulating the use of highways, and the operation of vehicles, tractors, street cars, trackless trolleys omnibuses, bicycles, pedestrians, and the riding of animals upon the highways of this Commonwealth; providing for the titling, including liens, encumbrances, and legal claims; registration of certain vehicles and licensing the operators thereof, upon payment of prescribed fees; prescribing and limiting the powers of local authorities to deal with the subject matter of this act; conferring powers and imposing duties upon the Department of Revenue, the Department of Highways, peace officers, mayors, burgesses, magistrates, aldermen, justices of the peace, the courts and the clerks thereof, owners of vehicles, and garage keepers; providing that records are admissible as evidence; imposing upon owners, counties, cities, boroughs, incorporated towns, townships, within the Commonwealth, liability for damages caused by the negligent operation of their motor vehicles; imposing penalties; imposing certain costs upon counties; providing for the disposition of fines, forfeitures, fees, and miscellaneous receipts; making an appropriation and providing for refunds," by requiring the name of the make of motor vehicle to be displayed on registration plates.

Referred to the Committee on Motor Vehicles.

By Mr. ATKINS.

HOUSE BILL No. 221.

An Act declaring prosecutions against defendants finally ended and terminated where the Grand Jury has returned bills of indictment ignoramus, unless a re-submission is authorized by the court for certain reasons; and providing the procedure and for appeals in such cases.

Referred to the Committee on Judiciary Special.

By Mr. KANE.

HOUSE BILL No. 222.

An Act to promote interstate cooperation for the conservation and protection of water resources in the Delaware River Basin.

Referred to the Committee on State Government.

RESOLUTION INTRODUCED AND REFERRED

By Mr. ANDREWS.

RESOLUTION No. 13.

In the House of Representatives, February 6, 1939.

Whereas, The former Secretary of Health, Dr. Edith MacBride Dexter, repeatedly stated that the grounds at the Cresson Sanatorium were so undermined that it was not deemed advisable to construct any more heavy buildings on that location; and

Whereas, Competent engineering authority has ques-

tioned the technical accuracy of the statements made by the former Secretary of Health; and

Whereas, Cresson State Sanatorium property presents a valuable holding which should not be in danger; therefore be it

Resolved, That the Department of Mines is requested to make an examination and furnish the House of Representatives, within thirty days, with the following information:

1. To what extent has the coal underlying the Cresson State Sanatorium grounds been removed.
2. Has the removal of coal endangered any of the buildings which comprise the sanatorium plant?
3. Is it true that it would be unsafe to construct any additional heavy buildings on any of the sites now available at the Cresson State Sanatorium?
4. Should the Commonwealth, in order to insure the safety of the Cresson Sanatorium plant and place it in a position where it would be capable of future development, purchase, in whole or in part, any of the coal seams underlying the property?

Referred to the Committee on Mines and Mining.

SENATE MESSAGE

HOUSE BILLS CONCURRED IN BY SENATE.

The Clerk of the Senate being introduced, returned bills from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 3.

An Act transferring money from the Liquid Fuels Tax Fund to the General Fund and providing for the subsequent return from the General Fund of the transferred money.

HOUSE BILL No. 4.

An Act transferring money from the State Insurance Fund to the General Fund and providing for the subsequent return from the General Fund of the transferred money.

With the information that the Senate has passed the same without amendment.

BILLS SIGNED BY THE SPEAKER

Bills numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the titles were publicly read as follows:

HOUSE BILL No. 3.

An Act transferring money from the Liquid Fuels Tax Fund to the General Fund and providing for the subsequent return from the General Fund of the transferred money.

HOUSE BILL No. 4.

An Act transferring money from the State Insurance Fund to the General Fund and providing for the subsequent return from the General Fund of the transferred money.

Whereupon,

The SPEAKER, in the presence of the House, signed the same.

LEAVES OF ABSENCE

Mr. O'CONNOR asked and obtained leave of absence for himself for the remainder of the week after today's session.

Mr. ACHTERMAN asked and obtained leave of absence for himself for the remainder of the week after today's session.

Mr. JIROLANIO asked and obtained leave of absence for himself for the remainder of the week after today's session.

Mr. HARKINS asked and obtained leave of absence for himself for the remainder of the week after tomorrow.

Mr. Ominsky asked and obtained leave of absence for Mr. HERBERT B. COHEN for today's session.

Mr. FINNERTY asked and obtained leave of absence for himself for the remainder of the week after today's session.

Mr. REUBEN E. COHEN asked and obtained leave of absence for himself for the remainder of the week after today's session.

Mr. SKALE asked and obtained leave of absence for himself for the remainder of the week after today's session.

REPORTS FROM COMMITTEE

Mr. SWEENEY from the Committee on Judiciary General, reported as committed, House Bill No. 132, entitled

An Act to repeal the act, approved the thirtieth day of July, one thousand nine hundred and thirty-eight (P. L. 18), entitled "An act suspending, retroactively as well as prospectively, any other pending investigation, legislative, executive or judicial, of charges of, or involving, misdemeanor in office on the part of civil officers liable to impeachment, which the House of Representatives undertakes to investigate, and providing under what circumstances the suspended investigation may be resumed."

Mr. ALSPACH from the Committee on Judiciary General reported as committed, House Bill No. 131, entitled

An act to repeal the act, approved the thirtieth day of July, one thousand nine hundred and thirty-eight (P. L. 13), entitled "An act relating to the investigation of charges of or involving, misdemeanor in office made against civil officers subject to impeachment; providing that the jurisdiction of the House of Representatives to make such investigations shall have precedence over the jurisdiction of grand juries; and limiting the circumstances under which courts of oyer and terminer and general jail delivery or courts of quarter sessions, or judges of such courts, may authorize grand juries to make such investigations."

Mr. HAINES from the Committee on Elections, reported as amended, House Bill No. 92, entitled

An Act to prohibit assessments and demands for contributions for political purposes; and providing a penalty.

Mr. DENMAN from the Committee on Judiciary General, reported as committed, House Bill No. 128, entitled

An Act to repeal the act, approved the thirtieth day of July, one thousand nine hundred and thirty-eight (P. L. 17), entitled "An act defining the relative powers of the Attorney General and of district attorneys in investigations or proceedings in the criminal courts; authorizing the judges thereof to appoint, subject to appeal to the Supreme Court special prosecutors in certain cases, and providing for their compensation by the county."

Mr. JACOB L. MOSER from the Committee on Judiciary General, reported as committed, House Bill No. 129, entitled

An Act to repeal the act, approved the thirtieth day of July, one thousand nine hundred and thirty-eight (P. L. 15), entitled "An act defining the procedure for, and regulating, the investigation by the House of Representatives and its committees of charges of, or involving, misdemeanor in office on the part of civil officers liable to impeachment; authorizing the Speaker of the House to

appoint a special committee for any such investigation; authorizing the presentation of evidence by the Attorney General and other counsel and the officers investigated; providing for the summoning of witnesses and for the punishment of persons refusing to appear, produce evidence, or testify; and authorizing the employment and compensation of counsel and other assistants."

BILLS ON FIRST READING

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 26, entitled:

An Act to amend section three of the act approved the twenty-seventh day of April one thousand nine hundred and twenty-seven (Pamphlet Laws four hundred sixty-five) entitled 'An act to provide for the safety of persons employed housed or assembled in certain buildings and structures not in cities of the first class second class and second class A by requiring certain construction and ways of egress equipment and maintenance providing for the licensing of projectionists requiring the submission of plans for examination and approval providing for the promulgation of rules and regulations for the enforcement of this act providing for the enforcement of this act by the Department of Labor and Industry and in certain cases by the chiefs of fire departments in cities of the third class providing penalties for violations of the provisions of this act and repealing acts as amended eliminating the requirement that certain buildings shall be equipped with certain equipment in connection with gas meters to prevent or retard the escape of gas.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 164, entitled:

An Act making a deficiency appropriation to the Lieutenant Governor

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 186, entitled:

An Act transferring money from the Fire Insurance Tax Fund to the General Fund and providing for the subsequent return from the General Fund of the transferred money

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 160 (Senate Bill No. 32), entitled:

A Supplement to the act approved the second day of July one thousand nine hundred and thirty-seven (Pamphlet Laws 2706) entitled "An act creating a State World's Fair Commission defining the powers and duties of said commission providing for participation in the New York Worlds Fair and making an appropriation" by making an additional appropriation thereto

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 143, entitled:

An Act to amend clause (b) of section four, article two of the act approved the twenty-fifth day of June one thou-

sand nine hundred and nineteen (Pamphlet Laws 581) entitled "An act for the better government of cities of the first class of this Commonwealth," as amended by providing a succession of officers of such cities to act as mayor in case of a vacancy or disability of the mayor to act

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

INTERROGATION

Mr. OMINSKY. Mr. Speaker, I would like to interrogate the gentleman from Dauphin, Mr. Woodside, relative to one of the first reading bills.

The SPEAKER. Will the gentleman from Dauphin permit himself to be interrogated?

Mr. WOODSIDE. I shall, Mr. Speaker.

Mr. OMINSKY. Mr. Speaker, may I inquire whether it is the intention of the majority to appropriate another million and a half dollars to the relief fund, the general appropriation, by transfer as indicated in House Bill No. 186?

Mr. WOODSIDE. Mr. Speaker, House Bill No. 186 provides for the transfer from the Fire Insurance Fund of one million five hundred thousand dollars. It is the intention eventually to appropriate that sum along with an additional sum for relief to the Department of Public Assistance.

I might say, in further answer to the gentleman, that the bill on second reading provides for the appropriation of twenty-two million dollars. This we feel will not be sufficient to take relief through to the end of the biennium, May 31st, and it will be necessary to appropriate not only the one and a half million dollars which is transferred by House Bill No. 186, but it will be necessary for us to find additional sums in the amount of six to eight million dollars to appropriate to relief, and when that sum is definitely ascertained, an appropriation of the one million five hundred thousand dollars plus what ever additional sum may be necessary will be made.

BILL ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 181, entitled:

An Act making a deficiency appropriation to the Department of Public Assistance for the purpose of carrying out the Public Assistance Law for the two fiscal years ending May thirty-first one thousand nine hundred and thirty-nine

The first section was read as follows:

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The sum of twenty-two million dollars (\$22,000,000) or so much thereof as may be necessary is hereby specifically appropriated from the General Fund in the State Treasury to the Department of Public Assistance to provide assistance and for local and certain state administration expenses in the manner provided in the Public Assistance Law for the payment of deficiencies for the two fiscal years ending May thirty-first one thousand nine hundred thirty-nine

On the question,

Will the House agree to the section?

Mr. OMINSKY. Mr. Speaker, I desire to offer the following amendments.

The SPEAKER. The amendments will be read by the Clerk.

The amendments were read by the Clerk as follows:

Amend Sec. 1, line 1 by striking out the following after the word of H "\$22,000,000"

Amend Sec. 1 line 1 by inserting after word of the following:

H "23,500,000 Twenty-three Million Five Hundred Thousand Dollars"

On the question,

Will the House agree to the amendments?

Mr. OMINSKY. Mr. Speaker and members of the House, as is apparent on its face, the purpose of the amendments is to increase the appropriation from twenty-two million to twenty-three million five hundred thousand dollars. Due to the fact that we have already passed on first reading House Bill No. 186, which transfers another million and a half dollars, rather than introduce a new bill, as we have already been informed through the interrogation of the gentleman from Dauphin, Mr. Woodside, for one and a half million dollars later on, we could do it through these amendments thus saving printing expenses and various other mechanics necessary for future action.

I therefore ask the membership of this House, since eventually we will appropriate one and a half million dollars to do it now through these amendments, and thus save time, money and effort.

Mr. WOODSIDE. Mr. Speaker, and members of the House, we appreciate the offer of the minority to save time, expense and effort in connection with this matter. However, I desire to call to the attention of the members the reason I am going to ask the House to oppose these amendments. The bill making the appropriation for twenty-two million dollars is on second reading. The bill making the transfer is on first reading. As a result of that situation it will be necessary to delay an additional day before any bill making the appropriation of twenty-two million dollars could become effective. For this reason we cannot appropriate the money unless it has in some way been provided. We have provided in transfers twenty-two million dollars, but we have not provided in transfer twenty-three and a half million dollars, and we could not provide that sum until the day after the passage of House Bill No. 181. In addition to that, I might point out to the membership of the House, that this one and a half million dollars additional appropriation would not be sufficient to carry relief to the end of the biennium, so that it would be necessary to make still another appropriation. This one and a half million dollars will be included in that other appropriation, so that there would not be any saving as a result of the adoption of these amendments. Therefore, I am asking the membership of the House to vote "no" on these amendments.

Mr. OMINSKY. Mr. Speaker and members of the House, it is not my intention to prolong debate on these amendments. I think they are proper at this time, and I trust the reason for the majority floor leader's asking the members to vote down these amendments is not because they were introduced by our side of the House. If that is so, I will be glad to have somebody from the other side of the House introduce them. I feel it is better to take a day longer so that these bills will be passed with the amendments, rather than later on, when it will take three legislative days to pass a new bill or a new appropriation. Therefore, I ask the membership of the House, to cast aside any partisanship feeling in this particular instance and vote for these amendments because eventually we will

have to do it in the form of a new bill, and Mr. Speaker, I ask for a roll call.

The yeas and nays were required by Mr. Ominsky and Mr. Jiolanilo and were as follows:

YEAS—66.

Achterman,	Falkenstein,	Mooney,	Rothenberger,
Allen,	Fauset,	Moran,	Schrope,
Allmond,	Finnerty,	Munley,	Schwab,
Baker,	Flanagan,	O'Brien,	Shaw,
Balthaser,	Furman,	O'Connor,	Skale,
Boles,	Harkins,	O'Keefe,	Stank,
Boney,	Hess,	Ominsky,	Tarr,
Brancato,	Hindman,	Powers,	Thompson, E. F.,
Broad,	Holland,	Preston,	Tronzo,
Brown, H. S.,	Jiolanilo,	Readinger,	Walsh,
Burns,	Lovett,	Regan,	Weiss,
Burris,	Malloy,	Reynolds,	Welsh, E. B.,
Check,	Malone,	Rider,	Welsh, M. J.,
Chervenak,	Melchiorre,	Rooney,	Westrick,
Cohen, R. E.,	Mihm,	Rosenfeld,	Williams,
Donohoe,			

NAYS—115.

Ackermann,	Fisher,	Lee,	Shearer,
Alspach,	Fliss,	Lelsey,	Simons,
Atkins,	Fleming,	Leydic,	Sloan,
Auker,	Foor,	Lichtenwalter,	Snyder,
Bardes,	Freed,	Long,	Sollenberger,
Bennett,	Fullerton,	Lyons,	Stewart,
Boose,	Gates,	Madden,	Stockham,
Bower,	Gillan,	Marr,	Sweeney,
Boyd,	Gillette,	Matthews,	Tahl,
Bretherick,	Goll,	McClester,	Taylor,
Bronson,	Habbyshaw,	McGarrity,	Thistle,
Brunner,	Haines,	McKinney,	Tiemann,
Cadwalader,	Hall,	McNally,	Trout,
Carpenter,	Hamilton,	McVay,	Van Allsburg,
Christler,	Harbeson,	Montgomery,	Van Belle,
Clark,	Haudenschild,	Moser, J. L.,	Voorhees,
Clearwater,	Henry,	Muir,	Wagner,
Cook,	Hewitt,	O'Dare,	Watkins,
Cooper,	Hocke,	Peacock,	Webster,
Cordier,	Hoffman, J. N.,	Reagan,	Wilkinson,
Cortese,	Huntley,	Reese, D. P.,	Wilson,
Curran,	Irvin,	Rhodes,	Winnier,
Dalrymple,	James,	Riley,	Wood, H. M.,
Denman,	Johnston,	Rose,	Wood, L. H.,
Dick,	Jones,	Roseberry,	Wood, N.,
Dix,	Kline,	Royer,	Woodside,
Donahue,	Knoble,	Schrock,	Yeakel,
Ely,	Kowalski,	Seif,	Turner,
Ewing,	Krise,	Serrill,	Speaker.

So the question was determined in the negative and the amendments were not agreed to.

On the question recurring.

Will the House agree to the section?

It was agreed to.

The second and third sections and title were separately read and agreed to as follows:

Section 2 Out of the moneys hereby appropriated the Department of Public Assistance shall allocate from time to time among the several county boards of assistance funds with which to provide assistance and administrative expenses Allocations so made to a county board of assistance shall be available for expenditure in that county for assistance and for administration expenses in the manner provided by the Public Assistance Law

The Governor with the approval of the Auditor General and State Treasurer shall from time to time allocate to the Department of the Auditor General and the Treasury Department out of the appropriation made by this act such sums as may be deemed necessary to pay the administration expenses of said departments in auditing and disbursing the appropriation made by this act

Section 3 This act shall become effective immediately upon final enactment

An Act making a deficiency appropriation to the Department of Public Assistance for the purpose of carrying out the Public Assistance Law for the two fiscal years ending

May thirty-first one thousand nine hundred and thirty-nine

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

RESOLUTION

Mr. HOLLAND offered a resolution and asked unanimous consent that it be read for the information of the House.

The SPEAKER. Will the House give its unanimous consent for the reading of the resolution? Is there objection?

Mr. WOODSIDE. Mr. Speaker, I object.

The SPEAKER. The Chair hears objection and consent is not granted.

MOTION TO SUSPEND RULE

Mr. HOLLAND. Mr. Speaker, inasmuch as this resolution makes haste and does not make waste, but saves money, being a flood resolution, I move that Rule 84 be suspended for the specific purpose of reading the resolution for the information of the members.

On the question,

Will the House agree to the motion?

The yeas and neys were required by Mr. Holland and Mr. Tronzo and were as follows:

YEAS—43

Achterman,	Cohen, R. E.,	O'Connor,	Skale,
Allen,	Fauset,	O'Keefe,	Stank,
Allmond,	Furman,	Ominsky,	Tarr,
Baker,	Harkins,	Powers,	Thompson, E. F.,
Boles,	Hess,	Preston,	Tronzo,
Boney,	Holland,	Readinger,	Weiss,
Brancato,	Long,	Reynolds,	Welsh, E. B.,
Broad,	Lovett,	Rider,	Welsh, M. J.,
Burns,	Mooney,	Rosenfeld,	Westrick,
Check,	Moran,	Schrope,	Williams,
Chavez,	Munley,	Schwab,	

NAYS—121

Ackermann,	Fisher,	Lee,	Sloan,
Alspach,	Fiss,	Lelsey,	Snyder,
Atkins,	Fleming,	Leydic,	Sollenberger,
Auker,	Foor,	Lichtenwalter,	Stambaugh,
Balliet,	Freed,	Madden,	Stewart,
Bardes,	Fullerton,	Marr,	Stockham,
Bennett,	Gates,	Matthews,	Sweeney,
Boose,	Gillan,	McClester,	Tahl,
Bower,	Gillette,	McGarrity,	Taylor,
Boyd,	Goll,	McKinney,	Terry,
Bretherick,	Habbyshaw,	McNally,	Thistle,
Bronson,	Haines,	McVay,	Thompson, G. R.,
Brunner,	Hall,	Montgomery,	Tiemann,
Cadwalader,	Hamilton,	Moser, F. S.,	Trout,
Calvin,	Harbeson,	Moser, J. L.,	Van Allsburg,
Carpenter,	Haudenshield,	Muir,	Van Belle,
Christler,	Henry,	O'Dare,	Voorhees,
Clark,	Hewitt,	Peacock,	Wagner,
Clearwater,	Hocke,	Reagan,	Watkins,
Cook,	Hoffman, J. N.,	Reese, R. E.,	Webster,
Cooper,	Hoyt,	Rhodes,	Wilkinson,
Cordier,	Huntley,	Riley,	Wilson,
Cortese,	Irvin,	Robertson,	Winnier,
Curran,	James,	Rose,	Wood, H. M.,
Dalrymple,	Johnston,	Roseberry,	Wood, L. H.,
Denman,	Jones,	Royer,	Wood, N.,
Dick,	Kane,	Schrock,	Woodside,
Dix,	Kline,	Seif,	Yeakel,
Donahue,	Knoble,	Serrilli,	Turner,
Ely,	Kowalski,	Shearer,	
Ewing,	Krise,	Simons,	Speaker.

So the question was determined in the negative and the motion was not agreed to.

The SPEAKER. The resolution will be filed with the Clerk under the Rules.

STATEMENT BY MR. ACHTERMAN

Mr. ACHTERMAN asked and obtained unanimous consent to address the House.

Mr. Speaker, reports emanating both from the press and Republican leaders indicate that the Governor at the present time is engaged in the throes of wrestling with a serious problem involving, according to the reports, perhaps shortages of twenty million dollars or forty million dollars, and I believe also the problem of endeavoring to cut the budget by one hundred and eighteen million dollars. As a matter of fact, it would seem that the problem is so serious that the Governor finds it necessary to have a period of at least two or more weeks to study it further in order to deliver his message to this House.

The Governor has indicated that it is his intention to pare to the bone all unnecessary expenses, and I believe, Mr. Speaker, that it is really the duty of both the Democratic and the Republican members of this House to assist him, wherever possible, in saving expense to our State government, and I rise at this particular time to point out that the Governor has himself demonstrated where it is possible to save a considerable sum of money in the cost of our government.

The Governor while still a member of the Superior Court for a period of ten months did not function, but the work of that Court went on as though they had never missed him or never had him upon the bench. As a matter of fact, opinions were handed down promptly in the same efficient and regular manner, and it has become very evident, Mr. Speaker, that instead of having a non-functioning judge upon the bench, we should have a non-existent judge upon the bench. Now, there is a difference between those two terms, Mr. Speaker. You understand, a non-functioning judge draws his salary, and of course, a non-existent judge draws no salary. Now there, Mr. Speaker, is a very considerable saving, because in addition to having no judge, you also eliminate a law clerk and a secretary. As a matter of fact, Mr. Speaker, you will save approximately twenty-five thousand dollars per year, or in other words fifty thousand dollars. As my contribution, small though it may be, as a suggestion to the Governor, I am introducing a bill reducing the number of the judges of the Superior Court from seven to six. I realize in so doing that I am going to assist the Governor in that tremendous wrestling problem he has with his conscience, because he will now be faced with the worry of whether or not he should reduce the number of judges, because while I appreciate that the members of this House are going along on this bill, and are going to help the Governor save fifty thousand dollars, he can wrestle with his conscience, because there I understand he is responsible on the question of whether he should or should not sign the bill.

The SPEAKER. The remarks of the gentleman will be spread upon the Journal.

STATEMENT BY MR. WOODSIDE

Mr. WOODSIDE asked and obtained unanimous consent to address the House.

I think in fairness to the Governor a correction should be made to one statement made by the gentleman from Monroe, and that is in connection with the present recess. I know that most of the remarks of the gentleman

were made in fun and as sarcasm, but that one particular remark may have been serious. The Governor did not request the legislature for a two weeks' recess in order to complete the preparation of his budget. The suggestion was made by members of the legislature, who thought that by taking that recess, we could by active work with the committees put the legislative program in such a state that in the end we could adjourn earlier than would be possible by continuing in session during the next two weeks.

RESOLUTION

Mr. ROSENFELD offered a resolution and asked unanimous consent that it be read for the information of the House.

The SPEAKER. Will the House give its unanimous consent for the reading of the resolution? Is there objection?

Mr. WOODSIDE. Mr. Speaker, I object.

The SPEAKER. The Chair hears objection and consent is not granted.

The resolution will be filed with the Clerk.

INTERROGATION

Mr. ROSENFELD. Mr. Speaker, I would like to interrogate the gentleman from Dauphin, Mr. Woodside, who made the objection.

The SPEAKER. Will the gentleman permit himself to be interrogated?

Mr. WOODSIDE. Mr. Speaker, I shall.

Mr. ROSENFELD. I desire to ask the gentleman from Dauphin, Mr. Woodside, whether he is familiar with the contents of this resolution.

Mr. WOODSIDE. Mr. Speaker, the gentleman should know that I have no way of obtaining knowledge of what is in the resolution.

STATEMENT BY EDWIN F. THOMPSON

Mr. THOMPSON asked and obtained unanimous consent to address the House.

Mr. Speaker and members of the House, I wish to state my position clearly, being a member of the Veterans of Foreign Wars and of the American Legion. On last evening there was a resolution introduced to memorialize Congress to appropriate one hundred and fifty thousand dollars to investigate un-American activities. I would like to say that the few dollars that might be appropriated by Congress, might be used in the Chairman's own state of Texas, to investigate the activities in his state. I would like to say that there are many things that have appeared in the Press, that are happening and really recorded.

There was an article dated February 3rd that appeared in the Evening Bulletin of Philadelphia that called the President "a mental case." I feel that if there is any money to be spent in America, it might be better that we should begin at home, to investigate and beat down such opposition, referring in such a way to the greatest humanitarian that America has produced in many years, and that these people should know that the American people really stand for what they advocate.

In the Italian Press it was stated that having a President in the White House who had been affected by infantile paralysis, he should be surrounded by nurses instead of hoodlums, robbers and Jews.

I feel it is asking too much of the American people to stand by and allow a man to be beaten down when he

has stood by American principles, and I have not heard the voice of the Chairman of the Dies Committee raised against such damnable expressions through various newspapers and through the Associated Press of America. The chairman of that committee has really said nothing against such opposition. I feel the time has come when we as soldiers and American citizens should raise our voices in protest. I have nothing against my friend who introduced the resolution. I believe that he is fair and sincere, but there are many things in the Veterans of Foreign Wars and the American Legion which should be wiped out, and there are many things in such organizations that should be set right. I believe that we should clean house in America before we start to memorialize Congress to do anything otherwise. I thank you.

The SPEAKER. The remarks of the gentleman will be spread upon the Journal.

INTERROGATION

Mr. JIROLANIO. Mr. Speaker, I would like to interrogate the gentleman from Dauphin, Mr. Woodside.

The SPEAKER. Will the gentleman from Dauphin permit himself to be interrogated?

Mr. WOODSIDE. I shall, Mr. Speaker.

Mr. JIROLANIO. Mr. Speaker, I have heard the gentleman from Dauphin say several times before that during the next two weeks committee meetings will take place. Am I correct in that?

Mr. WOODSIDE. Mr. Speaker, that is correct. I said special committees will meet.

Mr. JIROLANIO. Mr. Speaker, may I as a member of the House have the privilege of knowing just what particular committees are going to meet?

Mr. WOODSIDE. Mr. Speaker, I will be glad to give the gentleman from Northampton such information when it is available.

Mr. JIROLANIO. Mr. Speaker, I would like to inquire of the gentleman from Dauphin, Mr. Woodside, whether or not on these particular committees which will meet in the future there is going to be any minority representation.

The SPEAKER. The Chair could give a good answer to that.

Mr. JIROLANIO. Mr. Speaker, I am not interrogating the Speaker; I am interrogating the gentleman from Dauphin, Mr. Woodside.

Mr. WOODSIDE. I yield to you, Mr. Speaker.

Mr. JIROLANIO. With pleasure, if the Speaker leaves the rostrum.

The SPEAKER. The Speaker would have no greater pleasure than returning to the floor and answer the interrogation.

Mr. JIROLANIO. I am sure you would, Mr. Speaker.

Mr. WOODSIDE. Mr. Speaker, as to the appointment of committees, the Speaker is in a much better position to answer that question than I am. Frankly, I have very little if anything to do with the appointment of committees. That will be done either by the Speaker or by the chairmen of the standing committees and I am therefore not in a position to answer the interrogation of the gentleman from Northampton.

Mr. JIROLANIO. Mr. Speaker, just one more question.

The SPEAKER. The Chair would like to state that the gentleman from Dauphin has stated that he is unable

to answer further what the Chair would be pleased to answer—

Mr. JIROLANIO. May I again caution the Chair that at the present time I am interrogating the gentleman from Dauphin, Mr. Woodside.

The SPEAKER. The Chair would say to the gentleman from Northampton what he started to say before the gentleman from Northampton interrupted him, that he would be pleased to answer any inquiry that the gentleman might desire to make.

Mr. JIROLANIO. Mr. Speaker, I now appeal from the ruling of the Chair, and ask that the Speaker step down so that I can interrogate him on several matters.

The SPEAKER. The Chair has made no ruling.

Mr. JIROLANIO. Mr. Speaker, I will give the Chair an opportunity to rule now.

The SPEAKER. The Chair has no ruling to make; there is nothing before the House. The gentleman from Northampton has the floor and desires to interrogate the gentleman from Dauphin. Will the gentleman from Dauphin permit himself to be interrogated?

Mr. WOODSIDE. Mr. Speaker, may I suggest to the gentleman, if he desires information, he should know how, when and where to get it.

Mr. JIROLANIO. Mr. Speaker, may I ask where, how and when?

Mr. WOODSIDE. Mr. Speaker, I suggest that that question be addressed to you.

The SPEAKER. The Chair desires to inform the gentleman from Northampton that if he will come to the office of the Speaker following adjournment he will be able to secure any information he desires.

STATEMENT BY MR. JIROLANIO

Mr. JIROLANIO asked and obtained unanimous consent to address the House.

Mr. Speaker and members of the House, I arise only on a question which I know is also bothering every member in this Legislative Hall today.

It has been said on the floor of the House by the majority leader that certain meetings are to take place. I as a member of the Legislature representing my district, Northampton County, feel that not only am I entitled to know what particular committees are going to meet and what is going to take place at them but every member of the House that is here today is entitled to know, because after an election is over we represent all of the people of Pennsylvania and no political party in particular. Therefore, I want to say this, that we as members are entitled to know what is going on, when it is going on and how it is going on.

The SPEAKER. The remarks of the gentleman will be spread upon the Journal.

ANNOUNCEMENT

The Speaker requests that the Chairmen of the following Standing Committees meet with him in his office at 4 p. m. today:

Agriculture, Schrock; Appropriations, Norman Wood; Dairy Industries, Snyder; Education, Stewart; Highways, Gillette; Insurance, Kline; Labor, Peale; Liquor Control, Lyons; Mines & Mining, Kane; Motor Vehicles, Trout; Printing, Hewitt; Public Utilities, Stockham; State Government, Habbysaw; Ways & Means, Winner; Welfare, Van Allsburg; Workmens Comp., Wilson.

HOUSE COMMITTEE MEETINGS

Appropriations, Tuesday, February 7, immediately after this session in Room 323.

Cities, 2d Class, Tuesday, February 7, immediately after this session in Room 324.

Counties, Wednesday, February 8, at 10 a. m., in Room 323.

QUESTION OF PARLIAMENTARY INQUIRY

Mr. ANDREWS. Mr. Speaker, I arise to a question of parliamentary inquiry.

The SPEAKER. The gentleman from Cambria will state his question of parliamentary inquiry?

Mr. ANDREWS. Mr. Speaker, would it be in order for a member at any time to inquire if there are any lawyers in the House who have not obtained leaves of absence?

The SPEAKER. The Chair is of the opinion that it would be proper at any time for a member to inquire whether there are any lawyers in the House who have not secured leaves of absence, or any other profession, including newspaper men.

Mr. ANDREWS. Mr. Speaker, would it be within the province of this House to grant all of the lawyers an indefinite leave of absence?

The SPEAKER. The Chair would say to the gentleman that as the Constitution gives to this House control over its members that it would be perfectly proper, within the sphere of the question which the gentleman has asked, for the House to give an indefinite leave of absence to all of the lawyers, but the Chair will say that that would be a great calamity to the Commonwealth of Pennsylvania.

STATEMENT BY MR. ANDREWS

Mr. ANDREWS asked and obtained unanimous consent to address the House.

Mr. Speaker and members of the House, I would like to make a statement not to exceed one minute and a half.

The only way that the members of this House who are not lawyers are ever going to get a square deal is to get all the lawyers to go home. These lawyers dearly love a judge. The gentleman from Monroe, Mr. Achterman, introduced a bill reducing the number of the judges in the Superior Court from seven to six because he knew that I had a bill in preparation reducing the number in that court from seven to five.

ADJOURNMENT

Mr. O'DARE. Mr. Speaker, I move that this House do now adjourn until tomorrow at 1:00 p. m.

The motion was agreed to, and (at 2:17 p. m.) the House adjourned until Wednesday, February 8, 1939, at 1:00 p. m.

Legislative Journal.

Session 1939.

133d of the General Assembly.

Vol. 23

HARRISBURG, PA., WEDNESDAY, FEBRUARY 8, 1939.

No. 13.

SENATE

WEDNESDAY, February 8, 1939.

The Senate met at 1:30 o'clock, p. m.

The PRESIDENT (Lieutenant-Governor Samuel S. Lewis) in the Chair.

PRAYER

The Chaplain, Rev. BURLEIGH A. PETERS, offered the following prayer:

O Thou Great Artificer of the Universe, unto whom all hearts are open and all desires are known, direct and control our every thought, word and deed this day. How wonderful these moments of prayer are, and may constantly become, as we bow in humility and devotion before Thee e'er we begin our legislative task! Surely it must be pleasing to Thee to see us so doing if, perchance, it be not done perfunctorily nor of necessity but out of good and honest hearts who seek Thy favor.

We are stewards of the use of power for the welfare of others. May we use it wisely and mercifully. We are stewards of the sacred trust of government reposed in us by others for all the people of this Commonwealth. May we never betray it. Only by the daily replenishing of the altar fires of our faith in Thee shall we be kept faithful and constant in the honorable discharge of the duties devolved upon our shoulders.

Gracious God, may not one of us be so preoccupied with the lesser things of this life nor be inclined to minimize the great value of prayer nor even to under-value the use of prayer to the degree of utter neglect, that we shall fail of the life to come. May we scale the rugged heights of lofty purpose and high ideals in Thee by the royal road of fervent prayer, receive the vision of Divine service on the mountain-top and return to the valley indecision with a positive life of faith and power. Let this be our personal, spiritual attainment henceforth. In the Master's name. Amen.

JOURNAL APPROVED

The PRESIDENT. A quorum of the Senate being present the Clerk will read the Journal of the preceding session.

The Clerk proceeded to read the Journal of the preceding session, when, on motion of Mr. OWLETT and Mr. GELDER, the further reading was dispensed with, and the Journal was approved.

LEAVE OF ABSENCE

Mr. GILSON asked and obtained leave of absence for himself for the balance of the week.

REQUEST FOR LEAVE OF ABSENCE

Mr. CAVALCANTE. Mr. President, I ask for a leave

of absence for my colleague the Senator from Allegheny, Mr. Henney.

Mr. OWLETT. Mr. President, I move that the request be laid on the table.

Mr. GELDER. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

Mr. CHAPMAN. Mr. President, may I interrogate the Senator from Fayette, Mr. Cavalcante.

The PRESIDENT. Will the Senator from Fayette, Mr. Cavalcante, permit himself to be interrogated?

Mr. CAVALCANTE. Mr. President, I will.

Mr. CHAPMAN. Mr. President, we have read the tragedy of MacBeth, and you know all about Banquo's ghost. Mr. President, we on this side are getting pretty well like the guests at the banquet of MacBeth, we cannot, while Mr. Cavalcante may, see Dr. Henney's ghost—we on this side cannot see the ghost—we think the word applicable, that I confess; it is like, at the time of the banquet, when the other members of the party could not see Banquo, yet MacBeth saw him, and these were the words that Lady MacBeth told the guests:

"His highness is not well,

Sit, worthy friends, my lord is often thus

And hath been from his youth, pray you keep him so,

The fit is momentary, upon a thought, he will

again be well, if much you note him, you will

offend him and extend his passion.

Feed and regard him not."

So Mr. President, I have no concern, because I believe Mr. Cavalcante will soon be himself again.

Mr. WOODWARD. Mr. President, if the Senator from Allegheny, Mr. Walker, will pardon the prolongation of the session for about one minute, I would like to quote MacBeth also, and also with regard to Senator Henney, I would like to suggest to the Senator from Fayette, Mr. Cavalcante, a further quotation from Lady MacBeth when she said "Out, damned spot", and I think that applies to the Coroner because he is out.

Mr. GELDER. Mr. President, just to keep the records straight, I would like to call the attention of the Chair to the fact that we have received the resignation of Senator Henney; and, on motion, I believe by the Senator from Fayette, it was laid upon the table. The resignation was received and read.

Mr. SHAPIRO. Mr. President, I wish to state that a paper was presented which purported to bear the name of Senator Henney, but there was no proof it was his resignation, that it contained his signature. If the Senators on the other side think they have the resignation, why do they not bring it up and act upon it? The Senators

on the other side have the right to accept a resignation, and then designate a date to hold a special election. Are you willing to do that?

Mr. GELDER. Mr. President, it was the Senator from Fayette who moved to have that laid upon the table.

Mr. CAVALCANTE. Mr. President, I disagree with the Senator from Susquehanna. I did not make any motion to that effect, but a motion to that effect was made by my colleague the Senator from Philadelphia, Mr. Shapiro.

Mr. GELDER. Mr. President, I stand corrected. I know it was made by one of the Senators on the other side and I thought it was the Senator from Fayette.

And the question recurring,

Will the Senate agree to the motion?

The motion was agreed to.

QUESTION OF PERSONAL PRIVILEGE

Mr. WOODWARD. Mr. President, I rise to a question of personal privilege.

The PRESIDENT. The Senator from Philadelphia, Mr. Woodward, will state his question of personal privilege.

Mr. WOODWARD. Mr. President, I listened yesterday afternoon to the remarks of my fellow Senators, and among them were remarks of my colleague from Philadelphia, Senator Shapiro. I was very much impressed by the high water mark that he attained yesterday afternoon in the debate; and, going back to the good old days mentioned by another Senator, I think it was a vast improvement over the good old days when there was very little debate. That little sign up there says "Speech is silver and silence is golden," and this morning I was impressed by the intelligence of the members of this Senate in the two hour meeting under the chairmanship of Senator Ealy, when we questioned and cross-questioned the Secretary of Public Assistance.

Now, there is no question that this problem of relief is a terrific problem, but it seems to me that this morning there was one side of the question that was conspicuous by its absence, and that is the question I want to refer to—and that is the amount of cheating or chiseling. It is very difficult to ascertain how much of that is going on.

Yesterday afternoon, when the Senator from Fayette was talking about the square peg in the round hole he seemed to regard with approval a suggestion I made of setting up a legislative auditor.

Fundamentally, we, the members of the Legislature, are directly responsible to the taxpayers as to how their money is spent. Now, it is a kind of a paradox that the Republican party in Washington, under the leadership of Senator Vandenburg, have declared one of the Articles of War against the President the bad practice of making lump sum appropriations, and the paradox is that in Harrisburg the Republicans are doing that very thing, making lump sum appropriations for relief.

Now then, it should be attempted to break down and get the items; and the main reason I am arising at this time is, if you admit—and you will have to admit—we have a great responsibility with the taxpayers' money, you will agree we have a lot of power that we do not exercise, and I would like to see it exercised at this time. Instead of having merely a legislative auditor, even with his pre-auditory power. I would like to go further and a bill is being drafted on the status of such an officer as

a cabinet member. I suppose I should wait, but I cannot resist the temptation of making a few remarks.

This bill would set up an officer selected by the two Houses, who would pay his salary as a member of the Cabinet and he would be clothed with extraordinary power, as, after all, these expenditures are in the nature of an emergency, and he could call on the Highway Department to use their force in any county to check up on the Department of Public Assistance—you may call it a census—by going on a house to house canvass, or whatever you want to call it. Also he would have power to use the Motor Police for the same purpose. I am told, in that connection, that in Lancaster County, and I believe in some other districts, there are barracks where the Motor Police have very little to do. The highway Department and the Motor Police could be made useful in this direction, and it is a very practical idea to check up on this Department of Public Assistance and see whether there are chislers in what you might call X. Y. Z.

I talked with two men last night, one from the western part of the State and one from Philadelphia. The one from the western part of the State was from a little town named Renova. He said a conductor on the Pennsylvania Railroad told him about the number of chislers right there in Renova. That is a very small place, and they know all that goes on in those small communities.

The man from Philadelphia said one of his servants asked to be discharged—not to be actually discharged, but so that she would be able to say that she was discharged so that she could still have the job and at the same time be on relief. He also said that truck-drivers were bringing negroes from the South into Philadelphia, at so much per head so that they could get on relief in Pennsylvania.

That may be old stuff to the rest of you, but I got pretty excited about that; and therefore I am simply making a few remarks in the hope you will be sympathetic with that idea that we set up an officer representing ourselves, one who has the right of entry anywhere on the executive side—no slur on the Governor—and we can call him in generally to check up on the number of chislers cheating the State Treasury.

QUESTION OF PERSONAL PRIVILEGE

Mr. SHAPIRO. Mr. President, I rise to a question of personal privilege.

The PRESIDENT. The Senator from Philadelphia, Mr. Shapiro, will state his question of personal privilege.

Mr. SHAPIRO. Mr. President, I had intended this morning to discuss what I think is a very important subject and to give to the members of this Senate some information which I think is important, because we are going to have a two weeks' vacation and we can think it over.

I do not like, however, what the gentleman from Philadelphia said. The last Administration, when I was a Republican in 1933, the Republicans would not listen to me at all. I have accomplished something—I have become a Democrat; and now the gentleman from Philadelphia said he listened to everything his colleagues said, and some of the things I said.

If I were not modest I would say if the Republicans had listened to some of the things I said and suggested when I was a Republican, maybe there would never have

been a Democratic Administration in Pennsylvania, but I am too modest to say that.

What I want to do this morning is to read to the gentlemen of the Senate Section 602 of the Administrative Code. It says: "Section 602. Submission of budget to General Assembly—as soon as possible, and not later than four weeks after the organization of the General Assembly—" which would make it not later than February 17th, "—the Governor shall submit a State budget, embracing—" and so forth.

That is a mandatory provision which requires that the Governor submit to the General Assembly, not later than four weeks after organization of the Assembly, his budget. That has not been done.

The problem of relief is a serious problem and it is part of the budget. Yesterday I referred to the gentleman who has been chosen as the Administrator of Relief in Pennsylvania, and what I find after meeting that gentleman—and in fairness to him I should say he has been judged by us, and certainly by me, by the company he keeps—I find, if he carries out his intentions as expressed before the Committee maybe we will get some real co-operation and maybe get some results. Down in Philadelphia, and perhaps everywhere else, but particularly in Philadelphia—it may be true in other places; and I say this without being critical—since the Governor of Pennsylvania gave his address, which he called an inventory of the House of the Government, people generally have the impression that five hundred and ten millions of dollars were taken up into Harrisburg in the last two years and were spent right there for Governmental functions. That is an amazing figure and an astounding thought; so I thought it would be very helpful for the people in all communities if it were possible in a few words, and without using confusing figures, to let them know just what the situation is. I am going to try to put it without referring to millions—and if you gentlemen here will just forget the word "millions," as I use it, and think only of the number, you will get the same result.

Five hundred ten millions—all you have to think of is five hundred ten—was the total figure in the budget for 1937-1939—I am dealing with estimates. Twenty-three million dollars was what I would call a non-recurring item, because it was a repayment to the Motor License Fund. One hundred and fifty-one millions of dollars was the Motor License Fund, which really does not belong, so those two items do not belong.

Eleven million dollars approximately, because there was nine million five hundred thousand dollars for Forests and Waters and five million dollars for the State Authority, which is another item which you can leave out. That makes a hundred and eighty-nine million dollars, which is your figure, one, eight nine—that what it is. If you subtract that from five hundred and ten you get three hundred and nineteen, which is the normal State budget, leaving out special funds.

I think my figures are correct. You might have to deduct the additional five million dollars of special funds for Game and Fish, Banking and so forth, but the budget is reduced to three hundred nineteen millions of dollars.

Now, what is the amazing part of that picture? It is this: How many people realize how much money is actually spent here in Harrisburg for government, strictly

as such? The total amount of that three hundred nineteen millions is exactly \$35,995,000; that was the amount included in the budget the last biennium for Legislature, Judicial and Administrative functions. This time you will find in the budget, which is headed "For Government functions Other Than Subsidies," and it appears in the budget as sixty-six million dollars plus; thirty-five million dollars of it is, as I say, for purely governmental functions.

The other thirty million dollars goes to the Welfare Department for the upkeep of State-owned institutions, so that if you include both amounts of sixty-five millions—call it roughly sixty-five millions of dollars—you realize that out of three hundred and nineteen millions of dollars some two hundred and fifty-three millions of dollars are spent for other than governmental functions. What are they? Roughly speaking they are for schools, colleges and relief.

Let me break it down for you. Ninety-nine millions of dollars is included in the budget for what is known as subsidies. Of that amount eighty-two millions of dollars was awarded to schools—that is, the Department of Public Instruction; eight million dollars to the hospitals; and the balance to miscellaneous State institutions or State-aided. The remainder of the money was thirty-nine millions of dollars for Old Age Assistance and ninety-nine million dollars for relief, which makes up your three hundred and nineteen millions of dollars.

Now, the Governor has not presented a budget, but last night I sat down and I think in about an hour's time I prepared a budget for 1939-1941, and I am assuming—I am assuming in making these figures that the expenditures will be approximately the same, for the purpose of enabling the members of the Senate to think, and the public to think, about where those expenditures can be cut down.

I should have added, when I just discussed the cost of government, when I said thirty million dollars and thirty-six million dollars, I should have added fifteen million five hundred and seventy-five thousand dollars, which is the interest on the bonded indebtedness (and I am assuming, since we pay interest only on the balance, that the expenditures for the biennium ending in 1941 will be as follows: Bonded indebtedness, fifteen millions of dollars; Governmental functions, Legislative, Administrative and Judicial, thirty-six millions of dollars; State-owned institutions, thirty-millions of dollars; Subsidies, which include schools and colleges, will amount to ninety-nine millions of dollars—this same amount, ninety-nine millions of dollars.

Now, if you take that one hundred and eighty-one millions of dollars—one hundred and eighty, to be exact about it, but it amounts to a hundred and eighty-one, because I have left off the dollars and cents. You take that hundred eighty millions of dollars and you add to that what your relief will be and you will have the expenditures for 1939; and I will estimate the relief to be that which we have spent and will be required to spend, based on discussions with Mr. Russell today, to amount to two hundred and four millions of dollars. It is four millions less than what I think he definitely stated, and that is the budget of last year, plus the additional expenditures, and that amounts to three hundred and nine-

teen millions of dollars last year plus an additional sixty-five millions of dollars spent for relief over and above the anticipation of the three hundred and nineteen million, and the sixty-five millions gives you three hundred and eighty-four millions of dollars that you will need for the budget.

Now, where are you going to get that money? You are going to get a hundred and ninety-two millions of dollars from the normal taxes and income from the Government. That includes inheritance taxes, it includes normal corporation taxes and so forth. In addition to that you will receive, if our revenue is the same as last year, one hundred and eighty-six millions of dollars from the emergency taxes imposed in the previous administration; and that will give you three hundred and seventy-eight millions of dollars which you will receive.

Now we are going to transfer, at least as I figure it, forty millions of dollars—forty millions of dollars within these four months, so that you will have to add to the amount necessary, which I have said will be \$383,000,000 or \$384,000,000—you will have to add the forty millions of dollars which is to be repaid next year and you have the budget appearing as follows:

Three hundred eighty-seven millions of dollars income.

Four hundred and twenty-three millions of dollars necessary expenditures. And so you arrive at the fact that what the Governor will need to do, if he intends to meet that money, is to re-enact all of the existing taxes, both emergency taxes, and, of course, permit the other, normal, taxes to remain; and find an additional sum varying from forty to forty-five millions of dollars. On my figures it means forty-five millions of dollars and that may be increased to fifty millions of dollars in order to make both ends meet next biennium.

Now, that is your budget in simple figures, and it should be known—and I want to impress on the public, and I hope this will receive the publicity to which it is entitled, because everybody thinks and nobody knows the extent to which this Government participates in protecting and keeping alive its citizens and keeping them well. Very few people, I think, know that of the total of the figures I have just read to you—the tremendous sum of four hundred and twenty-seven millions of dollars, only thirty-six million dollars of it can actually be said to be for government functions and fifteen million dollars for debt service.

Now of course I have said—and Senator Gelder suggested I should do it—and I will do it again, that does not include the road fund, which has grown to the enormous sum of one hundred and fifty-one millions of dollars per biennium—every two years—it does not include additional special funds, the Game and Fish and other special funds, which I do not recall at the moment, which amount to four or five millions of dollars; and when you realize that this hundred and fifty-one millions of dollars is a piece of money over which we have no real control except for the purpose of temporarily switching from one pocket to another, you understand that there are groups which grow up with funds whose only interest is focused upon their selfish desire to protect that which they have created and to which they think no one else has a right.

The same thing may happen with relief, and that is why I want to call attention to the fact that the people

should know that whether it be this Governor or the last Governor we will have expended by the time May 31st comes around at least, and I am afraid it is going to be more—unless something is done about it, two hundred and four millions of dollars for relief; and that means directly handing cash to people to eat, and to pay the rent, and to keep a roof over their heads; and a sum in excess of thirty-nine millions of dollars to take care of unemployables, Old Age Pensions, Mothers Assistance, and blind, and what may be more amazing and astounding, and should be listened to and considered, is the fact that that does not include at least a million and a half dollars, approximately that amount, which is monthly contributed by the Federal Government; eighteen million dollars a year or thirty-six million dollars a biennium, towards Old Age Assistance and Mothers assistance, nor does it include the contributions of the Federal Government, which in 1935 ran as high as fifteen millions of dollars a month, or a total of one hundred and eighty millions of dollars in that year; nor does it include any contributions made toward what might be termed reducing the relief roll which come from the payments by the Unemployment Compensation Department or Bureau of the Department of Labor and Industry, which means that the Department of Labor and Industry, in that bureau, is receiving the first year under the Act approximately twenty million dollars, the second year forty million dollars and the third year sixty million dollars and if there is any additional pick-up in industry, since the tax is based on the payroll, it may rise to the tremendous sum of seventy-five million dollars and that is per year.

My purpose in making these statements is to impress on the members of the Senate and the public two things, first, governmental function and such is not to increase any cost at all—that is, not perceptibly, and comparatively to no great extent, but this is what we call, in institutions, extramural activities of the governmental function, taken on as a result of compassion, believing in the fact that it is our duty—pressure groups, groups of various kinds who believe the government has acquired, as the world moves on and develops, additional responsibilities—these things have accumulated so that out of the normal budget of three hundred and seventy-eight millions of dollars, and now an abnormal budget of four hundred and twenty-seven millions of dollars, forty-five million dollars of that amount is spent for extramural governmental activities; and, secondly, what I want to impress is the fact that when you speak of presenting the budget to the Governor and when we hear the gentlemen on the other side say the Governor has not been able to prepare a budget, I must say I cannot quite agree with that, and I present these figures to you and say to you that I have used round figures, and left off some thousands of dollars; and when you want to check the figures you will find the figures are two millions of dollars or a million and a half dollars one way or the other, because I have left these sums out; but it is easy from the structure we have created in the past to turn to any one of these budgets that are distributed every biennium, and if you will take them from 1927 down to now you will find that the cost of government has increased—if you just look at the total figures—from a hundred and fifty-one million dollars for the biennium ending 1927-1929, to this sum now of four hundred twenty-seven millions of dollars,

which, by the way, does not include the special funds, the Motor License Fund, which the one hundred and fifty-one millions of dollars in 1927-1929 did include. Of course the Motor Fund has grown.

Now, it would have been very easy for Mr. Russell to have said to the Governor, "It is going to cost you either forty or forty-four millions of dollars more for this relief program, and it is going to cost you anywhere between one hundred and thirty-nine millions of dollars, which was figured as the estimate by the Goodrich Committee—which we found was wrong—and these two hundred and four million dollars we are spending now;" and it will depend not upon pencil and paper, because if the Governor asks for another two months to make the budget he will never be able to make it up with any degree of accuracy, because he has got to decide with our help or without it whether the relief roll shall be one hundred and thirty-nine million dollars or thirty-nine million dollars or a hundred million dollars or two hundred million dollars, and he has nothing except past experience with which to guide himself, and his past experiences are being upset by his present problem. The past experiences show that relief has steadily mounted. There is nothing that you can turn to and say, "Well, we know four years ago relief cost so much and now it will cost so many dollars." Everything that he requires for the purpose of preparing a budget is available except one item, and that is the relief item.

If he does not want to impose any additional taxes, and if he wants to give adequate relief—I think it should be given—then he will have to cut forty-five millions of dollars from the budget; and my third reason for giving these figures in the way in which I did was to enable you to immediately focus your attention on individual items and ask yourselves the question, "Which one of these items can be cut?" Certainly not the fifteen million dollars for debt service. But the thirty-five million dollars for governmental functions?—yes, that can be cut. Maybe the Governor does not require that we shall go into some of the frills that are in the various departments and maybe something can be or should be cut from that.

But, if you examine the budget from 1927-1929 up to the present day you will find that with all the talk of economy by every one of the Governors who happened to have the honor and responsibility of exercising that high office in this Commonwealth there has not been a difference or change of more than two million dollars, so that the thirty-five millions of dollars has remained constant. It has been either thirty-three millions of dollars, thirty-five millions of dollars, thirty-four millions of dollars or thirty-six millions of dollars.

I read in the 1937 report of Governor Earle that he reduced governmental costs, as such, by four millions of dollars. I am frank to say that while that may be so I have not been able to find it. I do not know whether I cannot find the figures or whether I have not found the location; but, generally speaking, I say advisedly there has not been any reduction or any difference in that figure over two million dollars, and you must take into consideration this additional fact that with the imposition of these new taxes, running from a hundred and fifty to two hundred millions of dollars, the expenses of normal governmental costs were increased because you will require more people to collect and assume these added bur-

dens and collect the taxes, so you cannot find much hope in that.

You could cut out some political appointments, but then you may find yourself, as Governor, at the end of the year being in the position of having to receive or make political appointments, and half the time he does not know he is making them. After all, there are some twenty-three thousand employees in the various departments on the Hill.

The next item is the thirty millions of dollars for State-owned institutions. Well, everybody that has had any experience in the Senate in the past four years knows what the cry has been. Senator Gelder will remember the condition of these State-owned institutions. We sat here sometimes in committee and were afraid to move or make a turn for fear some fire would occur in some institution and the equipment not be capable of taking care of the fire, and the blame for the catastrophe be placed upon us; and in those cold winter days, when there was only one boiler in operation when there should have been two, or some of the tubes were out of operation and the others ready to go any moment, the people were liable to freeze to death. That is the reason you will find an additional sum in the 1937-39 budget for those institutions. You cannot do much with that item.

The next item is the ninety-nine million dollars that you give in subsidies. That ninety-nine millions of dollars divides itself, as I said, into eighty-two millions of dollars for schools, which was suggested last year—I have not been able to check on that and I do not know whether the figure was given, but that was the amount included in the budget; and then it divides itself into thirteen millions of dollars between State-aided institutions—eight million dollars and five million dollars, approximately five million dollars for the care of mental patients—and the rest is miscellaneous, like the Department of Agriculture, with just a million and a half, and is included under subsidies. That is ninety-five millions of dollars.

Of the State-owned institutions, if you are going to cut down on the hospitals and mental institutions, you increase your relief; theoretically, you do, and, practically, I am pretty sure you will be doing that.

The biggest is the eighty-two million dollars for the schools. That exceeds the previous Administration awards at least six million dollars. I do not know what to say about that except my feeling—and it may be called a horse and buggy feeling; it may be we only travel part time in horse and buggy, and the rest of the time by automobile—but I recall, in hearings of the Education Committee, that I raised this question—I think the figure is somewhere in the neighborhood of five millions of dollars that is spent for transportation of school children to and from schools. I know that is done and is necessary in some communities, but I marvel why it is done in Philadelphia to any extent. I made the suggestion that when I went to school we walked two miles to school and got our exercise that way; and now we are taking them there in a bus and we have to build costly gymnasiums in order to give them the exercise they would otherwise have gotten had they walked instead of taking a bus. There are a number of frills in the educational system, that I think can be cut out. If you try to meddle with the salaries of teachers you will be met with a pressure group; but in fairness I want to say to them that on the whole I do not

believe that these teachers who build themselves up and perfect their information so that they can transmit it to others are in any degree overpaid, compared to other work, and I think you will find it very difficult to cut their salaries. But I do think there is room in the educational system to save some money, but there are limitations, and when you talk about six, seven or eight million dollars you are talking about a great deal of money, and pretty nearly talking about the limit you can do there.

In the whole budget we have discussed you will find, on fair consideration, if you leave out the politics, that there is nothing of any moment that you can save compared to the other man in the picture who always seems ready to drop his head and say, "I am somewhat worse—and I am Mr. Two-Hundred-And-Four-Million-Dollars." That is the thing that may drive us to do some injustice to the rest of the functions of government, extramural or intramural, and that is one of the reasons why I have produced these figures in the way I did, because there can be no good purpose found in crippling a school system to save three or four million dollars if in doing that you are not going to solve the tax problem, which is the only problem. All of us can afford to be generous with the school system; all of us can afford to be more generous, as we should be, with the hospitals, if it were not for the fact that the relief roll—the tremendous amounts to which the relief roll has grown; so I ask that the newspapers copy and let the public know what the budget situation is; it can be done in simple fashion. It can be put down in two columns, the figures are down in six or seven columns on one side and two on the other side. The people will then begin to more fully understand the problems with which we are confronted.

I want to finish by turning to the suggestion of Senator Woodward, for after I have made the statements for the public and somebody is liable to ask me, "Well, what did you do that for?" Dr. Woodward suggests an auditor who shall have great power. I do not think that will help, because, if you will forgive me for saying so and permit me to be frank for the purpose of making my point, I think the trouble is right here in the Senate. We are delegating to much of our responsibilities to someone else; and when I ask your indulgence I do not want you to think I am placing myself on a different plane. I say very few members of the Senate take the trouble to analyze the financial structure of the Government and merely accept an explanation given to them by someone else. I do not suppose every member will be interested in the figures, because some of us are not interested in figures, some of us have an abhorrence of figures, which others do not. For myself I have always like figures, because figures are part of my work and I spend considerable of my time dealing with them; but for Dr. Woodward to suggest that a monitor can be appointed or have some one give us the information, that will not solve the problem unless it is supplemented with the suggestion I am going to make. I have dictated a resolution—I do not know whether it is ready or not—it is here—which contains the thought I have; I do not think it has been properly worded, but I can explain it without reading; I do not think I will introduce it now.

I think if six members of this Senate were to make it their business to find out about this relief situation, understand what it consists of, break it down into meritorious

cases, and cases not deserving of attention, break it down into personnel of the executive department, administrative costs and functions; and then deal with those other governmental institutions which come in with this, and then the six members, knowing what it is, give the benefit of their information to the rest of the members, and then these six members be either supplemented or given the same powers as the auditor suggested by Dr. Woodward, we will be able to get further. I am sure every man who sat down in that room this morning at the meeting with Mr. Russell received information, a great deal or some information—depending on the trouble he took to find some of the things out before. I think a meeting like that—it might have been better if the meeting had been public and the whole public invited, to understand what this picture means. I think we all have to remember, with unemployment compensation, with Federal Relief, and with our own relief all aiming for what?—to keep people fed, clothed, housed, and warm—that there must necessarily be an overlapping in all of these functions unless there is greater cooperation.

I think one of the things to consider in relief is what resulted from the questions I asked, that some of you heard down there, "What effect, if any, has the unemployment compensation distribution had upon the relief problem?" and we were told that it has had a considerable effect. Now, if this fund accumulates and increases from twenty-five million dollars to seventy-five million dollars, and if in the first two years, when the additional extra funds were not available, there has been a help from the unemployment compensation, why is it not possible that unemployment compensation shall be increased and relieved? Just remember the answer to the question I put as to whether or not when a man gets unemployment compensation he also gets relief, which answer is, "Yes, he gets unemployment compensation, which has a minimum of seven dollars and a maximum of fifteen dollars," and if this social service worker to whom I again refer, has made up her mind as a result of paper and pencil that he is entitled to \$8.56 a week in order for the man and his family to live, then the relief administration organization sends him a check for \$8.56 a week.

Now, therefore, that is the situation. It discloses clearly that if there is a man who wants to work and he is dropped, so that he is not getting the benefit of the Act, then this committee of ours that I am suggesting could investigate that phase and find out whether the funds available as a result of unemployment compensation tax are as much as to enable two things to happen, first, the minimum and maximum allowance to be increased and the other the period of compensation to be increased. We have thirteen weeks, we are amongst one of the lowest in the group which operates under compensation. Many of the States which have adopted these laws have sixteen to eighteen weeks, and if we want to take people off of relief we certainly must follow the other way and see that the man who wants to work, who has been laid off because of seasonal or other depressions and contingencies, and certainly having worked and contributed to the fund, is entitled to be cared for more than he is being cared for.

I think I have bored you enough, but I hope I have made a few things plain to you. I know I have been told that I have talked too much on many occasions. I suggest to those who feel I have talked too much that they read in the record some of the statements I have made, and

if they find the figures or advice I have given are not right I will be glad to listen to or correct any of them, but in the last three or four days I have spent some time on this picture because I am very seriously concerned about it. Anyone can see what is going on—anyone who has eyes should see what is going on and I do not see how they can sit still and not be concerned about it. The less concern we have about it, the graver the situation becomes. I can see only one hope and that hope is that in this big problem, politics and prejudices will be laid aside—the Federal Government—the President of the United States—should not be used as a butt for accomplishing a purpose, the only result of which can be the destruction of a real democracy. It does not make any difference whether you agree with the President politically or not. After all he is our President, and so far as the rest of the world is concerned we should honor and respect him in his efforts.

I do not mean that it is criticising when we make suggestions. I am criticising the Governor of the Commonwealth of Pennsylvania—with no bitterness and with no feeling about this situation. I am willing to be helpful. I am making these suggestions so nobody can say to me afterwards why didn't you give them to me. I offer these suggestions because I feel when a man is a member of the Senate, that when he was elected, whether by the Republicans or the Democrats, when he reaches this office he is representative of all the people of the State. These Senators are representatives of all the people, and anyone who is accurate would confess he is the representative of all the people. It makes no difference whether I am a Democrat or a Republican, what effects you effects me.

I am seriously concerned about it, I think it is a tremendous problem, I think it is an important one and I think it is fraught with danger, with grave dangers to this democracy, and unless it is properly handled, and I suggest—although I have no pride of ownership in the plan at all, Dr. Woodward's objective being the same—a vehicle, the vehicle is the only thing in question, and we here at this time should agree to forget politics and build a wagon that will carry us to the end of this road that we are now traveling.

Mr. WOODWARD. Mr. President, I desire to interrogate the Senator from Philadelphia, Mr. Shapiro, on one question.

The PRESIDENT. Will the Senator from Philadelphia, Mr. Shapiro, permit himself to be interrogated?

Mr. SHAPIRO. Mr. President, I will.

Mr. WOODWARD. Mr. President, your question to Secretary Russell was an excellent question. Namely, why has there not been a greater benefit accruing from the credit that ought to be established by men who are on unemployment compensation, and would you suggest what is necessary? Should not we know that credit a little more definitely than we got that this morning, and was the Senator from Philadelphia satisfied with Mr. Russell's answer?

Mr. SHAPIRO. Mr. President, the answer to that is this: unemployment compensation is not new. England started it in 1917 and has constantly amended and developed its procedure, stressing one of the things I have tried to point out here and in caucus meetings—the important part of unemployment compensation is not the

compensation but the reemployment of the man who lost his job—and that same thing is true in relief.

England has stressed and all of the countries that have dealt with unemployment compensation have stressed the importance of setting up an employment agency so that instead of having an employment agency in relief when they go to check up they cover the same territory that this group over here covers. You have been told and I have been told, oh, yes, we coordinate our unemployment compensation. Maybe they do coordinate and cooperate but they overlap nevertheless, they are spending this much money, and that is one of the reasons why we are not getting the benefits from unemployment compensation that we should get.

Mr. WOODWARD. I think, Mr. President, in Great Britain, there was not thirteen weeks but twenty-six weeks.

Mr. SHAPIRO. Mr. President, it started with nine weeks and developed up to twenty-six weeks.

Mr. WOODWARD. Mr. President, you remember in this hearing this morning we learned from the Secretary although so and so may be on unemployment compensation that he was getting relief at the same time.

Mr. SHAPIRO. Mr. President, that is right.

Mr. SHAPIRO. Mr. President, that is what annoys me. What are we going to do about that.

Mr. SHAPIRO. Mr. President, I think that goes back to what I said about forgetting politics. We heard this morning and we read in the papers, that the Federal government was going to buy surplus stocks from clothing manufacturers and that they paid somewhere in the neighborhood of eleven million dollars for clothing. You heard this morning in answer to the question that there is a certain minimum amount to which a family is entitled, including heat, light, power, clothing, food and so forth, and yet, when the Federal government delivers the clothing to these same people who are on relief there is no reduction in the amount, he still gets the same amount, although clothing has been included and is provided by the Federal government.

That is due to the fact that if the government in Pennsylvania is Republican and does not like the fellow who handles it down in Washington, because he is a Democrat and vice versa, that is the reason you get the same situation, the Senator knows about it in Philadelphia. They can sit on boards and if they are given to think it is their child they have the pride of authorship and will not have anything to do with Pennsylvania, but it would be different if we establish some means of compelling cooperation between these agencies—first of all we should study and learn all the facts—and we will then get somewhere. It will not do for me, or Senator Owlett, or some other Senator on the other side to get up and say WPA is no good, it should be abolished.

The answer to that is found in the relief rolls; when you reduce WPA then the relief rolls go up higher. Before you abolish WPA, please do one thing. Set your picture here on a stable basis. Make sure that if your relief—find out for sure how much money is being spent now on relief in Pennsylvania—rather by WPA in Pennsylvania—find out how much money is being contributed towards reduction of relief in the Unemployment Compensation Fund, as Mr. Russell told us today.

Then let us know what is happening, so that when

Senator Owlett gets up, or I get up—and say let us abolish this relief—someone else will get up—someone of these six men, will get up and say if you abolish WPA in Pennsylvania you will have to provide five million dollars more a month.

Mr. EALY. Mr. President, the Senator from Philadelphia has a very agile mind and he has given us a great deal of information, but if I were to make a complaint I would say that he uses too many words in expressing that. It is a little hard for us to follow.

I should like to ask one question: we learned today from Mr. Russell that the expense for February as estimated will be almost twelve million dollars for relief. As I got the figures submitted by the Senator from Philadelphia he estimates that it will take in the next biennium two hundred and four millions of dollars for relief. Is it his thought that we can cut down on the relief roll so that two hundred and four million dollars will cover the next biennium rather than the present rate of expense?

Mr. SHAPIRO. Mr. President, no, I got the two hundred and four million dollars from this figure, Mr. President, and I said I am basing my statement on the last two years. There was one hundred and thirty-nine millions of dollars included in the budget. We appropriated, you will remember, twenty-five million dollars additional in the last special session; that makes one hundred and sixty-four. We are about to appropriate approximately forty millions more. That makes two hundred and four millions. I said taxes will necessarily have to be provided more or less depending on whether that two hundred and four million dollars goes up or goes down. Is that clear?

Mr. EALY. Mr. President, that is clear.

Mr. SHAPIRO. Mr. President, but it is sad.

Mr. EALY. Mr. President, it is clear that the more money that is spent for relief the more taxes you will have to put on the people; but what I am trying to find out is whether it is the thought of the Senator from Philadelphia that two hundred and four million dollars will cover the relief needs for the next biennium.

Mr. SHAPIRO. Mr. President, that is not correct. If they continue to spend as they are spending now, you will need two hundred and forty million dollars.

Mr. EALY. Mr. President, that is two hundred and eighty-eight million dollars.

Mr. SHAPIRO. Mr. President, no, the Senator from Somerset forgets to deduct from that the appropriation from the Federal Government, which amounts to one million, two hundred fifty thousand dollars a month. That is about thirty million dollars in two years. You can reduce that—to simplify it, take the twelve million dollars you got this morning, and deduct from that in round figures one million four hundred thousand dollars, which is the Federal contributions for old age and mothers' assistance. You get ten million six hundred thousand dollars. If you multiply that by twenty-four you get two hundred and forty million dollars plus twelve million dollars, or two hundred and fifty million dollars, in round figures.

Mr. EALY. Mr. President, that is two hundred and forty million dollars, rather than two hundred and four million dollars?

Mr. SHAPIRO. Mr. President, if the rate is the same in March or April, the relief roll will drop, as it always

does, unless WPA reduces its expenditures in Pennsylvania.

Mr. EALY. Mr. President, the matter which Mr. Russell brought out this morning are the same things which we have talked about for three or four or five or six years.

I again want to say I am glad to note the Senator from Philadelphia, Mr. Shapiro, offers his help in correcting some of these abuses.

Mr. EDMONDS. Mr. President, the arguments that have been presented by the Senator from Philadelphia, Mr. Woodward, and the Senator from Philadelphia, Mr. Shapiro, bring these thoughts to my mind: first, I think it is a fortunate thing when the Senate is face to face with a problem, as we are today, that we are having it discussed in a statesmanlike manner from both sides of the Senate. Second, this trouble has come upon us and upon all forms of Government in the United States by a very rapid expansion of the functions of government during the past ten or twelve years, without considering how much the community could afford. Now, we have these problems upon us, and they are serious. There is no doubt about that. Anyone that was present this morning in the Senate Caucus Room must appreciate how serious it is.

I want to say however, I think the Senator from Philadelphia, at this time—I mean Senator Shapiro—ought not to be so derisive of the Governor of this Commonwealth wanting to save money by economy. He says that in times past only two or three or four million dollars have been saved. We go back in our legislative experience, some of us, to 1923. Senator Gelder was a member of the House then, and Senator Woodward was a member of the Senate. At that time Governor Pinchot found himself face to face with a series of deficiencies amounting to thirty-two million dollars, and he made a proposition to the Legislature, "If you will give me emergency taxes for one-half of this amount, I will save the other half out of the expenses of Government," and he did. And the advantage of his saving was that he convinced the people of the Commonwealth that the Governor was in earnest in eliminating waste, and when the people of the Commonwealth of Pennsylvania were so convinced they pulled their belts a little tighter and prepared to pay the taxes. I think that is what is needed to be done now. I think Governor James ought to be commended for the study he is making all along the line in order to determine whether or not there is not some money, at least, that can be saved on the Executive side.

Now, I want to say a fourth thing. The Senator refers to the total cost of Government. To my mind there ought to be included in that cost the costs that the citizens must pay by our loss when we authorize an expenditure to be made by our Administrative agencies—and the funds to be collected by the Administrative agencies. They do not show in the budget. Take for instance the cost of the Department of Closed Banks and closed building and loan association. I understand that those costs in the last six or seven years have amounted to a sum that is pretty near eighteen millions of dollars. That money has been taken from the assets of the owners of the deposits in the closed banks and the owners of the building and loan association stocks and it is a very large sum, and if our

law permits that kind of expenditure to be made we surely should have some supervision over it.

Let us go a bit further, to the Public Utility Commission. I tried to obtain from the Senate a statement as to how much they collected from the utilities. I have a resolution here which I propose to offer instructing the Commission to advise us how much they spend and how much is the appropriation from this General Assembly, and how much it collected from the utilities themselves.

My friends, we must realize that every time we allow money to be taken from the citizens we diminish their ability to pay taxes. If the money is taken in a direct way, well and good. If it is taken in an indirect way it still decreases his ability to pay.

My opinion is this discussion has been most informing to us all. I think the approach the Senate has taken is a most helpful approach for us all, but I think also that the leadership which the Governor has given in his endeavor to eliminate waste is one of the finest things that has happened in Pennsylvania in all my life.

Mr. SHAPIRO. Mr. President, I should like to interrogate the Senator from Montgomery, Mr. Edmonds.

The PRESIDENT. Will the Senator from Montgomery, Mr. Edmonds allow himself to be interrogated?

Mr. EDMONDS. Mr. President, I will.

Mr. SHAPIRO. Mr. President, the Senator from Montgomery, Mr. Edmonds, spoke of savings in the Pinchot administration; I assume he means 1933-1935.

Mr. EDMONDS. Mr. President, I referred to the first Pinchot administration, 1923.

Mr. SHAPIRO. Mr. President, and how much were the savings?

Mr. EDMONDS. Mr. President, sixteen million dollars for the biennium.

Mr. SHAPIRO. Mr. President, is that 1923?

Mr. EDMONDS. Mr. President, that is correct. There was no budget at that time. The General Assembly was without any information whatever as to the conditions in the State.

Mr. SHAPIRO. Mr. President, the Senator from Montgomery also asked me how much money we appropriated for the Utility Commission and I told him we did not appropriate for the Utility Commission, and he also wanted to know how much was collected from the utilities. The answer to his first question is in the figure of thirteen million dollars I gave you, included in the ninety-nine million dollar figure, there was an item of fifteen thousand dollars for the Utility Commission which is the total appropriation made by the Senate to the Utility Commission, and if the Senator from Montgomery will look on his desk he will find a report of the Pennsylvania Utility Commission which will save him the trouble of introducing the resolution he mentioned, and included in that statement he will find a statement which I would like him to read.

Mr. EDMONDS. Mr. President, I would like to get that; it is not on my desk.

Mr. SHAPIRO. Mr. President, it was put there Monday night. However, in order to save the Senator from Montgomery the trouble, I will read briefly from this statement: "For the first time in Pennsylvania Public Utility Companies are paying the expenses of the Public Utility Commission."

"To date payments amounting to \$290,117.33 has been received by the Commission and transmitted to the State Treasurer. This amount represents 43.75 per cent of the total assessment made against utilities in the State. The total amount of the assessment of all utilities is \$665,613.50." There is included in that the individual amount paid by each one of the Utilities.

In regard to the Banking Department, the banking department cannot help our budget any. I am assuming that what the Senator from Montgomery means by that is that if we would relieve somebody who pays that cost other than the Commonwealth he would make a better contributor to the State government in taxes or in some other way. That may be true. I can take the administration of Governor Pinchot and say to you that when I was a member of the Banking Department I found that a member of this Senate had on the payroll of the Banking Department his brother and another member of the firm and also two or three employees of the firm—two or three lawyers in the firm, who charged expenses to the Banking Department.

I do not think that is peculiar to the Pinchot administration. I do not know how long we have to tolerate it or how long we have to accept of it but I do not think it is fair to say because this administration saved sixteen million dollars that we can thereafter cut it down. Unfortunately there are in these governmental divisions and departments people who feel that because they helped to elect a Governor that they ought to get a job, and that theory is not peculiar to the Democrats. It is not peculiar to the Republicans. I know that is in the atmosphere and Governor James will be a strong man if he can withstand it, and I would not blame him if he does not to the fullest extent, I mean if he goes overboard.

I want to object to your use of a word in connection with my talk to you about the Governor. I am not criticising the Governor for failing to produce his budget. I do not recall the word that you used.

Mr. EDMONDS. Mr. President, the word I used was the word "derisive."

Mr. SHAPIRO. Mr. President, I want to say to the Senator from Montgomery that I have been brought up on the basis that I have been taught and have followed the principle that I do not deride or ridicule or bring into public contumely people in high office.

Mr. EDMONDS. Mr. President, that may have been what the Senator was taught, but he has changed.

Mr. SHAPIRO. Mr. President, if you continue to do that you will cause people to lose respect. I do not think, as a Senator that we should be permitted to freely and honestly criticise in the sense that we disagree with a position that has been taken. Now, my position with regard to the Governor's statement is this:

The budget is known. The budget is made up. A budget can be made up, what he proposes to do, because, after all, all those things are only estimates. If you look at the actual reports from the Treasury department you will find expenditures and income differ from the budget. That is to be expected because they are estimates. The Governor can make his estimate without relief and he can say to us these are the expenditures that will be necessary. Now, if he will get that, then the budget will show so many dollars for expenditures, and relief will

cost so many hundreds of thousands of dollars or so many millions of dollars. Some time between now and the next two weeks he will have to take that stand and no matter when he takes it it will only be an estimate or a guess; that is what I am talking about when I talk about the Governor's program.

Mr. EDMONDS. Mr. President, I should like to further interrogate the Senator from Philadelphia, Mr. Shapiro.

The PRESIDENT. Will the Senator from Philadelphia, Mr. Shapiro, permit himself to be further interrogated?

Mr. SHAPIRO. Mr. President, I will.

Mr. EDMONDS. Mr. President, does not the Senator from Philadelphia want the Governor to cut out waste if it can be done?

Mr. SHAPIRO. Yes, Mr. President, but he will not be able to do that in two weeks or in two months.

Mr. EDMONDS. And yet, Mr. President the Senator from Philadelphia, Mr. Shapiro, does not want to give the Governor time.

Mr. SHAPIRO. Mr. President, I think the Senator from Montgomery, Mr. Edmonds, misunderstands me. I think the Governor made a mistake when he made the statement that department A will only need four millions of dollars because department A may not function properly and may require five million dollars. I do not think the Governor has the right to call in his men and say this is how much I am going to cut. I think that is the wrong way of doing it. It makes no difference whether he does that—it is clear, or it should be clear—the budget is there. He has had sufficient time. I could, if I were Governor, take that budget there and say it will cost thirteen millions of dollars but I will give you ten millions of dollars, that is all I can do.

Then in these months when these departments function, when he gets reports, he can say it might be well to cut this down.

There is left out of this budget entirely \$11,900,000 which covers State Authority expenditures and the Flood Control. The Governor has to consider that too; he cannot say now, this minute, how much of that is going to be spent.

Mr. EDMONDS. Mr. President, all I can say is this: in the Governor's efforts to cut out unnecessary expense he should have all of our support. I rather think Mr. President, the gentleman from Philadelphia agrees with me, but he has never said so as clearly I would like.

Mr. SHAPIRO. Mr. President, I will agree if he can cut any expense he should do it.

Mr. OWLETT. Mr. President, I think it is rather unfortunate that Senator Shapiro did not advise us yesterday, when we passed the resolution to adjourn until the twenty-seventh of February, how quickly he could prepare a budget, because we could have sent him to the Governor's office and it would not have been necessary to adjourn.

I want to call the Senators attention to the fact that on February 10, 1937, Governor Earle sent a message to the Legislature stating he would be delayed in the preparation of his budget because of the relief problem and other problems in connection with preparing it, and it was not submitted until February 24th.

Mr. SHAPIRO. Mr. President, I would like to say to the Senator from Tioga, Mr. Owlett, that it is not too late to

amend that resolution to adjourn, and I will be glad to make up a budget for the Governor.

Mr. GELDER. Mr. President, perhaps a budget that was conceived in two hours might get us into an endless amount of trouble because later on, it may overlook, as the Senator from Philadelphia did, quite a number of millions of dollars for state authority and also some other items.

Mr. SHAPIRO. Mr. President, I am glad to see there is a stenographer here who is taking down the figures in the budget I presented, and venture to suggest that when the budget comes through it will not be very far off in principle from that which I have suggested, and that is not because I have any particular ability at it, but I have read the record, and I know what the picture is.

It is true the Governor of Pennsylvania, in 1937, said he was not prepared with the budget, but the Legislature did not adjourn; they stayed right here with the Governor and helped him prepare it.

Mr. CAVALCANTE. Mr. President, I hope my colleagues will indulge me a little bit longer so that I might contribute a thought about things that have already been said, and I want to say that I realize fully that a great juggling of figures here has taken place. Before I express my thought, if the gentleman from Montgomery, Mr. Edmonds, would like to have the fine technique of deriding public officials in high office, I recommend to him the reading of the Legislative Journals of 1935, and those during the Special Session of 1938, and then he will very easily learn the fine technique of deriding public officials in high office, from his own colleagues on the Republican side.

Now ever since the General Session of 1935 this problem of relief has been before the Assembly in one form or another. All the assemblies since that time have endeavored to find a proper vehicle by which we could apply these funds to the people for whom they were intended. Over and over again we have analyzed the problem. We have inspected and examined the problem with a view of improving on the vehicle and seeing that a proper vehicle was constructed, and in all of our inspections and examinations of this Public Assistance jallopy we have always come to the same point, the trouble in this whole set-up.

I have likened this Public Assistance vehicle to an automobile on the highway. The automobile on the highway travels but it takes fuel to make it travel. The Public Assistance vehicle travels but it takes fuel and that fuel is the appropriation and the money that we have to appropriate. Now, if the automobile on the highway should spring a flat tire and the person who is running the automobile continues to drive that automobile along the highway, and pays no attention to the flat tire, the ultimate result of the riding is going to be that other parts on the vehicle are going to be injured and damaged, and that the vehicle will not travel very rapidly.

Now this Public Assistance system or vehicle is the same way and in our inspections and examinations of the Public Assistance vehicle it has always let us to the evil part of that vehicle that seems to be out of order and that part of that vehicle is that individual in that vehicle that is known as the professional social welfare worker. Now that professional social welfare worker is to the Public Assistance vehicle the same as a flat tire to an automobile on the highway and as long as the flat tire

remains on the Public Assistance vehicle we are going to have flat riding, and session after session we have come to that very point but it seems that those groups of social welfare workers, who have maintained a well greased and oiled lobby here in the halls of this Senate, has succeeded in exerting sufficient pressure upon members of this Senate so as to forestall the changing of this flat tire and putting on a new tire; putting something new on that wheel. And I say this: I want to add that thought to all that has been said here on this subject of Public Assistance, because I am convinced that this group of social welfare workers is well organized.

I deny not them the fact that they have trained minds but they are human like everybody else. They have studied that provision—if you want to call it a provision and they are interested in perpetuating it and in order to perpetuate it, this mighty system of public assistance, this vehicle must be kept going for them; and the whole system is developing into a gigantic public money spending machine or vehicle, and the good Lord only knows how far it is going to extend and how big it is going to expand; and I say if we leave this vehicle in the hands of these professional social welfare workers—we will have to continue to appropriate two hundred and forty to three hundred million dollars every General Assembly when we meet here. It is natural for them to want to perpetuate their position but their perpetuation, the perpetuation of their position, is so enmeshed with the pocket-books of the taxpayers and the people who foot the bill—that I do hope that we finally come to grips with the solution of this problem, that we will tackle the social welfare workers present in this set-up honestly and fearlessly and not be in any way affected or biased by any pressure that they may exert.

Mr. President, I know that my colleague from Armstrong County, Mr. Sipe, has something to say and I will yield the floor to him.

POINT OF ORDER

Mr. WALKER. Mr. President, I rise to a point of order.

The PRESIDENT. The Senator from Allegheny, Mr. Walker, will state his point of order.

Mr. WALKER. Mr. President, I sat here yesterday afternoon, and it was a beautiful day outside, and we had a field day in here. I do not know how this ever got started today, but, as a freshman in the Senate, and not an expert parliamentarian, I would like to have the Chair inform me whether we are going to have another field day this afternoon so if we are some of us may retire to study some of the many problems before this body.

Now, I appreciate the seriousness of this relief problem, but, just at the moment, I do not understand that the relief problem is directly before us. I am one who would like to study the relief problem, and I should appreciate it if we could get down to the business of the afternoon and forestall these field days.

Mr. MCGINNIS. Mr. President, I can hardly agree with the Senator from Allegheny, Mr. Walker. I know I have learned a lot here yesterday and today; I think they were the two best sessions we have had since I have been here. I might add, I am not so much impressed with these savings—or so-called savings that the Governor has already instituted; and we read in the newspapers all over Pennsylvania that we have a Governor now that is

cutting to the bone, and he is going to knock off thousands of employees.

Now, we have listened to the Senator from Philadelphia, Mr. Shapiro, here, and compared to that—taking into consideration the entire budget—that is a very, very small item. Now, there are thousands of men on there that do not belong there or that we could get along without them—and there is not a Senator on this floor that would not say that is a good thing—but I feel that down deep in the heart of every Senator on this floor, he knows very well that within six months most of that number will be back, because when you wipe out a department, practically wipe it out, in the first weeks of an administration, that is done without study or investigation, and to my mind is done mostly for consumption in the newspapers; and so I will guarantee that most of those thousands that have been knocked off, which is the only real saving I have read about, will be back on the payroll, and I think the Governor knows it as well as you people do.

And yet, as you read the budget as given to us by the Senator from Philadelphia, Mr. Shapiro, in the last ten or twelve years there has not been so much change in the actual costs of running the State of Pennsylvania; and it appears here today the big problem with which you need to contend is this \$204,000,000 for relief, and you will find that you cannot cut very much in any of the departments; you may cut a million or two here or there, you may fire five or six hundred or a thousand, even if they do come back—that is not the big problem in Pennsylvania today, the big problem is relief; but I wish to remind the Senators that are going to stay here for the next two weeks, that if they try to boil this thing down and get to the bottom of it and try to go over the heads of the Department of Public Assistance, you will not get very far. I am thoroughly convinced that the spot to go after relief is to go back to the districts. I know that in my district, and in the country districts, you go to the citizens there who are not on relief, and they can tell you about people right around their neighborhood that are on relief that ought not to be on relief.

I know people that would like to have some work done on their homes. They go out and ask the fellow who is on relief, and he says; "No, I am afraid to take that job to fix your roof, to put the shingles on, I am afraid to do that because when I go down to the office they say; 'you are working, and you will be cut off'"—and it will take him two or three weeks to be put back on relief.

Now, that could be worked out; and I say there are people in every community—I would not say how many, but there are people who would rather be on relief than work. I say the social workers can not determine that and have not determined that; but I say there are people back in the districts that can tell their social workers of that class of people, and who they are, and why they should not be on relief, and how they refused jobs.

And so, in this investigation or this study you are going to make in the next two weeks in Harrisburg you will get the same old story we have gotten in the last two years.

If you go to the head of these departments, the head of the Department of Relief, you will find he must have so much; but if you are not going to cut down this two hundred and four million dollars or this two hundred million dollars you are not going to get very far. But I do say, I suggest, that you devise some system whereby you can

get reports from every precinct, from some interested person or some neighbor there, or some man interested about his neighborhood and knows the man on relief, and have the report come from that party to the Relief Department.

Mr. CROWE. Mr. President, I have been sitting here during this session and hearing about spectre of relief rise every day, and listening to some of my colleagues on the Senate floor and I feel that some of us are like the old Spanish Compradore, Don Quixote, going around tilting at windmills.

I was so fortunate or unfortunate to be for the last year Chairman of the Public Assistance Board in my district and I can tell you some things about relief there, from the local angle.

I think we are getting nowhere by our arguments, any more than we would be if we put a ping pong table out between the aisles and knocked the ball back and forth. The only way we will get anywhere on this situation is put in a business administration like Governor James proposes to put in, and I will guarantee the relief subject will be solved.

As far as relief is concerned, I have heard reports about the inefficiency and inequalities in the situation; and in my own district I personally investigate every case, and out of every hundred cases I found that ninety-six of the cases reported as unjust were absolutely just.

I hold no brief for the social welfare worker, but I do think, and I am entirely in accord with the Senator from Fayette, Mr. Cavalcante on that; but I do think they have a place of assistance somewhere.

My suggestion on the subject is to join your Unemployment Compensation Bureau and your Public Welfare Bureau together, and I think we will get somewhere, because a poor devil that is on relief and is thrown out of work—the first thing he does is, he goes to the Unemployment Compensation Bureau and puts in his claim and sometimes he has to wait six or eight weeks before he gets any money. In the meantime he is pleading for relief, and running back and forth.

I speak with the voice of experience. That is the situation, and I think you will get somewhere if you do that.

NOMINATIONS BY THE GOVERNOR

NOTARIES PUBLIC

The Secretary to the Governor being introduced, presented in writing from His Excellency, the Governor of the Commonwealth, nominations for appointment as Notaries Public, which were laid on the table.

He also presented communications in writing from His Excellency, the Governor of the Commonwealth, which were read as follows, and referred to the Committee on Executive Nominations.

APPOINTMENT AS MEMBERS OF BOARD OF TRUSTEES OF INDIANA STATE TEACHERS COLLEGE

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, February 8, 1939.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor to nominate for the advice and consent of the Senate the following members of the Board of Trustees of Indiana State Teachers College, for terms of four years and until their successors are qualified:

William Ruddock, Esq., Indiana, Indiana County.
John Neff, Indiana, Indiana County.
Wallace Chapman, Esq., Indiana, Indiana County.
Harry Carson, Saltsburg, Indiana County.
Walter Krebs, Johnstown, Cambria County.

ARTHUR H. JAMES.

HOUSE MESSAGES

The Clerk of the House of Representatives, being introduced, informed the Senate that the House has concurred in Resolution from the Senate as follows:

In the Senate, February 7, 1939.

Resolved (if the House of Representatives concur), That when the Senate adjourns this week it reconvene on Monday evening, February 27, 1939 at nine o'clock; and when the House of Representatives adjourns this week its reconvene on Monday evening, February 27, 1939, at eight o'clock.

HOUSE BILL FOR CONCURRENCE

The Clerk of the House of Representatives, being introduced, presented for concurrence bill of the House, as follows:

House Bill No. 181, (Senate Bill No. 76), entitled:

An Act making a deficiency appropriation to the Department of Public Assistance for the purpose of carrying out the Public Assistance Law for the two fiscal years ending May thirty-first one thousand nine hundred and thirty-nine.

Which was committed to the Committee on Appropriations.

REPORTS FROM COMMITTEES

Mr. EALY, from the Committee on Appropriations reported as committed, Senate Bill No. 76, (House Bill No. 181), entitled:

An Act making a deficiency appropriation to the Department of Public Assistance for the purpose of carrying out the Public Assistance Law for the two fiscal years ending May thirty-first one thousand nine hundred and thirty-nine.

Mr. EALY. Mr. President, I am directed by the Committee on Executive Nominations to report with favorable recommendation the following nominations by His Excellency the Governor of the Commonwealth:

BRIGADIER GENERAL

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, January 31, 1939.
To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor to nominate for the advice and consent of the Senate the following:

Robert McKune Vail, 20 South Pierce Street, Wilkes-Barre, Luzerne County, for appointment as Brigadier General, Pennsylvania National Guard, until annulled, vice William Swan McLean, Jr., deceased.

ARTHUR H. JAMES.

MEMBERS OF BOARD OF TRUSTEES OF INDIANA STATE TEACHERS COLLEGE

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, February 8, 1939.
To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor to nominate for

the advice and consent of the Senate the following members of the Board of Trustees of Indiana State Teachers College, for terms of four years and until their successors are qualified:

William Ruddock, Esq., Indiana, Indiana County.
John Neff, Indiana, Indiana County.
Wallace Chapman, Esq., Indiana, Indiana County.
Harry Carson, Saltsburg, Indiana County.
Walter Krebs, Johnstown, Cambria County.

ARTHUR H. JAMES.

CONSIDERATION OF EXECUTIVE NOMINATIONS

Mr. EALY. Mr. President, I move that the Senate do now proceed to the consideration of nominations for appointment as Notaries Public, sent to the Senate, February 8, 1939, by His Excellency, the Governor of the Commonwealth, together with the nominations just reported from Committee.

Mr. OWLETT. Mr. President, I second the motion.
The motion was agreed to.

The nominations of Notaries Public, taken from the table, were read as follows:

NOTARIES PUBLIC

Commonwealth of Pennsylvania.

Governor's Office, Harrisburg, February 8, 1939.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointment as Notaries Public, for terms of four years to compute from the date of confirmation:

ALLEGHENY COUNTY

Bert E. Dart, Pittsburgh, 400 Fifth Ave.
J. M. Hall, McKees Rocks.

BEAVER COUNTY

Mrs. Thelma A. Courtney, Beaver.

CAMBRIA COUNTY

Miss Agnes E. Wehner, Johnstown.
John A. Wolf, Ebensburg.

LACKAWANNA COUNTY

H. E. Courtright, Scranton.

LEHIGH COUNTY

Joseph F. Patrough, Allentown.

LYCOMING COUNTY

Mrs. Marion B. Boak, Hughesville.

PHILADELPHIA COUNTY

Miss Susan G. Beatty, Phila., Schaff Bldg., 1505 Race St.
Mrs. Anna M. Carr, Phila., 5013 Baltimore Ave.
H. Reeve Derrickson, Phila., 1529 Walnut St.
Mrs. Matilda Pancoast, Phila., 235-237 W. Wyoming Ave.

SCHUYLKILL COUNTY

Mrs. Roma E. Achenbach, Pine Grove.

ARTHUR H. JAMES.

NOTARIES PUBLIC

Commonwealth of Pennsylvania.

Governor's Office, Harrisburg, February 8, 1939.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for reappointment as Notaries Public, for terms of four year to compute from the date set opposite their names:

CAMBRIA COUNTY

H. A. Martin, Johnstown, February 10, 1939.

PHILADELPHIA COUNTY

John Deisher, Phila., 1600 S. 22d St., February 10, 1939.

SCHUYLKILL COUNTY

G. I. Bensinger, Schuylkill Haven, February 14, 1939.

PHILADELPHIA COUNTY

Miss D. P. Douty, Phila., Atlantic Bldg., 260 S. Broad St., February 19, 1939.

WASHINGTON COUNTY

Miss Celia Morgan, Canonsburg, February 23, 1939.

ARMSTRONG COUNTY

M. M. Crawford, Apollo, February 26, 1939.

SCHUYLKILL COUNTY

Mrs. Verna B. Snyder, West Penn Twp., Snyders, February 26, 1939.

Crellin J. Davis, Mahanoy City, February 28, 1939.

ARTHUR H. JAMES.

EXECUTIVE SESSION

By unanimous consent,

A motion was made by Mr. EALY and Mr. OWLETT That Rule 38 which requires nominations made by the Governor be referred to an appropriate committee be dispensed with, and the Senate do now resolve itself into Executive Session, for the purpose of acting on the foregoing nominations.

Which was agreed to.

Whereupon,

A motion was made by Mr. EALY and Mr. OWLETT That the Senate do advise and consent to said nominations.

On the question

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—42

Bartlett,	Farrell,	Mallery,	Shapiro,
Cavalcante,	Frey,	McCreesh,	Sipe,
Chapman,	Gelder,	McGinnis,	Snowden,
Coleman,	Geltz,	Miller,	Stevenson,
Crowe,	Gilson,	Mundy,	Stiefel,
Dando,	Haluska,	Owlett,	Tallman,
Deitrick,	Heyburn,	Pierson,	Thomas,
Dent,	Homsher,	Reed,	Walker,
Ealy,	James,	Rice,	Wolfenden,
Edmonds,	Kunkel,	Scarlett,	Woodward,
Eroe,	Letzler,		

NAYS—0

Two-thirds of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Governor be informed accordingly.

Mr. EALY. Mr. President, I move that the Executive Session do now rise.

Mr. HEYBURN. Mr. President, I second the motion.
The motion was agreed to.

MOTION TO READ BILLS THE FIRST TIME

Mr. OWLETT. Mr. President, I move that the Senate do now proceed to the first reading of all bills reported from committees for the first time at today's session.

Mr. MALLERY. Mr. President, I second the motion. The motion was agreed to.

BILL ON FIRST READING

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 76, (House Bill No. 181), entitled:

An act making a deficiency appropriations to the Department of Public Assistance for the purpose of carrying out the Public Assistance Law for the two fiscal years ending May thirty-first one thousand nine hundred and thirty-nine.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

REQUESTING APPOINTMENT OF SENATE COMMITTEE OF SIX MEMBERS TO INVESTIGATE RELIEF.

Mr. SHAPIRO, offered the following resolution which was twice read:

In the Senate, February 8, 1939.

Whereas, it is important that all persons rightfully entitled to relief should receive adequate and prompt relief and, whereas the cost of relief has mounted to tremendous sums and is increasing to unprecedented extents and, whereas, the extent of relief is affected vitally by other state and federal governmental agencies and, whereas, in Pennsylvania, the Unemployment Compensation laws have contributed greatly to the reduction of the relief expenses and, whereas, the problem of proper relief Unemployment Compensation and federal grants are inter-related, and an understanding of the effect of one upon the other is necessary and will be helpful in an effort to solve the relief problem, now therefore, be it

Resolved that a special committee of six members of the Senate, three from the majority and three from the minority parties be appointed, whose duty it would be to study the operations, expenditures, and effect, of the various agencies including among other, federal grants and Unemployment Compensation upon relief. The Committee should further study expenditures for administration, supplemental aid, and general relief grants by the Department of Public Assistance, and furnish information concerning all these matters from time to time to the Members of the Senate, for use by Members of the Senate and the House for their guidance in dealing with the whole relief problem.

Further Resolved that the Department of Public Assistance and the Unemployment Compensation Division of the Department of Labor and Industry and all other, shall furnish to the said Committee such information and assistance as they may request.

Which was committed to the Committee on Judiciary General.

BILL ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 34, as follows:

An Act to further amend section five hundred eight of the act approved the eighteenth day of May one thousand nine hundred and eleven (P. L. 309) entitled "An

act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" by further regulating the incurring of temporary indebtedness and the repayment thereof

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1. Section five hundred eight of the act approved the eighteenth day of May one thousand nine hundred and eleven (Pamphlet Laws 309) entitled "An Act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" as last amended by section three of the act approved the second day of July one thousand nine hundred and thirty-seven (Pamphlet Laws 2860) is hereby further amended to read as follows.

Section 508. Any school district having no indebtedness or whose indebtedness incurred or created without the assent of the electors thereof is less than two (2) per centum of the total valuation of the taxable property for school purposes therein may at any time for the purpose of providing funds in any fiscal year for current expenses and debt service for permanent improvements or in anticipation of proceeds from a bond issue already officially authorized and approved by the Department of Internal Affairs with such limitations and for such length of term as hereinafter provided by or through its board of school directors incur in addition to any bonds therein authorized a temporary debt or borrow money and issue an obligation or obligations therefor under the seal of the district if any properly attested by the president and secretary thereof and bearing interest not exceeding the legal rate but no such obligation shall be sold for less than par Provided That the incurring of any such temporary debt or borrowing money upon such obligation shall receive the affirmative vote of not less than two-thirds of the members of the board of school directors therein.

The total amount of temporary indebtedness incurred for current expenses and debt service shall at no time exceed an amount equal to the State appropriations not received but payable during the fiscal year and the tax levied upon taxable property within such school district for school purposes and remaining uncollected (for the current fiscal year) and unpledged. All such loans shall be paid out of the receipts available or pledged for the repayment thereof when and as the said funds are received Provided That the total amount of the temporary indebtedness for such purpose remaining unpaid at the close of the fiscal year shall become an obligation upon the following year's budget and be included therein.

The total amount of temporary indebtedness incurred in any school district for the purpose of permanent improvements shall at no time in school districts of the first and second class exceed one-half of one (1) per centum of the last assessed valuation of taxable property for school purposes therein and in school districts of the third and fourth class two (2) per centum of such assessed valuation Provided That at or before the time of incurring such indebtedness for such purpose provision shall be made for the collection of an annual tax sufficient to pay the interest and also the principal thereof within the term of such indebtedness as hereinafter provided Provided That the total indebtedness in any school district of the first class including all bonded indebtedness and temporary indebtedness shall never exceed two (2) per centum of the last assessed valuation of taxable property for school purposes therein and in school districts of the second third and fourth class shall not exceed seven (7) per centum of such assessed valuation.

The total amount of temporary indebtedness incurred in anticipation of proceeds from a bond issue already officially authorized and approved by the Department of Internal

Affairs as hereinbefore provided shall not exceed seventy-five (75) per centum of the full amount of bonds authorized by such bond issue.

All money borrowed for the purpose of current expenses and debt service as hereinbefore provided and remaining unpaid at the close of any fiscal year shall be paid out of the receipts of the following fiscal year for school districts as heretofore provided but in all events not later than the first day of July of such following year in school districts of the first class and not later than the first day of November in school districts of the second third and fourth class Provided That all temporary indebtedness for such purpose existing prior to the first day of July one thousand nine hundred [thirtyseven] thirty-nine shall be payable at any time not to exceed three years thereafter

All money borrowed for permanent improvements for which no bond issue has been provided and for which an obligation or obligations other than bonds have been issued shall be paid within three years from date of issue of such obligation together with interest and at least one-third of the total principal of the original loan shall be paid annually Such obligation or obligations may be paid in full or in part each year when the taxes are received and reborrowed again the latter part of the fiscal year Provided That the amount reborrowed is less than the amount borrowed the preceding year by at least one-third of the total amount of the original loan Provided further That each time the money is reborrowed the date and purpose for which it was originally borrowed shall be restated Provided further That the amount of the original loan shall be paid in full within a maximum term of three years from the date of the original loan for such purpose.

All obligations other than bonds issued by any school district in anticipation of proceeds from a bond issue already officially authorized and approved by the Department of Internal Affairs shall be paid in full together with interest out of the proceeds of such bond issue within one year six months from the date of authorization of such bond issue.

In case of an emergency any school district in this Commonwealth in any fiscal year after incurring temporary indebtedness for current expenses and debt service to the full extent of the provisions hereinbefore provided and finding the receipts from said temporary loans together with all other receipts to be inadequate to meet the expenditures of the official fiscal year's budget may appeal to the State Department of Public Instruction for permission to increase the temporary indebtedness of such school district beyond the amount hereinbefore provided and shall present to the State Superintendent of Public Instruction or his agent such financial statements or reports as he may require to give him adequate facts relative to the necessity of such increase in indebtedness The State Superintendent of Public Instruction is hereby authorized after due examination of the need of such school district either to refuse or grant permission to such school district to borrow additional funds beyond the provisions hereinbefore provided and in case of approval he shall set a maximum limit of the total amount of additional temporary indebtedness that such school district may incur during the fiscal year in addition to all temporary indebtedness outstanding at the time of such approval Provided That such additional amount of temporary indebtedness together with all other temporary indebtedness at any time for the purpose of payments on current expenses and debt service in school districts of the first [and second] class shall not exceed four-tenths of one (1) per centum and in school districts of the second class shall not exceed three-fourths of one (1) per centum and in school districts of the third and fourth class shall not exceed one (1) per centum of the total amount of taxable property in such district and the total indebtedness for such purposes together with all other indebtedness incurred without authorization by vote of the electors of the district shall at no time exceed two (2) per centum of the last total assessed valuation of the taxable property therein All temporary indebtedness remaining unpaid at the end of the fiscal year shall be paid in the same manner as hereinbefore provided.

And said bill having been read at length the second time,

Will the Senate agree to the bill on second reading?

Mr. SHAPIRO. Mr. President, I should like to interrogate the Senator from Blair, Mr. Mallery.

The PRESIDENT. Will the Senator from Blair, Mr. Mallery, permit himself to be interrogated?

Mr. MALLERY. Mr. President, I will be glad to be interrogated.

Mr. SHAPIRO. Mr. President, this bill that has just passed second reading, as I understand it, changes the method of computing indebtedness in certain school districts. Is that bill confined by its terms to second class school districts?

Mr. MALLERY. Mr. President, that is the only change.

Mr. SHAPIRO. Mr. President, I know there is another change which extends the time for repayment until three years after 1939.

Mr. MALLERY. Mr. President, the change, I believe, does not affect first-class school districts. If it pertains to first-class school districts, I will be glad to have it returned and amended. It will have to be amended.

Mr. SHAPIRO. Mr. President, I would like to call the attention of the members of the Senate to the fact that this bill does two things, in my opinion: I think it might be interpreted to apply to all school districts; and secondly, it allows the school districts to pledge not only the uncollected taxes for the purpose of increasing their indebtedness but allows them to pledge all uncollected taxes. In other words, there is a tremendous amount of taxes in arrears. I have in mind, in Philadelphia, the tremendous amount in arrears that the school district would never collect, and this bill would permit them to increase indebtedness and permit them to borrow in the uncollected taxes. I think if it affects Philadelphia it is a bad bill, and I do not think anybody wants it passed in that form; and I suggest that the Senator from Blair return the bill back to committee, so as to give members of the Senate an opportunity to study it.

Mr. MALLERY. Mr. President, that is agreeable to me.

BILL RECOMMITTED

Mr. SHAPIRO. Mr. President, I move that Senate Bill No. 34, the bill just read, be recommitted to the Committee on Education, for the purpose of further consideration.

Mr. MALLERY. Mr. President, I second the motion.

The motion was agreed to.

ADJOURNMENT

Mr. OWLETT. Mr. President, I move that the Senate do now adjourn until Thursday, February 9, 1939 at 11:00 o'clock p. m.

Mr. GELDER. Mr. President, I second the motion.

The motion was agreed to.

The Senate adjourned at 3:58 o'clock p. m. until Thursday, February 9, 1939, at 11:00 o'clock p. m.

HOUSE OF REPRESENTATIVES

WEDNESDAY, February 8, 1939

The House met at 1 p. m.

The SPEAKER (Ellwood J. Turner) in the Chair.

PRAYER

The Chaplain, Rev. Walter Evans Deibler, offered the following prayer:

Eternal God, Creator and Preserver of the universe, we thank Thee for the beautiful day Thou hast given us. Help us to appreciate these blessings Thou dost so constantly bestow. In this season when the memory of the immortal Lincoln is before us, may we again hear him speak. For "He being dead yet speaketh." It was he who said "Be sure you put your feet in the right place and then stand firm." "Determine that the thing can and shall be done, and then we shall find the way." "With malice toward none and charity toward all," may we, O Lord, truly say with him—"Let us have faith that right makes might and in that faith let us to the end dare to do our duty." This we pray in the Name of our God. Amen.

JOURNAL APPROVED

The SPEAKER. The Clerk will read the Journal of yesterday.

The Clerk proceeded to read the Journal of yesterday, when, on motion of Mr. RHODES, the further reading was dispensed with and the Journal approved.

BILLS INTRODUCED AND REFERRED

By Mr. LLOYD H. WOOD. HOUSE BILL No. 223.

An Act to further amend section one of the act, approved the thirty-first day of May, one thousand eight hundred and ninety-three (P. L. 188), entitled "An act designating the days and half days to be observed as legal holidays; and for the payment, acceptance, and protesting of bills, notes, drafts, checks, and other negotiable paper on such days," by authorizing certain additional bank holidays.

Referred to the Committee on Banking.

By Mr. BOOSE. HOUSE BILL No. 224.

An Act making it unlawful for any county treasurer or other person authorized by law to issue hunting or fishing licenses, to issue such licenses to persons over the age of twenty-one years other than residents of first class school districts, without satisfactory evidence that such applicants shall have paid the per capita tax for school purposes assessed against them for the year immediately preceding.

Referred to the Committee on Game.

By Mr. BONEY. HOUSE BILL No. 225.

An Act providing for the adjournment and readjustment of county treasurers' sales of seated and unseated lands that were to have been held in the years one thousand nine hundred thirty-seven or one thousand nine hundred thirty-eight for nonpayment of taxes in counties, except those of the first and second class, and preserving the lien of all taxes on such lands.

Referred to the Committee on Counties.

By Mr. OMINSKY. HOUSE BILL No. 226.

An Act creating a Commonwealth Court having jurisdiction in cases involving the Commonwealth, in contested nominations and elections, in cases involving the constitutionality of statutes, and on appeals from boards and commissions; regulating the constitution, officers, jurisdiction, powers and practice of said court and its relation to other courts; fixing the compensation of the

judges and other officers of said court; and providing for the report of its decisions.

Referred to the Committee on State Government.

By Mr. HOLLAND. HOUSE BILL No. 227.

An Act authorizing and directing the Department of Military Affairs to compile, edit, publish, and distribute pamphlets listing Veterans of Wars and Expeditions of the United States; and making an appropriation.

Referred to the Committee on Appropriations.

By Mr. SCHWAB. HOUSE BILL No. 228.

An Act to further amend clause two of section twenty-three of the act approved the third day of May, one thousand nine hundred and thirty-three (P. L. 252), entitled as amended "An act to regulate and restrain the traffic in malt and brewed beverages, as herein defined; providing for the licensing of the manufacture, transportation, sale and distribution of such beverages; imposing license and permit fees, and providing for collection and distribution thereof; restricting ownership and interest in licensed places; permitting municipalities and townships, by vote of the electors, to prevent the licensing therein of places where such beverages may be sold for consumption on the premises, and regulating elections for this purpose; imposing duties upon the Pennsylvania Liquor Control Board, quarter sessions courts, district attorneys, the Department of Justice, proper authorities of political subdivisions of the State, and election officers; providing penalties; and repealing existing acts," as reenacted and amended, further regulating the time during which licensees may sell malt and brewed beverages.

Referred to the Committee on Liquor Control.

By Mr. ROSENFELD. HOUSE BILL No. 229.

An Act to amend section ten of the act, approved the nineteenth day of June, one thousand nine hundred and eleven (P. L. 1055), entitled "An act authorizing the release on probation of certain convicts, instead of imposing sentences; the appointment of probation and parole officers, and the payment of their salaries and expenses; regulating the manner of sentencing convicts in certain cases, and providing for their release on parole; their conviction of crime during parole, and their rearrest and reconviction for breach of parole; and extending the powers and duties of boards of prison inspectors of penitentiaries," as amended, by requiring the deduction of time spent on parole, in cases where paroled convicts are convicted of other crimes and are required to serve out their original sentences.

Referred to the Committee on Judiciary Special.

By Mr. ANDREWS. HOUSE BILL No. 230.

An Act imposing an annual tax of ten per centum on the gross receipts of persons operating or maintaining gaming tables, gambling devices or apparatus, gambling houses, pool-selling or bookmaking establishments or lotteries; requiring the filing of reports; providing for the disposition of said tax moneys; and providing penalties.

Referred to the Committee on Ways and Means.

By Mr. ANDREWS. HOUSE BILL No. 231.

An Act to further amend section one thousand four hundred and fourteen of the act, approved the eighteenth day of May one thousand nine hundred and eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and

the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith," by changing the compulsory school age requirements.

Referred to the Committee on Education.

By Messrs. ANDREWS and SCHROCK.

HOUSE BILL No. 232.

An Act to amend the first three paragraphs of section five hundred one, sections five hundred two, seven hundred two, seven hundred three, and subsection (a) of section seven hundred four of the act, approved the third day of June, one thousand nine hundred thirty-seven (P. L. 1225), entitled "An act concerning game and other wild birds and wild animals; and amending, revising, consolidating, and changing the law relating thereto," by changing the open season, bag limits, and hours and methods of hunting as to woodchucks.

Referred to the Committee on Game.

By Mr. BRUNNER.

HOUSE BILL No. 233.

An Act with reference to trust receipts and pledges of personal property unaccompanied by possession in the pledgee; and to make uniform the law with reference thereto.

Referred to the Committee on Banking.

By Mr. BOYD.

HOUSE BILL No. 234.

An Act to amend section one hundred thirteen of the act, approved the fifteenth day of April, one thousand eight hundred thirty-four (P. L. 537), entitled "An act relating to counties and townships, and county and township officers," as amended, by further regulating the appointment of deputy constables in cities of the first class; prescribing their qualifications and duties, and causes for their removal.

Referred to the Committee on Cities—First Class.

By Mr. BOYD.

HOUSE BILL No. 235.

An Act regulating the qualifications of constables in cities of the first class; imposing certain restrictions upon such officers and providing for their removal in certain cases; and for the filling of vacancies in said office by the court of quarter sessions.

Referred to the Committee on Cities—First Class.

By Mr. BRETHERICK.

HOUSE BILL No. 236.

An Act to amend section three thousand one hundred and one of the act, approved the fourth day of May, one thousand nine hundred and twenty-seven, (P. L. 519), entitled "An act concerning boroughs, and revising, amending, and consolidating the law relating to boroughs," extending the jurisdiction within which, and the manner, fines, penalties and costs may be collected.

Referred to the Committee on Boroughs.

By Mr. WINNER.

HOUSE BILL No. 237.

An Act to encourage employment within this Commonwealth; providing for refunds from capital stock and corporate net income taxes, for a limited period, to corporations, joint-stock associations and limited partnerships showing certain increases in employment; conferring powers and imposing duties on the Board of Finance and Revenue; and making an appropriation.

Referred to the Committee on Ways and Means.

By Mr. ACHTERMAN.

HOUSE BILL No. 238.

An Act reducing the number of judges on the Superior Court.

Referred to the Committee on Judiciary General.

RESOLUTIONS INTRODUCED AND REFERRED

By Mr. STOCKHAM.

RESOLUTION No. 14.

In the House of Representatives, February 7, 1939.

The whole world is distressed and waring and following strange dogmas.

Our own country continues in the grip of the severest economic depression and financial panic in our history.

The federal administration, by its domestic policy, has engendered an unhealthy class consciousness within our borders.

Secret diplomacy, a policy strange to our Republic, threatens to embroil our Nation in the dangerous and viscious disputes of Europe.

The policy of reciprocal trade tariffs seem to build up our unemployment roles rather than spur trade.

The dangerous "isms" of Europe appear to be fostered and encouraged by certain federal bureaus, threatening the overthrow of our government.

The whole New Deal has created the largest debt in our history, makes no effort to balance its budgets and threatens inflation.

The Commonwealth of Pennsylvania has a large interest in these problems and a great stake in the economic affairs of the United States; therefore be it

Resolved, That the Speaker of the House of Representatives be directed to communicate with the two United States Senators, the Honorable Joseph F. Guffey and the Honorable James J. Davis, the Keystone State's ambassadors to the seat of the federal government at Washington, and invite them to appear together, at an agreeable time, before this House and give to its members a report of the state of the Nation, to the end that Pennsylvania may be fully and authentically advised of the things which threaten our people and that this great Commonwealth may be the better guided in the formulation of a legislative policy that shall protect her best interests and the quicker relieve her distress.

Referred to the Committee on Federal Relations.

By Mr. HOLLAND.

RESOLUTION No. 15.

In the House of Representatives, February 7, 1939.

The threat of spring floods again fills the hearts of multitudes of citizens of this Commonwealth with apprehensive dread, and brings to mind with fearful vividness the horrors of the great floods of 1936, still so fresh in the memory of thousands of sufferers and eye-witnesses.

In the face of this threatened repetition of disaster, the Governor of the Commonwealth and his Secretary of Forests and Waters maintain that, to effect economy, it is necessary to defer the completion of all flood control programs until such time as the Commonwealth's budget shall have been balanced.

Under existing flood control programs, the Commonwealth is required only to pay for lands necessarily taken for flood control purposes, while the Federal Government defrays all other expenses in connection therewith.

In comparison with the many millions of dollars of property destruction and damage, and the loss of human lives—not capable of reckoning in mere monetary values,—the small expenditures required of the State becomes trivial.

The Federal Government is ready and anxious to proceed. The so-called difference of opinion is not genuine, but is augmented by the public utilities, who fear the lowering of rates for electric power through cheaper production by governmental agencies.

The statements of the Governor and the Secretary of Forests and Waters are misleading, insomuch as true economy in this respect can be attained only by completing all programs for flood control within this State there-

by avoiding untold loss of life and property in the future.

Resolved, therefore, That the House of Representatives hereby urge upon the Governor of the Commonwealth the imperative necessity of considering first the lives and property of multitudes of citizens, rather than the financial interests of the utilities; and that he adopt a policy of not only at once resuming and pressing to a speedy conclusion the present flood control programs, but also of using all facilities at his command to effectually bring about safety and security from future floods in threatened areas, and to forever avoid a repetition of the great floods of 1936.

Resolved, also, That copies of these resolutions be certified by the Chief Clerk and transmitted to His Excellency, the Governor of Pennsylvania, and to the Secretary of Forests and Waters.

Referred to the Committee on Federal Relations.

By Mr. O'NEILL.

RESOLUTION No. 16.

In the House of Representatives, February 7, 1939.

Yesterday the mortal remains of one of Scranton's most sincere philanthropists and leaders of progressive movements were consigned to their last resting place. The funeral of M. E. Comerford, who passed away in Florida on Wednesday last, was held in St. Peter's Cathedral. The homage due the great leader and humanitarian was such as to prove that there has been universal appreciation of the good deeds that have marked the career of this self-made man.

Starting life amid humble environments, he advanced from modest undertakings up the ladder until he had gained national fame as one of the leading magnates in the motion picture business.

A leader and liberal contributor in all progressive and charitable moves in Scranton, M. E. Comerford was known far and wide. But it was in the unknown private aid to the unfortunate in humble walks of life that the character of this philanthropist was best revealed: therefore be it

Resolved, by the House of Representatives of the General Assembly of the Commonwealth of Pennsylvania, That in the death of M. E. Comerford, the State has lost an outstanding citizen, and the City of Scranton has been deprived of the help of a sincere philanthropist and a great humanitarian and be it further

Resolved, That a copy of this resolution be transmitted to the family of the deceased by the Chief Clerk of the House.

Referred to the Committee on Rules.

By Mr. LICHTENWALTER.

RESOLUTION No. 17.

In the House of Representatives, February 7, 1939.

H. Stanley Welty, a former member of this House from Lehigh County, died at the Veterans Hospital at Coatesville on November 23rd last, where he had been a patient for the past seven years, suffering from the effects of gas attacks during the World War.

He was one of the few members of the American Expeditionary Forces to be decorated with the Croix-de-Guerre for gallantry in action, and received, in addition a personal award from the French Government for exceptional bravery shown during the bombing of a French hospital.

Mr. Welty was a graduate of Blair Academy and Lafayette College. After reading law in the office of Recorder Butz in Allentown, he was admitted to the Lehigh County Bar in 1922.

His ability as a lawyer, his personal popularity and his outstanding war record combined to bring about his election as a member of this House, where he conscientiously served his constituents during the sessions of 1925 and 1927.

As a result of the service he rendered his country, he passed from the active life he loved long ere the evening shadows fell: therefore be it

Resolved, That this House of Representatives, recognizing his valiant and heroic service to the Nation during the World War and his work here in this House in the

interests of his constituents, respectfully pays homage to his memory, and extends to his sorrowing wife and children its most sincere sympathy; and be it further

Resolved, That the Chief of the House shall immediately transmit a copy of this resolution to his widow.

Referred to the Committee on Rules.

By Mr. ROSENFELD.

(Concurrent) RESOLUTION No. 18.

In the House of Representatives, February 7, 1939.

Whereas, It is of vital importance that the General Assembly be thoroughly familiar with the personnel requirements of the different departments of the State Government in order to intelligently pass upon appropriations for the coming biennium; therefore be it

Resolved, (if the Senate concur), That a commission is hereby created, which shall be composed of six Members, three of whom shall be Members of the House of Representatives to be appointed by the Speaker, two Members of whom shall represent the majority party, and three Members of the Senate to be appointed by the President Pro Tempore of the Senate, two of whom shall represent the majority party: whose duty it shall be to investigate the personnel of each department of the State Government in order to ascertain the appropriation requirements thereof and to determine upon any changes therein that might effect economy; and be it further

Resolved, That said commission shall report the result of its investigations to the General Assembly as speedily as possible.

Referred to the Committee on State Government.

SENATE MESSAGE

TIME OF NEXT MEETING

The Clerk of the Senate being introduced presented an extract from the Journal of the Senate, which was read as follows:

In the Senate, February 7, 1939.

Resolved (if the House of Representatives concur) That when the Senate adjourns this week it reconvene on Monday evening February 27, at nine o'clock, and when the House of Representatives adjourns this week it reconvene on Monday evening, February 27, at eight o'clock.

Ordered That the Clerk present the same to the House of Representatives for its concurrence.

On the question.

Will the House concur in the resolution of the Senate?

It was concurred in.

Ordered, That the Clerk inform the Senate accordingly.

LEAVES OF ABSENCE

Mr. VAN BELLE asked and obtained leave of absence for himself after to-day's session for the remainder of the week.

Mr. BOIES asked and obtained leave of absence for himself after to-day's session for the remainder of the week.

Mr. HOMER S. BROWN asked and obtained leave of absence for himself after to-day's session for the remainder of the week.

Mr. ALLEN asked and obtained leave of absence for himself after to-day's session for the remainder of the week.

Mr. Rooney asked and obtained leave of absence for Mr. FLANAGAN for the remainder of the week.

Mr. MORAN asked and obtained leave of absence for

himself after to-day's session for the remainder of the week.

Mr. AUCKER asked and obtained leave of absence for Mr. SOLLENBERGER for the remainder of the week on account of illness in the family.

Mr. AUKER asked and obtained leave of absence for himself after to-day's session for the remainder of the week.

Mr. ROYER asked and obtained leave of absence for Mr. TROUT for the remainder of the week.

Mr. JOHN N. HOFFMAN asked and obtained leave of absence for himself after to-day's session and for the remainder of the week.

Mr. THISTLE asked and obtained leave of absence for himself after to-day's session for the remainder of the week.

REPORTS FROM COMMITTEES

Mr. KNOBLE from the committee on Cities—Second Class reported as amended, House Bill No. 142 entitled:

An Act to further amend section five of the act, approved the twenty-sixth day of April, one thousand nine hundred thirty-five (P. L. 90), entitled "An act to promote uniformity in the assessment and taxation of properties and persons within the territorial limits of cities of the second class A, by providing that city and school taxes; within such territorial limits shall be assessed, levied, and collected upon the basis of the assessments for taxation for county purposes; and requiring the furnishing of tax duplicates by the county taxing authorities to such cities and to school districts coterminous therewith; abolishing the department of assessors in cities of the second class A; consolidating tax statements covering city, school, county, and poor taxes therein, and making uniform the time for levy and collection of said taxes respectively, and regulating the discounts therefrom and penalties thereon," by changing the date of certain tax payments.

Mr. DONAHUE from the Committee on Appropriations reported as committed, House Bill No. 214 entitled:

A Supplement to the act, approved the second day of July, one thousand nine hundred thirty-seven (Appropriation Acts, page seventy-four), entitled "An act to provide for the ordinary expense of the Executive, Legislative, and Judicial Departments of the Commonwealth, interest on the public debt, and the support of the public schools for two years beginning June first, one thousand nine hundred and thirty-seven; and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending May thirty-first, one thousand nine hundred and thirty-seven", making a deficiency appropriation to the Department of State.

Mr. McVAY from the Committee on Appropriations reported as committed, House Bill No. 215, entitled:

A Supplement to the act, approved the second day of July, one thousand nine hundred thirty-seven (Appropriation Acts, page seventy-four) entitled "An act to provide for the ordinary expenses of the Executive, Legislative, and Judicial Departments of the Commonwealth, interest on the public debt, and the support of the public schools for two years beginning June first, one thousand nine hundred and thirty-seven; and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending May thirty-first, one thousand nine hundred and thirty-seven", providing for deficiencies in certain appropriations to the Department of Justice for the fiscal biennium ending May thirty-first, one thousand nine hundred thirty-nine.

Mr. WOODSIDE from the Committee on Rules reported as committed, House Resolution No. 16.

Mr. WOODSIDE from the Committee on Rules reported as committed, House Resolution No. 17.

BILLS ON FIRST READING

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 132, entitled:

An Act to repeal the act, approved the thirtieth day of July, one thousand nine hundred and thirty-eight (P. L. 18), entitled "An act suspending, retroactively as well as prospectively, any other pending investigation, legislative, executive or judicial, of charges of, or involving, misdemeanor in office on the part of civil officers liable to impeachment, which the House of Representatives undertakes to investigate, and providing under what circumstances the suspended investigation may be resumed."

And said bill having been read at length the first time.

Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 131, entitled:

An Act to repeal the act, approved the thirtieth day of July, one thousand nine hundred and thirty-eight (P. L. 13), entitled "An act relating to the investigation of charges of, or involving, misdemeanor in office made against civil officers subject to impeachment; providing that the jurisdiction of the House of Representatives to make such investigations shall have precedence over the jurisdiction of grand juries; and limiting the circumstances under which courts of oyer and terminer and general jail delivery or courts of quarter sessions, or judges of such courts, may authorize grand juries to make such investigations."

And said bill having been read at length the first time.

Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 92, entitled:

An Act to prohibit assessments and demands for contributions for political purposes and providing a penalty.

And said bill having been read at length the first time.

Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill 128, entitled:

An Act to repeal the act, approved the thirtieth day of July, one thousand nine hundred and thirty-eight (P. L. 17), entitled "An act defining the relative powers of the Attorney General and of district attorneys in investigations or proceedings in the criminal courts; authorizing the judges thereof to appoint, subject to appeal to the Supreme Court, special prosecutors in certain cases, and providing for their compensation by the county."

And said bill having been read at length the first time.

Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 129, entitled:

An Act to repeal the act, approved the thirtieth day of July, one thousand nine hundred and thirty-eight

(P. L. 15), entitled "An act defining the procedure for, and regulating, the investigation by the House of Representatives and its committees of charges of, or involving, misdemeanor in office on the part of civil officers liable to impeachment; authorizing the Speaker of the House to appoint a special committee for any such investigation; authorizing the presentation of evidence by the Attorney General and other counsel and the officers investigated; providing for the summoning of witnesses and for the punishment of persons refusing to appear, produce evidence, or testify; and authorizing the employment and compensation of counsel and other assistants."

And said bill having been read at length the first time.
Ordered. To be laid aside for second reading.

BILL ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 26, entitled:

An Act to amend section three of the act approved the twenty-seventh day of April one thousand nine hundred and twenty-seven (Pamphlet Laws four hundred sixty-five) entitled 'An act to provide for the safety of persons employed housed or assembled in certain buildings and structures not in cities of the first class second class and second class A by requiring certain construction and ways of egress equipment and maintenance providing for the licensing of projectionists requiring the submission of plans for examination and approval providing for the promulgation of rules and regulations for the enforcement of this act providing for the enforcement of this act by the Department of Labor and Industry and in certain cases by the chiefs of fire departments in cities of the third class providing penalties for violations of the provisions of this act and repealing acts' as amended eliminating the requirement that certain buildings shall be equipped with certain equipment in connection with gas meters to prevent or retard the escape of gas

The first section was read as follows:

The General Assembly of the Commonwealth of Pennsylvania enacts as follows

Section 1 That section three of the act approved the twenty-seventh day of April one thousand nine hundred and twenty-seven (Pamphlet Laws four hundred sixty-five) entitled 'An act to provide for the safety of persons employed housed or assembled in certain buildings and structures not in cities of the first class second class and second class A by requiring certain construction and ways of egress equipment and maintenance providing for the licensing of projectionists requiring the submission of plans for examination and approval providing for the promulgation of rules and regulations for the enforcement of this act providing for the enforcement of this act by the Department of Labor and Industry and in certain cases by the chiefs of fire departments in cities of the third class providing penalties for violations of the provisions of this act and repealing acts' as amended by the Act approved the fifth day of June one thousand nine hundred and thirty-seven (Pamphlet Laws 637) is hereby further amended to read as follows

Section 3 Special Requirements There shall be installed such emergency lighting systems sprinkler systems and fire alarm systems [and gas shut-off valves] in such of the buildings enumerated in this act as the Department of Labor and Industry may specify and which in its judgment are necessary to give proper protection from fire and panic to those employed assembled lodged or housed therein No such systems [or devices] shall be installed unless they are of a type approved by the Department of Labor and Industry

[All buildings enumerated in this act as the Department of Labor and Industry may specify which may be supplied from some outside source with gas shall be equipped by the builder or owner of such building with a gas shut-off valve attached to the gas supply pipe or pipes on the inside of the building at a point where said pipes enter the building and before they reach the gas meter which valve shall be connected with a conspicuous conveniently accessible control box at a place on the exterior of the building so arranged as to allow the gas supply to be shut off by any member of any fire department immediately wherever the necessity arises The fire department of any municipality shall have the exclusive use of gas shut-off valves and their operation in the event of fire or other emergency Such shut-off valve and said control box for the shut-off valve shall be so marked as to indicate their respective purpose. The gas shut-off valve shall be so constructed as to automatically shut off the gas when subjected to sufficient heat.

All existing buildings and every building hereafter erected subject to the provisions of this act shall be equipped with such device and necessary appliances within eighteen months after the approval of this act]

On the question,

Will the House agree to the section?

Mr. ROSE. Mr. Speaker, I desire to offer the following amendment.

The SPEAKER. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend Sec. 1, page 3, line 6, by striking out the figure: "637" and inserting in lieu thereof: "1670".

On the question,

Will the House agree to the amendment?

It was agreed to.

On the question,

Will the House agree to the section as amended?

It was agreed to.

The second section was read and agreed to as follows:

Section 2. This act shall become effective immediately upon final enactment.

The title was read as follows:

An Act to amend section three of the act approved the twenty-seventh day of April one thousand nine hundred and twenty-seven (P. L. 465) entitled 'An act to provide for the safety of persons employed housed or assembled in certain buildings and structures not in cities of the first class second class and second class A by requiring certain construction and ways of egress equipment and maintenance providing for the licensing of projectionists requiring the submission of plans for examination and approval providing for the promulgation of the rules and regulations for the enforcement of this act providing for the enforcement of this act by the Department of Labor and Industry and in certain cases by the chiefs of fire departments in cities of the third class providing penalties for violations of the provisions of this act and repealing acts' as amended eliminating the requirement that certain buildings shall be equipped with certain equipment in connection with gas meters to prevent or retard the escape of gas.

On the question,

Will the House agree to the title?

Mr. ROSE. Mr. Speaker, I desire to offer the following amendments.

The Speaker. The amendments will be read by the Clerk.

The amendments were read by the Clerk as follows:

Amend title, page 1, line 4 of title, by striking out the word: "to" and inserting in lieu thereof: "To"

Amend title, page 1, line 7 of title, by striking out the word: "or" and inserting in lieu thereof: "of"

On the question,

Will the House agree to the amendments?

They were agreed to.

On the question,

Will the House agree to the title as amended?

It was agreed to.

And said bill having been read at length the second time and agreed to as amended.

Ordered, To be transcribed for a third reading.

BILL POSTPONED

Mr. ANDREWS. Mr. Speaker, I move that this bill be placed upon the postponed calendar.

The motion was agreed to.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 164 as follows:

An Act making a deficiency appropriation to the Lieutenant Governor

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The sum of two thousand dollars (\$2,000) or so much thereof as may be necessary is hereby specifically appropriated to the Lieutenant Governor for the deficiency in the expenses of the Lieutenant Governor incurred for any of the following purposes For all necessary expense including postage telegrams telephone toll charges and traveling clerical stenographic and discretionary expenses and for the care and maintenance of an automobile and mileage charges to the Department of Property and Supplies for the use of automobiles for the Lieutenant Governor

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 186 as follows:

An Act transferring money from the Fire Insurance Tax Fund to the General Fund and providing for the subsequent return from the General Fund of the transferred money

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The sum of one million five hundred thousand dollars (\$1,500,000) is hereby transferred from the Fire Insurance Tax Fund to the General Fund

The purpose of this transfer is to provide funds for the payment of the appropriation for public assistance made by this session of the General Assembly To the extent to which this transfer makes it necessary the use of the transferred fund for its ordinary purposes shall be postponed but not otherwise modified

Section 2 The amount transferred under this act from the Fire Insurance Tax Fund to the General Fund shall be repaid to the Fire Insurance Tax Fund out of the General Fund not later than September first one thousand nine hundred thirty-nine

Section 3 This act shall become effective immediately upon final enactment

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 160, (Senate Bill No. 32), entitled:

A Supplement to the act approved the second day of July one thousand nine hundred and thirty-seven (P. L. 2706) entitled "An act creating a State World's Fair Commission defining the powers and duties of said commission providing for participation in the New York Worlds Fair and making an appropriation" by making an additional appropriation thereto

The first section was read as follows:

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1. The additional sum of three hundred twelve thousand five hundred dollars (\$312,500) is hereby appropriated to the State World's Fair Commission created under the act approved the second day of July one thousand nine hundred and thirty-seven (P. L. 2706) entitled "An act creating a State World's Fair Commission defining the powers and duties of said Commission providing for participation in the New York Worlds Fair and making an appropriation" this appropriation is made for the purpose of carrying into effect the provisions of the act to which this is a supplement.

The funds herein appropriated shall be payable from general revenues on or before the first day of July 1939. Any funds not used for the purposes aforesaid shall be returned to the general treasury.

The State World's Fair Commission created by the said act to which this is a supplement is hereby enlarged and shall hereafter consist of fourteen members Of the nine members to be added thereto the Governor shall appoint three citizens of the Commonwealth the President Pro Tempore of the Senate shall appoint three Senators and the Speaker of the House of Representatives shall appoint three Members of the House

The members so appointed shall not receive any compensation for their services but shall be reimbursed for all expenses incurred in the performance of their duties After the appointment of the members herein provided for seven members of the commission shall constitute a quorum for the transaction of business

This bill shall become effective immediately on final passage.

On the question,

Will the House agree to the section?

Mr. WOODSIDE. Mr. Speaker, I desire to offer the following amendments.

The SPEAKER. The amendments will be read by the Clerk.

The amendments were read by the Clerk as follows:

Amend section 1, page 1. by striking out lines 1 to 4, inclusive.

Amend section 1, page 2 by striking out lines 1 to 11, inclusive.

Amend section 1, page 2, line 12 by inserting at the beginning of the line the following: "Section 1"

Amend section 1, page 2, line 13 by inserting after the word "this" and before the word "is" the word: "act"

Amend section 1, page 2 by striking out lines 26 and 27.

Amend page 2 by inserting after line 27 the following new sections:

Section 2 The additional sum of three hundred twelve

thousand five hundred dollars (\$312,500) or so much thereof as may be necessary is hereby specifically appropriated to the State World's Fair Commission for the payment of the expenses of the members of the commission for the compensation and expenses of the secretary and other employes for the leasing of exhibit space for the erection construction and equipment of a building for providing exhibits for light heat power postage telephone telegraph freight and express charges for automobile hire and for all other incidental expenses deemed necessary by the commission to carry into effect the provisions of the act to which this act is a supplement

Section 3 This act shall become effective immediately upon its final enactment

On the question,

Will the House agree to the amendments?

They were agreed to.

On the question,

Will the House agree to the section as amended?

It was agreed to.

The title was read as follows:

A Supplement to the act, approved the second day of July, one thousand nine hundred and thirty-seven (P. L. 2706), entitled "An act creating a commission; providing for participation in the New York Worlds Fair and making an appropriation," by making an additional appropriation thereto.

On the question,

Will the House agree to the title?

Mr. WOODSIDE. Mr. Speaker, I desire to offer the following amendments.

The SPEAKER. The amendments will be read by the Clerk.

The amendments were read by the Clerk as follows:

Amend page 1, line 6 of the title by striking out after the word "appropriation" and before "mak-" the word: "[by]" and inserting in lieu thereof the following: "increasing the membership of the commission and"

Amend title, page 1, last line of title, by inserting after the word "thereto" the following: "and increasing the membership of said commission"

On the question,

Will the House agree to the amendments?

They were agreed to.

On the question,

Will the House agree to the title as amended?

It was agreed to.

And said bill having been read at length the second time and agreed to as amended.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 143, as follows:

An Act to amend clause (b) of section four article two of the act approved the twenty-fifth day of June one thousand nine hundred and nineteen (Pamphlet Laws 581) entitled "An act for the better government of cities of the first class of this Commonwealth" as amended by providing a succession of officers of such cities to act as mayor in case of a vacancy or disability of the mayor to

General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Be it enacted that Clause (b) of section four article two of the act approved the twenty-fifth day of June one thousand nine hundred and nineteen (Pamphlet

Laws 581) entitled "An act for the better government of cities of the first class of this Commonwealth" as last amended by the act approved the twenty-ninth day of April one thousand nine hundred and thirty-seven (Pamphlet Laws 535) is hereby further amended to read as follows

(b) Until the vacancy is filled or in case of the mayor's temporary disability the [city controller] president of the council shall act as mayor or if he should resign or be unable to act then the chairman of the finance committee of the council shall act as mayor

Section 2 This act shall become effective immediately upon final enactment

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 181, entitled:

An Act making a deficiency appropriation to the Department of Public Assistance for the purpose of carrying out the Public Assistance Law for the two fiscal years ending May thirty-first one thousand nine hundred and thirty-nine

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—166.

Ackermann,	Donahue,	Krise,	Roseberry,
Allen,	Donohoe,	Lee,	Rosenfeld,
Allmond,	Downey,	Lelsey,	Rothenberger,
Alspach,	Eckels,	Leydic,	Royer,
Andrews,	Ely,	Lichtenwalter,	Sarraf,
Auker,	Ewing,	Long,	Schrock,
Baker,	Falkenstein,	Lovett,	Schrope,
Ballet,	Fauset,	Madden,	Schwab,
Balthaser,	Fisher,	Malloy,	Seif,
Bardes,	Fliss,	Marr,	Serrill,
Bennett,	Fleming,	McClester,	Shearer,
Bohn,	Foor,	McGarrity,	Simons,
Boles,	Freed,	McKinney,	Snyder,
Boney,	Fullerton,	McNally,	Stockham,
Boose,	Furman,	McVay,	Sweeney,
Bower,	Gates,	Melchiorre,	Tahl,
Brancato,	Gillan,	Mihm,	Tarr,
Bretherick,	Gillette,	Montgomery,	Taylor,
Broad,	Goll,	Mooney,	Terry,
Bronson,	Habbyshaw,	Moran,	Thistle,
Brown, H. S.,	Haines,	Moser, F. S.,	Tiemann,
Brown, S. W.,	Hall,	Moser, J. L.,	Tronzo,
Brunner,	Harbeson,	Muir,	Van Belle,
Burns,	Harkins,	Munley,	Voorhees,
Burris,	Haudenshield,	O'Brien,	Wagner,
Cadwalader,	Henry,	O'Dare,	Watkins,
Calvin,	Hess,	O'Keefe,	Webster,
Carpenter,	Hewitt,	Omlinsky,	Weiss,
Check,	Hindman,	O'Neill,	Welsh, E. B.,
Chervenak,	Hocke,	Peacock,	Welsh, M. J.,
Christler,	Hoffman, J. N.,	Powers,	Westrick,
Clark,	Hoffman, S. K.,	Preston,	Wilkinson,
Clearwater,	Holland,	Readinger,	Williams,
Cook,	Hoyt,	Reese, D. P.,	Wilson,
Cooper,	Huntley,	Reese, R. E.,	Winner,
Cordier,	Irvin,	Regan,	Wood, H. M.,
Cortese,	James,	Reynolds,	Wood, L. H.,
Curran,	Johnston,	Rhodes,	Wood, N.,
Dalrymple,	Jones,	Rider,	Woodside,
Denman,	Kilroy,	Robertson,	Yeakel,
DeNote,	Kline,	Rooney,	Turner,
Dick,	Knoble,	Rose,	Speaker,
Dix,	Kowalski,		

NAYS—0.

The majority required by the Constitution having voted

in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

RESOLUTIONS

SYMPATHY EXTENDED

Mr. WOODSIDE called up Resolution No. 16, and ask and obtained unanimous consent for its immediate consideration.

The resolution was read by the Clerk as follows:

In the House of Representatives, February 7, 1939.

Yesterday the mortal remains of one of Scranton's most sincere philanthropists and leaders of progressive movements were consigned to their last resting place. The funeral of M. E. Comerford, who passed away in Florida on Wednesday last, was held at St. Peter's Cathedral. The homage due the great leader and humanitarian was such as to prove that there has been universal appreciation of the good deeds that have marked the career of this self-made man.

Starting life amid humble environments, he advanced from modest undertakings up the ladder until he had gained national fame as one of the leading magnates in the motion picture business.

A leader and liberal contributor in all progressive and charitable moves in Scranton, M. E. Comerford was known far and wide. But it was in the unknown private aid to the unfortunate in humble walks of life that the character of this philanthropist was best revealed; therefore be it

Resolved, by the House of Representatives of the General Assembly of the Commonwealth of Pennsylvania, that in the death of M. E. Comerford, the State has lost an outstanding citizen, and the City of Scranton has been deprived of the help of a sincere philanthropist and a great humanitarian and be it further

Resolved, That a copy of this resolution be transmitted to the family of the deceased by the Chief Clerk of the House.

On the question,

Will the House adopt the resolution?

It was unanimously adopted.

SYMPATHY EXTENDED

Mr. WOODSIDE called up Resolution No. 17, and asked and obtained unanimous consent for its immediate consideration.

The resolution was read by the Clerk as follows:

In the House of Representatives, February 7, 1939.

H. Stanley Welty, a former member of this House from Lehigh County, died at the Veterans Hospital at Coatesville on November 23rd last, where he had been a patient for the past seven years, suffering from the effects of gas attacks during the World War.

He was one of the few members of the American Expeditionary Forces to be decorated with the Croix-de-Guerre for gallantry in action, and received, in addition, a personal award from the French Government for exceptional bravery shown during the bombing of a French hospital.

Mr. Welty was a graduate of Blair Academy and Lafayette College. After reading law in the office of Recorder Butz in Allentown, he was admitted to the Lehigh County Bar in 1922.

His ability as a lawyer, his personal popularity and his outstanding war record combined to bring about his election as a member of this House, where he conscientiously served his constituents during the sessions of 1925 and 1927.

As a result of the service he rendered his country, he passed from the active life he loved long ere the evening shadows fell; therefore be it

Resolved, That this House of Representatives, recognizing his valiant and heroic service to the Nation during the World War and his work here in this House in the interests of his constituents, respectfully pays homage to his memory, and extends to his sorrowing wife and children its most sincere sympathy; and be it further

Resolved, That the Chief Clerk of the House shall immediately transmit a copy of this resolution to his widow.

On the question,

Will the House adopt the resolution?

It was unanimously adopted.

COMMUNICATIONS FROM THE GOVERNOR

The Secretary to the Governor being introduced, presented a communication in writing from His Excellency the Governor, which was read as follows:

APPROVAL OF HOUSE BILL No. 2.

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, February 7, 1939.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed House Bill No. 2, Printer's No. 2, entitled, "An Act Transferring money from the Liquor License Fund to the General Fund and providing for the subsequent return from the General Fund of the transferred money."

ARTHUR H. JAMES.

The Secretary to the Governor being introduced, presented a communication in writing from His Excellency the Governor, which was read as follows:

APPROVAL OF HOUSE BILLS NOS. 3 AND 4.

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, February 8, 1939.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed the following:

House Bill No. 3, Printer's No. 3, entitled, "An Act Transferring money from the Liquid Fuels Tax Fund to the General Fund and providing for the subsequent return from the General Fund of the transferred money."

House Bill No. 4, Printer's No. 4, entitled, "An Act Transferring money from the State Insurance Fund to the General Fund and providing for the subsequent return from the General Fund of the transferred money."

ARTHUR H. JAMES.

COMMITTEE MEETINGS

Aeronautics, Thursday, February 9, at 10 a. m., in Room 323.

Cities, 2d Class, Thursday, February 9, at 11:30 a. m., in Room 324.

Republican caucus in the House Caucus Room, immediately after adjournment today.

Committee chairmen meeting in the House Caucus immediately following the Republican Caucus.

ADJOURNMENT

Mr. ROBERTSON. Mr. Speaker, I move that this House do now adjourn until tomorrow at 1 p. m.

The motion was agreed to, and (at 1:58 p. m.) the House adjourned until Thursday, February 9, 1939, at 1 p. m.

Legislative Journal.

Session 1939.

133d of the General Assembly.

Vol. 23

HARRISBURG, PA., THURSDAY, FEBRUARY 9, 1939.

No. 14.

SENATE

THURSDAY, February 9, 1939.

The Senate met at 11:00 o'clock, p. m.

The PRESIDENT (Lieutenant-Governor Samuel S. Lewis) in the Chair.

PRAYER

The Chaplain, Rev. BURLEIGH A. PETERS, offered the following prayer:

With the deep sense of our utter dependence upon Thee for all aid in solving the problems confronting us from day to day, Our Father, we humbly and honestly knock upon the door of Thine immeasurable depths of wisdom that it may be opened unto us as we wait in Thy sacred presence. May we know that "The fear of the Lord is the beginning of wisdom." May we be fearful not in the sense of bodily injury or mental intimidation but in the moral and spiritual sense of doing that which may not be pleasing unto Thee. Hence, our need of Thy Fatherly care and wise direction in these hours of tremendous problems and momentous decisions.

Whatsoever may come before us for consideration this evening, grant us clarity of vision, definiteness of purpose and certainty of decision.

Just as each member of this body differs from the other in intellect, personality, profession, religion and the like so we cannot share the same opinions in every particular upon the problems which become our legislative tasks. But it is certain we may all share the bounteous love and perfect understanding of God, in which we will become united upon the perpetuation of good, sound government for the common good of all.

In all the relationships we sustain to each other here in this chamber may they always be tempered with "charity for all." Abide with us now while we work. For Thy name's sake. Amen.

JOURNAL APPROVED

The PRESIDENT. A quorum of the Senate being present, the Clerk will read the Journal of the preceding session.

The Clerk proceeded to read the Journal of the preceding session, when, on motion of Mr. OWLETT and Mr. WALKER, the further reading was dispensed with, and the Journal was approved.

QUESTION OF PERSONAL PRIVILEGE

Mr. DENT. Mr. President, I rise to a question of personal privilege.

The PRESIDENT. The Senator from Westmoreland, Mr. Dent, will state his question of personal privilege.

Mr. DENT. Mr. President and members of the Senate, although the hour is late and I do not like to take your time up on this problem this evening, however, due to the fact that this important order goes into effect tomorrow, I think that it is proper that I say a few words relative to the question of Milk Control.

During the Regular Session of 1937 I made an attack upon the proposed Milk Control Legislation when it was up for final consideration before this Senate.

In doing so I pointed out the unfairness in the legislation and the avenues it would open up for the fleecing of both the consumer and the producer of milk.

When one considers that the Milk Control Act was originally conceived and proposed with the purpose in mind of establishing marketing principles and practices that would give to the consumer a fair deal in milk prices and to the farmer a fair return for his production of this vital food necessity, one can readily see from an examination of the records and orders as issued by the Milk Control Board since Oct. 1, 1934 until the last order effective on February 10, 1939, that the person benefited by this Act and its administration is neither the farmer nor the consumer, but rather the middleman profiteer known as the retailer.

Men in my county who are both producers and retailers tell me that they are reconciled to their losses as producers, because they make a profit out of the retail end of the business. You can easily see what happens to the farmer who has been forced out of the retail field by various orders and schemes and now is at the mercy of the retail middleman. I am not going to go into the ramifications of the dismal forest of milk grading and its crazy-quilt method of price juggling and quantity rationing that gives a farmer the same headaches as a primary student in physics trying to solve the Einstein theory. One thing I do intend to do is to give specific prices and figures that show conclusively that the whole question of milk production, distribution and consumption is in need of investigation and study, and compliment my colleague Senator Heyburn for his introduction of a resolution asking for such a study. We hope this study will offer recommendations that will cure the evils attached to the present Milk Control set-up.

Dairy farmers supplying milk to the Pittsburgh Milk Marketing Area, according to a new price order effective February 10, 1939, and mailed out from the Milk Control Commission's office yesterday, will receive a reduction in price of 76c per hundred pounds on Class 1, or fluid milk, and 47c per hundred pounds on Class 1A, milk from which is derived fluid cream.

Previously, on January 17, 1939, the farmers in the Pittsburgh area received a reduction of 20c per hundred pounds on Class 2 milk, and 5c per hundred pounds on Class 3 milk used in the manufacture of ice cream and butter respectively.

The new price order reduces the price charged consumers for fluid milk in the Pittsburgh area from 13c per quart and 8c per pint to 11c per quart and 7c per pint.

If we compare the prices paid producers for milk and charged consumers for milk and cream in the Pittsburgh market as incorporated in the official general price order which became effective October 1, 1934, and which was not superseded until January 16, 1936, with the prices incorporated in the new price order, it is possible to show how unfair and unreasonable the present price order is to both the dairy farmers supplying milk to the Pittsburgh area and the consumers in that area.

The order which became effective October 1, 1934, provided that the dealers pay the producers \$2.48 for 3.5% milk which would be equal to \$2.68 per hundred pounds for milk testing 4% butterfat.

The price fixed in the new Pittsburgh order is \$2.30 for 4% milk or a decrease of 38c per hundred pounds to the producer.

The consumer price fixed in the order effective October 1, 1934, was 11c per quart and 7c per pint, which prices are identical with the prices incorporated in the present order, with the exception that under the order effective October 1, 1934, the consumers in the Pittsburgh area were permitted to buy milk at stores at 10c per quart and 6c per pint, a reduction of 1c per quart and 1c per pint.

The price paid producers for Class 1A milk, milk from which is derived fluid cream, for the month of February, 1935 was \$2.07 for 3.5% milk which is equal to \$2.27 for 4% milk and the consumer price for Light Cream was 40c per quart, 23c per pint and 13c per half-pint, with the privilege of buying cream at stores for cash at a reduction in price of 4c per quart, 2c per pint and 1c per half-pint.

The price to be paid producers for cream as incorporated in the present price order is \$1.75 for 4% milk, representing a price reduction of 52c per hundred pounds less than the price paid in February, 1935.

The price fixed in the new order to be charged consumers for light cream is 48c per quart, a price increase of 8c per quart; 26c per pint, a price increase of 3c per pint and 15c per half-pint, a price increase of 2c per half-pint as compared with the prices fixed in the order effective October 1, 1934.

Furthermore, the consumers are denied the privilege of buying cream at stores at a saving in price, which really means that the consumers who purchase cream at stores, under the new order will be required to pay 11c per quart, 4c per pint and 2c per half-pint more for their cream than they were under the order previously mentioned; yet, as stated before, under the new order the farmers receive 52c per hundred pounds less for their milk from which the cream is derived. Who then receives the greatest benefit under the new order—the farmer, the consumer or the dealer? Definitely, in my humble opinion, the dealer gets the cream in the milk industry in this State.

For comparative purposes, I am listing below the official prices to be paid producers for milk during the month of December, 1938, in the Pittsburgh Milk Marketing Area under Order A-28 as compared with what the farmers will receive for milk in the same classifications under the

proposed order, A-35 at the reduced prices, assuming that the butter market will remain the same.

PRICES PAID PRODUCERS IN PITTSBURGH AREA

DATE	OFFICIAL ORDER No.	Price Class 1	Per Hundredweight Class 1A	Class 2	Class 3
1938					
December	A-28	\$3.06	\$2.22	\$1.56	\$1.23
Under PROPOSED ORDER	No. A-35	2.30	1.75	1.36	1.17
REDUCTION PER HUNDREDWEIGHT IN PRODUCER PRICES		\$.76	\$.47	\$.20	\$.05

From October 1934 until December, 1936, the consumers in Pittsburgh could purchase both milk and cream at a lower price than the prices written in the present milk order and the farmers' price was 48c higher for fluid milk and 52c higher for milk used in the form of fluid cream as fixed in the new order.

Information given me shows that there has been an increase in consumer price in this State of over \$20,000,000 a year since the original Milk Control Act went into effect.

Why then should the farmers in the Pittsburgh area receive such a drastic cut in their milk prices and the consumers continue to pay a proportionately higher price for milk and cream than they did when the farmer prices were much higher?

In the interest of both the consumer and the producer, this Act and its administration should be thoroughly overhauled by this new State Administration and the General Assembly.

QUESTION OF PERSONAL PRIVILEGE

MR. SIPE. Mr. President, I rise to a question of personal privilege.

THE PRESIDENT. The Senator from Armstrong, Mr. Sipe, will state his question of personal privilege.

MR. SIPE. Mr. President, I have been giving some study to these two milk orders mentioned by the Senator from Westmoreland, Mr. Dent. I live in the Pittsburgh district, and although my friend from Allegheny, Mr. Geltz, may think that I have no closer relation to farming than smoking a certain kind of pipe, yet it is true that on my farm I produce thousands of gallons of milk annually and sell it, so that I am interested as a farmer in this Milk Control set-up.

I do not intend to make a speech on it, because, frankly, I have not gone deeply enough into the ramifications and possibilities of these orders to deal with the subject as I would like to; but I would like to say to this Senate that as far as I have gone my honest impression is that these orders have resulted and will result in the gypping of the farmer and the gypping of the consumer and the enriching of the big dealer. The farmer, in other words, has gotten a drastic cut, and the consumer has not gotten relief anywhere in proportion to the cut that the farmer has gotten.

NOMINATIONS BY THE GOVERNOR MEMBERS OF THE STATE ATHLETIC COMMISSION

The Secretary to the Governor, being introduced, presented communication in writing from His Excellency, the

Governor of the Commonwealth, which was read as follows, and referred to the Committee on Executive Nominations.

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, February 9, 1939.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor to nominate for the advice and consent of the Senate the following members of the State Athletic Commission, for terms of two years and until their successors are appointed and qualified:

George J. Jones, Jr., Williamsport, Lycoming County, vice Eddie McCloskey, whose term expired.

Havey J. Boyle, 3 Wynoka Street, Pittsburgh, Allegheny County, vice Doctor William D. McClelland, whose term expired.

Leon L. Rains, Rittenhouse Plaza, Philadelphia, Philadelphia County, vice Jules E. Aronson, resigned.

ARTHUR H. JAMES.

BILLS INTRODUCED

Mr. WOODWARD read in his place and presented to the Chair Senate Bill No. 77, entitled:

An Act providing for a Legislative Controller and for his election and removal by the General Assembly; defining his powers and duties; authorizing the employment of assistants by the Legislative Reference Bureau for the use of the Legislative Controller; imposing certain duties and responsibilities upon the executive and administrative departments and agencies of the State government and upon agencies receiving State appropriations; and making an appropriation.

Which was committed to the Committee on Appropriations.

Mr. COLEMAN read in his place and presented to the Chair Senate Bill No. 78, entitled:

An Act to further amend section ten of the act approved the twenty-first day of May, one thousand nine hundred and thirty-one (P. L. 149), entitled, "An act imposing a State tax, payable by those herein defined as distributors, on liquid fuels used or sold and delivered within the Commonwealth, which are ordinarily, practically, and commercially usable in internal combustion engines for the generation of power; providing for the collection and lien of the tax and the distribution and use of the proceeds thereof; requiring such distributors to secure permits, to file corporate surety bonds and reports, and to retain certain records; imposing duties on retail dealers, common carriers, county commissioners, and such distributors; providing for rewards; imposing certain costs on counties; conferring powers and imposing duties on certain State officers and departments; providing for refunds; imposing penalties; and making an appropriation," by providing that liquid fuel tax refunds shall be paid to cities, boroughs, incorporated towns or townships instead of counties and increasing the proportion of such refunds.

Which was committed to the Committee on Finance.

Messrs. COLEMAN and MILLER read in their places and presented to the Chair Senate Bill No. 79, entitled:

An Act permitting the county treasurer, with the consent of the county commissioners or the approval of the court, to adjourn county treasurers' sales of seated and unseated lands for non-payment of taxes in counties of the third class, and preserving the lien of all taxes on such lands.

Which was committed to the Committee on Judiciary General.

BILL ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 76, (House Bill No. 181), entitled:

An Act making a deficiency appropriation to the Department of Public Assistance for the purpose of carrying out the Public Assistance Law for the two fiscal years ending May thirty-first one thousand nine hundred and thirty-nine.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

HOUSE MESSAGES

HOUSE BILLS FOR CONCURRENCE

The Clerk of the House of Representatives, being introduced, presented for concurrence bills of the House, as follows:

House Bill No. 413, (Senate Bill No. 80), entitled:

An Act to amend clause (b) of section four, article two of the act approved the twenty-fifth day of June one thousand nine hundred and nineteen (Pamphlet Laws 581) entitled "An act for the better government of cities of the first class of this Commonwealth," as amended by providing a succession of officers of such cities to act as mayor in case of a vacancy or disability of the mayor to act.

Which was committed to the Committee on Municipal Government.

House Bill No. 164, (Senate Bill No. 81), entitled:

An Act making a deficiency appropriation to the Lieutenant Governor.

Which was committed to the Committee on Appropriations.

House Bill No. 186, (Senate Bill No. 82), entitled:

An Act transferring money from the Fire Insurance Tax Fund to the General Fund and providing for the subsequent return from the General Fund of the transferred money.

Which was committed to the Committee on Appropriations.

ADJOURNMENT

Mr. OWLETT. Mr. President, I move that the Senate do now adjourn until Friday, February 10, 1939, at 12:01 o'clock a. m.

Mr. GELDER. Mr. President, I second the motion.

The motion was agreed to.

The Senate adjourned at 11:34 o'clock, p. m., until Friday, February 10, 1939, at 12:01 o'clock, a. m.

HOUSE OF REPRESENTATIVES

THURSDAY, February 9, 1939.

The House met at 1 p. m.

The SPEAKER (Ellwood J. Turner) in the chair.

PRAYER

The Chaplain, Rev. Walter Evans Deibler, offered the following prayer:

May the inspiration of Thy Holy Presence, Oh God, guide these Thy servants, to discover the best ways to serve the people of our Commonwealth. Help us to realize that every new day is a new opportunity; impress upon our minds that "new occasions teach new duties." May we be further guided by the practical advice of the great liberator who said, "Stand with anybody that stands for right. Stand with him while he is right, and part with him when he goes wrong." May we be strong while there is hard work to do and loads to lift, we pray, Oh God, for the honor of Thy name through Jesus Christ, Our Lord. Amen.

JOURNAL APPROVED

The SPEAKER. The Clerk will read the Journal of yesterday.

The Clerk proceeded to read the Journal of yesterday, when, on motion of Mr. SWEENEY, the further reading was dispensed with and the Journal approved.

BILLS INTRODUCED AND REFERRED

By Mr. CADWALADER. HOUSE BILL No. 239.

An Act authorizing county commissioners in counties of the third class to transfer surplus county moneys to the institution district, and providing for the expenditure of the moneys so transferred for institution district purposes.

Referred to the Committee on Counties.

By Mr. SCHWAB. HOUSE BILL No. 240.

An Act making it unlawful to deliver milk to consumers before certain hours.

Referred to the Committee on Judiciary Special.

By Mr. SCHWAB. HOUSE BILL No. 241.

An Act to further amend section four hundred eleven of the act, approved the twenty-ninth day of November, one thousand nine hundred thirty-three (P. L. 15—1933-34) entitled as amended "An Act to regulate and restrain the sale, manufacture, possession, transportation, importation, traffic in, and use of alcohol, and alcoholic and malt or brewed beverages; conferring powers and imposing duties upon the Pennsylvania Liquor Control Board and its agents, the Department of Public Instruction, other officers of the State government, courts, and district attorneys; authorizing the establishment and operation of State stores for the sale of such beverages not for consumption on the premises, and the granting of licenses, subject to local option, to sell such beverages for consumption on and off the premises; forbidding importation or bringing of such beverages into the State except as herein provided; prohibiting certain sales or practices in, connection with, and transactions in such beverages by licensees and others; providing for the forfeiture of certain property; making disposition of the receipts from State stores and of fees; and imposing penalties," as reenacted and amended by further regulating the time during which licensees may sell liquor and malt and brewed beverages.

Referred to the Committee on Liquor Control.

By Mr. FLEMING. HOUSE BILL No. 242.

An Act to amend clause (c) of section two of the act, approved the first day of May, one thousand nine hundred

and twenty-nine (P. L. 1216), entitled "An act to define real estate brokers and real estate salesmen; and providing for the licensing, regulation, and supervision of resident and nonresident real estate salesmen and their business," as amended, by excluding alderman from the definitions of real estate brokers and real estate salesmen.

Referred to the Committee on Professional Licensure.

By Mr. CORDIER. HOUSE BILL No. 243.

An Act regulating the selection, drawing, and summoning of all jurors and talesmen, in counties of the third class, and defining their qualifications in such counties; creating a jury board and defining its powers and procedure; providing for the appointment of a clerk to the jury board and fixing his maximum salary; providing for the custody of the jury wheel, and the filing and custody of jury lists; providing for the public drawing of jurors and the methods thereof; giving the trial judge the right to excuse jurors; prescribing the time of challenging jurors or the array, regulating the procedure if array is quashed; and repealing inconsistent acts.

Referred to the Committee on Judiciary General.

By Mr. FISHER. HOUSE BILL No. 244.

An Act to further amend section eleven of the act, approved the eighteenth day of July, one thousand nine hundred and seventeen (P. L. 1043), entitled "An act establishing a public school employees' retirement system, and creating a retirement board for the administration thereof; establishing certain funds from contributions by the Commonwealth and contributing employees, defining the uses and purposes thereof and the manner of payments therefrom, and providing for the guaranty by the Commonwealth of certain of said funds; imposing powers and duties upon boards having the employment of public school employees; exempting annuities, allowances, returns, benefits, and rights from taxation and judicial process; and providing penalties," by extending the service allowance of certain employees.

Referred to the Committee on Education.

By Mr. FLEMING. HOUSE BILL No. 245.

An Act regulating the refunding of city and school taxes in cities of the second class when assessments made by the board of assessors are reduced on appeal.

Referred to the Committee on Cities—Second Class.

By Mr. HOLLAND. HOUSE BILL No. 246.

An Act making an appropriation for the preparation of the Eightieth Division History; and creating a commission for such purposes.

Referred to the Committee on Appropriations.

By Mr. MARR. HOUSE BILL No. 247.

An Act defining and prohibiting unfair sales; providing remedies for violations thereof; and establishing penalties therefor.

Referred to the Committee on Judiciary General.

By Messrs. WEISS and CHECK. HOUSE BILL No. 248.

An Act to protect the public against fraud, requiring all real estate brokers and salesmen soliciting, accepting or receiving payments of principal or interest on mortgages or judgments, as agent, employee or attorney-in-fact or another, to file a bond with the Department of Public Instruction for the protection of the payers; and prescribing penalties.

Referred to the Committee on Professional Licensure.

By Mr. ROSE.

HOUSE BILL No. 249.

An Act to amend so much of the act, approved the twenty-first day of May, one thousand nine hundred and thirty-one (P. L. 167), entitled "An act to designate the several judicial districts of the Commonwealth as required by the Constitution, and to provide for the election and commissioning of judges, learned in the law, for the said districts," as relates to the forty-seventh judicial district, by reducing the number of judges of the court of common pleas of said district.

Referred to the Committee on Apportionment.

By Mr. BONEY.

HOUSE BILL No. 250.

An Act to amend clause one of section three of the act, approved the eighteenth day of July, one thousand nine hundred and seventeen (P. L. 1043), entitled "An act establishing a public school employees' retirement system, and creating a retirement board for the administration thereof; establishing certain funds from contributions by the Commonwealth and contributing employees, defining the uses and purposes thereof and the manner of payments therefrom, and providing for the guaranty by the Commonwealth of certain of said funds; imposing powers and duties upon boards having the employment of public school employees; exempting annuities, allowances, returns, benefits, and rights from taxation and judicial process; and providing penalties," as amended, by further extending the time for present employees as defined in the act, to elect to be covered by the retirement system.

Referred to the Committee on Education.

By Mr. CHECK.

HOUSE BILL No. 251.

An Act to further amend section ten of the act approved the twenty-first day of May, one thousand nine hundred and thirty-one (P. L. 149), entitled "An act imposing a State tax, payable by those herein defined as distributors, on liquid fuels used or sold and delivered within the Commonwealth, which are ordinarily, practically, and commercially usable in internal combustion engines for the generation of power; providing for the collection and lien of the tax; and the distribution and use of the proceeds thereof; requiring such distributors to secure permits, to file corporate surety bonds and reports, and to retain certain records; imposing duties on retail dealers, common carriers, county commissioners, and such distributors; providing for rewards; imposing certain costs on counties; conferring powers and imposing duties on certain State officers and departments providing for refunds; imposing penalties and making an appropriation," by providing for the making of refunds of the liquid fuel tax to cities, boroughs, incorporated towns and townships, and increasing the proportionate amount thereof.

Referred to the Committee on Ways and Means.

By Mr. STOCKHAM.

HOUSE BILL No. 252.

An Act providing for proceedings by petition to the courts of record having jurisdiction in non-support and desertion cases.

Referred to the Committee on Judiciary Special.

By Mr. STOCKHAM.

HOUSE BILL No. 253.

An Act providing for the registration of magazines and periodicals; prohibiting the sale, distribution and circulation of unregistered magazines or periodicals or magazines or periodicals containing indecent or immoral matter; conferring powers and imposing duties on the Superintendent of Public Instruction, and otherwise providing for the administration of this act; and prescribing penalties.

Referred to the Committee on Judiciary Special.

RESOLUTIONS INTRODUCED AND REFERRED

By Mr. FREED.

RESOLUTION No. 19.

In the House of Representatives, February 7, 1939.

Whereas, For a period of over a year, checks for those entitled to old age assistance have failed to reach them when due, and often have been delinquent for a week or more; and

Whereas, This delay works hardship, pain and agony, physically and financially, embarrassing them in living up to a standard of moral ethics; and

Whereas, A humane spirit and feeling to the old age pensioners shall be voiced in this General Assembly; therefore be it

Resolved by the House of Representatives, That the Department of Public Assistance is hereby urged to give its reasons for the delay in the payments of old age assistance; and be it further

Resolved, That the General Assembly hereby expresses its willingness to assist those aged persons who deserve the assistance of the Commonwealth in making life just a little better for them than it has been in the past.

Referred to the Committee on Welfare.

By Mr. MONTGOMERY. (Concurrent) RESOLUTION No. 20.

In the House of Representatives, February 8, 1939.

Whereas, the Members of the General Assembly of the Commonwealth of Pennsylvania are cognizant of the fact that a large number of Aliens reside in Pennsylvania; and

Whereas, many such Aliens illegally entered the United States; and

Whereas, many Aliens who have entered the United States illegally are gainfully employed while patriotic American Citizens are not only unemployed, but on relief rolls; and

Whereas, there are many Aliens in this Country who also receive relief from a generous government; and

Whereas, many of these same Aliens (who entered this Country legally or illegally) preach and foment strife, dissension, and teach and encourage un-American principles and ideals; and

Whereas, this Nation has no accurate record of the actual number of Aliens who are gainfully employed or who receive relief; nor of the number of Aliens who entered the Country illegally; therefore be it

Resolved, (if the Senate concur), That the General Assembly of the Commonwealth of Pennsylvania memorialize the Congress of the United States to enact Legislation which will require every Alien to register with the Department of Labor and Industry of the United States and with similar Departments in the State in which they reside; and be it further

Resolved, That the General Assembly urge the Congress of the United States to enact Legislation to compel Aliens to carry cards of identification, and to subject aliens to penalties for failure to register and carry cards of identification.

Referred to the Committee on Federal Relations.

SENATE MESSAGE

RESOLUTION FOR CONCURRENCE

The Clerk of the Senate being introduced, presented the following extract from the Journal of the Senate, which was read as follows, viz:

In the Senate, February 7, 1939.

Whereas, The mounting cost of relief is a menace to the orderly functions of State Government; and

Whereas, There is a common belief that there are a large number of migratory beneficiaries on the relief rolls; therefore be it

Resolved (if the House of Representatives concur), That the attention of the Department of Public Assistance is called to this complication, and that it is the sense of the

General Assembly that the Department should exclude from relief rolls all benefits for such migratory applicants.

Ordered, That the Clerk present the same to the House of Representatives for its concurrence.

Referred to the Committee on Welfare.

LEAVE OF ABSENCE

Mr. Ellwood B. Welsh asked and obtained leave of absence for Mr. ROONEY for the remainder of the week.

BILLS ON FIRST READING

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 142, entitled:

An Act to further amend section five of the act approved the twenty-sixth day of April one thousand nine hundred and thirty-five (P. L. 90) entitled "An act to promote uniformity in the assessment and taxation of properties and persons within the territorial limits of cities of the second class A by providing that city and school taxes within such territorial limits shall be assessed levied and collected upon the basis of the assessments for taxation for county purposes and requiring the furnishing of tax duplicates by the county taxing authorities to such cities and to school districts coterminous therewith abolishing the department of assessors in cities of the second class A consolidating tax statements covering city school county and poor taxes therein and making uniform the time for levy and collection of said taxes respectively and regulating the discounts therefrom and penalties thereon" by changing the date of certain payments and further regulating the penalties and interest imposed on unpaid taxes

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 214, entitled:

A Supplement to the act approved the second day of July one thousand nine hundred and thirty-seven (Appropriation Acts page seventy-four) entitled "An act to provide for the ordinary expense of the Executive Legislative and Judicial Departments of the Commonwealth interest on the public debt and the support of the public schools for two years beginning June first one thousand nine hundred and thirty-seven and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending May thirty-first one thousand nine hundred and thirty-seven" making a deficiency appropriation to the Department of State

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 215, entitled:

A Supplement to the act approved the second day of July one thousand nine hundred and thirty-seven (Appropriation Acts page seventy-four) entitled "An act to provide for the ordinary expenses of the Executive Legislative and Judicial Departments of the Commonwealth interest on the public debt and the support of the public schools for two years beginning June first one thousand nine hundred and thirty-seven and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending May thirty-first one thousand nine hundred and thirty-seven" providing for deficiencies in certain appropriations to the Department of Justice for the fiscal biennium ending May thirty-first one thousand nine hundred and thirty-nine.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 132 as follows:

An Act to repeal the act approved the thirtieth day of July one thousand nine hundred and thirty-eight (Pamphlet Laws eighteen) entitled "An act suspending retroactively as well as prospectively any other pending investigation legislative executive or judicial of charges of or involving misdemeanor in office on the part of civil officers liable to impeachment which the House of Representatives undertakes to investigate and providing under what circumstances the suspended investigation may be resumed"

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The act approved the thirtieth day of July one thousand nine hundred and thirty-eight (Pamphlet Laws eighteen) entitled "An act suspending retroactively as well as prospectively any other pending investigation legislative executive or judicial of charges of or involving misdemeanor in office on the part of civil officers liable to impeachment which the House of Representatives undertakes to investigate and providing under what circumstances the suspended investigation may be resumed" is hereby repealed absolutely

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 131, entitled

An Act to repeal the act approved the thirtieth day of July one thousand nine hundred and thirty-eight (Pamphlet Laws thirteen) entitled "An act relating to the investigation of charges of or involving misdemeanor in office made against civil officers subject to impeachment providing that the jurisdiction of the House of Representatives to make such investigation shall have precedence over the jurisdiction of grand juries and limiting the circumstances under which courts of oyer and terminer and general jail delivery or courts of quarter sessions or judges of such courts may authorize grand juries to make such investigations"

The first section was read as follows:

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The act approved the thirtieth day of July one thousand nine hundred and thirty-eight (Pamphlet Laws thirteen) entitled "An act relating to the investigation of charges of or involving misdemeanor in office made against civil officers subject to impeachment providing that the jurisdiction of the House of Representatives to make such investigations shall have precedence over the jurisdiction of grand juries and limiting the circumstances under which courts of oyer and terminer and general jail delivery or courts of quarter sessions or judges of such courts may authorize grand juries to make such investigations" is hereby repealed absolutely

On the question,

Will the House agree to the Section?

BILL POSTPONED

Mr. JOHN N. HOFFMAN, Mr. Speaker, I move that this bill be placed on the postponed calendar.

On the question,

Will the House agree to the motion?

Mr. HERBERT B. COHEN. Mr. Speaker, having sent to the desk amendments to the bill prior to the motion to place it on the postponed calendar I would request that the amendments which I submitted be returned so that I may have them for my file.

The SPEAKER. The amendments offered by the gentleman will be returned to him. The bill was not before the House when they were sent to the desk.

Mr. HERBERT B. COHEN. Mr. Speaker, prior to taking a vote on the motion to place this bill on the postponed calendar I might call attention to the fact that House Bills Nos. 128, 129, 131 and 132 all cover practically the same subject, and I desire to ask the gentleman from Northampton whether or not it is his desire to place all the bills in this series on the postponed calendar.

Mr. HOFFMAN. Mr. Speaker, it is my intention to place all four bills on the postponed calendar.

Mr. HERBERT B. COHEN. Mr. Speaker, is it the intention of the gentleman from Northampton to make a motion to reconsider the vote by which House Bill 132 passed second reading, so that it might also be placed on the postponed calendar and be in the same position as the other bills that have not yet been read for the second time.

Mr. HOFFMAN. Mr. Speaker, that is my answer and my agreement.

On the question recurring,

Will the House agree to the motion?

It was agreed to.

BILL ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 128, entitled

An Act to repeal the act approved the thirtieth day of July one thousand nine hundred and thirty-eight (Pamphlet laws seventeen) entitled "An act defining the relative powers of the Attorney General and of district attorneys in investigations or proceedings in the criminal courts authorizing the judges thereof to appoint subject to appeal to the Supreme Court special prosecutors in certain cases and providing for their compensation by the county"

The first section was read as follows:

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The act approved the thirtieth day of July one thousand nine hundred and thirty-eight (Pamphlet Laws seventeen) entitled "An act defining the relative powers of the Attorney General and of district attorneys in investigations or proceedings in the criminal courts authorizing the judges thereof to appoint subject to appeal to the Supreme Court special prosecutors in certain cases and providing for their compensation by the county" is hereby repealed absolutely

On the question,

Will the House agree to the Section?

BILL POSTPONED

Mr. JOHN N. HOFFMAN. Mr. Speaker, I move that this bill be placed on the postponed calendar.

The motion was agreed to.

BILL ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 129, entitled

An Act to repeal the act approved the thirtieth day of July one thousand nine hundred and thirty-eight (Pamphlet Laws fifteen) entitled "An act defining the procedure for and regulating the investigation by the House of Representatives and its committees of charges of or involving misdemeanor in office on the part of civil officers liable to impeachment authorizing the Speaker of the House to appoint a special committee for any such investigation authorizing the presentation of evidence by the Attorney General and other counsel and the officers investigated providing for the summoning of witnesses and for the punishment of persons refusing to appear produce evidence or testify and authorizing the employment and compensation of counsel and other assistants"

The first section was read as follows:

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The act approved the thirtieth day of July one thousand nine hundred and thirty-eight (Pamphlet Laws fifteen) entitled "An Act defining the procedure for and regulating the investigation by the House of Representatives and its committees of charges of or involving misdemeanor in office on the part of civil officers liable to impeachment authorizing the Speaker of the House to appoint a special committee for any such investigation authorizing the presentation of evidence by the Attorney General and other counsel and the officers investigated providing for the summoning of witnesses and for the punishment of persons refusing to appear produce evidence or testify and authorizing the employment and compensation of counsel and other assistants" is hereby repealed absolutely

On the question,

Will the House agree to the Section?

BILL POSTPONED

Mr. JOHN N. HOFFMAN. Mr. Speaker, I move that this bill be placed on the postponed calendar.

The motion was agreed to.

RECONSIDERATION OF VOTE

Mr. JOHN N. HOFFMAN. Mr. Speaker, I move that the vote by which House Bill No. 132, Printer's No. 17, entitled:

An Act to repeal the act approved the thirtieth day of July one thousand nine hundred and thirty-eight (Pamphlet Laws eighteen) entitled "An act suspending retroactively as well as prospectively any other pending investigation legislative executive or judicial of charges of or involving misdemeanor in office on the part of civil officers liable to impeachment with the House of Representatives undertakes to investigate and providing under what circumstances the suspended investigation may be resumed."

was ordered to be transcribed for third reading be reconsidered.

Mr. OMINSKY. Mr. Speaker, I second the motion.

The SPEAKER. How did the gentleman from Northampton, Mr. Hoffman, vote on the question?

Mr. JOHN N. HOFFMAN. Mr. Speaker, I voted in the majority.

The SPEAKER. How did the gentleman from Philadelphia, Mr. Ominsky vote on the question?

Mr. OMINSKY. Mr. Speaker, I voted in the majority.
On the question,
Will the House agree to the motion?
It was agreed to.

Mr. JOHN N. HOFFMAN. Mr. Speaker, I move that the vote by which this bill passed second reading be reconsidered.

The motion was agreed to.

Mr. JOHN N. HOFFMAN. Mr. Speaker, I move that the vote by which the title was agreed to be reconsidered.

The motion was agreed to.

Mr. JOHN N. HOFFMAN. Mr. Speaker, I move that the vote by which Section 1 was agreed to be reconsidered.

The motion was agreed to.

On the question recurring,

Will the House agree to Section 1?

BILL POSTPONED

Mr. JOHN N. HOFFMAN. Mr. Speaker, I move that this bill be placed on the postponed calendar.

The motion was agreed to.

BILLS ON THIRD READING

Agreeably to order,

The House Proceeded to the third reading and consideration of House Bill No. 164, entitled:

An Act making a deficiency appropriation to the Lieutenant Governor.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—150

Ackermann,	Ely,	Long,	Schrope,
Atkins,	Ewing,	Lovett,	Schwab,
Auker,	Fisher,	Madden,	Self,
Baker,	Fiss,	Malloy,	Serrill,
Ballet,	Fleming,	Malone,	Shearer,
Balthaser,	Foor,	Marr,	Simons,
Bardes,	Freed,	Matthews,	Sloan,
Bennett,	Fullerton,	McClester,	Snyder,
Boney,	Gates,	McGarrity,	Stambaugh,
Boose,	Gillan,	McKinney,	Stewart,
Bower,	Gillette,	McNally,	Stockham,
Boyd,	Habbyshaw,	McVay,	Sweeney,
Bretherick,	Haines,	Melchiorre,	Tahl,
Bronson,	Hall,	Montgomery,	Tarr,
Brown, S. W.,	Hamilton,	Mooney,	Taylor,
Brunner,	Harbeson,	Moser, F. S.,	Terry,
Burns,	Haudenschild,	Moser, J. L.,	Thompson, G. R.,
Burris,	Henry,	Muir,	Tiemann,
Cadwalader,	Hewitt,	Munley,	Trout,
Calvin,	Hocke,	O'Dare,	Van Allsburg,
Carpenter,	Hoffman, J. N.,	O'Keefe,	Voorhees,
Check,	Hoffman, S. K.,	Ominsky,	Wagner,
Chervenak,	Holland,	O'Neill,	Watkins,
Christler,	Hoyt,	Peacock,	Webster,
Clark,	Huntley,	Powers,	Welsh, E. B.,
Clearwater,	Irvin,	Preston,	Welsh, M. H.,
Cohen, H. B.,	James,	Reagan,	Wilkinson,
Cook,	Johnston,	Reese, D. P.,	Williams,
Cooper,	Jones,	Regan,	Wilson,
Cordier,	Kilroy,	Rhodes,	Winner,
Cortese,	Kline,	Riley,	Wood, H. M.,
Curran,	Knoble,	Robertson,	Wood, L. H.,
Dalrymple,	Kowalski,	Rose,	Wood, N.,
Denman,	Krise,	Roseberry,	Woodside,
DeNote,	Lee,	Rothenberger,	Yeakel,
Dick,	Leisey,	Royer,	Turner,
Dix,	Leydic,	Sarraf,	Speaker.
Donahue,	Lichtenwalter,	Schrock,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House Proceeded to the third reading and consideration of House Bill No. 186, entitled:

An Act transferring money from the Fire Insurance Tax Fund to the General Fund and providing for the subsequent return from the General Fund of the transferred money.

On the question,

Will the House agree to the bill on third reading?

It was agreed to,

On the question,

Shall the bill pass finally?

Mr. HERBERT B. COHEN. Mr. Speaker, I desire to interrogate the gentleman from Dauphin, Mr. Woodside.

The SPEAKER. Will the gentleman from Dauphin permit himself to be interrogated?

Mr. WOODSIDE. I shall.

Mr. HERBERT B. COHEN. Mr. Speaker, will the gentleman from Dauphin please explain to the membership the character and nature of the Fire Insurance tax which he contemplates transferring to the General Fund?

MR. WOODSIDE. Mr. Speaker, there is a two percent tax on foreign fire insurance companies that is put into the Fire Insurance Tax Fund. From this fund payments are made under the law to certain municipalities for payment to fire companies, volunteer and otherwise, who have organized a relief or pension fund. This money accumulates to some extent as a result of some fire companies not forming the proper organization for relief and pensions, and that accumulation extends over a period of years. It is the purpose to take this accumulation, which would not now be paid to any fire company, plus the amount which would be paid to the municipalities, and by the municipalities to the fire companies for their relief and pension funds, and transfer that money to the general fund for the purpose of making a relief appropriation for the deficiency in the present biennium. This fund according to the act and the plan will be repaid prior to September 1, 1939.

It is the intention of the Administration to immediately after June 1, float tax anticipation notes to repay this money to the special fund from which it will be repaid to the municipalities, and by the municipalities to the fire companies' relief and pension funds. It is merely delaying for a few months the payment to the various municipalities, and in turn their paying it over to the various fire companies' funds. The plan I understand is satisfactory to the fire companies and firemen as a whole, who are perfectly willing to forego the payment for a period of three or four months in order that this relief situation can be met, fully realizing that the money will be paid over to them at the end of that period.

Mr. HERBERT B. COHEN. Mr. Speaker, did I understand the gentleman from Dauphin to say that this act would only transfer from the fire insurance tax fund to the general fund the moneys that are not specifically al-

located to fire companies throughout the Commonwealth of Pennsylvania?

Mr. WOODSIDE. Mr. Speaker, I did not say that. At any rate I did not mean to say it. It will transfer the fund which has accumulated, but which will not be paid out between now and September 1, and it will also transfer that which has accumulated and is not now in the fund, but which will come into the fund between now and May 31st, and which would be paid over to the fire companies between now and that date.

Mr. HERBERT B. COHEN. Mr. Speaker, did I understand the gentleman from Dauphin correctly when he stated that this act will transfer to the general fund the allocated and unallocated moneys that are in the fund?

Mr. WOODSIDE. Mr. Speaker, that is correct.

Mr. HERBERT B. COHEN. Mr. Speaker and members of the House, as the gentleman from Dauphin has indicated, this bill transfers from the Fire Insurance Tax Fund moneys which are allocated to the various volunteer fire associations of the Commonwealth of Pennsylvania for the continuance of their relief program. This act also transfers unallocated moneys due and owing to the volunteer fire companies relief program. I might state that it has always been the practice of the Commonwealth of Pennsylvania, after a certain accumulation has been realized, to take such unallocated funds and divide them amongst the various volunteer relief associations that are in existence and are entitled to receive those moneys.

This act indicates more than anything else the obstinacy on the part of the majority. We are now being asked to transfer a million and a half dollars of relief funds due and owing to volunteer fire associations throughout the Commonwealth of Pennsylvania, when we have indicated a source of income approximating six and one-half million dollars, and are willing and ready to indicate an additional source of income, which would obviate the necessity of making this transfer, but the obstinacy of the majority is such that they refuse to accede to the advice of the minority, irrespective of how beneficial it might be to the people of the Commonwealth.

Incidentally I might state that there is no finer institution in the Commonwealth of Pennsylvania than the Volunteer Fire Association. The community in which I live, the city of York, has what I would say has without doubt one of the most outstanding fire departments in the Commonwealth of Pennsylvania. They have saved for the taxpayers of the city of York millions and millions of dollars by their unstinted efforts in trying to hold down fire hazards in our community, and they have done it so well that the city of York, which I represent, enjoys one of the most favorable fire insurance rates that is enjoyed by any community in the entire Commonwealth. In the mad desire to take every available bit of money that the majority feels is susceptible to transfer, in their mad desire to gather those funds and deprive the firemen and their families of the relief that is pledged to them by their fire associations, the majority is asking this House to vote for an unnecessary transfer. What I stated on the other bills, I say on this bill more emphatically, if the Commonwealth of Pennsylvania was in such a precarious position that it would be necessary to dip in and to rob every particular fund in order to maintain relief, I might say that the action of the majority was warranted, but on the other hand, in order to obviate the necessity of making

this transfer, I now say to the majority that there is an additional \$2,000,000 over and above the six and one-half million dollars which we have shown you, that is now susceptible of appropriation without the necessity of any transfer. Under the General State Authority program there has been allocated to the Department of Property and Supplies the sum of \$2,750,000 by the act passed in the 1937 session, to pay for the rentals of institutions completed by the General State Authority during this biennium. Out of that \$2,750,000 not more than \$750,000 will be utilized by the Department of Property and Supplies to pay for the rentals of the buildings completed, so that there now remains susceptible for utilization by this House, or by the Commonwealth, the sum of \$2,000,000, obviating the necessity of this transfer.

I say to the membership of this House, don't milk the Commonwealth dry. You have \$2,000,000 available. Don't ruin the institutions that have protected the people of this Commonwealth for years. In behalf of the destitute families of the Volunteer Fireman, and in behalf of those who have so gloriously served us in time of need, I ask the membership of this House to vote against this bill.

Mr. WOODSIDE. Mr. Speaker and members of the House, I don't see why the gentleman from York who knows all the answers and has made so many fluent speeches on this subject, cannot understand what we have been saying.

He has spoken a number of times about the question of rebating various appropriations that have been made, and I have answered him each time by saying that we intend to abate those appropriations. There is one reason, and one very sound reason, why we have not done it up to this time, and why we are not doing it at the present moment, and that is because we do not know and cannot now ascertain the exact amount we can abate but we propose to take advantage of every bit of money that can be abated, and we propose to use that for the payment of the deficit left us by the Democratic administration.

If you will refer to these transfer bills, you will find that the transfer of this fund is to be made for the amount that is actually necessary. If that amount is not necessary, transfer need not and will not be made. I would say to the members of this House in order to meet the deficit left to the Republican administration by the outgoing Democratic administration, it is necessary for us not only to make the transfer which we are making, but also to take advantage of all the abatements which we can find and this transfer, in addition to other transfers and abatements, will be necessary in order to meet the deficit left us.

I might say also that the State Association of Firemen have agreed that this transfer is satisfactory and will in no way interfere or handicap these funds.

QUESTION OF PARLIAMENTARY INQUIRY

Mr. HERBERT B. COHEN. Mr. Speaker, I rise to a question of parliamentary inquiry.

The SPEAKER. The gentleman will state his question of parliamentary inquiry.

Mr. HERBERT B. COHEN. Mr. Speaker, under the Rules of the House which prohibit a member from voting upon a bill in which he is vitally interested, I desire to inquire of the Speaker if my membership in a volunteer fire association, known as Vigilante Fire Company No. 1

of the city of York, prohibits my voting on this bill even though I am not a member of the Relief Association.

The SPEAKER. The gentleman from York is a member of a group known as the Volunteer Firemen, and therefore is not personally interested in this measure, and cannot be deprived of voting. However, should the member from York feel in his conscience that he should not vote on this measure the Chair will excuse him.

Mr. HERBERT B. COHEN. Mr. Speaker, I wish to say in regard to the ruling, that my conscience dictates to me to vote "no," and I hope that the same honest conscientious consideration will be given by other members of the volunteer fire department who are members of this House, and that they will also vote "no" on the bill.

The SPEAKER. The Chair appreciates the facetious remarks of the gentleman from York.

Mr. WOODSIDE. I would like to say to the gentleman from York that the fire companies of Dauphin county, and I think I can speak for them, both locally in the borough of Millersburg and as a member of the County Association, are anxious to help in any way possible. As far as my little contribution, my share of the appropriation is concerned, I will be very glad to have the payment delayed for four months, and I will ask the gentleman from York whether he will not volunteer that the payment of his share of the appropriation be postponed for a period of four months.

Mr. HERBERT B. COHEN. Mr. Speaker, did I understand that the gentleman from Dauphin desired to interrogate me?

Mr. WOODSIDE. No, Mr. Speaker.

Mr. HERBERT B. COHEN. I had a real good answer, Mr. Speaker.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken.

Messrs. Ominsky, Holland and Baker requested a verification of the roll.

The roll was verified and was as follows:

YEAS—112.

Ackermann,	Fias,	Lelsey,	Simons,
Ballet,	Fleming,	Leydic,	Sloan,
Balthaser,	Foor,	Lichtenwalter,	Snyder,
Bardes,	Freed,	Marr,	Stambaugh,
Bennett,	Fullerton,	Matthews,	Stewart,
Bowen,	Gillan,	McClester,	Stockham,
Bower,	Gillette,	McGarrity,	Sweeney,
Boyd,	Goll,	McKinney,	Tahl,
Bretherick,	Habbyshaw,	McNally,	Taylor,
Bronson,	Haines,	McVay,	Terry,
Brown, S. W.,	Hall,	Montgomery,	Tiemann,
Brunner,	Hamilton,	Moser, F. S.,	Trout,
Cadwalader,	Harbeson,	Moser, J. L.,	Van Allsburg,
Calvin,	Haudenschild,	Muir,	Van Belle,
Carpenter,	Henry,	O'Dare,	Voorhees,
Christler,	Hewitt,	Peacock,	Wagner,
Clark,	Hoffman, J. N.,	Reagan,	Watkins,
Clearwater,	Hoyt,	Reese, D. P.,	Webster,
Cook,	Huntley,	Rhodes,	Wilkinson,
Cooper,	Irvin,	Riley,	Wilson,
Cordier,	James,	Robertson,	Winner,
Curran,	Johnston,	Rose,	Wood, H. M.,
Dalrymple,	Jones,	Roseberry,	Wood, L. H.,
Dick,	Kilne,	Rothernberger,	Wood, N.,
Dix,	Knoble,	Royer,	Woodside,
Donahue,	Kowalski,	Schrock,	Yeakel,
Ely,	Krise,	Serrill,	Turner,
Ewing,	Lee,	Shearer,	Speaker.
Fisher,			

NAYS—28.

Baker,	Gates,	Munley,	Sarra,
Boney,	Holland,	O'Keefe,	Schrope,
Burns,	Long,	Ominsky,	Schwab,
Burris,	Lovett,	O'Neill,	Tarr,
Check,	Malloy,	Powers,	Welsh, E. B.,
Cohen, H. B.,	Malone,	Preston,	Welsh, M. J.,
Denman,	Mooney,	Rider,	Williams,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 160 (Senate Bill No. 32), as follows:

A Supplement to the act approved the second day of July one thousand nine hundred and thirty-seven (Pamphlet Laws 2706) entitled "An act creating a State World's Fair Commission defining the powers and duties of said commission providing for participation in the New York Worlds Fair and making an appropriation" increasing the membership of the commission and making an additional appropriation thereto and increasing the membership of said commission

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The State World's Fair Commission created by the said act to which this act is a supplement is hereby enlarged and shall hereafter consist of fourteen members Of the nine members to be added thereto the Governor shall appoint three citizens of the Commonwealth the President Pro Tempore of the Senate shall appoint three Senators and the Speaker of the House of Representatives shall appoint three Members of the House

The members so appointed shall not receive any compensation for their services but shall be reimbursed for all expenses incurred in the performance of their duties After the appointment of the members herein provided for seven members of the commission shall constitute a quorum for the transaction of business

Section 2 The additional sum of three hundred twelve thousand five hundred dollars (\$312,500) or so much thereof as may be necessary is hereby specifically appropriated to the State World's Fair Commission for the payment of the expenses of the members of the commission for the compensation and expenses of the secretary and other employees for the leasing of exhibit space for the erection construction and equipment of a building for providing exhibits for light heat power postage telephone telegraph freight and express charges for automobile hire and for all other incidental expenses deemed necessary by the commission to carry into effect the provisions of the act to which this act is a supplement

Section 3 This act shall become effective immediately upon its final enactment

On the question,

Will the House agree to the bill on third reading?

Mr. WOODSIDE. Mr. Speaker, I ask unanimous consent to offer amendments at this time.

The SPEAKER. The amendments will be read by the Clerk for information.

The Clerk read the amendments as follows:

Amend page 1, line 8 of the title, by striking out at the end of the line the following: "[H and in-]"

Amend page 1 by striking out line 9 of the title.

Amend section 2, page 3, line 5 by inserting after the word "appropriated" and before the word "to" the following: "out of the Motor License Fund."

The SPEAKER. Will the House give unanimous consent to the insertion of the amendments at this time?

Is there objection? The Chair hears none and the amendments will be inserted in accordance with the instructions of the House?

On the question,

Will the House agree to the bill on third reading as amended?

It was agreed to.

Ordered, that the bill as amended lie over for printing.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 143, entitled

An Act to amend clause (b) of section four article two of the act approved the twenty-fifth day of June one thousand nine hundred and nineteen (Pamphlet Laws 581) entitled "An act for the better government of cities of the first class of this Commonwealth" as amended by providing a succession of officers of such cities to act as mayor in case of a vacancy or disability of the mayor to act

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

Mr. OMINSKY. Mr. Speaker, may we have someone from the other side explain the purpose of this bill?

Mr. TAHL. Mr. Speaker, the purpose of this bill is to restore the president of city council as the successor, in the event of a vacancy, to the Mayor of the city of Philadelphia.

Mr. OMINSKY. Mr. Speaker, I desire to interrogate the gentleman from Philadelphia, Mr. Tahl?

The SPEAKER. Will the gentleman from Philadelphia permit himself to be interrogated?

Mr. TAHL. I will, Mr. Speaker.

Mr. OMINSKY. Mr. Speaker may I inquire of the gentleman from Philadelphia who was the successor, in the event of disability to the Mayor before the present law was enacted?

Mr. TAHL. Mr. Speaker, the president of City Council.

Mr. OMINSKY. Mr. Speaker, may I further inquire of the gentleman from Philadelphia who was the successor before the bill was passed making the president of City Council successor to the Mayor?

Mr. TAHL. Mr. Speaker, the Director of Public Safety.

Mr. OMINSKY. Mr. Speaker, and members of this House, in asking you to vote against this bill, I ask it not because we were instrumental in the session of 1937 of having the bill passed making the successor to the Mayor of Philadelphia, in the event of disability, the Comptroller of the City of Philadelphia, but because I feel that the Republican Party in Philadelphia is endeavoring to put across something which the people of Philadelphia do not want and should know about. If this bill is passed at the present time it seems to me that it is their intention to have the President of City Council immediately take over the office of Mayor of the city of Philadelphia, because at the present time the Mayor of Philadelphia is recuperating outside of the state of Pennsylvania due to an illness, and under this act with the help of the courts perhaps, it may be construed on page two, line two, wherein the bill provides in case of the Mayor's temporary disability (and this may be a temporary disability) that the President of City Council

may take over the Mayor's office in Philadelphia. Now here is the proposition, even though it is only temporary, the present Mayor of the city of Philadelphia has indicated that he would veto the Sales Tax which Council has passed, but later on rescinded. The Mayor of Philadelphia has indicated that he is against the sale of the gas lease in order to pay off the supposed or actual deficiency which is presently confronting City Council of Philadelphia in its financial budget; and so if this bill is passed, and apparently the majority is in a hurry to have this bill passed, because it seems that this bill is to take precedence over the financial affairs of the State, since we have already declared that we will not be back for three weeks in order to find out what the Governor wishes to recommend to this Legislature, it seems to me that the hurry in passing this bill at this time indicates that the Republican Party of Philadelphia today is intending to bring back and pass the Sales Tax, so that the substitute Mayor may sign it, instead of the present Mayor, who has indicated that he will not sign a Sales Tax bill in Philadelphia.

Secondly, it seems to me that the Republican Party in Philadelphia is giving its hand away today in showing that they are not for city reform or for the new city charter which is now pending in the Senate because, after the bill for the city charter is passed this bill will not be necessary, because under the bill which is advocating a new city charter for Philadelphia, it will not be necessary to have a successor to the Mayor. Under that act City Council of its own accord will elect a Mayor, and Council of its own accord will elect a City Manager.

Thus upon the passage of this bill, there are two things which the Republican Party intends to do which it otherwise could not do, and that is, first, to either pass a Sales Tax or to foster the leasing of the gas works, the hocking of gas lease rentals, for the next fifteen years. Secondly, it is telling the people of Philadelphia that it is not for the City Charter.

Then too it seems to me that even though before this present act was enacted in 1937, when it was provided that the President of City Council should succeed the Mayor, in fairness to the people of Philadelphia, an official who has been elected by the entire population of Philadelphia, whether he be Comptroller, whether he be the Sheriff, whether he be the Recorder of Deeds or anyone else, would be the logical and the proper individual to succeed the Mayor of Philadelphia in the event of disability. As this bill provides, the President of City Council of Philadelphia who today is only elected by one twenty-second of the voting population of Philadelphia succeeds the Mayor, who is elected by the entire electorate of Philadelphia. In other words, today we have twenty-two Councilmen, each elected by his own district. The President of City Council was elected only by the people of his district, which represents only one twenty-second of the population of Philadelphia, and therefore it is manifestly unfair for an elective officer, only elected within a certain area or part of the city of Philadelphia, to succeed the Mayor who is elected by the entire city of Philadelphia, and therefore when we enacted the law designating that the successor to the Mayor should be the Controller to the City of Philadelphia, we made it possible for the entire voting population of Philadelphia to have a voice in the successor to the Mayor.

Mr. Speaker and members of the House, our quarrel is not with the changing of the act as it stands today. Perhaps, if the majority would sponsor a bill setting forth that the Sheriff of Philadelphia, or the Recorder of Deeds of Philadelphia or any other official who is elected by the entire electorate of the city of Philadelphia should succeed the Mayor, we might have less of a quarrel, but when we say to the people of Philadelphia that we will prepare for you a man who is only elected by one-twenty-second of the population and say he shall be the successor to the Mayor, then the quarrel arises, and therefore ladies and gentlemen of the House, I ask you to vote this bill down.

If the majority feels that what I have stated and what I have charged to the Republican Party, that is, that they are endeavoring to take over the Mayor's office at this time for two purposes, if I am wrong I shall go along with them on a motion to put this bill on the postponed calendar to see whether or not they are sincere in their motive in having this bill passed at this time.

Mr. TAHL. Mr. Speaker and members of the House, I could have objected to some of the remarks made by the gentleman from Philadelphia, because they were not germane to the bill, but I thought I would wait until he was through.

There is only one question before the House and that is whether the act shall be put in the same position it was two years ago. I might say that prior to 1937, the president of city council had the right to succeed the Mayor, but when the Democrats had control of the Legislature, they inserted the existing provision making the Comptroller the successor to the Mayor in the event of a vacancy. At that time the Comptroller was a Democrat and the President of City Council was a Republican. Frankly, that was done for a political reason. Now the Mayor is a city official and so are the councilmen, and from any point of logic, the right man to succeed the Mayor is a city official, and not a county official. The Comptroller is a county official.

Another potent reason why this bill should be passed is this: under the Constitution, no act may be passed by the Legislature to diminish or increase the salary of an elected officer while he is in office. At the time the President of City Council was elected he had the right under the law to succeed the Mayor in the event of a vacancy. When they passed this act in 1937 they stripped the President of Council of one of his prerogatives, to wit, to succeed the Mayor, and I am informed by very good legal authority that that act is unconstitutional.

Now, we do not expect a vacancy in the Mayor's office, but if one should occur it would simply obviate a legal proceeding or litigation, and for that reason I ask the members to correct an act something which never should have been passed. I ask the members to vote "aye" on this bill.

Mr. SWEENEY. Mr. Speaker, I rise to answer Mr. Ominsky. Mayor Wilson is our Mayor, whether we like it or not, and the Republican Party is not trying to steal his office from him. If our Mayor is one bit interested in the city of Philadelphia he can get back to Philadelphia within twenty-four hours, and if necessary he can fly, as he is "up in the air" quite often.

This act will pass the House at midnight or shortly thereafter and we will then adjourn for a two weeks' recess.

The Senate will also adjourn. This act must have three readings in the Senate and must be approved by the Governor before it can become a law. That would take us into the early part of March. If our Mayor is temporarily indisposed at that time, or if he is at all interested in Philadelphia, he certainly can get back to Philadelphia by the second of March and save his job.

Mr. OMINSKY. Mr. Speaker, in answer to the gentleman from Philadelphia, Mr. Sweeney, I might say that it is quite possible from present indications, that the President of City Council may take over the Mayor's office before the present Mayor gets back to Philadelphia, because he has indicated and his doctors have indicated that he must take a rest for at least a month, so that under the present plans he will not be back in Philadelphia before the first week in March.

This bill if passed today will go over to the Senate immediately and the Senate will have two legislative days to put it in position for final passage February 27, so that it is quite possible that before the Mayor is allowed by his doctors to return to Philadelphia, some group of Republicans in Philadelphia—I don't say all—may take advantage of the situation and pass those two measures as I have indicated.

In answer to the gentleman from Philadelphia, Mr. Tahl, relative to the situation that a city official should succeed the mayor, rather than a county official, I might call to his attention and to the attention of the membership of this House, that the city and county of Philadelphia are one and the same, and even though today the city comptroller or the sheriff is a county officer he is also a city officer because the boundaries of the city of Philadelphia and the boundaries of the county of Philadelphia are the same. Therefore, it would be fairer for a county officer to succeed the mayor in the event of an emergency than one who is elected by only a partial membership of the electorate of Philadelphia.

MOTION TO POSTPONE BILL

Mr. OMINSKY. In order to prove my point, members of this House, I move that this bill be placed upon the postponed calendar.

On the question,

Will the House agree to the motion?

It was not agreed to.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—119

Ackermann,	Fisher,	Lelsey,	Serrill,
Atkins,	Fiss,	Leydie,	Shearer,
Auker,	Fleming,	Lichtenwalter,	Simons,
Ballet,	Foor,	Lyons,	Sloan,
Bardes,	Freed,	Madden,	Snyder,
Bennett,	Fullerton,	Marr,	Stambaugh,
Boose,	Gates,	Matthews,	Stewart,
Bower,	Gillan,	McClester,	Stockham,
Boyd,	Gillette,	McGarrity,	Sweeney,
Bretherick,	Goll,	McKinney,	Tahl,
Bronson,	Habbyshaw,	McNally,	Taylor,
Brown, S. W.,	Haines,	McVay,	Terry,
Brunner,	Hall,	Montgomery,	Tiemann,
Cadwalader,	Hamilton,	Moser, F. S.,	Trout,
Calvin,	Harbeson,	Moser, J. L.,	Van Allsburg,
Carpenter,	Haudenshield,	Muir,	Van Belle,
Christler,	Henry,	Munley,	Voorhees,
Clark,	Hewitt,	O'Dare,	Wagner,

Clearwater,	Hoffman, J. N.,	O'Neill,	Watkins,
Cook,	Hoyt,	Peacock,	Webster,
Cooper,	Huntley,	Powers,	Wilkinson,
Cordier,	Irvin,	Reagan,	Wilson,
Curran,	James,	Reese, D. P.,	Winnier,
Dalrymple,	Johnston,	Rhodes,	Wood, H. M.,
Denman,	Jones,	Riley,	Wood, L. H.,
Dick,	Kline,	Robertson,	Wood, N.,
Dix,	Knoble,	Rose,	Woodside,
Donahue,	Kowalski,	Roseberry,	Yeakel,
Eckels,	Krise,	Royer,	Turner,
Ely,	Lee,	Schrock,	Speaker.
Ewing,			

NAYS—24

Baker,	Cohen, H. B.,	Mooney,	Shaw,
Balthaser,	Kilroy,	O'Keefe,	Tarr,
Boney,	Long,	Ominsky,	Welsh, E. B.,
Burns,	Lovett,	Rider,	Welsh, M. J.,
Burris,	Malloy,	Sarraf,	Williams,
Check,	Malone,	Schrope,	

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

QUESTION OF PARLIAMENTARY INQUIRY

Mr. HERBERT B. COHEN. Mr. Speaker, I rise to a question of parliamentary inquiry.

The SPEAKER. The gentleman will state his question of parliamentary inquiry.

Mr. HERBERT B. COHEN. Mr. Speaker, do I understand that after tonight's session, or after rather Friday morning's session, this House will adjourn until February 27, 1939?

The SPEAKER. A concurrent resolution has been adopted by the House to that effect.

Mr. HERBERT B. COHEN. Mr. Speaker, I desire to inquire what arrangements have been made by this House, in view of the fact that the recess will extend until February 27, 1939, to commemorate, first, the birthday of the founder of this Nation, the first President, George Washington, and second, the birthday of the founder of the Republican party, Abraham Lincoln, the anniversary of whose birth occurs on February 12th of this month? Both anniversaries, I might call to the attention of the House, occur during the recess.

The SPEAKER. Suitable resolutions will be presented at the next session of the House.

Mr. HERBERT B. COHEN. Do I understand, Mr. Speaker, the only commemoration that this House will indulge in will be the presentation of a resolution, and that there will be no exercises commemorating the birth of either George Washington or Abraham Lincoln?

The SPEAKER. The Chair does not so understand.

The gentleman from York should know that patience is a virtue, and if he waits a little while perhaps he will find the answer.

Mr. HERBERT B. COHEN. Mr. Speaker, in view of the fact that this House will adjourn early tomorrow morning and many of the members will go to their homes under the apprehension that a recess is to be indulged in until February 27, 1939, might I inquire of the Speaker what particular ceremonies will be conducted by this House during that recess period to commemorate the birthdays of George Washington and Abraham Lincoln?

The SPEAKER. The Chair feels that if the gentleman from York has such strong convictions and is so vitally

interested, the majority would be delighted to have any suggestions in the form of resolutions, program, speeches, or anything else that the gentleman may desire to suggest.

Mr. HERBERT B. COHEN. Mr. Speaker, do I understand that in view of the statement recently made to the Press to the effect that "I do not recall at any time during the past four years that the present minority, then the majority, called us into consultation, on any part of the program," do I understand that the Speaker now has retracted that part of his statement and desires the minority to consult with the majority, relative to suitable exercises to commemorate the birthdays of George Washington and Abraham Lincoln?

The SPEAKER. The Chair would say to the gentleman from York, as he said many times on the floor, that he gets a bit muddled in his thinking. The Chair states that he has always been willing to accept suggestions from the minority. The Chair doesn't consider that any statement that has been made in any way retracts from what the Chair has stated on other occasions.

Mr. HERBERT B. COHEN. Will the Chair indicate to the minority the time and place of meeting wherein representation of the minority might be sent to consult with the majority relative to the making of suitable arrangements commemorating the birthdays of the founders of this country?

The SPEAKER. The Chair would be pleased to have the gentleman and any of his colleagues or associates come into the Speaker's office immediately after this session.

Mr. HERBERT B. COHEN. Thank you, Mr. Speaker.

Mr. TROUT. Mr. Speaker, am I in order to make a motion?

The SPEAKER. There is nothing before the House. Does the gentleman from Lancaster desire unanimous consent to address the House?

Mr. TROUT. Mr. Speaker, I would like to make a motion.

I move, Mr. Speaker, that the majority convey to the minority the same information, so far as the procedure of the House is concerned, that the majority in the 1935 and 1937 sessions conveyed to the minority.

The SPEAKER. The Chair does not feel that that is a proper motion. The Chair will not entertain it.

STATEMENT BY MR. HOLLAND

Mr. HOLLAND asked and obtained unanimous consent to address the House.

Mr. Speaker and members of the House, Governor James is quoted in an interview on Flood Control as follows: "I am still jealous of the powers of Pennsylvania and the rights of Pennsylvania." Still further in his interview when asked, if the Utility problem enters in the further Flood Control in Pennsylvania, he states, "I have no doubt that this may be part of my complex."

In the above statements I believe that the Governor specifically states and admits he has more concern over protecting his pals the Utilities of Pennsylvania than he has over the loss of life due to floods.

Why should Governor James at this time become exercised over the Federal Government having deed to property for the building of a Flood Control dam. If the Governor feels that the Federal Government has no right to the holding of land in Pennsylvania, why doesn't he

repeal the act of 1911, No. 173 which gives the right to the Federal Government to establish National Forest reserves in this State? This Act was passed under a Republican Governor, John K. Tenner.

Governor James further states, "We ordinarily have never had occasion to distrust the purpose of the Federal Government."

No truer statement has ever been made by this great promiser, James. The word "distrust," as used by Governor James, I believe is very appropriate when applied by the Utilities who supported him with their moneys in the last campaign. These Utilities distrust any man in political life who dare demand from the Utilities that they render a "public service" that is a "public service."

When Mr. James places the interests of Utilities and the almighty dollar before the lives and welfare of the people of Pennsylvania he is running true to form and I hear the echo from the words of former Governor Pinchot when he stated, "God help the people of Pennsylvania when Grundy, Pew and Weir and the Utility people take over Harrisburg." His words are coming true.

I wish to quote from an editorial of the Pittsburgh Press. "The very life of Pittsburgh and of very many other western communities depends on Flood Control. Their situation is so serious that they are not going to be tolerant if the help they so greatly need is denied them because of purely theoretic and petty questions.

"Flood Control is too serious a matter to be played with. If the James administration wants to take a stand against Washington, we suggest it find some issue on which the lives and fortunes of thousands of people do not directly hang."

I believe that the above expresses the temper of the people of western Pennsylvania towards Governor James'

effort to repay the Utilities for the Utilities' help in his election.

I realize the Governor is on the spot, in fact I was surprised that this recess was not for 3 weeks instead of 2. 3 weeks would give him more time to consult with his advisers. For if 3 weeks were taken he could give one whole week to the Manufacturers Assoc., and one whole week to the Oil interests. And one whole week to the Utilities. It is going to be hard for him to satisfy them all in 2 weeks.

The Governor has no right to disregard the loss of life and property in floods in Pennsylvania to repay a political debt. The great mass of people of Pennsylvania should be considered first. The loss of one life in Pennsylvania cannot be measured in the filthy gold of the Utilities.

The SPEAKER. The remarks of the gentleman will be spread upon the Journal.

COMMITTEE MEETINGS

There will be meetings of the Committees on Cities—Second Class, immediately following this session in Room 323.

Game—immediately following this session in Room 324.
Municipal Corporations—immediately following this session in Room 325.

ADJOURNMENT

Mr. WOODSIDE. Mr. Speaker, I move that this House do now adjourn until tomorrow at 12:30 a. m.

The motion was agreed to, and (at 2:39 p. m.) the House adjourned until Friday, February 10, 1939, at 12:30 a. m.

Legislative Journal.

Session 1939.

133d of the General Assembly.

Vol. 23. HARRISBURG, PA., FRIDAY, FEBRUARY 10, 1939. No. 15.

SENATE

FRIDAY, February 10, 1939.

The Senate met at 12:01 o'clock a. m.

The PRESIDENT (Lieutenant-Governor Samuel S. Lewis) in the Chair.

PRAYER

The Chaplain, Rev. BURLEIGH A. PETERS, offered the following prayer:

O God of Light, who neither sleepest by day nor slumberest by night, Thou who art ever watchful of all our actions both by day and by night, we seek forgiveness of our sins and pray that the guilt of our iniquities be removed from us as far as the East is from the West.

Give us the earnest desire to walk before Thee in newness and holiness of life. Enlighten our minds, vouchsafe unto us understanding hearts; prepare us completely for the faithful discharge of our duties lying immediately ahead.

Strengthen the hands and the heart of the Governor of our Commonwealth that he may continue the duties and responsibilities of his high office, which he so courageously began. May his labors likewise continue in the fear of the Lord.

As we are now about to recess for a stated period of time, our earnest, unified prayer has become, "God be with us 'till we meet again." In Jesus' name we pray. Amen.

JOURNAL APPROVED

The PRESIDENT. A quorum of the Senate being present the Clerk will read the Journal of the preceding session.

The Clerk proceeded to read the Journal of the preceding session, when, on motion of Mr. OWLETT and Mr. GELDER, further reading was dispensed with, and the Journal was approved.

REQUEST FOR LEAVE OF ABSENCE

Mr. FREY. Mr. President, I ask leave of absence for my colleague, the Senator from Allegheny, Mr. Henney; and in this connection, Mr. President, for the information of the members of the Senate, it is my understanding that Senator Henney will be here next week.

Mr. OWLETT. Mr. President, I move that the request of the Senator from Allegheny, Mr. Frey, be laid upon the table.

Mr. HEYBURN. Mr. President. I second the motion.

On the question,

Will the Senate agree to the motion?

Mr. WOODWARD. Mr. President, I would like to ask

the Senator from Allegheny whether it is his idea that the Coroner is coming here to view the remains.

And the question recurring,

Will the Senate agree to the motion?

It was agreed to.

REPORT FROM COMMITTEE

Mr. STEVENSON, from the Committee on Municipal Government reported as committed, Senate Bill No. 80, (House Bill No. 143), entitled:

An Act to amend clause (b) of section four, article two of the act approved the twenty-fifth day of June, one thousand nine hundred and nineteen (Pamphlet Laws 581) entitled, "An act for the better government of cities of the first class of this Commonwealth," as amended by providing a succession of officers of such cities to act as mayor in case of a vacancy or disability of the mayor to act.

CONSIDERATION OF CALENDAR

Mr. OWLETT. Mr. President, I move that the Senate do now proceed to the consideration of the calendar.

Mr. MALLERY. Mr. President. I second the motion.

The motion was agreed to.

BILL ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate bill No. 76. (House Bill No. 181), entitled:

An Act making a deficiency appropriation to the Department of Public Assistance for the purpose of carrying out the Public Assistance Law for the two fiscal years ending May thirty-first one thousand nine hundred and thirty-nine.

And said bill having been read at length the third time, and agreed to

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—33.

Bartlett,	Farrell,	Letzler,	Sipe,
Coleman,	Frey,	Mallery,	Snowden,
Crowe,	Gelder,	McGinnis,	Stevenson,
Dando,	Geltz,	Miller,	Tallman,
Deltrick,	Heyburn,	Owlett,	Thomas,
Dent,	Homsher,	Pierson,	Walker,
Ealy,	James,	Ruth,	Wolfenden,
Edmonds,	Kunkel,	Scarlett,	Woodward,
Eroe,			

NAYS—0.

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

HOUSE MESSAGE

SENATE BILL NO. 32, RETURNED WITH AMENDMENTS.

The Clerk of the House of Representatives, being introduced, returned to the Senate, Senate Bill No. 32, entitled:

A Supplement to the act approved the second day of July one thousand nine hundred and thirty-seven (Pamphlet Laws 2706) entitled "An act creating a State World's Fair Commission defining the powers and duties of said Commission providing for participation in the New York World's Fair and making an appropriation" increasing the membership of the Commission and making an additional appropriation thereto.

With the information that the House has passed the same with amendments, in which the concurrence of the Senate is requested.

Mr. OWLETT. Mr. President, I move that Rule 21, which requires amended bills to be noted on the calendar, be in this case dispensed with, and that the Senate proceed to the consideration of the amendments made by the House of Representatives to the foregoing bill.

Mr. WOODWARD. Mr. President, I second the motion.

The motion was agreed to.

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Will the Senate concur in the amendments?

Mr. OWLETT. Mr. President, before the roll on this bill is called, I wish to explain that this is, in effect, no reduction of the Highway Fund, for the reason that it is expected to reduce the appropriation made the last biennium from the Motor Fund for publicity by the amount of the appropriation for the World's Fair, so it is not a reduction of the Highway Fund.

I understand that that was the understanding of the House Caucus when this bill was passed.

And the question recurring,

Will the Senate concur in the same?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows viz:

YEAS—32.

Bartlett,	Eroe,	Kunkel,	Sipe,
Coleman,	Farrell,	Letzler,	Snowden,
Crowe,	Frey,	McGinnis,	Stevenson,
Dando,	Gelder,	Miller,	Tallman,
Detrick,	Geitz,	Owlett,	Thomas,
Dent,	Heyburn,	Pierson,	Walker,
Ealy,	Homsher,	Ruth,	Wolfenden,
Edmonds,	James,	Scarlett,	Woodward,

NAYS—0.

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk inform the House of Representatives accordingly.

MOTION TO READ BILLS THE FIRST TIME

Mr. OWLETT. Mr. President, I move that the Senate do now proceed to the first reading of all bills reported from committees for the first time at today's session.

Mr. HOMSHER. Mr. President, I second the motion.

The motion was agreed to.

BILL ON FIRST READING

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 80, (House Bill No. 143), entitled,

An Act to amend clause (b) of section four, article two of the act approved the twenty-fifth day of June, one thousand nine hundred and nineteen (Pamphlet Laws 581) entitled, "An act for the better government of cities of the first class of this Commonwealth," as amended by providing a succession of officers of such cities to act as mayor in case of a vacancy or disability of the mayor to act.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

BILLS SIGNED

The PRESIDENT (Lieutenant-Governor Samuel S. Lewis) announced that the Chief Clerk having reported that the following bills had passed both houses of the General Assembly and the same being correct, the titles were publicly read as follows:

House Bill No. 181, entitled:

An Act making a deficiency appropriation to the Department of Public Assistance for the purpose of carrying out the Public Assistance Law for the two fiscal years ending May thirty-first one thousand nine hundred and thirty-nine.

Senate Bill No. 32, entitled:

A Supplement to the act, approved the second day of July, one thousand nine hundred and thirty-seven (P. L. 2706), entitled "An act creating a State World's Fair Commission; defining the powers and duties of said commission; providing for participation in the New York World Fair, and making an appropriation," by making an additional appropriation thereto.

Whereupon,

The PRESIDENT (Lieutenant-Governor Samuel S. Lewis), in the presence of the Senate, signed the same.

ADJOURNMENT

Mr. OWLETT. Mr. President, I move that the Senate do now adjourn until Monday, February 27, 1939 at 9:00 o'clock, p. m.

Mr. DENT. Mr. President, I second the motion.

The motion was agreed to.

The Senate adjourned at 1:30 o'clock, a. m. until Monday, February 27, 1939, at 9:00 o'clock, p. m.

HOUSE OF REPRESENTATIVES

FRIDAY, February 10, 1939.

The House met at 12:30 a. m.

The SPEAKER (Ellwood J. Turner) in the Chair.

PRAYER

The Chaplain, Rev. Walter Evans Deibler, offered the following prayer:

Help us, O God, to be "diligent in business, fervent in spirit, serving the Lord." Impress upon us the truth that "those men who try to do something and fail are infinitely better than those who try to do nothing and beautifully succeed." May the glory of achievement crown the ef-

forts of all who strive diligently at their tasks. Give Thy blessing to the members of this House and their families. Restore to health, we beseech Thee, such who are ill.

We pause and bow our hearts in sorrow because Thou hast called His Holiness Pope Pius XI from his earthly labors to his heavenly reward. Truly we weep with those who weep. May Thy comforting grace be upon all to whom he ministered.

May the recess upon which we enter be a benefit to the cause of wholesome legislative procedure. Give, we beseech Thee, O Lord, Thy blessing to the Chief Executive of our Commonwealth and to all who are associated with him. Protect us from harm and danger until we meet again. Give us the assurance, dear Lord, that they who trust in Thee shall be safe. Hear and answer us in this our prayer, O Lord. Amen.

JOURNAL APPROVED

The SPEAKER. The Clerk will read the Journal of yesterday.

The Clerk proceeded to read the Journal of yesterday, when, on motion of Mr. VAN BELLE, the further reading was dispensed with and the Journal approved.

BILLS INTRODUCED AND REFERRED

By Mr. PEACOCK. HOUSE BILL No. 254.

An Act to amend section one thousand two hundred seven of the act, approved the third day of June, one thousand nine hundred and thirty-seven (P. L. 1333), entitled "An Act concerning elections, including general, municipal, special and primary elections, the nomination of candidates, primary and election expenses and election contests; creating and defining membership of county boards of elections; imposing duties upon the Secretary of the Commonwealth, courts, county boards of elections, county commissioners; imposing penalties for violation of the act, and codifying, revising and consolidating the laws relating thereto; and repealing certain acts and parts of acts relating to elections," by providing for compensation for services rendered by constables and their deputies.

Referred to the Committee on Elections.

By Mr. JAMES. HOUSE BILL No. 255.

An Act making an appropriation to Sleighton Farm School for Girls situate in Delaware County, Pennsylvania.

Referred to the Committee on Appropriations.

By Mr. KLINE. HOUSE BILL No. 256.

An Act to amend clause four of subsection (b) of section nine hundred thirteen of the act, approved the third day of June, one thousand nine hundred and thirty-seven (P. L. 1333), entitled "An Act concerning elections, including general, municipal, special and primary elections, the nomination of candidates, primary and election expenses and election contests; creating and defining membership of county boards of elections; imposing duties upon the Secretary of the Commonwealth, courts, county boards of elections, county commissioners; imposing penalties for violation of the act, and codifying, revising and consolidating the laws relating thereto; and repealing certain acts and parts of acts relating to elections," by changing the filing fee for certain nomination petitions.

Referred to the Committee on Elections.

By Mr. LEE. HOUSE BILL No. 257.

An Act making an appropriation for the maintenance, repair and improvement to the Port of Philadelphia.

Referred to the Committee on Appropriations.

By Mr. JAMES. HOUSE BILL No. 258.

An Act making an appropriation to the Elwyn Training School at Elwyn in the County of Delaware, Commonwealth of Pennsylvania; and prescribing certain conditions upon which the appropriation will be available to the school.

Referred to the Committee on Appropriations.

By Mr. BRETHERICK. HOUSE BILL No. 259.

An Act to amend section one thousand eight hundred and two of the act, approved the twenty-fourth day of June, one thousand nine hundred and thirty-one (P. L. 1206), entitled "An Act concerning townships of the first class; amending, revising, consolidating, and changing the law relating thereto," as amended, by abolishing the right of taxpayers to prevent the letting of certain contracts, and eliminating certain general regulations in the making of insurance contracts by townships.

Referred to the Committee on Townships.

By Mr. LYONS. HOUSE BILL No. 260.

An Act to protect the public health by prohibiting the re-use of containers for flowers or floral designs at funerals by those dealing in the sale of flowers and floral emblems; and providing penalties.

Referred to the Committee on Public Health and Sanitation.

By Mr. HENRY. HOUSE BILL No. 261.

An Act to amend sections one hundred four and one hundred five of the act, approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309), entitled "An Act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith," by changing the classification of third and fourth class school districts.

Referred to the Committee on Education.

BILLS ON SECOND READING

Agreeably to order.

The House proceeded to the second reading and consideration of House Bill No. 142, as follows:

An Act to further amend section five of the act approved the twenty-fifth day of April one thousand nine hundred thirty-five (Pamphlet Laws 90) entitled "An act to promote uniformity in the assessment and taxation of properties and persons within the territorial limits of cities of the second class A providing that city and school taxes within such territorial limits shall be assessed levied and collected upon the basis of the assessment for taxation for county purposes and requiring the furnishing of tax duplicates by the county taxing authorities to such cities and to school districts coterminous therewith abolishing the department of assessors in cities of the second class A consolidating tax statements covering city school county and poor taxes therein and making uniform the time for levy and collection of said taxes respectively and regulating the discounts therefrom and penalties thereon" by changing the date of certain tax payments and further

regulating the penalties and interest imposed on unpaid taxes

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section five of the act approved the twenty-sixth day of April one thousand nine hundred thirty-five (Pamphlet Laws 90) entitled "An act to promote uniformity in the assessment and taxation of properties and persons within the territorial limits of cities of the second class A by providing that city and school taxes within such territorial limits shall be assessed levied and collected upon the basis of the assessments for taxation for county purposes and requiring the furnishing of tax duplicates by the county taxing authorities to such cities and to school districts coterminous therewith abolishing the department of assessors in cities of the second class A consolidating tax statements covering city school county and poor taxes therein and making uniform the time for levy and collection of said taxes respectively and regulating the discounts therefrom and penalties thereon" which was amended by section five of the act approved the second day of July one thousand nine hundred thirty-seven (Pamphlet Laws 2791) is hereby further amended to read as follows

Section 5 It shall be the duty of the collector of taxes in the issuing of tax statements to include all city school county and poor taxes against the same properties or persons upon one statement for each year and said tax statement shall be mailed to the taxpayer by the tax collector not later than the first day of April of each calendar year Taxables shall have the option to elect to pay the total amount of their city county school and poor taxes in four equal quarterly payments as follows viz

The first quarterly payment during the months of April May and June the second quarterly payment during the month of July the third quarterly payment during the month of October and the fourth quarterly payment during the month of [January] December The first quarterly payment shall become delinquent if not paid on or before the thirtieth day of June the second quarterly payment shall become delinquent if not paid on or before the thirty-first day of July the third quarterly payment shall become delinquent if not paid on or before the thirty-first day of October the fourth quarterly payment shall become delinquent if not paid on or before the thirty-first day of [January] December

The discount as provided under section four shall be allowed to the taxable on his first quarterly payment only provided the same shall be paid on or before the thirtieth day of April Upon default in the payment of any quarterly installment only the amount of such installment shall be considered delinquent and shall thereupon become due and owing by the taxable and said unpaid installment shall bear the same penalties and interest charges as is hereinbefore provided for delinquent taxes but such penalties and interest shall be computed only on the amount of the installment which is in default

Section 2 This act shall be in force and effect immediately upon its passage and approval by the Governor

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 214, as follows:

A Supplement to the act approved the second day of July one thousand nine hundred thirty-seven (Appropriation Acts page seventy-four) entitled "An act to provide for the ordinary expenses of the Executive Legislative and Judicial Departments of the Commonwealth interest on the public debt and the support of the public schools for two years beginning June first one thousand nine hundred and thirty-seven and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending May thirty-first one thousand nine hundred and thirty-seven" making a deficiency appropriation to the Department of State

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The sum of ten thousand four hundred fifty-four dollars and seventy-nine cents (\$10,454.79) or so much thereof as may be necessary is hereby specifically appropriated to the Department of State for the deficiency in the appropriation made to that department by the act to which this is a supplement for the two fiscal years ending May thirty-first one thousand nine hundred and thirty-nine for the payment of salaries wages or other compensation of a deputy secretary and other employes for the payment of general expenses supplies printing and equipment necessary for the proper conduct of the work of the department and for proof-reading the Pamphlet Laws

Section 2 This act shall become effective immediately upon its final enactment

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 215, as follows:

A Supplement to the act approved the second day of July one thousand nine hundred thirty-seven (Appropriation Acts page seventy-four) entitled "An act to provide for the ordinary expenses of the Executive Legislative and Judicial Departments of the Commonwealth interest on the public debt and the support of the public schools for two years beginning June first one thousand nine hundred and thirty-seven and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending May thirty-first one thousand nine hundred and thirty-seven" providing for deficiencies in certain appropriations to the Department of Justice for the fiscal biennium ending May thirty-first one thousand nine hundred thirty-nine

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The following sums or as much thereof as may be necessary for deficiencies in certain appropriations made to the Department of Justice by the act to which this is a supplement are hereby specifically appropriated to that department as follows

For the payment of the deficiency in the appropriation for the payment of salaries wages or other compensation of deputy attorneys general special deputy attorneys general assistant deputy attorneys general special attorneys law clerks and other employes for the payment of compensation of attorneys employed by the several departments boards and commissions with the approval of the Attorney General for handling litigation or making collections or appointed to represent the Commonwealth or any department board or commission thereof in special work or in particular cases for the payment of costs and witness fees for the purchase of law books for the law library of the department and for the payment of general expenses supplies printing and equipment necessary for the proper conduct of the work of the department and for the prosecution and defense of litigation to which the Commonwealth is a party or in which the Commonwealth is interested the sum of thirty thousand dollars (\$30,000.00)

For the payment of the deficiency in the appropriation for the payment of salaries wages or other compensation of such special deputy attorneys general assistant deputy attorneys general and attorneys as may be assigned by the Attorney General to other departments boards or commissions except the counsel and assistant counsel of the Public Utility Commission of the Commonwealth of Pennsylvania and except departments boards or commissions the work of which is supported mainly out of moneys in funds other than the General Fund for the payment of the salaries wages or other compensation of special deputy attorneys general assistant deputy attorneys general and attorneys appointed to represent the Commonwealth and the several departments boards and commissions thereof in legal matters arising or to be handled in cities counties or districts outside the State Capital or

appointed to represent the Commonwealth or any department board or commission thereof in special work or in particular cases for traveling and other incidental expenses incurred by the special deputy attorneys general assistant deputy attorneys general or attorneys whose compensation is payable out of this appropriation for the payment of mileage charges to the Department of Property and Supplies for the use of automobiles for any such special deputy attorneys general assistant deputy attorneys general or attorneys and for any contingent expenses incident to their work the sum of thirty thousand dollars (\$30,000.00)

For the payment of the deficiency in the appropriation for the payment of salaries wages and other compensation of the Supervisor of Paroles chief field agents field agents and other employes for the payment of general expenses supplies printing and equipment necessary for the proper conduct of the work of the Board of Pardons in supervising prisoners released on parole from the State penitentiaries and the Pennsylvania Industrial School and for other parole work of the board the sum of fifteen thousand dollars (\$15,000.00)

Section 2 This act shall become effective immediately upon its final enactment

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

TIME EXTENDED ON HOUSE BILL NO. 92

Mr. WOODSIDE requested and obtained consent to continue on the calendar and an extension of fourteen days on House Bill No. 92, Printer's No. 13, from the time of reconvening on the 27th day of February.

BILL ON FINAL PASSAGE

Agreeably to order,

The House proceeded to the consideration on final passage of House Bill No. 160, (Senate Bill No. 32), as follows:

A Supplement to the act approved the second day of July one thousand nine hundred and thirty-seven (P. L. 2706) entitled "An act creating a State World's Fair Commission defining the powers and duties of said commission providing for participation in the New York World's Fair and making an appropriation" increasing the membership of the commission and making an additional appropriation thereto

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The State World's Fair Commission created by the said act to which this act is a supplement is hereby enlarged and shall hereafter consist of fourteen members Of the nine members to be added thereto the Governor shall appoint three citizens of the Commonwealth the President Pro Tempore of the Senate shall appoint three Senators and the Speaker of the House of Representatives shall appoint three Members of the House

The members so appointed shall not receive any compensation for their services but shall be reimbursed for all expenses incurred in the performance of their duties After the appointment of the members herein provided for seven members of the commission shall constitute a quorum for the transaction of business

Section 2 The additional sum of three hundred twelve thousand five hundred dollars (\$312,500) or so much thereof as may be necessary is hereby specifically appropriated out of the Motor License Fund to the State World's Fair Commission for the payment of the expenses of the members of the commission for the compensation and expenses of the secretary and other employes for the leasing of exhibit space for the erection construction and equipment of a building for providing exhibits for light heat power postage telephone telegraph freight and express charges for automobile hire and for all other incidental expenses

deemed necessary by the commission to carry into effect the provisions of the act to which this act is a supplement

Section 3 This act shall become effective immediately upon its final enactment

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—130.

Achterman,	Downey,	Lyons,	Simons,
Andrews,	Eckels,	Madden,	Sloan,
Baker,	Ely,	Malloy,	Snyder,
Balliet,	Ewing,	Marr,	Stambaugh,
Balthaser,	Fels,	Matthews,	Stewart,
Bardes,	Foor,	McClester,	Stockham,
Bennett,	Freed,	McGarrity,	Sweeney,
Boney,	Fullerton,	McKinney,	Tahl,
Boose,	Gates,	McNally,	Tarr,
Zower,	Gillan,	McVay,	Taylor,
Boyd,	Gillette,	Montgomery,	Thistle,
Bretherick,	Goll,	Moser, F. S.,	Tiemann,
Bronson,	Habbyshaw,	Moser, J. L.	Trout,
Brown, S. W.,	Haines,	Muir,	VanAllsburg,
Brunner,	Hall,	Munley,	Van Belle,
Burns,	Hamilton,	O'Dare,	Voorhees,
Burris,	Henry,	O'Neill,	Wagner,
Cadwalader,	Hewitt,	Peacock,	Walsh,
Calvin,	Hoffman, S. K.,	Preston,	Watkins,
Carpenter,	Huntley,	Reagan,	Webster,
Check,	Irvin,	Reese, D. P.,	Welsh, E. B.,
Christler,	James,	Rhodes,	Welsh, M. J.,
Clark,	Johnston,	Rider,	Wilkinson,
Clearwater,	Kline,	Robertson,	Willson,
Cook,	Knoble,	Rose,	Winner,
Cooper,	Kowalski,	Roseberry,	Wood, H. M.,
Cordier,	Krise,	Royer,	Wood, L. H.,
Curran,	Lee,	Sarrafi,	Wood, N.,
Dalrymple,	Lelsey,	Schrock,	Woodside,
Denman,	Leydic,	Schrope,	Yeakel,
Dick,	Lichtenwalter,	Self,	Turner,
Dix,	Long,	Serrill,	Speaker,
Donahue,	Lovett,	Shearer,	

NAYS—3.

Jones, Terry, Tronzo,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk return the same to the Senate with the information that the House has passed the same with amendments in which the concurrence of the Senate is requested.

REASONS FOR VOTE

Mr. ROSE filed the following reason for his vote.

Believing that the Commonwealth is morally obligated to go forward with its exhibit at the New York World's Fair, and for the further reason that failure to do so would subject the Commonwealth to ridicule and other negative advertising, I am voting in favor of Senate Bill No. 32, House Bill No. 160 despite my regret at the expense at the present time.

Mr. VAN BELLE filed the following reason for his vote.

I, Thomas B. Van Belle, representative from Philadelphia County have voted "yes" on Senate Bill No. 32 because I favor the purpose of the bill; I do believe the amount, however, is excessive. In the absence of support for an amendment to reduce the amount, I withdraw my objections to it in its present form, because I believe that Pennsylvania should have some representation at the New York World's Fair.

RESOLUTION

COMMEMORATING BIRTHDAYS OF WASHINGTON
AND LINCOLN

Mr. WOODSIDE offered a resolution and asked and obtained unanimous consent for its immediate consideration.

The resolution was twice read as follows:

In the House of Representatives, February 9, 1939.

During the recess that this General Assembly is about to begin, special select committees will labor diligently to perfect a legislative program that can be undertaken when the recess is over and carried on to final enactment.

During this same recess will occur the birthdays of two of our great National heroes, George Washington and Abraham Lincoln, both of whom passed through dark and gloomy periods of time when the fate of the Nation hung in the balance, but both came through to take places with the immortals in the World's Hall of Fame.

With unemployment growing, with industry still struggling for existence, with the financial burden of the Commonwealth growing heavier and its income dwindling, the State is passing through a dark and gloomy period of its history—its Valley Forge and its Bull Run and Antietam.

Upon those who will labor during this recess will rest the burden of bringing order out of the financial chaos that now exists, and upon them is imposed the stupendous task of, like Washington and Lincoln, preparing the road that will lead to another Yorktowne and another Appomattox.

Nothing more fitting could have been arranged than to have had this work undertaken during these two weeks when the memory of the devotion, and the sacrifices and the final achievements of those great heroes cannot help but be an inspiration for achievement and an incentive to sacrifice for the public good; therefore be it

Resolved, That this House of Representatives when it adjourns today, does so out of respect to the memory of those patriotic and inspirational heroes, George Washington, the Father of our Country, and Abraham Lincoln, who saved It and held It together for further greatness; and be it further

Resolved, That to those who remain here to labor during the recess, we wish a successful termination of their work and the happiness that must come from it; and be it further

Resolved, That

Our problems shrink when measured by
The side of those they met and solved;
Our worries turn almost to joys
When told with theirs;
Our troubles seem to fade away
When e'er we think of those they bore.
All praise by us of what they were
Is but the emptiest of sounds,
Encomiums are but a noise
And eulogies are vain,
If, in these days of trial, we fail
To carry on, and follow true
The paths they blazed for us.
So from the ends they wrought
Through all those years of strife
And months of bitter woe,
Let's find the inspiration and the will
To build again to richer things;
To find employment for the throng
That asks but for the right to work.
Let's shoulder now our task
And from our Valley Forge
March out to better days.

On the question,

Will the House adopt the resolution?

Mr. ANDREWS. Mr. Speaker, and members of the House, this resolution suits me well enough, but I would

suggest to the gentleman from Dauphin that he proceed to offer some amendments to paragraph three, "With unemployment growing." I have been led to believe that since January first employment has not been growing.

"Industry still struggling for existence." My impression was that industry had seen the star of hope, that industry had been revitalized.

"With the financial burden of the Commonwealth growing heavier and its income dwindling." I had been led to believe that someone had said "touch the rock of resources of this state and abundant resources will shortly burst forth."

"The state is passing through a dark and gloomy period of its history." I thought the star of hope had been lighted in the heavens. It is discouraging to me to find the majority leader painting such a gloomy picture at the beginning of what I had hoped would be such a triumphant, glorious and joyous administration.

Mr. WOODSIDE. Mr. Speaker, the darkest hour is immediately before the dawn.

Mr. TARR. Mr. Speaker, I rise to ask if the resolution just presented is to eulogize the memory of Lincoln and Washington or these committees that are going to labor so diligently.

The SPEAKER. The Chair is unable to distinguish for the gentleman.

On the question recurring,

Will the House adopt the resolution?

It was adopted.

RECESS

The SPEAKER. If there are no objections the Chair is about to declare a recess for fifteen minutes. Are there objections? The Chair hears none and declares a recess for fifteen minutes.

AFTER RECESS

The time of recess having expired the House was called to order.

The SPEAKER (Ellwood J. Turner) in the Chair.

SENATE MESSAGE

HOUSE BILL CONCURRED IN BY SENATE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 181.

An Act making a deficiency appropriation to the Department of Public Assistance for the purpose of carrying out the Public Assistance Law for the two fiscal years ending May thirty-first one thousand nine hundred thirty-nine

With the information that the Senate has passed the same without amendment.

BILL SIGNED BY THE SPEAKER

Bill numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the title was publicly read as follows:

HOUSE BILL No. 181.

An Act making a deficiency appropriation to the Department of Public Assistance for the purpose of carrying out the Public Assistance Law for the two fiscal years ending May thirty-first one thousand nine hundred and thirty-nine

Whereupon,

The SPEAKER, in the presence of the House, signed the same.

RESOLUTION

SYMPATHY EXTENDED

Mr. LYONS offered a resolution and asked and obtained unanimous consent for its immediate consideration.

The resolution was twice read, considered and unanimously adopted by a rising vote:

In the House of Representatives, February 10, 1939.

Radio messages from Rome but lately announced the death of Pope Pius XI, Sovereign of the Vatican City and Supreme Pontiff of the Roman Catholic Church who was elevated to the position he held in 1922.

Born in Deiso, Italy, on May 31, 1857, Achilles Ratti was made a Cardinal on June 13, 1921 and became Archbishop of Rome.

During his rule as Pope and Sovereign of the Vatican City he has rearranged life and habits in the state of the Vatican City and introduced wireless telephones, radios, automobiles and other modern conveniences and luxuries.

Ill health has marked the past few years of his life but his remarkable fortitude and endurance have given many more years of usefulness to the church of which he was the head. Therefore, be it

Resolved that the House of Representatives of the General Assembly of the Commonwealth of Pennsylvania express its sorrow and regret at his passing from the life he loved so well and extend to all those who are members of the church over which he ruled its most sincere sympathy.

SENATE MESSAGE

AMENDED SENATE BILL CONCURRED IN BY SENATE

The Clerk of the Senate being introduced informed that the Senate has concurred in the amendments made by the House of Representatives to Senate Bill numbered and entitled as follows, viz:

SENATE BILL No. 32.

A Supplement to the act approved the second day of July one thousand nine hundred and thirty-seven (P. L. 2706) entitled "An act creating a State World's Fair Commission defining the powers and duties of said commission providing for participation in the New York Worlds Fair and making an appropriation" increasing the membership of the commission and making an additional appropriation thereto.

THANKS EXTENDED

The SPEAKER. The Chair desires to thank the members before they leave for their homes for staying through the session. It was very important, as you know, to pass the relief bill. The Chair hoped that we might abandon the custom of having a 12.01 session but under the circumstances on account of having been held here so late in the week, by having a session at this time, many of the members will be able to get home sooner. We have therefore changed the policy which we hoped we would not have to do. The Chair desires to again thank the membership for their attendance and their attention.

BILL SIGNED BY THE SPEAKER

Bill numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the title was publicly read as follows:

SENATE BILL No. 32.

A Supplement to the act approved the second day of July one thousand nine hundred and thirty-seven (P. L. 2706) entitled "An act creating a State World's Fair Commission defining the powers and duties of said commission providing for participation in the New York Worlds Fair and making an appropriation" increasing the membership of the commission and making an additional appropriation thereto

Whereupon,

The SPEAKER, in the presence of the House, signed the same.

ADJOURNMENT

Mr. KNOBLE. Mr. Speaker, I move that this House do now adjourn until Monday, February 27, 1939, at 8 p. m.

The motion was agreed to, and (at 1.33 a. m.) the House adjourned until Monday, February 27, 1939, at 8 p. m.

Legislative Journal.

Session 1939.

133d of the General Assembly.

Vol. 23

HARRISBURG, PA., MONDAY, FEBRUARY 27, 1939.

No. 16.

SENATE

MONDAY, February 27, 1939.

The Senate met at 9:00 o'clock, p. m.

The PRESIDENT (Lieutenant-Governor Samuel S. Lewis) in the Chair.

PRAYER

The Chaplain, Rev. BURLEIGH A. PETERS, offered the following prayer:

O Thou Righteous One of all ages, pure and holy and lovely altogether, look upon our erring hearts with Thy tenderest mercy. "Thou hast not dealt with us after our sins, for if Thou hadst, O Lord, who shall stand?"

In this hour of reconvention of this honorable body we plead for moral integrity and spiritual fortitude as we shall soon receive the fiscal message of Thy servant the Governor of this Commonwealth. As the Assembly will act upon its several provisions and proposals for the efficient operation of the government of this great State throughout the biennium, we remember most soberly our utter weakness in our own strength and the serious impairment of our own vision in our own right but we are very certain of Thy tremendous power and vision in Thy divine omniscience vouchsafed to each and every one who eagerly seeks its reception. May each member of this Senate, just now, open his mind and heart unto Thee for that wisdom and guidance, for, as our forefathers were safely guided by the light of Thy countenance amidst changing scenes and trying times, we dare do no less to serve Thy righteous ends in legislation.

Forgive us the things we have done amiss in these poor lives of ours and may all our errors be of the head only, never of the heart. Through Jesus Christ, Our Lord. Amen.

JOURNAL APPROVED

The PRESIDENT. A quorum of the Senate being present, the Clerk will read the Journal of the preceding session.

The Clerk proceeded to read the Journal of the preceding session, when, on motion of Mr. OWLETT, the further reading was dispensed with, and the Journal was approved.

COMMUNICATION

FROM THE SECRETARY OF THE COMMONWEALTH

REPORT AND DECISION OF C. P. No. 4.
PHILADELPHIA COUNTY, ON CONTESTED
ELECTION OF SENATOR

The PRESIDENT. The Chair recognizes the Sergeant-at-Arms.

The SERGEANT-AT-ARMS. Mr. President, I have the honor and pleasure of introducing and presenting to you the Secretary of the Commonwealth.

The PRESIDENT. The Secretary of the Commonwealth, Miss O'Hara.

Miss O'HARA. Mr. President, in compliance with Act No. 40, approved June 3, 1937, Article 17, Section 1746, I have the honor to deliver to the presiding officer of the Senate of the General Assembly of the Commonwealth of Pennsylvania a certified copy of the findings of fact and decision of the Court in the matter of the contested election of Senator in the General Assembly for the Second Senatorial District of Pennsylvania in Common Pleas Court No. 4, September Term 1938, No. 5126, County of Philadelphia.

Mr. SHAPIRO. Mr. President, I move that the copy of the decision and the report be laid upon the table.

Mr. OWLETT. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

The motion was agreed to.

RECESS

Mr. SHAPIRO. Mr. President, I move that the Senate do not take a recess for 15 minutes for the purpose of a Democratic Caucus.

Mr. OWLETT. Mr. President, I second the motion.

The motion was agreed to.

AFTER RECESS

The PRESIDENT. The time of recess having elapsed, the Senate will be in order.

COMMUNICATIONS FROM THE GOVERNOR

The PRESIDENT. The Senate will be in order. The Chair recognizes the Sergeant-at-Arms.

The SERGEANT-AT-ARMS. Mr. President, I have the pleasure of presenting to you Mr. Pedigo, Secretary to His Excellency the Governor.

Mr. PEDIGO. Mr. President, I have the honor to present communications in writing from His Excellency the Governor of the Commonwealth.

QUESTION OF PARLIAMENTARY INQUIRY

Mr. OWLETT. Mr. President, I rise to a question of parliamentary inquiry.

The PRESIDENT. The Senator from Tioga, Mr. Owlett, will state his question of parliamentary inquiry.

Mr. OWLETT. Mr. President, I would like to inquire whether the message from the Governor is the budget message and the Ninth Biennial Budget as printed and on the desks of the Senators.

The PRESIDENT. It is the Ninth Biennial Budget of the Commonwealth of Pennsylvania for the fiscal biennium from June 1, 1939, to May 31, 1941.

Mr. OWLETT. Mr. President, in view of the fact that copies of this budget are on the desks of the Senators, I move you that the reading of the message be dispensed with and the budget be incorporated in the Legislative Journal.

Mr. GELDER. Mr. President, I second the motion.

The motion was agreed to.

(For Budget and Budget Message see House proceedings.)

COMMUNICATION FROM ALTOONA SCHOOL DISTRICT URGING PASSAGE OF SENATE BILLS Nos. 34 and 62.

The Chair cleared his table and laid before the Senate the following communication, which was read by the Clerk:

OFFICE OF THE SECRETARY ALTOONA SCHOOL DISTRICT

Altoona, Pennsylvania, February 24, 1939.

To the Honorable Members of the Senate,
Commonwealth of Pennsylvania,
Harrisburg, Pennsylvania.

Gentlemen:

Please permit me to call your attention to the urgency for legislation which will offer financial aid to the School Districts in the Commonwealth.

I particularly refer to Senate Bills, No. 34, amending Section 508 of the School Code, liberalizing temporary indebtedness, and No. 62, appropriating special funds to the Department of Public Instruction for distribution to financially distressed School Districts.

The need for enactment of these two (2) bills is statewide. There are hundreds of School Districts which are now or will be in default financially during the present school term. Pennsylvania cannot afford to have her schools closed or jeopardized. It is imperative that the financial situation for School Districts be solved so that the time and efforts of School Boards can be devoted to the principal task required, namely, Education for the Children of the Commonwealth.

The two (2) bills referred to above, will, in a large measure, solve the financial problems which exist now and which need immediate attention.

Your consideration of this communication will be appreciated.

Yours very truly,

RLT.—b.

R. L. THOMPSON, Secretary.

NOMINATIONS BY THE GOVERNOR

The Secretary to the Governor, being introduced, presented communications in writing from His Excellency, the Governor of the Commonwealth, which were read as follows, and referred to the Committee on Executive Nominations.

MEMBERS OF REGISTRATION COMMISSION FOR SCRANTON

Commonwealth of Pennsylvania.

Governor's Office, Harrisburg, February 27, 1939.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor to nominate for the advice and consent of the Senate the following persons for appointment as members of the Registration Commission in and for the City of Scranton, for terms of four years and until their successors are appointed and qualified:

Ellsworth Kelly, 2234 North Washington Avenue, Scranton, Pa. (Republican)

Mrs. Thomas L. Williams, 534 North Main Avenue, Scranton, Pa. (Republican)

J. Gerald Collins, 820 Johnson Avenue, Scranton, Pa. (Democrat)

Peter T. Reif, 130 South Irving Avenue, Scranton, Pa. (Democrat)

ARTHUR H. JAMES.

MEMBERS OF STATE WORLD'S FAIR COMMISSION

Commonwealth of Pennsylvania.

Governor's Office, Harrisburg, February 27, 1939.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor to nominate for the advice and consent of the Senate the following persons for appointment as members of the State World's Fair Commission, to serve until annulled:

Mrs. Caroline R. Huber Haverford, Montgomery County.

Chas. J. Graham, Coraopolis, Allegheny County.

Jos. W. Wear, Gypsy Hill Road, Penlynn, Montgomery County.

ARTHUR H. JAMES.

MEMBER OF THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

Commonwealth of Pennsylvania.

Governor's Office, Harrisburg, February 27, 1939.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor to nominate for the advice and consent of the Senate the following:

John Siggins, Jr., Warren, Warren County, for appointment as a member of the Pennsylvania Public Utility Commission, for the residue of the term ending April 1, 1941, and until his successor shall be duly appointed and shall be qualified.

ARTHUR H. JAMES.

JUDGE OF THE MUNICIPAL COURT OF THE FIRST JUDICIAL DISTRICT OF PHILADELPHIA

Commonwealth of Pennsylvania.

Governor's Office, Harrisburg, February 27, 1939.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor to nominate for the advice and consent of the Senate the following:

John Robert Jones, Esq., Philadelphia, Philadelphia County, for appointment as Judge of the Municipal Court of the First Judicial District of Pennsylvania, until the first Monday in January, 1940, vice William M. Lewis, deceased.

ARTHUR H. JAMES.

NOTARIES PUBLIC

He also presented in writing from His Excellency, the Governor of the Commonwealth, nominations for appointment as Notaries Public, which were laid on the table.

COMMUNICATION FROM THE GOVERNOR

The Secretary to the Governor, being introduced, presented communication in writing from His Excellency, the Governor of the Commonwealth, which was read as follows:

APPROVAL OF SENATE BILL No. 32

Commonwealth of Pennsylvania.

Governor's Office, Harrisburg, February 10, 1939.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed Senate Bill No. 32, Printer's No. 5, entitled, "A Supplement to the act approved the second day of July one thousand nine hundred and thirty-seven (Pamphlet Laws 2706) entitled 'An act creating a State World's Fair Commission defining the powers and duties of said commission providing for participation in the New York World's Fair and making an appropriation' increasing the membership of the commission and making an additional appropriation thereto."

ARTHUR H. JAMES.

QUESTION OF PERSONAL PRIVILEGE

Mr. JASPAN. Mr. President, I rise to a question of personal privilege.

The PRESIDENT. The Senator from Philadelphia, Mr. Jaspán, will state his question of personal privilege.

Mr. JASPAN. Mr. President, I am somewhat surprised that I still enjoy the right to rise to a question of personal privilege, and I believe that some of my Republican friends on the other side of the Chamber share my feeling. It would be consistent with the brazenness and effrontery displayed by the majority leadership in this body, during the past two weeks, if the Democratic members were denuded of this hitherto inalienable prerogative. May I suggest a word of comfort to my Republican friends who share my surprise; please do not be discouraged; another recess of two weeks will probably obviate the necessity of any minority representation in the Senate. Your political and economic overlords will then have attained their objective—an American counterpart of the European totalitarian countries.

A fortnight ago, on the floor of this Chamber, my distinguished colleague, the Senator from Tioga County, in urging the passage of the resolution to recess for two weeks, stated:

"Now, Mr. President, this resolution has as its basis the information, that has come to this body, that it will take at least two weeks in order to complete this budget. It will take, in other words, two weeks to ascertain what the requirements of the next biennium will be, what the effects of the savings in the various departments will be on the budget. In other words, the whole legislative program of this session of the Legislature depends to a large extent on just what can be worked out in the way of economy and just what will be found to be the actual needs for relief when the proper surveys have been completed." . . . "I want to make it clear that this time is not going to be wasted. It is proposed, during this recess, to have numerous committees of the Senate and of the House work on this legislative program, consult with the heads of the departments, and see in what way we can cooperate to cut down these costs and save this state from what otherwise would be financial disaster—if we went on at the rate at which we were going prior to this Administration." "That is the purpose of this recess; it is to do this necessary preliminary work in an orderly way, and many of us are convinced that if this recess is taken and if this intensive work is done during this period, until the twenty-seventh, we will save much time in the end."

I have deliberately quoted a large portion of the address of the Senator from Tioga in order to dispel any doubt

as to the impression he sought to convey in urging the recess. Economy in government was his theme. But developments of the past two weeks proved the real purpose of the resolution. And that the address was plainly a smokescreen to conceal the principal motive of the recess. Unimpeachable reports which have reached me show conclusively that the various committees of the Senate were busily engaged, not in exploring economies in government, but in preparing plans to fulfill our good Governor's campaign pledge—the destruction of the liberal legislation enacted by the previous Administration. With the minor exception of a few Democratic Senators who were invited to say a few words in connection with the relief problem, in an obvious attempt to sanctify the activities of the Republicans during the recess, not one minority members of any major committee was requested to attend the numerous deliberations concerning proposed legislation. Although the Republicans could outvote the Democrats two to one in any standing committee, the leaders of the present Administration were apparently determined to play safe. They were not perturbed much about railroading their proposed legislation through the committees which they safely controlled. But they have been desperately afraid of the public reaction to their plans. They fear that if any of the Democratic members of the Senate know of the manner in which the present liberal legislation will be destroyed, a sharp battle will be precipitated to save it, and that the people of the State would soon rise in arms against the Republican Senators. With the narrow division between both parties in the Senate, strong public reaction would surely win the support of several Republican Senators who still believe that the welfare of the people is supreme. This is a situation which the party in power is bending every effort to avoid. And the secret meetings which the various committees have held during the past two weeks, without the presence of minority representation, have been designed to sugar-coat the destructive new legislation and prepare to rush it through the legislative mill before the public has an opportunity to learn anything about it.

The principle underlying the two-weeks' recess is little different, except as to the time element, than the so-called four, five, and six year plans that have become the vogue in some foreign countries. In those countries the people also were told that the ruling party required a given period of time to perfect plans for the welfare and happiness of the citizens. And what was done during the recess in those nations? The party in power consolidated its position, changed the laws to suit itself, and destroyed what happiness and freedom the people once enjoyed.

No one can deny that we are now living in a troubled world. Alien doctrines are harassing us on all sides and threaten to undermine our democratic institutions. Is this the time for the Republican party to rock the boat by practicing the very doctrines which are so obnoxious to our form of government? Is the suppression of free and open discussion in our legislative assemblies conducive to our traditional concept of democracy? Consideration and deliberation form the very life-blood of democracy.

I reiterate that Senator Owlett, in pressing a motion for recess two or more weeks ago, stated that it is proposed to have numerous committees of the Senate and House work on this legislative program. He further stated that

everything would be done in an orderly way. Yes, I agree with him—it was very orderly for a one party government. Mind you, Republican committees were appointed and acted without any regard for the rules of the Senate—without any thought for good and decent government—without any consideration for the principles underlying our democracy. I cannot emphasize too strongly that ours is still a two party government and let us not lose sight of that fact.

A few weeks ago, I stated on the floor of the Senate that I would be the last man in this chamber to contend that this is a place where men would be angels and angels would be gods—but I certainly felt that irrespective of party affiliations, men would be men.

I cherish a high regard for the integrity and sense of fairness of a number of Senators on the Republican side of this Chamber. And I cannot believe that they would knowingly support any plan to betray the rank and file of our people. I earnestly hope that they will have the courage to resist the pressure brought upon them to turn back the clock. Let us not place party affiliations above our common duty to the citizens of our Commonwealth. Let us keep the welfare of our people supreme.

BILLS INTRODUCED

Mr. CHAPMAN read in his place and presented to the Chair, Senate Bill No. 83, entitled:

An Act to amend section one of the act, approved the twenty-fifth day of April, one thousand nine hundred twenty-nine (P. L. 694), entitled "An act providing for the payment monthly by the counties to the Department of Revenue of the expenses of keeping convicts in State penitentiaries," by imposing upon the State the keeping of certain convicts.

Which was committed to the Committee on State Government.

Mr. WOODWARD read in his place and presented to the Chair, Senate Bill No. 84, entitled:

An Act to further amend sub-section (b) of section one thousand and two of the act, approved the first day of May, one thousand nine hundred and twenty-nine (P. L. 905), entitled "An act for the protection of the public safety; regulating the use of highways, and the operation of vehicles, tractors, street cars, trackless trolley omnibuses, bicycles, pedestrians, and the riding of animals upon the highways of this Commonwealth; providing for the titling, including liens, encumbrances, and legal claims; registration of certain vehicles and licensing the operators thereof, upon payment of prescribed fees; prescribing and limiting the powers of local authorities to deal with the subject matter of this act; conferring powers and imposing duties upon the Department of Revenue, the Department of Highways, peace officers, mayors, burgesses, magistrates, aldermen, justices of the peace, the courts and the clerks thereof, owners of vehicles, and garage keepers; providing that records are admissible as evidence; imposing upon owners, counties, cities, boroughs, incorporated towns, townships, within the Commonwealth, liability for damages caused by the negligent operation of their motor vehicles; imposing penalties; imposing certain costs upon counties; providing for the disposition of fines, forfeitures, fees, and miscellaneous receipts; making an appropriation and providing for refunds," restricting speed of vehicles within public park areas.

Which was committed to the Committee on Highways.

Mr. EDMONDS read in his place and presented to the Chair, Senate Bill No. 85, entitled:

An Act to further amend sections one, two, and three of the act, approved the twentieth day of April, one thousand

nine hundred and twenty-seven (P. L. 311), entitled "An act providing for a more equitable method of assessing capital stock tax against corporations, limited partnerships, joint-stock associations, and companies, in certain cases," extending the provisions thereof to foreign corporations, joint-stock associations, limited partnerships and companies.

Which was committed to the Committee on Finance.

He also read in his place and presented to the Chair, Senate Bill No. 86, entitled:

An Act to further reenact and amend the title and act, approved the sixteenth day of May, one thousand nine hundred thirty-five (P. L. 208), entitled as amended, "An act to provide revenue for State purposes by imposing an excise tax, for a limited period of time, on the incomes of certain corporations, joint-stock associations and limited partnerships; providing for the assessment, collection, settlement and resettlement of taxes, and views and appeal therefrom; conferring powers, and imposing duties on certain persons, corporations, joint-stock associations, limited partnerships, State, and county officers, board and departments; making an appropriation and providing penalties," by making said tax a permanent tax; and changing the basis for computing taxable net incomes.

Which was committed to the Committee on Finance.

He also read in his place and presented to the Chair, Senate Bill No. 87, entitled:

An Act to further amend section eighteen (renumbered section seventeen), of the act, approved the second day of June, one thousand nine hundred and thirty-five (P. L. 114), entitled "An act to provide revenue for State purposes: imposing taxes upon certain classes of personal property; providing for the assessment, collection, and lien of the same, and the distribution of the proceeds thereof; imposing duties on executors, administrators, registers of wills, recorders of deeds, prothonotaries and court clerks, and on persons, copartnerships, associations, banks, national banks, trust companies, and other corporations receiving deposits of money, and on certain corporations and limited partnerships; conferring powers and imposing duties on certain State officers and departments; imposing penalties; and making an appropriation by exempting certain personal property held for the benefit of non-residents.

Which was committed to the Committee on Finance.

He also read in his place and presented to the Chair, Senate Bill No. 88, entitled:

An Act to further amend sections twenty and twenty-one of the act, approved the first day of June, one thousand eight hundred eighty-nine (P. L. 420), entitled "Further supplement to an act, entitled 'An act to provide revenue by taxation,' approved the seventh day of June, Anno Domini one thousand eight hundred and seventy-nine," by changing the basis for valuing taxable capital stock both of domestic and foreign corporations, joint-stock associations, limited partnerships and companies; substituting a capital stock tax on foreign corporations in lieu of the franchise tax on such corporations.

Which was committed to the Committee on Finance.

Mr. KUNKEL read in his place and presented to the Chair, Senate Bill No. 89, entitled:

An Act to amend subdivision (p) of article three of the act, approved the second day of May, one thousand nine hundred and twenty-nine (P. L. 1278), entitled "An act relating to counties of the second, third, fourth, fifth, sixth, seventh and eighth classes; and revising, amending and consolidating the laws relating thereto," by providing for retirement systems for employees in counties of

third and fourth class; and including employes of institutions in all cases.

Which was committed to the Committee on County Government.

Mr. EROE read in his place and presented to the Chair, Senate Bill No. 90, entitled:

An Act relating to chicks and ducklings; prohibiting the artificial coloring and sale thereof and providing penalties.

Which was committed to the Committee on Agriculture.

Mr. CAVALCANTE read in his place and presented to the Chair, Senate Bill No. 91, entitled:

An Act making an appropriation to the Brownsville General Hospital, Brownsville, Pennsylvania.

Which was committed to the Committee on Appropriations.

He also read in his place and presented to the Chair, Senate Bill No. 92, entitled:

An Act making an appropriation to the Uniontown Hospital, Uniontown, Pennsylvania.

Which was committed to the Committee on Appropriations.

He also read in his place and presented to the Chair, Senate Bill No. 93, entitled:

An Act to validate private sales of real estate of decedents, heretofore made under authority of orphans' Courts on petition of executors or administrators for payment of debts.

Which was committed to the Committee on Judiciary General.

He also read in his place and presented to the Chair, Senate Bill No. 94, entitled:

An Act abating unpaid penalties and interest imposed on counties, cities, boroughs, townships, school districts and incorporated districts for the nonpayment of state taxes on scrip, bonds, certificates and evidences of indebtedness, and authorizing the State Treasurer and the Auditor General to compromise the Commonwealth's claims against such political subdivisions for such unpaid taxes.

Which was committed to the Committee on Finance.

Mr. SIPE on behalf of Mr. CAVALCANTE and himself, read in his place and presented to the Chair Senate Bill No. 95, entitled:

An Act to amend article seven of the act approved the 1st day of May, one thousand nine hundred and twenty-five (P. L. 905), entitled "An act for the protection of the public safety; regulating the use of highways, and the operation of vehicles, tractors, street cars, trackless trolley omnibuses, bicycles, pedestrians, and the riding of animals on the highways of this Commonwealth; providing for titling, including liens, encumbrances, and legal claims; registration of certain vehicles and licensing the operators thereof, upon payment of prescribed fees; prohibiting and limiting the powers of local authorities to deal with the subject matter of this act; conferring powers and imposing duties upon the Department of Revenue, Department of Highways, peace officers, mayors, bursees, magistrates, aldermen, justices of the peace, the courts and the clerks thereof, owners of vehicles, and page keepers; providing that records are admissible as

evidence; imposing upon owners, counties, cities, boroughs, incorporated towns, townships, within the Commonwealth, liability for damages caused by the negligent operation of their motor vehicles; imposing penalties; imposing certain costs upon counties; providing for the disposition of fines, forfeitures, fees, and miscellaneous receipts; making an appropriation and providing for refunds," by adding a new section thereto; providing for a reduction of the registration fee for certain vehicles when used exclusively for agricultural purposes.

Which was committed to the Committee on Finance.

Mr. STIEFEL read in his place and presented to the Chair Senate Bill No. 96, entitled:

An Act concerning the ascertainment of principal and income and the apportionment of receipts and expenses among tenants and remaindermen and to make uniform the law with reference thereto.

Which was committed to the Committee on Judiciary General.

He also read in his place and presented to the Chair Senate Bill No. 97, entitled:

An Act with reference to trust receipts and pledges of personal property unaccompanied by possession in the pledgee and to make uniform the law with reference thereto.

Which was committed to the Committee on Judiciary General.

Mr. HALUSKA read in his place and presented to the Chair Senate Bill No. 98, entitled:

An Act to amend section three hundred and five of the act approved the twenty-ninth day of November, one thousand nine hundred thirty-three (P. L. 15—1933-34), entitled as amended "An act to regulate and restrain the sale, manufacture, possession, transportation, importation, traffic in, and use of alcohol, and alcoholic and malt or brewed beverages; conferring powers and imposing duties upon the Pennsylvania Liquor Control Board and its agents, the Department of Public Instruction, other officers of the State government, courts, and district attorneys; authorizing the establishment and operation of State stores for the sale of such beverages not for consumption on the premises, and the granting of licenses, subject to local option, to sell such beverages for consumption on and off the premises; forbidding importation or bringing of such beverages into the State except as herein provided; prohibiting certain sales or practices in, connection with, and transactions in such beverages by licensees and others; providing for the forfeiture of certain property; making disposition of the receipts from State stores and of fees; and imposing penalties," as reenacted, providing a twenty-five per centum discount on liquor purchases by certain licensees.

Which was committed to the Committee on Law and Order.

He also read in his place and presented to the Chair Senate Bill No. 99, entitled:

An Act to amend clauses five, six and seven of section one thousand two hundred ten of the act approved the eighteenth day of May, one thousand nine hundred and eleven (Pamphlet Laws 309), entitled "An act to establish a Public School System in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws, general, special or local, or any parts thereof that are or may be inconsistent therewith,"

as amended, changing the salaries and increments of certain teachers in districts of the second, third and fourth classes.

Which was committed to the Committee on Education.

He also read in his place and presented to the Chair Senate Bill No. 100, entitled:

An Act making an appropriation to the Miners' Hospital of Northern Cambria, Pennsylvania.

Which was committed to the Committee on Appropriations.

Mr. DENT read in his place and presented to the Chair Senate Bill No. 101, entitled:

An Act to further amend section ten of the act approved the twenty-first day of May, one thousand nine hundred and thirty-one (P. L. 149), entitled, "An act imposing a State tax, payable by those herein defined as distributors, on liquid fuels used or sold and delivered within the Commonwealth, which are ordinarily, practically, and commercially usable in internal combustion engines for the generation of power; providing for the collection and lien of the tax, and the distribution and use of the proceeds thereof; requiring such distributors to secure permits, to file corporate surety bonds and reports, and to retain certain records; imposing duties on retail dealers, common carriers, county commissioners, and such distributors; providing for rewards; imposing certain costs on counties; conferring powers and imposing duties on certain State officers and departments; providing for refunds; imposing penalties; and making an appropriation," by providing for the making of refunds of the liquid fuel tax to cities, boroughs, incorporated towns and townships, and increasing the proportionate amount thereof.

Which was committed to the Committee on Finance.

He also read in his place and presented to the Chair Senate Bill No. 102, entitled:

An Act limiting the amount that water companies may charge cities, boroughs, or incorporated towns for fire protection; and imposing duties on the Public Utility Commission or its successor.

Which was committed to the Committee on Public Utilities.

Mr. LEVIN read in his place and presented to the Chair Senate Bill No. 103, entitled:

An Act making an appropriation to the Hospital of the Jefferson Medical College of Philadelphia, Pennsylvania.

Which was committed to the Committee on Appropriations.

He also read in his place and presented to the Chair Senate Bill No. 104, entitled:

An Act making an appropriation to The Jefferson Medical College of Philadelphia, Pennsylvania, for medical education.

Which was committed to the Committee on Appropriations.

He also read in his place and presented to the Chair Senate Bill No. 105, entitled:

An Act making an appropriation to the Curtis Clinic Out-Patient Department of The Jefferson Medical College Hospital of Philadelphia, Pennsylvania for maintenance.

Which was committed to the Committee on Appropriations.

Mr. BARTLETT read in his place and presented to the Chair Senate Bill No. 106, entitled:

An Act to further amend the act, approved the first day of May, one thousand nine hundred and twenty-nine (P. L. 905), entitled "An act for the protection of the public safety; regulating the use of highways, and the operation of vehicles, tractors, street cars, trackless trolley omnibusses, bicycles, pedestrians, and the riding of animals upon the highways of this Commonwealth; providing for the titling, including liens, encumbrances, and legal claims, registration of certain vehicles and licensing the operators thereof, upon payment of prescribed fees; prescribing and limiting the powers of local authorities to deal with the subject matter of this act; conferring powers and imposing duties upon the Department of Revenue, the Department of Highways, peace officers, mayors, burgesses, magistrates, aldermen, justices of the peace, the courts and the clerks thereof, owners of vehicles, and garage keepers; providing that records are admissible as evidence; imposing upon owners, counties, cities, boroughs, incorporated towns, townships, within the Commonwealth liability for damages caused by the negligent operation of their motor vehicles; imposing penalties; imposing certain costs upon counties; providing for the disposition of fines, forfeitures, fees, and miscellaneous receipts; making an appropriation and providing for refunds," by providing for different classes of operators' licenses and learners' permits; prescribing the circumstances under which they shall be issued; requiring proof of financial responsibility in certain cases; denying operating privileges under certain circumstances; and providing additional penalties.

Which was committed to the Committee on Finance.

Mr. WOLFENDEN read in his place and presented to the Chair Senate Bill No. 107, entitled:

An Act for the relief of the burden of local taxation; making an appropriation out of the Motor License Fund; providing for the allocation thereof to cities, incorporated towns, boroughs and townships for road and street purposes; and conferring powers and imposing duties on the Department of Highways, the Department of the Auditor General, and Treasury Department, and on cities, boroughs, incorporated towns and townships and officers thereof.

Which was committed to the Committee on Finance.

COMMUNICATION FROM THE SECRETARY OF THE COMMONWEALTH TAKEN FROM TABLE

Mr. OWLETT. Mr. President, I move that the communication from the Secretary of the Commonwealth, laid on the table earlier in the evening, be now taken from the table.

Mr. GELDER. Mr. President, I second the motion.

The motion was agreed to.

REQUEST TO READ FINAL ORDER OF THE COURT, CONTAINED IN COMMUNICATION FROM THE SECRETARY OF THE COMMONWEALTH

Mr. OWLETT. Mr. President, I ask that the part of the communication, beginning with page 50, containing the Final Order of the Court of Common Pleas of Philadelphia County, be read.

Mr. SHAPIRO. Mr. President, I imagine the request of the Senator from Tioga, Mr. Owlett, is inadvertent. I believe this is a report from the judge, and I assume since this is a report from the judge in the contest of election in the Second Senatorial District, probably the Senators would be interested in more than merely the final decision of the Court.

I assume that the Senator from Tioga is not asking that this decision be read merely for the edification of the Senate, but for the purpose of some subsequent motion he will make; and under those circumstances it may become necessary to have the whole of the report read.

Now, if the Senator merely wants to state the fact that in the contest of election, as everybody knows, the judge found that there was one more legal vote in favor of the contestant than there was for the Senator who is now seated, I am perfectly willing, for the purpose of the record, to agree that that was the fact; but I do not think that the Senator, by his motion, should preclude us from knowing just what the report says. As a matter of fact, I do not think the Senators ought to be asked to vote on this matter until they have read the whole report, because I think it is a somewhat helpful document in aiding the Senators to come to a conclusion.

Mr. OWLETT. Mr. President, I would be glad to have the whole decision read for the information of the Senate.

Mr. SHAPIRO. Mr. President, my friend, the Senator from Tioga, did not understand, or did not hear what I said. I said that I did not ask that it be read, but that for the purpose of the prospective motion which I am sure he is about to make I am willing that the record may show what occurred so far as the actual facts are concerned; but I am of the opinion that if the Senate is going to be asked to vote on this report the report should be laid upon the desk of every member of this Senate.

Mr. OWLETT. Mr. President, for the information of the Senate I desire to state that I propose to make a motion to which I am sure the Senator from Philadelphia, Mr. Shapiro, will agree. In order that the matter may be acted on and determined there will need to be a complete knowledge of the contents of this decision, of course. My first request was in the interest of time that the final decree of the Court be read, as a basis of the motion I propose to make.

It is appreciated by all that this matter cannot finally be determined by the Senate without a complete knowledge of the contents of this decision. If the Senator from Philadelphia, Mr. Shapiro, wishes to have it all read, we have, of course, no objection.

Mr. SHAPIRO. Mr. President, the orderly procedure in this matter is obvious to anyone who reads the Act of 1937. The first step in that procedure has been taken, the Secretary of the Commonwealth has filed a report on the disputed election case in the Second Senatorial District of this Commonwealth. It is the duty of the Senate to refer it to the Committee on Elections; it is not in the interests of time that this report should not be read; but if this proposed motion by the Senator from Tioga will in any way effect the gentleman who now occupies the seat from the Second Senatorial District, in Philadelphia, it is only fair that every member of the Senate should know just what this report is.

It is unheard of in the annals of the history of this Senate that a report of this kind should be acted upon by the Senate as a body. Obviously the motion of the Senator from Tioga will be to take action on that report because of the decision of the Court, which is contrary to all recognized precedent, out of line with all recognized precedent. That is no way to act upon such a report, and take away a man's right or affect his standing in the community—by saying, "I would like you to read the decision of the Court, and now I am going to ask you to act on

it," when the only orderly way to act on it is to refer it to the Committee on Elections. That is the only fair way, and that is in accordance with the Act of 1937. The Senator from Tioga may have the votes to do otherwise, but he will subject himself to the criticism which follows.

Mr. OWLETT. Mr. President, I renew my request that the Order of the Court, beginning on page 50, be read for the information of the Senate.

Mr. SHAPIRO. Mr. President, I object.

The PRESIDENT. The Chair hears objection.

MOTION TO READ THE ORDER OF THE COURT

Mr. OWLETT. Mr. President, I move that the Order of the Court, or decree, on pages 50 and 51 of this report, be read by the Clerk.

Mr. GELDER. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

QUESTION OF PARLIAMENTARY INQUIRY

Mr. CAVALCANTE. Mr. President, I rise to a question of parliamentary inquiry.

The PRESIDENT. The Senator from Fayette, Mr. Cavalcante, will state his question of parliamentary inquiry.

Mr. CAVALCANTE. Mr. President, as I understood the debate between the Senator from Philadelphia, Mr. Shapiro, and the Senator from Tioga, Mr. Owlett, the Senator from Tioga merely wants the order read while the Senator from Philadelphia wants the opinion and the order read; is that it?

The PRESIDENT. The Chair thinks that is not correct.

Mr. SHAPIRO. Mr. President, so that the Senate may not misunderstand what my suggestion is, I will restate it. I say the reading of any portion of that document is out of order. My contention is that automatically, after that report was lifted from the table, it should have been referred to the standing Committee on Elections.

And the question recurring,

Will the Senate agree to the motion?

The yeas and nays were required by Mr. JASPAN and Mr. SHAPIRO, and were as follows, viz:

YEAS—29

Bartlett.	Farrell.	Letzler.	Snowden.
Chapman	Gedert.	Mallery.	Stevenson.
Crowe.	Geltz.	Miller.	Tallman.
Dando.	Haluska.	Owlett.	Thomas.
Dent.	Heyburn.	Pierson.	Walker.
Ealy.	Homsher.	Scarlett.	Wolfenden.
Edmonds.	James.	Sipe.	Woodward.
Eroe.			

NAYS—19

Cavalcante.	Jacobs.	Levin.	Rice.
Coleman.	Jaspan.	McCreesh.	Ruth.
DISHVESTRO.	Kilgallen.	McGinnis.	Shapiro.
Frey.	Kunkel.	Mundy.	Stiefel.
Gilson.	Lanius.	Read.	

So the question was determined in the affirmative.

The PRESIDENT. The clerk will proceed to read the Order of the Court.

The order was read as follows:

ORDER

The votes of the following named persons (sixty-eight in number) who voted for Herbert S. Levin were illegal for the reasons we have given above, and cannot be computed:

Henry Hartnett, Lawrence Reynolds, James Berley, Ida Thompson, Margaret Pendleton, Albert Finderson, John Hunter, Clarence Hodges, Anna Hodges, Ida May Donaldson, Nellie Washington, Leona Barber Charles Smith, John Paul, Melvin Mullen, Annie Benson, Wilson Gains, George Formisano, Brazil Johnson, Frank Pino, Allean Ward, Frank LaMacchia, Faris Scheard, Garfield Myrich, Richard Jackson, Alfred Johnson, Estelle Glover, Henry Glover, King David Thomas, Jake Picinik, Boston Cobb, Lonnie Blount, Olivet Till, Ellsworth Till, Ethel Taylor, James Wynfield, Jesse Cokley, Alice Cokley, John Taylor, Sarah Williams, Mary Beckett, Margie Butler, William Stanson, David Milgram, Yetta Milgram, Sally Alston, Booker T. Brown, Marie Jackson, Maria Gillardi, Edward Freeman, Ann Freeman, Anita Granby, Harvey Knox, Kate E. Bridge, Max Brickman, Robert Paul, Charles Bookfor, Perry Kane, Chester Williams, Samuel Bookfor, Harold Moran, William Marshall, Manuel Feinberg, Alfred Buria, Lawrence Rusakoff, Herbert Levin, Esther Bookfor, Dr. Grinnage.

The votes of the following persons (twenty in number) who voted for Samuel W. Salus were illegal for the reasons we have given above, and cannot be computed:

Jacob Bockel, John McDowell, Nathan Potamkin, Anna Ratner, Catherine Derickson, Blanche Thompson, Joseph Abruzzese, Israel Stein, Roscoe Mackey, Al Emerson, Ralph Kliegman, Andrew Amoroso, Carmine Anodei, Samuel W. Salus, Peter Tedesco, Daniel Lamarchesino, Harry Friedman, Alexander Green, Reaymond Abruzzese, Frank DeFeo.

Herbert S. Levin received 23,419 legal votes, and Samuel W. Salus received 23,420 legal votes.

Samuel W. Salus therefore received the greater number of legal votes.

By the Court:

T. D. FENLETT R. P. J.

MOTION THAT HERBERT S. LEVIN BE STOOD ASIDE, AND HIS NAME STRICKEN FROM THE ROLL OF THE SENATE; AND THAT THE COMMUNICATION FROM THE SECRETARY OF THE COMMONWEALTH BE REFERRED TO THE COMMITTEE ON ELECTIONS.

Mr. OWLETT. Mr. President, it appearing from the communication the Secretary of the Commonwealth just presented to the Senate that Herbert S. Levin was not elected to the State Senate on November 8, 1938, I therefore move you Mr. President, that Herbert S. Levin be stood aside and his name be stricken from the rolls of Senate pending the report of the Committee hereinafter referred to; and I further move that the communication of the Secretary of the Commonwealth be referred to the Committee on Elections, to give full and complete consideration to the same and make report thereon to the Senate within one month.

Mr. GELDER. Mr. President, I second the motion.

POINT OF ORDER

Mr. SHAPIRO. Mr. President, I rise to a point of order. The PRESIDENT. The Senator from Philadelphia, Mr. Shapiro, will state his point of order.

Mr. SHAPIRO. Mr. President, the motion contains two subjects and is out of order. The two subjects are, first, that the Senator from Philadelphia, from the Second Senatorial District, should stand aside; and, secondly, that the report just read be referred to the Committee on Elections; so that there are two subjects, and the two motions cannot be acted upon intelligently together.

Mr. OWLETT. Mr. President, I speak on the point of order. I take it that the point of order is not well taken. The motion is to submit this report to the Committee on Elections, which is the usual and regular procedure, and just what the Senator from Philadelphia asked for a few

minutes ago—for a careful consideration of the whole thing; and, pending the consideration of that, that the Senator from Philadelphia, Mr. Levin, be stood aside and his name be stricken from the rolls pending the determination of the matter by this Committee.

That is all one subject matter, Mr. President, and it can only be voted on intelligently as one motion.

Mr. SHAPIRO. Mr. President, I did not know that points of order were debatable, but since my friend from Tioga has debated it I should like to say to the Chair, and to my friend from Tioga, that that is what I wanted done—to have this report committed to the Committee on Elections. I shall vote in favor of such motion. But when he combines it with a motion to stand aside the Senator from the Second Senatorial District, I cannot vote "aye" on that motion, because it would be voting "aye" on the two subjects. I think we should stop telling jokes and deal with this serious matter as a matter deserving serious consideration.

Mr. OWLETT. Mr. President, in view of the statement of the Senator from Philadelphia, Mr. Shapiro, that he desires to vote for part of this motion, we are glad to separate it; and, with the permission of the Senate, I will withdraw the motion and make another motion covering just one phase of it at this time.

Mr. GELDER. Mr. President, I withdraw my seconding of the motion.

The PRESIDENT. If there is no objection, the motion made by the Senator from Tioga, Mr. Owlett, and seconded by the Senator from Susquehanna, Mr. Gelder, will be withdrawn.

MOTION THAT HERBERT S. LEVIN BE STOOD ASIDE, AND HIS NAME STRICKEN FROM THE ROLL OF THE SENATE.

Mr. OWLETT. Mr. President, it appearing from the communication just presented to the Senate by the Secretary of the Commonwealth that Herbert S. Levin was not elected to the Senate on November 8, 1938, I now move you, Mr. President, that said Herbert S. Levin be stood aside and his name be stricken from the rolls pending the final determination of the matter contained in said communication, which I propose by motion to ask be referred to the Committee on Elections.

Mr. MALLERY. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

Mr. LEVIN. Mr. President, since January 3, 1939, I have been a member of this body, the Senate of Pennsylvania.

On that day I took an oath, in part of which I solemnly swore . . .

"that I have not paid or contributed, or promised to pay or contribute, either directly or indirectly, any money or other valuable thing to procure my nomination or election, except for necessary and proper expenses expressly authorized by law; that I have not knowingly violated any election law of this Commonwealth, or procured it to be done by others in my behalf."

Thereafter, I entered upon all the duties and rights devolving upon my office, including the introduction of legislation, voting upon bills, and I have received a wallet-size certificate of election, signed by you, Mr. President and last week received my certificate of election, signed

by Senator Gelder, President Pro Tempore, which I have before me and from which I now read:

COMMONWEALTH OF PENNSYLVANIA
(SEAL)

SENATE CHAMBER

To all to whom these Presents shall come, Greeting:

Know Ye, That I do hereby certify that

HERBERT S. LEVIN
of the County of
PHILADELPHIA

has been duly elected in accordance with the laws of this Commonwealth in such case made and provided, a

SENATOR IN THE GENERAL ASSEMBLY
OF THE COMMONWEALTH OF PENNSYLVANIA

to represent the Second Senatorial District of Pennsylvania, for the term of four years, to be computed from the first day of December, Anno Domini one thousand nine hundred and thirty-eight.

In Testimony Whereof, I have hereunto set my hand and caused the Seal of the Senate to be affixed, at the City of Harrisburg, this third day of January in the year of our Lord one thousand nine hundred and thirty-nine.

FREDERICK T. GELDER

President Pro Tempore of the Senate

Attest: William J. Ridge
Chief Clerk

Mr. President, my seat in this Senate is being contested, but what has developed in that connection, especially during the last week, renders the question of my remaining in this body, or departing from it, of very minor importance to me.

That is not what is at stake for me. It is a great honor to sit in this body. It is a great honor to be chosen to serve here for the benefit of this great State. But I repeat, all that is now, perforce, of minor importance to me.

Mr. President, I am a young man. I have studied the law. I have been admitted to the Bar—likewise a great honor, involving grave responsibilities of which I am fully aware. I would like to point out to everyone of my colleagues and to all others that until now I have lived in my city and passed among my fellow men with unblemished reputation and I think I can say without reservation that there was no one who could point a finger at me or raise any question about me.

That, Mr. President, is why I say that issues that have been raised, or that may be raised, regarding my place in this Senate are not so important for me as a Senator but as a man.

They affect my standing as a member of the Bar; in fact they threaten that hard won position I have gained as a lawyer. They assail my reputation; my character as a citizen.

The dignity, the honor and the prestige of being a Senator are deeply appreciated by me. But above all I cherish the esteem of my fellow citizens and my good name.

I do not know what may be in the minds of some of my colleagues. I do not speak to you as a Senator whose

position has been assailed. My one concern as to my colleagues here, whatever befalls, is that I could gain nothing by retaining this seat if I forfeited completely their sense of trust and their ultimate belief in my integrity.

Mr. President, I have a father, a mother, two brothers and a sister. I need their trust and their faith in me even more than I need yours. I need to have the world to know, for their sakes, that I am worthy of such trust and faith.

My father, Mr. President, has been a physician in Philadelphia for thirty years and is a member of the staff of one of its leading hospitals. My mother, who was formerly a school teacher, can today look with pride upon a brother who is about to graduate from the Medical School of the University of Pennsylvania; another who is in his second year in law school, and my sister, who is in the graduating class of the Teachers' School of Temple University.

Mr. President, she must be able to continue to look with pride and high belief upon me. I live with my family. My honor and reputation are necessarily their honor and reputation, just as they would be forced to share in my dishonor or disrepute.

Mr. President, I was elected from the Second Senatorial District by a majority of forty-seven votes over Samuel W. Salus. More than 47,000 voters cast their ballots in our district. Thereupon Mr. Salus instituted a contest, alleging fraud on my part and on the part of supporters, in that election. As one who has lived many years in that district, which Mr. Salus has long represented, I might comment—as some of you might also—on the incongruity of such charges from him.

The hearings before a court of these charges, officially made by Salus, but bitterly pressed by a political organization, lasted some weeks during which hundreds of witnesses testified.

Among all of them there were five persons who accused me of bribery. Four of these are colored residents of my own ward. The fifth is a former Republican committeeman who was completely discredited by his brother-in-law, a deputy coroner of Philadelphia, and by an attorney who is a member of the House of Representatives.

Last Friday, however, our Election Court, decided that Mr. Salus had defeated me by one vote.

Inter alia, it was found in the Court's opinion, that I had "secured" the votes of Kate Eldridge and one Henry Hardnett, her common law husband, by direct bribery, and other votes through the bribery and fraud of Democratic workers and committeemen.

In the same opinion, however, the Court set forth that Mr. Salus himself had committed bribery and received votes through "bribery and fraud" on the part of his Republican workers and committeemen.

On this particular point I wish to say that during the hearings I took the witness stand on several occasions and submitted myself to cross-examination. On one occasion I testified under direct and cross-examination for a day and a half.

I stated then and I state here as forcibly as I can, and as earnestly and sincerely as I can, that I never obtained any votes through conduct on my part that constituted fraud or bribery.

I took the witness stand, Mr. President, because I had nothing to hide.

On the other hand, my opponent, the petitioner in the contest proceedings, Mr. Salus, never took the stand either during the presentation of his own case or to deny the testimony of those who accused him of bribery and fraud. I believe that this is a salient fact in this case, which should be fully known and understood, both by my colleagues here and the public at large.

Mr. President, it is important to me to comment briefly on certain testimony against me to which I have already referred. The woman Kate Eldridge testified that the day before election I visited her house and solicited her vote and the votes of eight or nine lodgers there, agreeing to pay her \$25 or \$35—some such figure—for her own vote and \$1 each for each voter she obtained for me.

Her common law husband, Henry Hardnett, supported her testimony to this effect, except that he swore that I made these arrangements several days before the election, not the day before.

He also admitted, although Kate Eldridge denied, that they had distributed literature on my behalf and for our other candidates. At least six other witnesses denied this story of alleged bribery and discredited both these persons. One witness who originally testified for Mr. Salus, but was recalled by us, admitted that he had received \$39 for testifying and had his expenses paid and that Kate Eldridge was given \$25 for her testimony and had her expenses paid.

I told the Court that I had known both Kate Eldridge and Henry Hardnett for several years and had represented her in a case against her brother, George Rollins, about two and a half years ago, as a result of which Rollins was sent to prison for eighteen months.

I explained to the Court also that after the spring primary of 1938 Kate Eldridge asked me to do her a favor and obtain a reduction in the size of her water bill and told me she had decided to "turn Democrat" because she had been disturbed over the bitter primary battle between Samuel W. Salus and Herbert Salus, his brother.

I sought to serve her in this matter and subsequently at her request endeavored to locate her real husband who, she had heard, was in prison somewhere in Pennsylvania.

When the political campaign got well under way she and Hardnett obtained literature from me on several occasions and at her own request she was included among other workers for the Democratic Party and my candidacy and told she would be recompensed as a worker.

The fact was freely admitted to the Court that she was paid a reasonable sum of money for such services and it was brought out that the amount given her was listed in my return of election expenses.

I declare now, as unequivocally as I can, that I did not bribe this woman, or her common law husband, or any of her tenants, or anyone else to vote for me. I say now that she became a Democrat voluntarily and without any argument or persuasion.

Mr. President, I am free to admit that since I am a party in interest my testimony on this incident might be taken with a grain of salt. But that can hardly be said of the testimony of three other witnesses, two of them her own blood brothers, and the third a stranger to her and to me.

Alphonse Rollins, one of the brothers, corroborated the fact that he, George Rollins and their sister Kate Eldridge, had decided in the spring of 1938 to go Democratic, flatly

contradicting her assertion that he had continued as a Republican until I made an alleged deal with her on the "day before election."

The disinterested witness, one Ernest Allen, testified that he overheard a conversation between Kate Eldridge and a Republican Committeeman a full month after the election during which Kate was instructed to testify I was to pay her, not for working, but for voting for me. The other brother of Kate Eldridge, Mr. President, George Rollins, the man I aided in sending to prison, might have been expected to harbor some enmity toward me. Yet he came into court and testified that about a month after the election Kate came to him and asked him to join with her in "framing" me and that he could make "easy money" that way.

Rollins refused and immediately wrote a letter to the President Judge of the Election Court setting forth what Kate had suggested, but failing to receive any reply or acknowledgment subsequently came to me about it. When Rollins eventually got on the stand Judge Finletter acknowledged that he had received his letter.

Thereupon Rollins testified to his assertion that Kate had attempted to lead him and Alphonse Rollins into joining in the "frameup" and that the brothers had gone to their father, a minister, and told him about it, and he had said they must tell the Judge the whole story.

Mr. President, this was not the only case where testimony as competent as any presented in these hearings was to the effect that witnesses were promised rewards to testify against me, as the record will show.

There is no question in my mind that the testimony of Kate Rollins and Henry Hardnett was bought and paid for and is perjured. Others may believe them. I know that what they said was rehearsed, reviewed and suborned and I vehemently deny that I procured their votes or the votes of anyone else by bribery.

Mr. President, I review these facts, not to justify my place as a Senator, but to justify my character and reputation—my standing in this Commonwealth and before my colleagues, my friends or my foes—and some of those foes know the rank truth behind all this and what was done and how it was done.

I say again that it is of far less moment to me what may eventually come out of this so far as my seat in this body is concerned, than what may ensue as to my position in the world and my reputation before my family, my friends and all the citizens of this Commonwealth.

At the start of this statement, Mr. President, I read a portion of the oath I took here on January 3. Mr. President and Senators of Pennsylvania, I took that oath in the sight of God as well as of the human assemblage then gathered in this chamber.

As solemnly, and with the same implications, I repeat here and now . . .

"that I have not paid or contributed, or promised to pay or contribute, either directly or indirectly, any money or other valuable thing to procure my nomination or election, except for necessary and proper expenses expressly authorized by law; that I have not knowingly violated any election law of this Commonwealth, or procured it to be done by others in my behalf."

And so, Mr. President, I swear, sure in my heart that in time, at least, all men will realize what some men

alone know tonight; that all the people will understand what has been back of all this; what has been done and how it has been done to besmirch and if possible destroy my character, my reputation and my place in the community.

Mr. OWLETT. Mr. President, in view of the statement of the gentleman from Philadelphia, it may be well to clarify the meaning of this motion. I would like to call the Senate's attention to the fact that this motion is simply a motion that the gentleman from Philadelphia be stood aside pending the inquiry into this decision.

Now, Mr. President, the question of whether or not Mr. Salus was guilty of bribery is not before this Senate at this time. He is not a member of this Senate, nor do we propose to move that he be sworn in at this time, although this certificate shows that he was elected Senator in that district. But can anyone say to the members of this Senate that this man found by a Court in Philadelphia not to have been elected, found, himself, to have been guilty of bribery, should sit in this Senate pending a determination of these issues?

That is all that is before the Senate at this time; it is not the seating of anybody else; and it does not lie, it seems to me, Mr. President, with very good grace to have this gentleman appear here and protest his innocence and protest that he wishes to save his character. I would like to call the Senate's attention to page 10 of the Legislative Journal. My colleagues here remember how this gentleman was brought in the Senate by State Police, how the then presiding officer of this Senate ruled out the vote of every duly elected Senator and only permitted the vote of twenty-two members of this Senate, in order to seat this gentleman.

Now, at the time Mr. Levin was brought in this Senate, and sworn in by these strong arm methods, with the State Police guarding him, and with Lieutenant-Governor Kennedy, in the Chair, refusing to let the members of this Senate who had been duly elected vote, he was taken up alone to the side of the bar of this Senate and sworn in after a vote of fourteen to eight—less than a quorum of this body.

At that time there was an election contest pending, in which the Courts of Dauphin County had held that he was not entitled to take his seat or be sworn in until the final determination of this contest; and an injunction had been issued, sustained by the Supreme Court of this Commonwealth, restraining the Secretary of the Commonwealth from issuing a certificate of election.

I do not need to remind the Senators in this Senate what happened. The presiding officer of this Senate directed the Sergeant-at-Arms to go to the office of the Election Bureau and obtain the certificates from the Second District, in Philadelphia, bring them here and present them to the bar—right outside of the bar of this Senate—and a man was there ready with them, to prevent the Secretary of the Commonwealth being in contempt of court.

I repeat again that this motion is merely to say that this gentleman should never have been sworn in. This election contest, that he participated in, has been determined, and it has been found that he was not elected.

Now, he has, under this Act, a right to appeal to this Senate, and I am sure there is nobody in this Senate, be he Republican or Democrat, that wants to besmirch the character of any man; and I know that everybody in this

Senate knows that if he sees fit to appeal from this decision he will get a fair hearing and fair decision by this Senate.

May I call the President's attention to the decision of this Court, the decision of Judge Finletter, who has been on the bench in Philadelphia for twenty-six years—one of the ablest judges of the Commonwealth of Pennsylvania, recognized as one of the fairest and most impartial men in this State—and this is what he says of the gentleman who now asks us to let him sit in this Senate while this contest is going on, in spite of the fact that it has been found he was not even elected—this is what Judge Finletter finds:

"Kate Eldridge keeps a furnished room house at 324 South 11th Street, Fourth Ward, Eighth Division. She is registered Republican. She testified that Max Brickman called on her before election. Later the candidate Levin called on her the day before election and arranged with her for her support and the votes of her tenants, promising, according to the testimony, \$25 for herself and a dollar a head for her tenants. 'We were all Republicans but what I was getting paid for was turning all my people over.' 'Myself, my house and everybody went Democratic to assist Herbie.' 'I went to the polls with them * * * and Brickman would hand them their dollar.' 'James Berley was one of my tenants. Levin told Berley if he cast his vote he would get a dollar.' He did and voted Democratic. Among the tenants are Albert Finderson, James Berley, Wesley Furr (who voted Republican), Margaret Pendleton, Grovena Davis, Ida Thompson, Jacob Wilson, John Hunter and Lawrence Reynolds. With these Eldridge went to the polls. She did not go with John Hunter, Berley got his money from Brickman in her presence. She saw Brickman pay Wilson at first fifty cents and, on her insistence, finally a dollar. She also saw Brickman pay Ida Thompson and Grovena Davis. Lawrence Reynolds, a tenant, did not take any money.

"Henry Hartnett, described as the common law husband of Kate Eldridge, testified that Levin paid him \$15 for Kate Eldridge, and said he would see her later about the rest. This witness says he heard the 'deal' made by Levin and Eldridge, that he would give Kate \$25, and all the tenants a dollar, if she helped him out. All of the tenants were called except Grovena Davis and Jacob Wilson, and testified that they voted Democratic and were paid by Brickman for doing so. Furr however voted Republican.

"There is very little difference between the stories of Mr. Levin and Kate Eldridge, but the difference is very important. She says that Levin and she had an arrangement by which she was to 'turn over her house' to Levin, i. e., get her tenants to vote for him. He says that he employed her as a 'worker,' and agreed to give her at least \$15 for her efforts. He knew she kept a rooming house in which a dozen voters lived. He knew that the most likely voters for her to work upon were these tenants. On his own statement of the facts she was evidently employed by him to turn over her house to him just as she says. But what about her own vote? Levin knew she was registered Republican. Was it understood that she would still vote Republican while she was 'working' on her ten tenants to get them to vote Democratic? Or did the \$15 for 'working' include persuading herself to change her own vote? Kate and Levin are practical persons. Both knew that a payment of \$15, or \$25, which-

ever it was, for working on her tenants included her own vote. When it came to a performance of the deal it was carried out as planned. Kate, her husband, and all the tenants but one voted Democratic, and each of the tenants received his or her dollar from Brickman. The facts so far related disqualify Kate and Levin as voters, but have no effect on the votes of the tenants. These, however, except Furr, are disqualified by the bribe of a dollar which they accepted from Brickman. We deal with them later in detail." That is what Judge Finletter, the President Judge of this Court in Philadelphia, decided and found under these facts.

Now I say to the members of this Senate that we have no right to permit this gentleman to sit in this Senate pending the final determination of this matter.

The question of Senator Salus is not at issue. It might well be said, "A plague on both your houses," but I say that pending this determination, and in view of the high-handed, unlawful and illegal manner in which Mr. Levin was sworn in, this Senate can do nothing else than stand aside Mr. Levin until this matter is determined and determined properly and fairly in this Senate; and that is what we propose to have done.

Mr. DiSILVESTRO. Mr. President, I desire to interrogate the Senator from Tioga, Mr. Owlett.

The PRESIDENT. Will the Senator from Tioga, Mr. Owlett, permit himself to be interrogated?

Mr. OWLETT. Mr. President, I will.

Mr. DiSILVESTRO. Mr. President, I am astonished that my worthy colleague from Tioga, whom I thought to be a very "bad man" before I came here into the Senate—when I used to read about him in the newspapers—voted during the prohibition era to keep the leader of a racketeer gang in his post as a Senator.

I would like to know—because I am a new Senator here; I am not a veteran, and I might be guided by his suggestion and his teaching—on what grounds did the Senator from Tioga vote for that infamous character when he invaded the halls of this Senate of Pennsylvania after having been convicted by a Judge of the Federal Courts, who was of high integrity, and by a jury of men and women of the district of Philadelphia, who gave a decision that they thought was just. I would like to know why the Senator from Tioga voted for the retention of a Senator who had been so convicted in a case of conspiracy in the Federal courts, at a time when men were being killed and the laws of the land were flouted for the sake of the almighty dollar, in the racket days of prohibition.

If Judge Finletter is of high character—and I bow to Judge Finletter—so was that Federal Judge. I would like to know from my colleague, who I admire for his fidelity to his party and his aggressiveness, why he voted to permit that man to hold his seat in the Senate of Pennsylvania, and yet today wants to vote to set this man, our colleague from Philadelphia, Mr. Levin, aside.

I have the fullest confidence and fullest faith in the character of my colleague from Philadelphia and I would like to hear from my colleague from Tioga, in order to be guided in my vote, why he voted a few years ago for that infamous character who was convicted of conspiracy.

Mr. OWLETT. Mr. President, I have never voted in the body of this Senate for the seating of anyone such as was described by the Senator from Philadelphia, Mr. DiSilestro. If he refers to the McClure case—and I

assume he does—I merely voted to sustain the report of a committee of this Senate, along with the Republicans and several Democrats who decided that Mr. McClure could not be removed because he had been elected after the matter which was complained of had been known to the public; nothing new had come up and he had been seated after his election by an overwhelming vote, and the Committee on Elections in this Senate decided that the matter could not be passed upon by the resolution then before the Senate, and I merely voted to sustain that decision of that Committee.

But, Mr. President, may I add, whether that vote was right or not, two wrongs do not make a right. If that vote was wrong—and I do not think it was—it is no reason why we should, as members of this Senate today, sit here and overlook the decision of this Court in Philadelphia and permit this man, pending the final determination of this matter by the Committee, to sit in this Senate after having been brought in here by the State Police and sworn in in the high-handed manner that he was.

Mr. SHAPIRO. Mr. President, after listening to the Senator from Tioga, particularly his answer to the Senator from Philadelphia, Mr. DiSilvestro, I have come to the conclusion that the Senator from Tioga, when he went to college, majored in what I would call "alibi-ology."

There is not any justification for the two positions which he takes today. I am one of those who voted to keep that particular gentleman, referred to by Mr. DiSilvestro, in the Senate. I can give no excuse for it; I can give an explanation, and that is all. I came here, in my first year in the Senate—and it is one of the reasons why my Republican leaders would not send me back to the Senate, because it took forty-eight telephone calls and a great deal of persuasion to prove to me that that was a question of public policy; and the explanation I make for that vote is that I was foolish enough, or young in experience to such an extent, that I believed it.

That was a case in which a jury, not a single judge dealing with forty thousand votes but a jury, had convicted a man for an offense; and whether it occurred during the time when we should take cognizance is immaterial, in my opinion, because the Constitution says that the Senate is always the judge, always the judge of the qualifications of its members, and by a two-thirds vote can expel them.

The gentleman in question received more consideration than the Senator from Tioga wants to show the Senator from Philadelphia, who was not convicted by a jury but who has been charged to have received one vote less, and who, on testimony of the type that has been discussed by both parties, both sides—on testimony of that type is adjudged not to have won that election but to have forfeited it.

That gentleman has given the technical excuse that the proceeding to oust him was not the proper proceeding. I made the statement on the floor that if the application in question, or if the petition or resolution in question, had been to oust the gentleman I would have voted for the petition. It was one of the ways that I had in salvaging a troubled conscience; but I do not hesitate to say now that that is only an explanation, and were I to have it to do over again at a later date I would take a different position.

I was very much concerned as to whether I should talk on this question, but I think I am pretty nearly old

enough to be Senator Levin's father, and I think that I can picture to myself that I would like my son, at a time like this, to receive consideration that would not be motivated by political desire.

I think that the speech that the Senator from Tioga, Mr. Owlett, made was not all directed to the gentlemen on this side of the house, but undoubtedly, in my opinion, was directed to some of the gentlemen on the other side of the house whose conscience must disturb them somewhat at this procedure. Never in the history of the Senate has any such thing been done before; not in the history of the Senate has a man been first convicted and then tried. What the Senator from Tioga is suggesting requires a little more thought and much more consideration than he is giving to this young man who has so much at stake. Maybe in the halls of this Senate he can hear himself say these things without worrying, but, without intending to flatter him, I, too, know him to be a "big bad wolf," and I know that when he goes home and when he considers what these proceedings portend to this young man he may have some serious doubts and some severe moments.

I am suggesting to the members of this Senate that this is not a usual proceeding. After all, my colleague is the one who is at issue, and not I; but I would feel myself a coward if I would not stand up and protest at this manner of handling this proceeding.

The Senator from Tioga, in a matter so serious in its consequences to the gentleman from Philadelphia, reads such portion of the report of the judge as he thinks will help in his case. That is all right when you are pleading dollars and cents that might be involved between two litigants; but this is a proposition that involves the future of this young man. If I were convinced by believable testimony that this young man was guilty of bribery, I would not raise my voice for him; but I venture to say I have done more to prepare myself for my action on this than many of the Senators, including the Senator from Tioga—I have not only heard some of the witnesses but I have read several thousand pages of testimony, and I have read the opinion of the Court from beginning to end. I have read where the Court, in his opinion, said, in one paragraph, that where it is oath against oath—for instance, where Mr. X says that Mr. Salus bribed him, and Mr. Salus has witnesses saying that it was not so, then that is oath against oath, and he will not consider that testimony and will not throw out the vote; but in every case—many cases—where that condition existed in Mr. Levin's testimony, that consideration, that same treatment was not accorded him. In two or three cases I have in mind in particular witnesses testified to one thing and Mr. Levin or someone else contradicted them, and yet every vote which was for Levin was thrown out.

In the very testimony to which—rather that part of the decision to which Senator Owlett refers, you will notice a complete absence of any statement as to whether this testimony should be believed or not, or any discussion by the Court of the testimony which the Senator from Philadelphia referred to tonight. I have seen that testimony. I have excerpts of it here, and can give you references to page numbers; and not in part—in any part of the decision—does the judge consider the effect upon the testimony of this particular woman of her flashing a blood relationship

to several of the witnesses, two of them testifying, as you have heard, that they were troubled when they heard their sister testifying. The father is a minister of the gospel. They went to him for advice. He advised the writing of a letter to the judge. They did that but it brought no results. They went back again. They were advised to arrange to be witnesses. They voluntarily offered themselves to the gentleman from Philadelphia, were put on the stand and, on cross-examination, were questioned and plainly and unequivocally stated that the sister came to them and offered them some money if they would forget Senator Levin.

If you allow that fact to stand, you have a tie. Do you want to throw Mr. Levin out on that? If you take the witness whose testimony shows that he was a convicted felon on several occasions, and that his vote was thrown out when he voted for Mr. Levin, even though his testimony was contradicted, and you look at the record and say that this testimony that he was paid thirty some odd dollars and expenses is not true, and you count that vote for Mr. Levin, then he was elected by one vote.

It is by this one vote and by this type of testimony, that the thread of this gentleman's future hangs, and it is in your hands; and it does not help the point to what happened on January 3rd. On January the third we had a certain number of votes. The Lieutenant-Governor proceeded to act in accordance with what he said was his interpretation of parliamentary law. The same eighteen votes that seated Senator Levin also seated all the other Senators on that day except the four in question. And then the present Lieutenant-Governor came in, and he acted in accordance with his right. I have not complained about it or ranted about it, it was a purely political situation. I feel that we were right; I feel that the Lieutenant-Governor was wrong in his rulings, but that is past. This same Senate proceeded, a little later, to do something which puts them in rather an anomalous position, in my opinion, rather unfair to the gentleman from Philadelphia, aside from the question of what this means to him, because everything that was not agreeable to the Republicans; everything that was done by Lieutenant-Governor Kennedy that they did not like, they corrected. Motion after motion was made by the Senator from Tioga in a speech in which he said he wanted to correct those things which he thought were wrong and illegal.

One of the things which he says now was wrong and illegal was the seating of Senator Levin, and yet when he undertook to correct the record, our Journal, he did not correct that; and at my request, when he was finished with the corrections he wanted to make, I asked him whether or not he was through and whether, if he was, he would move that the record be approved as corrected—which he did.

That was the time when he knew these proceedings were pending, at that time he knew all about this supposed man waiting with the returns, at that time he knew that fraud was charged, at that time he knew all those facts, and if then, before the decision of the Court had been rendered—if then, before this man had been stigmatized, he had been refused his seat, the procedure, the orderly procedure would have been that the report be forwarded to the Committee on Elections.

Now, there must be some reason why the Senator from Tioga can be so obviously inconsistent as to say, "I want

all the facts to be heard, so I want this report sent to the Committee; but in the meantime I want this man condemned properly, because I am going to ask that he stand aside," and the Senator from Tioga can save his conscience all he pleases, and call in all the newspapermen and make statements to them that "We do not intend by this that there shall be any reflection on the Senator from Philadelphia, notwithstanding the fact that I have pointed to the charges of bribery and emphasized them here on the floor, and notwithstanding the fact that I have pointed out that the judge said this man was guilty of bribery—I do not mean, by this motion to have him stand aside, that he was guilty of it—I merely want to adjudge him first in this way so that I can send this report to the committee and we can have a full and fair hearing."

With all due respect to the members of the Committee—I mean no implication as to how they will vote—I do mean that there are nine members on the Committee on Elections, two of whom have been elected as Democrats, the Senator from Lawrence, Mr. Eroo, and the Senator from Allegheny, Mr. Frey; the other seven members are all Republicans, with Mr. Farrell, the Senator from Philadelphia, as the Chairman. What does this mean? It means that the Senator from Tioga knows very well that the Constitution, the sacredness of which has been so often pointed to by the Senator from Tioga when he was talking about the Democratic party attempting to upset the Supreme Court, our Constitution about which we have heard so frequently, the sacredness of the Constitution about which they talk so much, is now in question also. Is it sacred when it hurts them—because this Constitution says, in Article 2, Section 11, it shall take a two-thirds vote to remove a Senator from his seat. May I read it to you?

"Each House shall have power to determine the rules of its proceedings and punish its members or other persons for contempt or disorderly behavior in its presence, to enforce obedience to its process, to protect its members against violence or offers of bribes or private solicitation, and with the concurrence of two-thirds, to expel a member, but not a second time for the same cause"—and so forth.

Now, that part of the Constitution is just as sacred to me as the rest of it, and nobody can say Senator Levin has not been seated—not sincerely. You can quibble about it and you can say he was illegally seated, if that will help save your conscience. Every man in this room who was present on that day voted to approve those minutes. You can say, "Well, that does not approve what we did; that only approves the record of what we did. That cannot get you very far." But Judge Finletter—he would say, "You are talking utter nonsense," and he would say what I said, "That is an alibi."

What can it mean with reference to this procedure? It means they are afraid they cannot get a two-thirds vote to expel this man, therefore they want to put this in such a position that they will be able to expel him by a majority vote, because when this committee report comes in, from the seven Republican and two Democrats, then all they have to do is use the same twenty-six members, which they now have, to expel Senator Levin.

Now, the Senator from Tioga, Mr. Owlett, reminds the Republican Senators who may be somewhat troubled

about this, as I am, that "Don't worry; we are not dealing now with the seating of Mr. Salus"; and we may have some assurance that when the question of seating Mr. Salus comes up he will say, "Maybe we will not seat Mr. Salus." That is great consolation to the gentleman whom we are going to unseat tonight and condemn before the public. And then will it happen?—because my recollection carries me back to the actions of the Republicans when some of their own members were in even worse positions, when one Senator was accused, and subsequently convicted, of offering a bribe for a vote, and a resolution was introduced, much against the will of the Republicans, and reluctantly, to appoint a committee to investigate that, and that committee, according to the records, you will see was never appointed, no report was ever received from anybody, but the Court subsequently convicted him; but the Republican party took no action—and they did not need any vote at that time, it would not help; but now, with the vote so close, the Republican party needs to do what?—to do what they are trying to do tonight?

I can conceive of party regularity which might mean the passage of a bill, sometimes, when that bill is all-important, and it is going to hurt somebody. I do not think even then it is justified; but I want to talk to the members of the Republican party—I do not have to talk to the members of the Democratic party, I think they are convinced that they know what this picture is; but I know this—I can say it advisedly, advisedly—that nobody sitting on the other side, in a similar position to that of this young man, would want to be treated in that manner.

Why not send this report to that Committee? Why not send it to the Committee, and let the Committee act, and then talk.

You can point to the seven members of the Committee, and the other two, the Democrats—I am quite sure that neither Senator Eroo nor Senator Frey will vote to keep this man in if he is guilty of bribery. I, myself, on that committee, if I were convinced that this young man committed bribery I would vote against him, I would not hesitate to do it.

But I am concerned, I am deeply concerned, about the conduct of this Senate tonight, because while it does not affect me it does affect somebody on the brink of the future, somebody, as you heard tonight, coming from a respectable family—people in professional life; you are going to take that family and stigmatize them upon the testimony of self-confessed participants in bribery, which if it is true, and of the type that has been referred to here—of a woman who lived with her common-law husband and was worrying about her husband in jail—it is on that kind of testimony that you are going to be asked, as members, to be regular, and to vote—irrespective of what your votes may mean to this young man. If you are sincere, if you are honest about it, if you are appalled by the enormity of the offence, this man can be ousted from the Senate three weeks from now or four, or even a month, two months or even a year from now, after your committee has acted and made a report. How much better you would be in that position! And if two-thirds of the members of this Senate do not want him out there must be some good reason for it, and he should stay in.

If you put him out tonight you may do him great harm. If you wait you cannot harm the Senate, and it seems to me that this matter should be even discussed by those who want him ousted on the basis of what it really means rather than on the basis of righteous indignation.

I cannot listen with very much of an ear to these arguments from what we would think today were people who were paragons of virtue when I look back in my mind at the proceedings that I witnessed as a Republican. I have more consideration for the man who stands up and says, "I am going to vote on this thing politically, I do not care what you think about it" than I have for the man who stands here and tells you today he is shocked by the testimony of half a dozen people whom ordinarily, if he was representing the other side, he would be ranting about their character as unbelievable—their credibility nil, the class of people you cannot believe; and telling us how we dared put this tremendous crime aside, and said nothing, when just as honorable a judge and just as honorable a jury convicted another man of a most heinous offence.

Let us put that aside. The proposition here tonight is, do we want to take this man's reputation from him tonight, by asking him to stand aside, and let all the world know what that means when we ask him to do it? Or do we want to do it in a decent manner, by referring it to a committee? Those on the Republican side cannot afford to do it that way, because they are afraid they cannot get the two-thirds vote which they would need for such action tonight.

I say there is no man in this Senate who can point to any threat that would justify the unseating of a man by this subterfuge instead of the two-thirds votes provided for by the Constitution.

I was handed the decision in the McNeal contest, 111 Pa. 234. I read it. I do not see anything in that case that applies to this. If that were the law I would be willing to abide by it, but that case, on the contrary, does not support the position on the other side; it provides that the Senate is the judge of the qualifications and election of its members, and points to the fact that when Article 2, Section 11, was written into the original Constitution it merely said the Senate was the judge of the qualifications, and subsequently that was amended to say it is the judge of the election also.

Everybody in this room knew at the time the action was taken confirming Senator Levin's seating in this house—when the Journal was corrected everybody knew there was a contest; and everybody in this room knew—they did not put any faith in that contest—that it was merely a political situation.

I do not want to talk about Senator Salus. It does not help to say, "I am as good as you are, you crook." That does not matter. But I do say to the Republicans, on their side of the house, that they should put aside political action in this matter and should recall, and think, what this thing means to this young man.

I would say to them, "There are many of you who have children, and there are many of you that would not like this to be done to your son; and there is an orderly way of doing it, and there is no reason why anybody should get exercised over this setting aside except for this one purpose, and that is that you do not besmirch, publicly,

this young man who has a position of responsibility, who is a lawyer and whose standing as a Member of the Bar may be affected by what you do. And you should bear that fact in mind and not do it until he has been given a fair and full opportunity to be heard by this jury, which is your jury, the first jury before which he ever had a right, up until today, to come and tell about the grave injustice which has been done to him."

Out of forty thousand votes five or six hundred are heard, and five of them are discarded. If you look at the record you will find that it was testified that this man bribed those five voters—and you are going to say, without being the jury, without having heard the testimony, "We have decided that first we will ruin him, tonight, and will give him a square deal next month." It is nonsense, it is unfair, it is unheard of and it is cruel.

Mr. OWLETT. Mr. President, I do not want to prolong this discussion; I do want to make one or two additional comments.

The argument of the Senator from Philadelphia Mr. Shapiro, and of Mr. Levin, reminds me of an incident that happened when I was first admitted to the Bar. I was appointed by the Court to defend a man, and asked for a few minutes recess to consult him as to what his defense was. I took him down into the consultation room and asked him what his offense was to this crime, and he said he did not have any. I said, "Have you no defense at all?" He said, "I can cry."

Now, that is about what we have evidence of here tonight.

Mr. President, I cannot help remembering the occurrences on January 3rd, which the Senator from Philadelphia apparently likes to forget. He talks about regularity in this Senate. There were three men who presented themselves here to be sworn in, on January 3rd; they had their wives and their families here to see them sworn in at the Bar of this Senate. One of them was elected by over ten thousand votes, another by eight thousand votes and the third by three thousand votes; and this very Senator from Philadelphia stood up here and moved that they be stood aside and not be sworn in, and they were not permitted to take their seats—by a vote of less than a quorum of this Senate; and then the Senator from Philadelphia has the audacity to stand up here and call our attention to the reputation of this man.

There never was anything like that in the history of this whole State; and I submit, Mr. President, that there is nothing for this Senate to do but to stand aside this man until this proceeding is determined.

I yield to the Senator from Washington, Mr. Reed, who yielded to me.

Mr. REED. Mr. President, there seems to have been an awful lot of heat poured into this controversy but on account of the importance of the question before the Senate it seems to me that we should treat it very coolly and very carefully, and in doing so, Mr. President, I think we should first look at the law that is applicable to this question. With the permission of the President I would like to read, for the guidance of the Senate, the Sections of the Election Law that apply to the question that we now have before us, beginning with Section 1747:

"Section 1747. Appeal to Proper House; Requirements.—Any claimant to a seat in either branch of the General Assembly who shall feel aggrieved by the decision of the Court in his case, may present his petition to the Proper

House within ten days after the meeting of the General Assembly, or within ten days after the decision shall have been made in his case, if the General Assembly shall then be in session, setting forth his claim, which petition shall have appended thereto the affidavit of the petitioner, setting forth that he believes that he was duly elected to the seat, and that the statements set forth in his petition are just and true, to the best of his knowledge and belief."

Then follows Section 1748.

"Section 1748. Action on Appeal Petition.—Such petition, when presented, shall be referred to a standing committee on election, which committee shall proceed to hear the claims of the contestant and respondent, and report the facts and a resolution expressing the decision of the committee, for the consideration of the house; and the vote of the proper house on the claims of the contestant and respondent shall be final."

Section 1749 continues:

"Section 1749. Vote on Petition.—No resolution deciding such question shall be adopted, unless it shall receive the votes of a majority of all the members elected to the house considering the same."

Now, Mr. President, the facts as Senator Shapiro has presented them, or as Senator Owlett has presented them, will not be the facts that will decide this case. It will be the facts as found by the committee and it seems to me that this question should be decided in strict accordance with the law, because it is a very important question.

If we stand this gentleman aside for a month or so then that is setting a very dangerous precedent, and later on it may be used in cases of far more importance than this, and I have never seen the time when you went wrong in following the law.

Now, it can be decided in a very short time under the orderly processes of those sections of the statutes and it seems to me, Mr. President, that the proper thing to do in this case is to follow the statutes and have this matter referred to the Committee on Elections, and let that committee hear the facts and make its findings and report to this Senate, as this portion of the law provides; and then, if we do that, I believe that we will have no dire consequences, but I am afraid if we set this up as a precedent that the consequences hereafter may be of very serious importance.

Mr. GELTZ. We intend to do, Mr. President, by following through with this resolution—if we can—what the Senator from Washington County suggests, follow the orderly processes supplied by law. It seems to me we are going far afield in our discussions, in that the principal arguments from the other side of the Chamber seem to go into the character and reputation of the gentleman from Philadelphia, Mr. Levin. That is not the question here. It is a graver question than that of any individual, in my opinion; and that is, whether or not this body, this Senate, should allow some one to sit as a representative in this body when that individual has been declared by a court as not having been elected. In other words, the question which is before us now is simply this: the court has said Mr. Levin was not elected. Are you therefore going to permit him to follow through with duties to which he has not been elected?

Now, if this resolution is passed, Mr. Levin has, as our colleague from Washington suggests, a remedy and that remedy is his right to appeal within a period of ten days.

Now, other than basing it entirely on sympathy, I cannot see or understand any reason why Mr. Levin has any greater right than the law provides; and it little behooves those on the other side of this Senate Chamber to so suggest for one of their own. If they will but recall what took place in this body on the second and third of January of this year—and I leave it to those who are here assembled and to the gentleman of the press as a jury—to answer whether or not Mr. Levin has not been treated far more kindly and more decently by the presiding officer of this body at this time than were those reputable Senators on the second and third of January, who, for no reason whatsoever, were denied their right to be sworn in, denied their right to take the floor, and denied their right to vote on any question.

Mr. Levin was accorded that privilege by the President of this Senate, to take the floor tonight, and to state his case completely and without interruption. I ask the gentlemen from the other side, "Can you say honestly that the Senators on this side of the Chamber were accorded that same right and that same privilege when those smiles and grins were prevalent on the other side of the house, because you had somebody in the driver's seat?"

Earlier tonight one of our Democratic colleagues read quite a lengthy statement in connection with running this body in accordance with Democratic principles of government, and it is just hard for me to realize and understand how anybody who was a part of what went on Communistic-like in this Chamber on the second and third of January could have the audacity and the nerve to stand up on this floor and talk to those in this body about the proper method of procedure.

Mr. Shapiro, our learned colleague from Philadelphia, gave us one of the best arguments in support of this resolution that I know of. He asks for fairness, and we recall to our minds that the Republicans have been more than fair in this matter, because I recall that on the seventeenth of January, when the Republicans took control of this body in a proper, legal and decent manner, nothing was done as to Mr. Levin's status, no change was made whatsoever, because after he had been sworn in, and between the time he was sworn in and the time the Republicans gained control of this body, there had been no apparent change in his status; no change was attempted to have been made by the Republicans.

Now, however, the situation is different. We now have a court record. We have a judicial opinion and a judicial decision which says this man was not elected to this body. Can this Senate afford, then, to vote against this resolution and continue in this body as a colleague, as a Senator, with all the rights and privileges of a Senator, someone the Court has said was not elected?

Mr. Shapiro says: "Do not vote this as a political matter, do not take sides as to party partisanship." That is what I ask of you gentlemen on the other side of the Assembly: "Do not take sides, simply because you are Democrats; vote this in accord with your consciences, and what you know is decent and right, but do not allow your sympathy to sway you, because you recall the second and third of January when you had no sympathy in your makeup, none whatsoever, for those Senators on this side whose families were here and who came down here with full and complete credentials—sent here by the many

voters in their districts—and still they were not admitted in this body.”

So I ask that you consider this resolution carefully before you vote, and think of the proper method, and do not fool yourselves by carrying the thought in mind that if you vote for this you are damning Mr. Levin. His reputation is not at stake in this resolution. This resolution does not say “Resolved, Mr. Levin is not of good character.” This resolution, merely goes to the point of issue, that this man, was certified by an opinion of a Common Pleas Judge, as not having been elected and therefore, until his appeal is decided, he has not the right to sit in this body.

Mr. KILGALLEN. Mr. President, it is very seldom that I rise to the floor of this Senate to do any talking, because I find, gentlemen, that I very seldom learn anything down here at Harrisburg while I do the talking.

To me, this is a very simple thing. To me it boils down to this: Am I to take the decision of some tribunal in Philadelphia and set aside one of my colleagues without having any personal knowledge of the facts? I do not think that any of us here tonight have any illusions about this thing; if the gentlemen on the other side of the room commit themselves to this course tonight they are going to follow that course in the future. If Mr. Levin is unseated tonight he will be unseated next week or two weeks from now three weeks from now, and he has not had a hearing. You are going through some sort of hearing, but once being committed to this course tonight, there will be no back-tracking.

You gentlemen on the other side of the room know nothing at all but the testimony that was given against this man. I got it tonight for the first time, and if I were pleading his case in court, just as if Mr. Geltz were pleading his case in court, I would point my finger to the credibility of the witnesses against this man. The proper thing to do, Mr. President, is to give this colleague of ours a hearing before you unseat him. It may take a week's time, it may take two weeks' time to give him a hearing, but give him a hearing before you unseat him.

Mr. CAVALCANTE. Mr. President, I want it to be understood, as a preface to whatever few words I might have to say on this subject, that I was one of the newly-elected Senators on January 3rd that were stood aside and not permitted to take oath until the Chair ruled that he was ready to give the oath, and I took it then.

I think that no member of this Senate could impute to me the accusation of being a blind partisan in matters that have on repeated occasions come before this Senate. No farther back than the last Special session the record will show my conduct in matters that were strictly partisan—that I was never guided by any partisan spirit; and I do feel tonight that this subject before us is of such importance that members of this Senate should rise above partisanship.

I am reluctant to say that the Senator from Tioga, Mr. Owlett, and the Senator from Allegheny, Mr. Geltz, have not made their expressions free entirely of that party spirit that often distorts sound reason. In facing a subject like this I like to cast partisanship to the winds and I do not like to refer to the members on the other side as Republicans and to the members on this side as Democrats. On a subject as serious as the one before us I

like to feel that we can all forget partisanship and that we are all good citizens, all possess intellectual honesty, and that we want to sincerely decide this problem conformably with the tenets of justice.

One of the arguments made here tonight, that is very distinct and clear in my mind is, if the question before us was merely a decision to keep an elected member from taking a seat in the Senate, then our problem would be very simple. We could move to set aside the man. We are not dealing with that situation here tonight, we are dealing with a situation where a citizen—a man—was elected, and his election was certified by a judge by the name of Finletter to the Secretary of the Commonwealth. Those returns have that judge's name affixed to them and those returns, regardless of the manner in which they were brought before this Senate—those returns were brought here, they were spread upon the Journal of the Senate, and the Senator from Philadelphia, Mr. Levin, was administered the oath, he was seated, he has commenced the discharge of his duties as a Senator, he has been issued the proper credentials of a member of the Senate, he has been paid part of his salary as a State Senator. Now all of that, Mr. President, surely could not indicate anything but that Mr. Levin is a member of this Senate, he is sitting in this Senate; and if the procedure here is to remove him from that seat, then, Mr. President, there is no logic, there is no reason whatsoever in arguing here that this Act of Assembly of 1937 has any application, because if you read it carefully it applies only to a person who has been elected, his election has been contested, and he is knocking at the doors of this Chamber to be admitted and sworn in and seated as a member.

That is what the Act of 1937 covers, but we are not dealing with that situation here tonight, we are dealing with a man who is in, a man who is seated, a man who has taken his oath, a man who has received his salary, and this Act of Assembly does not apply at all, but the provisions of the Constitution apply.

Now, if we want to be fair in this matter, if we want to rise above the narrowness of partisanship, if we want in a slight degree to reach any degree of statesmanship here, then let us do this problem thoroughly, let us cast aside partisanship and seek to solve it within the rules, within the law, within the Constitution.

Mr. President, I want to emphasize that point because we have attorneys as members of this body who are familiar with the Constitution and the statutes. Read the Act of Assembly and you will be satisfied that it deals with the case where a candidate has not been seated, has not been sworn, and is seeking to be seated, and we can set him aside until the contest is decided, but here the member is in and we are asked to boot him out, and the only way we can do that is by following the tenets of the Constitution; and if we wish to throw the Constitution in the waste basket, then, Mr. President, we have a different proposition. I am not ready to throw the Constitution aside. I want to be guided by it, and I think all of us should be guided by it.

Mr. DENT. Mr. President, tonight we received a message from the Governor, who says: “In compliance with Article 6 of the Act of April 9, 1929, (Pamphlet Laws 177) I have the honor to lay before the General Assembly the State Budget for the fiscal biennium from June 1, 1939, to May 1, 1941.”

Section 602 says that as soon as possible and not later than four weeks after the organization of the General Assembly the Governor shall submit a state budget.

When we were discussing the resolution calling for a recess, I called attention to that particular Act of the General Assembly, and said if we recess we will put the Governor in a position that he cannot comply with the laws of this Commonwealth. Having the vote, the Republican side set aside whatever argument I offered. Naturally the Governor did not violate the law, because the General Assembly was not in session—and their foolish excuse was that they were getting a program ready. I see by the budget that they have the program ready.

The same program of the last couple of years, we could have done that in twenty-four hours. Tonight we are faced with the same situation. We want to set this man aside tonight. Aside from the crocodile tears I have heard so much about, I believe you want to set him aside so he cannot legally appeal as a Senator of this Senate, from a decision of the court, ten days after that court's decision has been rendered. He cannot appeal to us in his own behalf. You set him aside so that he is not a member of this body during his appeal, the same as we recessed so that the Governor could not submit his budget according to the law. There are many things that probably lawyers look at that laymen do not. I am going to look at the practical side of this thing, and am wondering in my mind about this judge, why this judge quit when he came to the point where the vote cast showed Mr. Salus had one more than Mr. Levin. In this testimony, as I get it from the account of the evidence, hundreds of witnesses were paraded before this judge and out of the hundreds he selected so many to rule out and so set aside their votes. Is it not just as possible, out of the forty-seven thousand votes, if he continued from now until doomsday, the final decision would switch from one man to the other?

Now, I do not know how many of you men are honest enough in this Senate to say that you have gone out in your campaigns and you have spent a few dollars—I have—and I am not kidding myself and you are not kidding anybody either when you come in here and confide that your hands are lily-white, that you have not paid any money out to workers at an election. Whether for keeping houses, housekeepers, their husbands or not, those votes were bought.

I have never been one to quibble about morals in politics and I am not going to start now. Men have walked into a saloon and stood the drinks up for everybody in the house—perhaps that is a confession—and perhaps you have too.

But what you are doing gentlemen, is this; you are saying in effect that no member of any minority in Pennsylvania is safe from now on in an election where the vote is close. You are saying that if a certain judge wants, he decides in that particular district where a Senator or House member is elected, he can have witnesses come before him and have them testify, and when he gets to the right vote for his side, throw the other man out. That is what you are saying. Now, be honest about the whole matter.

This man was elected by forty-seven votes. I know another man elected in this Senate by a little over a

hundred votes. His opponent did not go out and get men to come in any say they were bribed—probably they were: I said probably, because of my experience in politics, and I am a young man. I have seen enough filth, and you have too, and I know better than to come in here and take the testimony of three or four persons who admit that they had accepted money, practically on both sides of the question.

I have seen enough filth in this game, as young as I am, to destroy some of my faith in clean politics. I do not plead for this man on the grounds he is a young man and has an honorable family—I think we all have honorable families. Those of you who are not young now were young at one time, on the brink of a career, stepping out into the world on your own and expecting some decent consideration from your fellowmen, I am pleading from that viewpoint. It is the standpoint of the person coming from a county that is not very regular in the way it votes. My people are independent, last time they voted Democratic; next, they may vote Republican; and if conditions do not improve out there the Lord knows how they will vote.

I do know this. If I were elected by forty-seven votes I would expect to come down here to take my seat the same as a man who was elected by ten thousand votes, because from the history of politics the man who is elected by ten thousand votes got his in practically the same method as I got mine.

Does anyone here believe that when you introduce certain legislation with an appeal to the voter that you are not bribing for votes, that you are not buying votes; you are doing it with your legislation the same as you do if you go out and buy votes for cash.

There is no one here who has not received some contributions for his campaigns. Whatever was done with that money, was to help elect whoever spent it. Why pick on such a flimsy alibi?

You want Sam Salus' seat so that you can have twenty-six votes, so that you do not have to depend on a couple of Democrats, and so that you have a majority.

I understand that, and I understand the nature of the remarks made by the Senator from Tioga when he said "a pla ue on both your houses"—but it seems he wants to leave the pox marks on this side only. To talk of both your houses might mean that we will throw both these gentlemen out and throw it open for an election. That is all. I do not believe you gentlemen over there want to seat Mr. Salus. I say that because I believe that. I do not believe that you can compare the two men. Why, after what some of you Senators have done in the past, after the way you have voted to keep men amongst you who were convicted in courts; when you now accuse, as this man is accused, who is not a convict, and you stand up there in righteous indignation, because this man went out, presumably, and said to somebody who was going to vote for his opponent, like each and every one of us have done, "Vote for me, I am a better man, I will pay you as much as he does for working—I will pay you more than he if necessary." It is for the vote, and I know of instances in my county when the highest bidder did not get it—there is no use trying to hide these things—we are not fooling the public in Pennsylvania. Do you believe that the public actually thinks that is the count down in the Second District? Once in my county a man

was defeated by thirty-five votes and then the lights went out. The next morning he was the mayor of the town. It got so bad out there that they said they never even counted the ballots, they just weighed the boxes. At least these are the stories old of years gone by.

Now I want to talk about some of the members on the other side looking up—rightfully so—the second and third of January. Has anybody here heard any argument or is there any argument in their minds about setting aside the parliamentary procedure of Lieutenant-Governor Tom Kennedy? Is there any authority in any book of parliamentary law that says Tom Kennedy was not right? When your school board takes office, do your new members vote until they have been sworn in? I was a member of council and I was not allowed to vote until I was sworn in. The excuse is too flimsy; your alibi will not hold water. Come on out and tell the truth, that you are going to set this man aside so that he cannot legally, and as a member of this Senate, appeal to us. You want to set him aside so that you can get the desired twenty-six votes.

I have my own suspicions about the thing, and when Senator Owlett said how convenient it happened to be that night when the Sergeant-at-Arms did not have to go over to the Bureau of Elections for the returns, he only went over to the rail, I remember how convenient it was when a vote was needed and Senator Owlett only had to go to the barber shop.

Now, gentlemen, I am a young man and probably will face my defeats and my victories in the years to come, if I stay in politics. But I do not want to be defeated by subterfuge. If I win, as in the case with this man, I want to be defeated in a man-to-man fight. If the things I stand for are wrong, I want my people to lick me—and if they are wrong they will—and when it comes to that particular element in our society who have to have an inducement on election day to go out and vote, Lord help the man that has less whiskey than the other one.

Let us talk of practical politics and common sense. If you can fool the people of Pennsylvania with this, then you can honestly believe that you can fool the people of Pennsylvania about this budget. I know some of the men on the other side intimately. I have talked to them about the situation and I know their beliefs. You ask for cooperation. Here is a State in a serious condition, with hundreds of thousands of people depending upon subsistence or charity, and here we are working well into the morning on a purely political question.

You were going to give Pennsylvania a business-like administration. Maybe you are, but it is going to be monkey business. I said that we would go along on anything that would benefit Pennsylvania. This does not benefit Pennsylvania nor does it benefit politics as a whole. This does not benefit anybody in the State of Pennsylvania except the vanity of one man, and the political prestige of one party. If you could do it, and if you do do it; if you set this man aside tonight, you serve notice to every man in the Democratic section of this Senate that you do not give a darn what we think or what we do, you have the votes. I remember a time a few years ago when we had the votes and we thought we were high and mighty, and we did a lot of things when you said we were wrong; perhaps we would have been better off if we at times had listened to you.

You have made up your minds that you are not going

to give a darn about me or any of my colleagues, that you are right, that the people gave you a mandate. I do not think the people gave you a mandate to set aside Herbert S. Levin. I do not think that the people gave you a mandate or Judge Finletter a mandate to set aside the desires of a majority of the voters in that District, nor to cast his vote; that is to say, gentlemen, if Sam Salus wins he is seated by one vote, that is the vote of Judge Finletter. I say to you that just as he went through the task of calling in the witnesses and stopping when he had a one vote majority for Sam Salus, when he found a rotten apple in the basket; if he had gone a little deeper he would have found more rotten apples; but, no, he quit. If he had examined a few more witnesses he might have found another vote for Levin; but no, he did not, he had all he wanted.

I would not be so bold as to accuse a judge of being partisan, but yet I say out where I come from Judges run on either the Democratic or Republican ticket and they make no bones about it. However, in Philadelphia I do not know what they are.

Now, gentlemen of the Senate, I do not expect that you are listening to my plea, but I am going to say to you that on such a flimsy excuse I would not vote to convict any one of you. The gentleman from Tioga will probably answer my charges. I would like to ask him what finally happened to that fellow whom he said had no defense except knowing how to cry—he must have gone up and pleaded awfully hard for him. Now, I am not much of a crier, but I can cry as well as anyone of you when I see an injustice done to a fellow member. This is a rank injustice. The Senator from Tioga knows it is an injustice, whether he admits it here or not. I think the Senator from Delaware believes it to be an injustice, and I believe the young Senator from Allegheny believes it to be an injustice. In fact I believe the majority—in fact I want to believe that every man here feels it is an injustice. How would you like to be set aside for no greater reason than this?

You spoke about two or three others that were set aside on January second and third. That was purely for political convenience—we know you set aside Senator Henney for political convenience. Let us lay the cards on the table. I say to you that you are trying to set Mr. Levin aside for political convenience. As I have told you, men have walked into bar-rooms and set the drinks up before now and before Mr. Levin ran for office. Please do not do this unfair thing tonight gentlemen—do not do this. I appeal to you as one of your own colleagues in behalf of Herbert S. Levin, a Senator of Pennsylvania; do not allow him to take that Senatorial certificate back home and hang it on the wall and say, "I do not know whether Mr. Gelder knew what he was doing when he signed that certificate." Let this man remain here and fight his battle from the floor of this Senate like you would expect to do in like circumstances. Give him the same consideration that you would expect me or any other man to give you in like circumstances.

Mr. GILSON. Mr. President, I think that the question before me tonight, as far as I am personally concerned, is largely a legal one. As I understand the law and the history of this case, after the election in November and the official ballots had been counted, a certificate was made in the Court of Common Pleas in Philadelphia County certifying the election of Senator Levin.

After that time I believe any decision on any election contest has exactly the same status as a report of a committee where membership is being contested. That is, it is purely advisory.

If that is that law we are then confronted with this proposition—and the only reason, Mr. President, I take occasion to impose what I might have to say is this: I intend in meeting this issue myself to be guided solely by what I think is the law in this case, and I think that is the thing which should guide the rest of us. Now, if I am correct—and I believe I am—in the position that a decision in an election contest by any Court in this Commonwealth is purely in an advisory capacity, it can go no further than that. That being the case, we have now nothing before us except the advice of Judge Finletter, in the Court of Common Pleas of Philadelphia County. That advice is not even influential upon me as a Senator until I have seen the evidence by which Judge Finletter reached that conclusion, and before I would feel justified in overruling a Republican majority of this Senate, which accepted this man as a Senator, which has paid his salary, which had conceded that he is actually a sitting member of this Senate—before I take any evidence of any Court, I would want to see and weigh for myself that evidence; and it may well be when I have seen that evidence that I would come to a conclusion which would not fit either contestant for this office, but in the meantime it seems to me the legal situation is altogether too clear for words—you cannot go along for a period of time and concede that the prima facie evidence of an election return admits a person to membership in a body that participates with him in performing those functions, and then say, upon the advice of somebody else—whose function is only advisory—that you will exclude this member without conforming to the law which regulates expulsion.

Now it may be that the evidence which will be submitted to this Senate in the trial of this case is sufficient to arrive at exactly the same conclusion; if so, I propose to arrive at that conclusion; but I do not think any of us, Democratic or Republican, should camouflage our clear understanding of this legal situation with political complexities which will do more injustice and more harm to those who participate in this sort of action than it does to the one against whom that action is directed.

Now, there is a perfectly legal way to arrive at this situation: either this gentleman is entitled to sit with us the rest of this session or the balance of his term or he is not, and we are the judges of that, and not Judge Finletter, of the Common Pleas Court in Philadelphia. We should decide that question and we ought to decide it honestly, and we should likewise decide whether the other contestant is fit to sit here; but we should decide it on that basis and in the orderly and honest conduct of our own investigation.

Now, I propose when this motion is put to vote "no," not because I intend eventually to vote for the seating of Mr. Levin. I do not know how I am going to vote until I see the evidence, and in that connection I recall the words of the Senator from Tioga, Senator Owlett; that two wrongs do not make a right. I am not concerned with whether the action on January 3rd was right or was wrong, in so far as this particular issue tonight is concerned. The question tonight is that we do the right thing, and in view of the fact that this man has been

accorded by the Republican majority—or by the Republican officers of this Senate—with membership here, it seems to me it comes now as a matter of course, as a matter of right, to say that our own actions shall be based not upon evidence by some one the law says has no authority in this chamber, but that he shall only be removed upon a fair and honest trial.

Now I am not prepared to say that I am committed to anything but a careful review of these facts. I do not believe that this Senate can afford to seat a member if the evidence shows that he is not worthy to sit here. Neither do I believe that this Senate can afford to indirectly violate the laws which they have been sworn to uphold, or to make this thing merely a question of fair play. This is a question of legal significance. We are here to make laws; we are here to observe them; we are here to act in an orderly and decent sort of way.

I wish to make myself perfectly clear: to me this is a matter of correct legal procedure. The man has been acknowledged a Senator, he has been permitted to vote, he has been paid and he has been certified. A court which the law says has advisory capacity only has advised. It is our duty not to accept the advice of anybody, but to proceed and base our findings upon actual facts, and when that is done then we should act accordingly, regardless of which party it affects.

Mr. SIPE. Mr. President, it is very clear to me that the resolution is shot through with camouflage from beginning to end, because the resolution states that Mr. Levin is to stand aside. Well, every member of this Senate, Republican or Democrat, who has any intellectual honesty knows that an application to stand aside applies to a person who appears to take an oath of office. He stands aside by order of his peers, so that the oath may not then be administered, therefore there is no standing aside here by any camouflage or stretch of the imagination.

Senator Levin is a member of this Senate, acknowledged so by the Senate itself. He has received his pay—as much pay as any of the rest of us have received. So therefore this resolution is simply a camouflage for the unseating of Mr. Levin, and it intends to unseat him by a mere constitutional majority instead of a two-thirds majority; doing illegally and in an indirect way what every Senator knows cannot be done directly in a legal way.

Mr. MUNDY. Mr. President, I was very much surprised to listen to my colleague from Westmoreland state that in Pennsylvania there existed any conditions such as that of which he spoke. I was pained to learn that anywhere in this sovereign state of Pennsylvania anybody would attempt to influence the mind or vote of any individual. Since this is open season for Senators I want to define my position very carefully on the record in the Senate and also that of my colleague, Senator Miller, to say that we both hope that this epidemic or this malady will never invade our native county of Luzerne.

We hope to maintain that—he by missionary work among the Republicans and I among the Democrats—to make Luzerne the outstanding county of political righteousness, so that we can be a beacon light to bring back into the right path the other sixty-six counties.

Mr. SHAPIRO. I would like to interrogate the Senator from Tioga, Mr. Owlett.

The PRESIDENT. Will the Senator from Tioga, Mr.

Owlett, permit himself to be interrogated?

Mr. OWLETT. Mr. President, I shall be glad to be interrogated.

Mr. SHAPIRO. Mr. President, I understand the motion we are about to vote on is whether or not the Senator from the Second Senatorial District shall stand aside; is that correct?

Mr. OWLETT. Mr. President, that is correct.

Mr. SHAPIRO. Mr. President, will the Senator from Tioga tell us just what that means, in effect, for the Senator from Philadelphia? For instance, will he get his pay, will he be able to vote, will he be able to exercise his functions as a Senator in this body?

Mr. OWLETT. Mr. President, if this motion is adopted, I doubt if the Senator from Philadelphia, Mr. Levin, will be permitted to vote in this Senate. He will be in exactly the same position as he should have been had not the illegal procedure taken place on January 3. This act contemplates, as the Dauphin County Court held, and as the State Supreme Court unanimously confirmed—including Justice Barnes—that when a contest is pending, until that contest is finally determined neither contestant is entitled to be seated.

Now, we have generously allowed Mr. Levin to remain in his seat here, although he was illegally sworn in; although he was brought in here, as we have said before, by the State Police, and it now appears by the decision of the court—which is the tribunal set up by an act passed by the Democratic Legislature in 1937, setting up a court as a body to determine this election, and it has determined that Mr. Levin was not elected. Mr. Levin has a right of appeal, he being the party aggrieved, and pending that appeal he should not be permitted to vote. If it is later determined that he is legally entitled to his seat he will of course get his pay. If it is not determined that he is legally entitled to his seat he will be ousted permanently.

This motion is that he stand aside temporarily pending this appeal.

Mr. SHAPIRO. Mr. President, as I understand the question, Mr. Levin, according to the motion, will be ousted temporarily, and if the report of the committee—

Mr. OWLETT. Mr. President, by the Senate—the committee has no power to decide; that power belongs to the Senate. I suppose my colleague and friend, the Senator from Philadelphia, understands that?

Mr. SHAPIRO. Yes, Mr. President, I understand that.

Mr. OWLETT. Mr. President, the Senate has the power to say whether or not Mr. Levin will be seated, but that is not the issue now. The issue is whether he shall stand aside now until the issue is settled.

Mr. SHAPIRO. Mr. President, do I understand that the Senator from Tioga will then follow this up with a motion?

Mr. OWLETT. Mr. President, that is correct, for the purpose of completing the investigation; but the question now is whether or not the Senator should stand aside.

Mr. SHAPIRO. Then, Mr. President, I would like to ask the Senator from Tioga under what section of the act he proposes to do that, because, as I understand the law—and I will read it for the benefit of the Senate—there is no right on the part of the Senate to refer this to a committee for action. As a matter of fact that law provides that anybody that is aggrieved by a decision has a

right to appeal within ten days after the Senate convenes. Do not answer my question if that is not correct, but I think there can be no legal action because there has been no appeal.

Mr. OWLETT. Mr. President, I think the Senator from Philadelphia correctly interprets the situation; if Mr. Levin desires to accept the decision of the court then there is nothing the Senate has to act upon but, fortunately, the act gives him the right to appeal to the Senate.

Now, if he does not take that appeal within ten days, and the ten days run by, then it is left for the committee to decide whether anybody is qualified to be seated. If Mr. Levin takes an appeal to the Senate, the Committee on Elections will hear the appeal and make a report, and then it will be up to the Senate to determine whether Mr. Levin should be a member of this Senate or not. In the meantime he should not be, and I say to the members of this Senate now, I cannot understand why Mr. Levin should be here at all until this matter is determined—he should say “I refuse to vote” or, “I do not care to vote; it is not proper for me to vote”—instead of spending a whole evening here trying to hold his seat here under this provision of the law.

Mr. SHAPIRO. Mr. President, the Senator from Tioga has not answered my question. I do not think the question is whether Mr. Levin wants to sit idly by and see his reputation ruined for political purposes, that is not the question. I have no doubt Mr. Salus will be sworn in once this matter is determined, not because he did not suborn or offer bribes—and I have heard him say he did not do that, but when he is accused the same as Mr. Levin, then I say you will have to confirm one or the other.

It is of no concern to me that he states that, because there were witnesses there that said he did and the Court found he too was guilty. My question is, why will the Senate do that, what purpose can it serve if the committee can take no action on that subject unless the Senator from Philadelphia appeals to it.

Mr. OWLETT. Mr. President, it is inconceivable that the Senator from Philadelphia would not take the one action that is left to him after this decision. I cannot conceive that this long flow of words is going to be followed by an acceptance of this decision, and may I submit that the Senator from Philadelphia has hit on the very point we have been contending for? He suggests that it is not conceivable that we should permit Mr. Salus to be sworn in, in view of the court's decision holding that he is guilty of bribery, but in the same breath, Mr. President, he suggests that we permit Mr. Levin to sit here and vote regularly when he by the same court has been found guilty of that same thing.

Mr. SHAPIRO. Mr. President, what I am trying to point out is that you might just as well know it now as later. Your action to set aside does not mean anything, because if the Senator returns here tomorrow or tonight and asks for the right to vote on any matter that comes up before this Senate, he has a perfect right to vote on it, even if set aside, because it does not mean anything. There is no such thing as setting aside a man who has been sworn in; you set aside a man who has not been sworn, so that he cannot be sworn. The only way you can properly or legally remove him is by a two-thirds vote if he has been sworn in.

If you do not do that he can continue and is entitled to

his pay. If you take the position you are ousting him at least temporarily then you are doing with a constitutional majority that which you under the circumstances should do with a two-thirds majority.

I will follow this further. Suppose you pass this resolution and the Senator from Philadelphia does not appeal,—he does not have to appeal that decision. From his point of view he has been sworn in. How can you sit anybody in that seat until you get the seat vacant. You are only setting him aside. He is the one to make an appeal and if he does not appeal you are thrown back to the original proposition and you can only remove him by a two-thirds vote, and I say therefore the decent thing to do would be to appoint a special committee to which this report should be referred and a hearing held for the guidance of the Senate, and then we can act on the question of setting this man aside, on the question of removing him by a two-thirds majority vote.

You are not going to oust him temporarily—you say you are not going to pay his salary, you are not going to allow him to vote, you are not going to allow him to act as a Senator—you will not pay him his mileage; you will tell him he cannot get his mileage while he is stood aside,—it is ridiculous to say it is temporary. What the members of this Senate should know—is that when the Senator from Tioga said the only way is to oust him temporarily, he means after awhile—if you get the evidence and the votes—you will oust him permanently—that is what this means.

Mr. CAVALCANTE. Mr. President, do I understand the Senator from Tioga, in answer to the Senator from Philadelphia, to state that if Mr. Levin is set aside that he will not be permitted to vote on the question of his seat in the Senate? I want to make myself clear, because the Senator from Tioga, in his motion here, seeks to set aside the Senator from Philadelphia. I would like to know whether it is the intention of the Senator from Tioga that Mr. Levin will not be permitted to vote here on the question of his seat.

Mr. OWLETT. Mr. President, I think it is very questionable whether he has a right to, but I did not intend to raise that question.

Mr. CAVALCANTE. Mr. President, I raise it now.

Mr. OWLETT. Mr. President, I cannot say what any other member will do, but as far as I am concerned I do not intend to raise the question, although I do not think he has a right to vote on that question. I will be very glad to cite the law in reference to that if it is desired.

Mr. CAVALCANTE. Mr. President, I am entitled to have that understood, that I may vote intelligently. If this vote is carried will the gentleman from Philadelphia, Mr. Levin, still be permitted to vote?

Mr. OWLETT. Mr. President, he will not be permitted to vote. I thought the inquiry was directed as to whether he could vote on this one question. Jefferson's Manual states as follows: "Where the private interests of a member are concerned in a bill or question he is to withdraw. And where such an interest has appeared, his voice has been disallowed, even after a division. In a case so contrary, not only to the laws of decency, but to the fundamental principle of the social contract, which denies to any man to be a judge in his own cause, it is for the honor of the house that this rule of immemorial observance should be strictly adhered to."

Mr. CAVALCANTE. Mr. President, in 1871, the Senate Journal (as shown in Pennsylvania Manual, page 813) states this: "110. The speaker decided that an amendment directing that the name of a Senator, whose seat was contested, be omitted in calling the yeas and nays on the resolution before the Senate relating to the right of such Senator to a seat in that body, was not in order. An appeal was taken and laid on the table."

Then on page 127 (page 813 Pennsylvania Manual) of the same Journal we find this:

"A question of order was raised that a Senator should not vote upon a question affecting his seat in the Senate. The speaker submitted the question to the Senate, and it was decided that the question of order was not well taken."

In this particular case if Mr. Levin is set aside he will not be permitted to vote on the question of whether or not he shall sit in this Senate.

POINT OF ORDER

Mr. CAVALCANTE. Mr. President, in view of the decisions I have just read, I rise to a point of order.

The PRESIDENT. The Senator from Fayette, Mr. Cavalcante, will state his point of order.

Mr. CAVALCANTE. Mr. President, my point of order is that the motion of the Senator from Tioga, Mr. Owlett, is out of order.

The PRESIDENT. The Chair rules that the point of order of the Senator from Fayette, Mr. Cavalcante, is not well taken.

And the question recurring,

Will the Senate agree to the motion?

The yeas and nays were required by Mr. DENT and Mr. CAVALCANTE, and were as follows, viz:

YEAS—25

Bartlett,	Gelder,	Mallery,	Stevenson,
Chapman,	Geltz,	Miller,	Tallman,
Crowe,	Heyburn,	Cwlett,	Thomas,
Ealy,	Homsher,	Pierson,	Walker,
Edmonds,	James,	Scarlett,	Wolfenden,
Eroe,	Letzler,	Snowden,	Woodward,
Farrell,			

NAYS—23

Cavalcante,	Gilson,	Lanius,	Rice,
Coleman,	Haluska,	Levin,	Ruth,
Dando,	Jacobs,	McCreesh,	Shapiro,
Dent,	Jaspan,	McGinnis,	Sipe,
DiSilvestro,	Kilgallen,	Mundy,	Stiefel,
Frey,	Kunkel,	Reed,	

So the question was determined in the affirmative.

Mr. CAVALCANTE. Mr. President, I ask for a verification of the roll.

The roll was verified and was as follows:

The yeas were as follows: Messrs. Bartlett, Chapman, Crowe, Ealy, Edmonds, Ero, Farrell, Gelder, Geltz, Heyburn, Homsher, James, Letzler, Mallery, Miller, Owlett, Pierson, Scarlett, Snowden, Stevenson, Tallman, Thomas, Walker, Wolfenden, and Woodward.

The nays were as follows: Messrs. Cavalcante, Coleman, Dando, Dent, DiSilvestro, Frey, Gilson, Haluska, Jacobs, Jaspan, Kilgallen, Kunkel, Lanius, Levin, McCreesh, McGinnis, Mundy, Reed, Rice, Ruth, Shapiro, Sipe and Stiefel.

(The yeas were 25 and the nays 23)

So the question was determined in the affirmative.

QUESTION OF PARLIAMENTARY INQUIRY

Mr. SHAPIRO. Mr. President, I rise to a question of parliamentary inquiry.

The PRESIDENT. The Senator from Philadelphia, Mr. Shapiro, will state his question of parliamentary inquiry.

Mr. SHAPIRO. Mr. President, is it not true that this vote requires a Constitutional majority. The act so requires that.

Mr. OWLETT. Mr. President, the Constitution provides that the Senate is the judge of its own members and this vote requires merely a majority of a quorum and not a Constitutional majority.

Mr. REED. Mr. President, Section 1749 is as follows: "No resolution deciding such questions shall be adopted, unless it shall receive the votes of a majority of all the members elected to the house considering the same."

Mr. OWLETT. Mr. President, the section which the Senator from Washington, Mr. Reed, reads from is the section which provides a vote when a committee reports after an election contest of the Senate. The section that the Senator reads from provides:

"Such petition, when presented, shall be referred to a standing committee on elections, which committee shall proceed to hear the claims of the contestant, and repondent, and report the facts and a resolution expressing the decision of the committee, for the consideration of the house; and the vote of the proper house on the claims of the contestant and respondent shall be final."

Now, Mr. President, when this final vote is taken as to whether or not the Senator will be permitted to retain his seat, it requires twenty-six votes to act on that resolution but this motion to stand aside only requires, I submit, a majority of those present.

Mr. SHAPIRO. Mr. President, after interrogating the Senator from Tioga, and after he made the statement that the effect of this resolution is to oust this Senator from his seat temporarily, I think it comes in bad taste when you or anybody else decides that this act, which provides in order to oust permanently this man would require a constitutional majority—that you should now decide that only twenty-five votes, less than a constitutional majority, shall be sufficient to set this man aside temporarily. It shows what is being done here—if twenty-six votes cannot be obtained to oust a man, then these people ought to be satisfied and let well enough alone, and I serve notice now that unless they restore decent, good, parliamentary procedure here they will get no consideration from us—not from me, I know that.

Mr. OWLETT. Mr. President, a resolution to vote has been introduced.

The PRESIDENT. The next order of business is—

Mr. SHAPIRO. Mr. President, you have not ruled on the question.

Mr. DENT. Mr. President, I did not understand that. Did you decide that twenty-five votes will set that aside?

The PRESIDENT. I did.

APPEAL FROM DECISION OF THE CHAIR

Mr. DENT. Mr. President, I appeal from the decision of the Chair—as much as I hate to—it is no reflection on you, sir.

The PRESIDENT. There is no reflection. Do I hear anybody second?

Mr. OWLETT. Mr. President, I suggest that the appeal is not in order.

Mr. DENT. Mr. President, I understand that, and I ask for a recess, in order to give me time.

Mr. OWLETT. Mr. President, I suggest that the point of order has not been raised in the regular way.

Mr. CAVALCANTE. Mr. President, I wish to interrogate the Senator from Tioga, Mr. Owlett.

The PRESIDENT. Will the Senator from Tioga, Mr. Owlett, permit himself to be interrogated?

Mr. OWLETT. Mr. President, I will.

Mr. CAVALCANTE. Mr. President, whenever the committee has finally decided on this question and made its report, will Mr. Levin be permitted to vote? That is what I want to know.

Mr. OWLETT. Mr. President, he will not be permitted to vote.

The PRESIDENT. There is now an appeal before the Senate.

Mr. DENT. Mr. President, the Senator from Tioga, Mr. Owlett raised a point of order.

The PRESIDENT. There is an appeal before the Senate right now. There is no seconder. The appeal falls.

EMPLOYEES OF THE SENATE

Mr. CHAPMAN offered the following resolution, which was twice read as follows:

In the Senate, February 27, 1939.

Resolved, That the following persons be elected employees of the Senate, as is provided by Act of Assembly:

EXECUTIVE CLERK

Bessie B. Everett, Springfield, Pa.

CLERKS TO COMMITTEES

Harry C. McDade, Henryville, transferred from Proof-Reader.

Robert Cox, Wellsboro, vice B. B. Bastain, resigned.
Lester Weidman, R. R. 1, Elizabethtown, vice J. Paul Templeton, resigned.

ASSISTANT SERGEANT-AT-ARMS

James Thompson, Shamokin, vice John K. Jones, resigned.

CHIEF PAGE

Herbert V. Eynon, Harrisburg, transferred from Page.

PAGE

Elijah Boston, Beaver Falls, vice Herbert V. Eynon, resigned.

Mr. CHAPMAN. Mr. President, I ask unanimous consent that Rule 39, which requires resolutions be referred to an appropriate committee be suspended and the Senate do now proceed to the consideration of the resolution just read.

The PRESIDENT. Is there objection?

Mr. SHAPIRO. Mr. President, I object to immediate consideration.

The PRESIDENT. Objection is made. The resolution will lie over.

Mr. DENT. Mr. President, on my question of a recess, was there opposition to it? I asked that the Senate take a recess and I did not hear any objection to it. I asked for a recess of this Senate.

The PRESIDENT. Is there objection?

Mr. OWLETT. Yes, Mr. President, I object.

The PRESIDENT. There is objection.

Mr. DENT. Mr. PRESIDENT, thank you.

PRESIDENT PRO TEMPORE APPOINTS SENATE MEMBERS OF STATE WORLD'S FAIR COMMISSION

At this point I want to announce the following appointments by the President Pro Tempore to the New York World's Fair Commission:

The Senator from Philadelphia, Mr. Woodward; the Senator from Lancaster, Mr. Pierson, and the Senator from Allegheny, Mr. Walker.

TIME OF NEXT MEETING

Mr. HEYBURN offered the following resolution, which was twice read:

In the Senate, February 27, 1939.

Resolved (if the House of Representatives concur), That when the Senate adjourns this week it reconvene on Monday evening, March 6, 1939, at nine o'clock; and when the House of Representatives adjourns this week it reconvene on Monday evening, March 6, 1939, at eight o'clock.

On the question,

Will the Senate agree to the resolution?

Mr. CAVALCANTE. Mr. President, I object.

Mr. OWLETT. Mr. President, the adjournment resolution is a privileged resolution.

Mr. CAVALCANTE. Mr. President, setting the rules aside for a two-thirds vote, I object to its immediate consideration.

POINT OF ORDER

Mr. OWLETT. Mr. President, I rise to a point of order.

Mr. FREY. Mr. President, I object.

The PRESIDENT. The Senator from Tioga, Mr. Owlett, will state his point of order.

Mr. OWLETT. Mr. President, I rise to the point of order that an adjournment resolution is a privileged resolution and is not subject to debate.

The PRESIDENT. The point of order of the Senator from Tioga Mr. Owlett, is well taken.

And the question recurring.

Will the Senate agree to the resolution?

It was agreed to.

MOTION TO REFER COURT DECISION TO COMMITTEE ON ELECTIONS

Mr. OWLETT. Mr. President, I now move you that the certified copy of the decision of the court in the case of the contested election for Senator in the Second Senatorial District be referred to the Committee on Elections for study and report within one month.

The PRESIDENT. Is there a second?

Mr. EALY. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

Mr. SHAPIRO. Mr. President, I want to call you attention to the following sections of the act under which the Senator from Tioga says he is proceeding.

"Section 1747. Appeal to Proper House; Requirements. Any claimant to a seat in either branch of the General Assembly, who shall feel aggrieved by the decision of the court in his case, may present his petition to the proper house within ten days after the meeting of the General Assembly, or within ten days after the election

shall have been made in his case, if the General Assembly shall then be in session—". I said "election," but I meant "or within ten days after the decision shall have been made in his case, if the General Assembly shall then be in session, setting forth his claim, which petition shall have appended thereto the affidavit of the petitioner, setting forth that he believes that he was duly elected to the seat, and that the statements set forth in his petition are just and true, to the best of his knowledge and belief.

"Such petitions," Section 1748 reads, "when presented shall be referred to a standing committee on election, which committee shall proceed to hear the claims of the contestant and respondent, and report the facts and a resolution expressing the decision of the committee, for the consideration of the house; and the vote of the proper house on the claims of the contestant and respondent shall be final."

Now, this body has already decided that a temporary expulsion only needs twenty-five votes and a permanent one needs twenty-six votes. I am wondering what effect it will have if this body should decide to compel Mr. Levin to take an appeal from the decision of the court, even if he does not want to.

In other words, I am wondering whether or not the Senator from Philadelphia, if he wants to appeal, if he is going to send this appeal to the committee for their consideration and to ask us to act on it—I would like to know what action you propose to take. I would like, for myself, to have the record note that correctly.

Here is an act which says the Election Committee can only consider the matter if the contested member feels aggrieved and raises a question. Are you going through with that now, irrespective of that act? You can proceed to refer this judge's decision to the Committee and act on the decision alone. If you are going to do that, let us have that on the record.

POINT OF ORDER

Mr. SHAPIRO. Mr. President, I have been making my statements in connection with a point of order. I now raise the suggestion that the motion of the Senator from Tioga is out of order and should be so declared.

The PRESIDENT. The point of order of the Senator from Philadelphia, Mr. Shapiro, is not well taken.

Mr. CAVALCANTE. Mr. President, may I have the motion read?

The PRESIDENT. The clerk will read the motion.

(The Stenographer read the motion as follows: "Mr. OWLETT. Mr. President, I now move you that the certified copy of the decision of the court in the case of the contested election for Senator in the Second Senatorial election district be referred to the Committee on Elections for study and report within one month.")

POINT OF ORDER

Mr. CAVALCANTE. Mr. President, I rise to a point of order. If it is not well taken, you may overrule me.

The PRESIDENT. The Senator from Fayette, Mr. Cavalcante, will state his point of order.

Mr. CAVALCANTE. Mr. President, the point of order is that the motion of the Senator from Tioga is in violation of the rules of this Senate, and requires the suspension of the rules before such a motion may be entertained—in that the motion places duties upon the com-

mittee that are not placed upon it by the rules of this Senate. You may overrule it, but it is well taken.

The PRESIDENT. The point of order is not well taken.
Mr. KILGALLEN. Mr. President, do I understand the committee is merely getting a copy of the Order of the Court, and not the full opinion of the Court?

The PRESIDENT. The full opinion, I understand.
Mr. CAVALCANTE. Mr. President, does the Chair understand that this motion places the obligation upon the committee to make a report within thirty days?

Mr. PRESIDENT. It does.
Mr. CAVALCANTE. Mr. President, does the Chair say that all of that is not a violation of the rules of this Senate.

The PRESIDENT. It is not, and it is so ruled.
And the question recurring,
Will the Senate agree to the motion?
The yeas and nays were required by Mr. Cavalcante and Mr. Dent, and were as follows:

YEAS—25

Bartlett,	Gelder,	Mallery,	Stevenson,
Chapman,	Geltz,	Miller,	Tallman,
Crowe,	Heyburn,	Owlett,	Thomas,
Ealy,	Romsher,	Pierson,	Walker,
Edmonds,	James,	Scarlett,	Wolfenden,
Eroe,	Letzler,	Snowden,	Woodward,
Farrell,			

NAYS—21

Cavalcante,	Haluska,	Lanius,	Rice,
Coleman,	Jacobs,	McCreesh,	Ruth,
Dando,	Jaspan,	McGinnis,	Shapiro,
Disi'vestro,	Kilgallen,	Mundy,	Sipe,
Frey,	Kunkel,	Reed,	Stiefel,
Gilson,			

So the question was determined in the affirmative.
Mr. LEVIN. Mr. President, did I hear my name called?
The PRESIDENT. It was not.
Mr. LEVIN. Mr. President, I ask that it be called and that I be recorded as voting "No."
The PRESIDENT. Under the motion just adopted the Chair must rule that the gentleman will not be permitted to record his vote.

POINT OF ORDER

Mr. CAVALCANTE. Mr. President, I rise to a point of order.
The PRESIDENT. The Senator from Fayette, Mr. Cavalcante, will state his point of order.
Mr. CAVALCANTE. Mr. President, under the Journal citation of 1897, page 803-811, a vote in this case is illegal and not sufficient for the adoption of the resolution of the Senator from Tioga, because the resolution imposes special work upon the Committee and two-thirds of those present have not voted in favor of the resolution.
The PRESIDENT. The Chair makes the same ruling—that the point of order is not well taken.

QUESTION OF PERSONAL PRIVILEGE

Mr. DENT. Mr. President, I rise to a question of personal privilege.
The PRESIDENT. The Senator from Westmoreland, Mr. Dent, will state his question of personal privilege.
Mr. DENT. Mr. President and members of the Senate, I heard the Senator from Tioga quote Jefferson's Manual a while ago when he said a majority of those present voted,

Now, the Senator from Philadelphia, Mr. Levin, whom I still believe to be a Senator, has asked that his name be called and that he be recorded as voting. The Republican members of the Senate have on numerous occasions called attention to rulings of the then Lieutenant-Governor Tom Kennedy on the action of the Democratic Senators setting aside the three members of the Republican party on January 2nd, and they in turn asked that their names be called on the roll.

This gentleman is in the same position as those three men were in, and I just want to know whether or not, if we were wrong then, they are wrong now; and I want to say frankly, Mr. President, that for years I have been attending conventions, and some of them get pretty rough, and I have seen some pretty fair examples of railroading, and I want to say to you that what we did on the second and third of January was child's play; and I want to say to you gentlemen on the other side, when the Senator from Tioga, Mr. Owlett said, "A plague on both your houses," he was right. I want to say here now to the gentleman from Philadelphia, Mr. Levin, that if I were in his position I would come to my seat every day that this Senate is in session; I would insist upon my name being called on the roll call. What has been done illegally may be sustained in the courts of this land and the courts of Pennsylvania, and we have had some illustration of their sentiments here before. It is a disgrace in the eyes and hearts of the decent people of Pennsylvania.

QUESTION OF PERSONAL PRIVILEGE

Mr. STIEFEL. Mr. President, I rise to a question of personal privilege.
The PRESIDENT. The Senator from Philadelphia, Mr. Stiefel, will state his question of personal privilege.
Mr. STIEFEL. Mr. President, I have abstained from passing any remarks here this evening, and gained a perspective of what happened here. As I understand it, Mr. President, Abraham Lincoln said we shall have "a government of the people, by the people, for the people," but now we have changed that in Pennsylvania—it is government in Pennsylvania of the Republicans, by the Republicans and for the Republicans.

ADJOURNMENT

Mr. OWLETT. Mr. President, I move that the Senate do now adjourn until Tuesday, February 28, 1939, at 2:00 o'clock, p. m.
Mr. EALY. Mr. President, I second the motion.
The motion was agreed to.
The Senate adjourned at 11:59 o'clock, p. m. until Tuesday, February 28, 1939, at 2:00 o'clock, p. m.

HOUSE OF REPRESENTATIVES

MONDAY, February 27, 1939.

The House met at 8 p. m.
The SPEAKER (Ellwood J. Turner) in the Chair.

PRAYER

The Chaplain, Rev. Walter Evans Deibler, offered the following prayer:
Almighty and Allwise God, we bow in humble recog-

nition of Thy mercy and thank Thee for sparing our lives until this hour. We confess our confidence in the power of prayer. May we truly learn that "The effectual fervent prayer of the righteous man availeth much." During this month when we have celebrated the birthday of the great American George Washington, we thank Thee for the remembrance we have not only for the references to his statesmanship but to his devotional habits as well. May the instruction his mother gave him when he left home "My son, neglect not the duty of secret prayer" be more fervently heeded by the sons and daughters of America. We pray that we may not be merely figure-heads nor our prayers empty forms. Give, we beseech Thee, the guidance of Thy Spirit to all of the legislative activities confronting these Thy servants. Bless the Chief Executive of this Commonwealth in the performance of all his duties. Give to him and all who are associated with him the power to do right that peace, prosperity and happiness may prevail. We offer our prayer to Thee, O God, through Jesus Christ our Lord. Amen.

JOURNAL APPROVED

The SPEAKER. The Clerk will read the Journal of Friday, February 10, 1939.

The Clerk proceeded to read the Journal of Friday, February 10, 1939, when, on motion of Mr. HOYT the further reading was dispensed with and the Journal approved.

BILLS INTRODUCED AND REFERRED

(Referred February 10)

By Mr. BAKER. HOUSE BILL No. 262.

An Act to promote the general welfare by establishing a system for the payment of old age assistance to certain citizens; and providing for the administration of said act by the Department of Public Assistance and local boards appointed by the department; and providing penalties.

Referred to the Committee on Welfare.

By Mr. DAVID P. REESE. HOUSE BILL No. 263.

An Act to amend section two thousand one of the act, approved the twenty-third day of June, one thousand nine hundred and thirty-one (P. L. 932), entitled "An act relating to cities of the third class and amending, revising and consolidating the law relating thereto," by fixing the minimum compensation for patrolmen in such cities.

Referred to the Committee on Cities—Third Class.

By Mr. MATTHEW J. WELSH. HOUSE BILL No. 264.

An Act providing for the pensioning of certain persons residents of this Commonwealth of Pennsylvania who have been or shall be soldiers, sailors, marines or members of the enlisted nurse corps designated as "blind veteran," defining the term "blind veteran," imposing certain duties on the Department of Welfare; imposing penalties for violation thereof; making an appropriation and repealing inconsistent legislation.

Referred to the Committee on Appropriations.

COMMUNICATIONS

The SPEAKER laid before the House the following communications which were read by the Clerk.

THE DOLLAR SAVINGS BANK

Semi-annual report of The Dollar Savings Bank as of December 1, 1938.

The SPEAKER. The report will be noted in the Journal and filed with the Chief Clerk of the House.

DELAWARE RIVER JOINT COMMISSION

Report of The Delaware River Joint Commission for the year 1938.

The SPEAKER. The report will be noted in the Journal and filed with the Chief Clerk of the House.

LEAVES OF ABSENCE

Mr. Habbyslaw asked and obtained leave of absence for Mr. SARGE for the week on account of illness.

Mr. McClester asked and obtained leave of absence for Mr. IMBRIE for the week on account of illness.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair desires to announce to the members that members' cards are at the Speaker's office in charge of the Speaker's page who stands to the right of the Chair. Members who have not secured their cards can secure them by calling at the Speaker's office.

COMMUNICATION FROM THE GOVERNOR

The Secretary to the Governor being introduced, presented a communication in writing from His Excellency the Governor, which was read as follows:

BUDGET MESSAGE

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg.

To the Honorable, the General Assembly of the Commonwealth of Pennsylvania:

In compliance with Article VI of the Act of April 9, 1929, P. L. 177, I have the honor to lay before the General Assembly the State Budget for the fiscal biennium from June 1, 1939, to May 31, 1941.

The outstanding facts in the State's finances for the next two years are these: First, there is now a deficit of \$50,000,000 in the general fund of which amount \$42,000,000 must be paid out of, and constitutes a direct lien upon, the funds of the next biennium; secondly, there are \$487,000,000 of General Fund obligations before us, including the deficit and new obligations imposed by law during the present biennium if we were to continue on the same scale of spending as I found when I came into office, and third, estimated revenues for the next two years, assuming the reenactment of all of the Earle emergency taxes, amount to \$36,550,000—\$121,450,000 short of the obligations. This shortage we propose to try to make up by economies in government and by other means without adding any new taxes.

When I came into office I found an immediate financial problem confronting me. Since the Governor takes office in January and the fiscal biennium does not end until the following May, it is necessary for each Governor to carry on the first four and one-half months of his administration with the appropriations, revenues and obligations left by his predecessor. Therefore, an administration can be said to extend, as far as fiscal affairs are concerned, not four years from the inauguration but four years from the first of June succeeding the inauguration. During these months, then, until June first, the possibilities in administration of the State's fiscal affairs are controlled by the assets and liabilities which the preceding administration has left.

I find that the Earle Administration in the 1937-1939 biennium appropriated \$2,704,000 more than it had to appropriate. The estimated cash to be received for the months of January to May amounts to \$125,225,000 and the liabilities, \$127,929,000. Thus the liabilities exceed the cash by \$2,704,000. This amount together with other obligations unprovided for, by appropriation or by cash,

amount to a deficit of \$50,095,000. Of this, \$43,000,000 is for public assistance and \$4,391,000 is for departmental deficiencies. It now appears that \$43,000,000 will not be sufficient for public assistance to the end of the biennium but no final accurate estimate can be made at this time.

Our first problem is to meet these obligations. Some of this provision has been made by means of legislation which you have already passed. Other provision has been made by budgetary action which I have taken, upon which no legislation is needed. The whole program is set forth as follows:

1. Temporary transfers from special funds have been made in order to provide cash immediately needed:	
a. Motor License Fund	\$26,000,000
b. Liquor License Fund	4,000,000
c. Liquid Fuels Tax Fund	3,000,000
d. State Insurance Fund	1,000,000
e. Fire Insurance Tax Fund	1,500,000
2. Immediate and stringent reductions made in departmental budgets in order to reduce appropriation liabilities	1,750,000
3. Additional reductions in appropriations by stopping expenditures wherever possible	6,150,000
4. Postponement of certain of the departmental deficiencies until 1939-1941	2,810,000
5. Additional temporary transfers from the Motor License Fund to be made	3,885,000
Total	\$ 50,095,000

The program I have recited will enable you to meet temporarily the deficit which the past administration left when it went out of office and to appropriate for public assistance and for other pressing departmental deficiencies \$10,581,000, in addition to the \$34,000,000 you have already appropriated.

The special funds transferred represent a lien on the revenues for the first biennium of my administration. This practice of financing each biennium in part by borrowing some of the revenues of the following biennium through the medium of a temporary transfer from special funds began four years ago and has continued each biennium since then. Some of the obligations of each of the three bienniums have been met in this way. At the close of the 1933-1935 biennium, the General Fund owed to special funds \$16,443,000. At the close of the present biennium, the amount owed to special funds will be at least \$39,385,000. This method of financing, while legal, is undesirable. So far as the Motor License Fund is concerned the moneys borrowed represent the cash from the annual licensing of automobiles and operators and liquid fuels tax, most of which is needed for road maintenance and construction in the summer and fall. By that time the General Fund will have repaid what it owes. In the case of the other funds the situation is different. The laws provide that these funds shall be distributed at certain times to the municipalities. In fixing their budgets, the municipalities take into consideration the receipt of this cash at the distribution time set by law. The postponement of this distribution for several months upon short notice disarranges municipal budgets and forces them to borrow and pay interest. I dislike these transfers but I regard them as less evil than the levying of taxes of a nature which would produce the immediate cash.

Turning to the next biennium we find the finances have been made most difficult in a number of ways:

1. The General Fund deficit of \$50,095,000 for the 1937-1939 biennium bequeathed to us, excepting as we can reduce it by economies between now and May 31st, will have to be carried over to the next biennium. The deficiency requests outside of public assistance which we have inherited amount to \$4,391,000. I am recommending what appropriations be made to cover \$1,581,000 of these deficiencies in this biennium, (See Page 14), and I am asking the Legislature to provide for \$2,810,000 of the

deficiencies in the Budget for 1939-1941 because we cannot make the funds available during this present biennium. Because a share of the funds to meet the deficit, approximately \$7,900,000, is being provided by stopping expenditures under appropriations now made wherever possible and by reducing the payroll and other expenditures for governmental operations far below what existed during the past administration, the deficit be carried forward to the next biennium will be reduced by that amount. In other words, we are taking care of financing 16 per cent of the deficiency appropriations including assistance by shutting off expenditures and by economies in the last four months of this biennium. Because we are taking care of \$7,900,000 of the deficiency in this manner, only the balance, \$42,195,000, will have to be carried forward into the next biennium.

2. The cost of the State Government has been built up to the point where existing appropriations and deficiency requests from the General Fund for the 1937-1939 biennium amount to about \$414,000,000, an increase of \$181,000,000, or 78 per cent over appropriations for 1933-1935, the two-year period immediately preceding the Democratic Administration.

3. During the past four years through the medium of the General State Authority the debt of the State in effect was increased by about \$60,000,000 which will require interest and sinking fund payments in the form of rentals just the same as if that amount of money was borrowed directly. An outlay of \$7,687,000 is provided in the Budget for these rentals. The net bonded indebtedness of the State was \$138,136,928 at the beginning of the Democratic Administration. Sinking fund payments reduced this to \$106,404,265 by the end of the Administration. The addition of the State Authority bonds in reality raised the net debt at the end of the Administration to \$166,000,000. There was, therefore, an increase in the State's indebtedness of 56 per cent over what the debt would have been at the end of this biennium had the State Authority obligations not been imposed.

4. And, more than that, during this last two-year period, other new obligations were imposed upon the State amounting to approximately \$24,000,000, without establishing any sources of revenue to take care of them.

This means then that with the deficit carried over which we must take care of in the next biennium, with the greatly expanded State Government, and with the new additional obligations imposed, we are confronted with obligations of at least \$487,000,000 for the next two-year period if we should conduct the State Government on the 1937-1939 plane.

Now what has the outgoing Administration left in the way of estimated income to meet this \$487,000,000 of obligations? The old taxes and normal income sources are estimated to yield \$202,550,000. The Earle emergency taxes, which I regret to say I must recommend be reenacted for reasons I have already made clear in the message, are estimated to yield \$163,000,000 making a total estimated income in the amount of \$365,550,000. This is \$121,450,000 short of meeting the \$487,000,000 of obligations.

How to overcome this huge shortage is the big financial problem ahead of us. The policy which I recommend is to do it without adding to the tax burden and to do that I need the full cooperation of the Legislature, the State departments, all agencies which receive appropriations, and the people of the Commonwealth. Provision must be made for the necessary State services, relief and other public assistance, but I am determined that, if humanly possible, we are going to turn around and face the other direction toward lower cost of government and toward lower taxes upon the citizens of the Commonwealth.

The first method which we have already undertaken to make up this shortage is to reduce the cost of government and we are going ahead with that as rapidly as possible and not waiting until next June 1st, the beginning of the new biennium.

I am asking the departments under my jurisdiction to reduce their expenditures an average of 20 per cent by rooting out all unnecessary expansion and putting the

State Government on a sensible economical basis. Since I came into office, we have abolished more than 2,000 entirely unnecessary positions. In the Department of Revenue the number of employees had increased from 1,141 in 1934 to 1,961 in 1938. In the Department of Highways the number increased from a high of 2,634 in 1934 to a high point of 3,817 in 1938. The number of employees in the Public Utility Commission in 1934 was 179 and went up to a high of 797 at the time when I came into office—and so it went. Some increase perhaps was necessary but this went far beyond reason.

Second, I recommend that some of the new obligations which have been imposed during this past Administration be postponed. Numerous laws have been passed calling for increased State expenditures, some of which are worthy laws in themselves but which increase the cost of government beyond what the taxpayers can afford at the present time when they have this tremendous public assistance burden to carry.

I recommend that the effective date of the following acts be postponed for a two-year period.

Number of Act	Date of Act	Public Instruction Relating to
485	July 1, 1937	Supervisors of Special Education
483	July 1, 1937	Transportation
141	May 7, 1937	High School Tuition
Number of Act	Date of Act	Welfare Relating to
21	Sept. 29, 1938	The Commonwealth taking over County Mental Hospitals (Postponement to apply to all except Philadelphia State Hospital)
25	Oct. 11, 1938	Relieving the counties of Payment for Maintenance of Indigent Insane, Feeble-minded and Epileptics in State Institutions

If this program is adopted, we will then have estimated appropriations for the biennium 1939-1941, outside of public assistance, in the amount of \$200,780,000 which it should be noted includes \$13,000,000 of new obligations arising from the State Authority program. Without these obligations the amount would be \$187,780,000 (See Page 16). This \$200,780,000 with the \$52,200,000 deficit carried over constitutes a total of \$242,980,000. Estimated revenues, if the program recommended above is adopted, amount to \$372,000,000 (pages 4 and 52). There will then remain \$129,000,000 available for appropriation for public assistance. You should observe here that were it not for the fact we have to provide for a deficit of \$42,200,000 in the next biennium we would have \$171,200,000 available for public assistance and if the new obligations amounting to \$13,000,000 had not been imposed we would have been able to appropriate a total of \$184,200,000.

The total amount appropriated for public assistance at the Regular Session of the Legislature two years ago for the 1937-1939 biennium was \$138,650,000. That amount was exhausted early in November. An appropriation of \$25,000,000 was made at the 1938 Special Session. That amount was exhausted January 20th. Additional appropriations of \$12,000,000 and \$22,000,000 have been made by this Session bringing the total amount appropriated to date for this biennium to \$197,650,000.

Since December, the public assistance expenditures have been increasing. The weekly case load for general assistance has been as follows:

Week Ending	Cases
December 3, 1938	204,059
January 7, 1939	229,186
February 4, 1939	250,203
February 18, 1939	255,774

Due to the unpredictability of the factors affecting public assistance, estimating the amount necessary to be

provided for the 1939-1941 biennium is extremely difficult. As already stated, there is, under existing taxes, assuming the emergency taxes to be reenacted, \$129,000,000 available for public assistance. I ask the Legislature to make an appropriation in that amount. This \$129,000,000 appropriation is available under an estimate of revenue which we consider a conservative estimate. If there should be substantial business improvement revenues could be expected to exceed that estimate and within the next two years there is the possibility of additional revenue from inheritance taxes and others beyond that now included in the estimate. Moreover, I intend that the economy program which we have started will be continued and all possible savings are going to be made to make unappropriated funds available. There is, in other words, the possibility of additional funds being available for appropriation during the next two years and, if the Legislature finds it within its province to make an additional appropriation contingent upon funds being available and contingent upon the need for an additional appropriation, I recommend that you take such action. If such action is taken and the funds are available it will avoid the calling of a Special Session to appropriate the funds for public assistance.

This \$129,000,000 assistance appropriation can be increased to \$132,000,000 if the General Assembly sees fit to amend the Blind Pension Act to take advantage of Federal aid available.

In order to carry out the program mentioned above some drastic reductions in governmental operations are recommended. For the departments under my jurisdiction I recommended \$26,376,000. The amount appropriated for the 1937-1939 biennium is \$32,900,000. I intend to operate these departments with total appropriations 20 per cent less than the total appropriations to the departments during the present biennium.

Auditor General and Treasury

The request of the Auditor General for \$1,480,000 for salaries and expenses and of the Treasury for \$700,000 for the same purpose have been included in the Budget unchanged. These are the same amounts as were appropriated to these departments during the current biennium. They are independent officers not under my jurisdiction.

The total appropriations of \$16,100,000 recommended to the Treasury Department to pay sinking fund and interest includes an amount of \$2,900,000 to pay interest on tax anticipation notes. With relief demands expected to be heavy at the beginning of the next biennium when income collections are lightest, tax notes must be resorted to on a somewhat larger scale than before. In addition to the \$16,100,000 recommended to the Treasury Department, I recommend an appropriation of \$7,687,000 to the Department of Property and Supplies to pay State Authority leases. Since this money is used to pay interest and amortization of the State Authority bonds it can be considered as an increase in the State debt service bringing the total appropriations for such purpose to \$23,787,000 as against \$15,375,000 during the 1937-1939 biennium.

I recommend total appropriations of \$1,582,000 to the State Employees' Retirement Fund. The Retirement Board requests this \$940,000 increase over the appropriations for 1937-1939 principally because of the organization of the Department of Public Assistance with its 7,500 employees during 1937-1939.

I recommend further that the State Employees' Retirement Board be transferred back to the Department of State from which it was transferred by the 1937 Session.

Agriculture

I recommend an appropriation of \$1,000,000 for animal indemnities. The department informs me that the testing allowed by an appropriation this size will permit all testing to be made in six years. This will permit the testing for Bang's disease to be completed more speedily than the testing for tuberculosis was done.

Banking

I recommend \$100,000 for the registration of security

dealers and salesmen. This will suffice if the work is made an administrative function of the Department of Banking. At present it is conducted by a board of three members.

Flood Control

An appropriation was made for flood control in 1937 in the amount of \$4,900,000. It is estimated that the total expenditures, including commitments to May 31st of this year, will amount to approximately \$1,830,000. A bill now before you would, if passed, reduce the amount appropriated to \$2,000,000. There would then remain a balance from this appropriation and an appropriation made in 1936 of \$384,000 for flood control work in the next biennium. It is expected that this balance will be sufficient to cover administration and other necessary costs in completing projects undertaken. I recommend the passage of this bill now before you reducing the appropriations to \$2,000,000 because it is an essential part of our plan of providing funds for public assistance for the remainder of this biennium.

Health

I recommend an appropriation of \$2,600,000 to the Department of Health for salaries and expenses as compared with \$2,893,500 in the present biennium. The department will present legislation for your consideration to modernize and make more effective its operations throughout the State.

Included in this is an amount of \$100,000 for pneumonia control. This will provide a valuable addition to the department's present services in furnishing anti-toxins for the control of disease.

Sanatoria and Crippled Children's Hospital

The Budget provides a total of \$4,400,000 for maintenance of patients in the sanatoria and Crippled Children's Hospital. This will provide 487,640 days' care in addition to the 1,916,250 days provided in the present biennium. It will provide for the occupancy of all the State Authority construction at these institutions with the exception of Butler. I propose that the sanatorium at Butler be not occupied during the coming biennium. The entire present waiting list of sufferers from tuberculosis can be amply accommodated at the present sanatoria. To occupy the Butler institution would be an unjustifiable expense.

Justice

There is an appropriation of \$100,000 recommended to this department in the Budget to defray the expenses of the Grand Jury investigation in Dauphin County into the activities of State officers during the past Administration. I recommend this item because this Grand jury investigation involves the State Government. In this it is distinct from the purely local county affairs for which the past Administration spent State funds.

Labor and Industry

I am recommending an appropriation of \$2,500,000 for this department for general salaries and expenses compared with an appropriation of \$3,363,300 for the present biennium. When I came into office I found expenditures being made at a rate that would have gone beyond that appropriation and would have resulted in a deficiency of \$150,000. Reductions were made immediately to remedy that condition. The amount I am recommending will permit the essential functions of that department to be carried on in a sensible economical manner.

Military Affairs

The Budget carries an increase of \$273,000 for National Guard and armory maintenance. This is required by the 20 new armories built by the State Authority during the past Administration.

Property and Supplies

An item of \$7,687,000 is provided for leases on State Authority buildings. I have already discussed it in connection with the other appropriations for debt service made to the Treasury Department.

Public Instruction

I am recommending essentially the same amounts of appropriations to this department as were appropriated in 1937-1939. In order that the recommended amounts may be adequate, it will be necessary to postpone the effective date of certain school legislation passed by the 1937 Session which called for additional outlay without regard to where the funds could be found.

Public Utility Commission

I am recommending an appropriation of \$1,901,000 for the Public Utility Commission for the next two years. The appropriation for the Commission for the present biennium was \$3,001,000 as compared with an appropriation of \$1,443,650 in 1935-1937. The appropriation requested by the Commission for the next biennium is \$3,250,000. When I came into office I found the Commission had gone the limit in loading up with unnecessary employees and I asked them to revise their budget downward. They have made a start, dismissing 247 unnecessary employees, but I feel certain they have much to do yet in getting down to a reasonable basis.

Welfare

The total recommended institutional appropriations of \$29,900,000 are an increase of \$5,400,000 over the appropriations for 1937-1939. This increase will be needed to pay the maintenance costs of patients in the Philadelphia State Hospital and the State Authority buildings at the other institutions. The following table will show the increase.

Type of Institution	1939-1941		1939-1941
	Normal Occupancy	Additional Day's Occupancy	
Medical and Surgical	794,000	51,000	128,000
Mental	11,435,000	5,180,000	4,500,000
Mental Defectives and Epileptics	4,275,000	939,000	710,000
Penal and Correctional	5,359,000	233,000	125,000

I am recommending that the acquisition of the county mental hospitals, other than the Philadelphia Hospital, by the State be postponed.

In anticipation of your approval an amount is included in the Budget to pay these hospitals the \$2.00 per patient per week as heretofore.

Nothing is included in the Budget for opening the Maximum Security Prison at Mt. Gretna or the Industrial School at White Hill.

The effective date of the 1938 act relieving the counties of payment for the maintenance of indigent insane, feeble-minded and epileptics in State institutions should be postponed as I have recommended. The State cannot afford to assume the whole maintenance cost this biennium when it has the tremendous public assistance burden to carry.

State-aided Hospitals and Homes

The recommended appropriations are in the same total amount as the present appropriations.

Department of Commerce

One of the chief aims of this Administration is to promote business recovery and, therefore, I recommend that you establish a Department of Commerce to aid in carrying out that purpose. It will be the duty of this new department to strive to halt the flight of industry from Pennsylvania and to bring back to our State industries which already have left. More specifically, as stated in my Inaugural Address, I recommend that you empower this new department to do the following:

First, provide means whereby the advantages of Pennsylvania as an industrial State may be pointed out to those seeking sites for their industries; second, provide an opportunity for public hearings for complaints of adverse industrial conditions in the State; and third, provide a means whereby specific recommendations may emanate for the remedy or improvement of conditions affecting the expansion of business and industry. Furthermore, I rec-

ommend that this department take over the work of the State Publicity Commission.

A bill is now being prepared by the Attorney General for the creation of this new department and will be presented for your consideration within a few days.

Deficiency Appropriations

In addition to the \$43,000,000 provided in this Budget for assistance to complete the biennium, I recommend certain other deficiency appropriations as follows:

To the Lieutenant Governor for contingent expenses—\$2,000. The preceding Lieutenant Governor had a larger contingent appropriation than ever before. In addition to this he received an additional amount in the 1938 Special Session. In spite of it, he left a balance of only a few dollars when he went out of office.

To the Department of Justice—\$75,000. This is in addition to deficiency appropriations totalling \$50,000 received at the Special Session last fall. This is the price of side trips into purely local county affairs by the department during the last administration.

To the Department of Welfare—\$1,045,000 for the operation of the Philadelphia State Hospital until May 31, 1939. The 1938 Special Session provided that it be taken over but neglected to provide the funds.

To the Municipal Court of Philadelphia—\$79,000 to pay salaries of Judges. The laws of the 1937 Session abolishing the Court and creating the Family Court were declared invalid.

To the Department of Property and Supplies for legislative supplies and printing—\$380,000. This makes a total of \$880,000 provided for this purpose during the present biennium.

I recommend other deficiency appropriations in the amount of \$60,000 to the Department of Forests and Waters for control of forest fires and \$1,650,000 to the Department of Public Instruction for school subsidies. A total of \$1,100,000 for furniture and equipment for the buildings now being completed by the State Authority should be appropriated to the Departments of Health, Public Instruction and Welfare.

Highways

I feel that the members of the General Assembly should give attention to our highway responsibilities and finances. The highways are constructed and maintained solely through the revenues collected in the Motor License Fund, which consist principally of the automobile licenses and gasoline tax levy. In the 1939-1941 biennium there is an estimated amount of \$133,200,000 available for the Highway Department as compared with \$166,120,000 in 1937-1939.

In 1928-1929 there were 13,130 miles of highways for which the State was solely responsible. At present there are 40,482 miles. The system has been expanded to include more miles of State highways, thousands of miles of rural roads, city and borough streets, bridges formerly maintained by counties, boroughs and townships, and property damage due to road construction and relocation.

Because of this increased responsibility the Department of Highways was required to spend for road maintenance and the operation of the department in the year 1938-39 approximately \$55,000,000 as against \$17,500,000 in 1928-1929.

The types of rural road construction done in the intervening years and the necessary improvement of permanently constructed roads, because of modern traffic conditions, resulted in an expenditure of approximately \$30,000,000 for reconstruction in the year 1938-39 compared with \$7,000,000 in 1928-1929. This item of reconstruction will rapidly increase in the next ten years, as roads constructed largely from bond funds from 1918 to 1927 reach the end of their economic life and require replacement.

Because the requirements for funds for maintenance and reconstruction are so heavy, the amount available for new highway construction has been declining from \$33,500,000 in 1928-1929 to \$19,000,000 in 1938-39.

I cite these figures in order to call to your attention a condition which it seems to me needs consideration and intelligent planning.

Department of Revenue—Motor License Fund

For the operations of the Department of Revenue in collecting Motor License Fund receipts and conducting safety activities in conjunction with the Pennsylvania Motor Police to reduce the accident toll on our highways, I recommend that a total of \$4,705,000 be appropriated from the Motor Fund. This is \$1,542,000 less than the amount allocated during the current biennium for these activities. Elimination of unnecessary personnel and wasteful expenditures of many kinds will permit the job to be done with the total I recommend.

I have not included in the recommended appropriation to the Department of Revenue from the Motor License Fund any amount for the issuance of gasoline pump licenses. I feel sure that you will want to repeal the act imposing this license.

During the present biennium a total of \$1,435,000 has been taken from the Motor Fund for the purposes of aeronautics. Included in this is an amount of \$1,076,750 for airports and other construction and \$358,250 for the operation of the Bureau of Aeronautics. I shall not be ready for a recommendation of the amount to be appropriated for this purpose until I have had a report upon the investigation into the affairs of this bureau now being made.

The solution of these grave financial problems requires the most intensive study and thought of the Members of the General Assembly and, as Governor, I seek your earnest cooperation to relieve the men and women of our State from the heavy burden of governmental cost which is upon us.

Respectfully submitted,

ARTHUR H. JAMES.

The SPEAKER. The Budget Message will be printed in full in the Journal and the Ninth Biennial Budget will be filed with the Chief Clerk.

STATEMENT BY MR. WOODSIDE

Mr. WOODSIDE asked and obtained unanimous consent to address the House.

Mr. Speaker, it has been seventeen days since this Legislature met in formal session. Since there were numerous false rumors concerning the recess I deem it advisable to state briefly the origin, purpose and accomplishment of the recess.

At a meeting of the President Pro Tempore of the Senate, the Speaker of the House and the two majority floor leaders it was suggested that we suspend formal sessions for a period of two weeks intensive work on Legislation and the formation of the majority party program. The Governor was consulted and the matter submitted to the Republican Caucuses of the House and Senate, and approved.

It was not new to have a recess in the midst of a session, for during the Special Session of 1938, a vacation of twenty-seven days was taken. Furthermore, it is the custom of this House during the month of February to meet only two days a week. We would therefore normally have met only four times during the past two weeks. During the week that we adjourned we met five days, so that we actually suspended only one formal session of the House by taking the recess.

For many years both under Republican and Democratic Administrations, either the Governor or party chieftains, or both, handed to the Legislature their program with the demand that it be "rubber stamped." The duty of the Administration members of this House and the Senate was not to consider or help formulate the program, but to pass it. The attitude of the present Governor towards the Leg-

islature and his recognition of its rights, its duties and its prerogatives has made possible the re-establishment of the Legislature as an actual functioning branch of the Government.

One of the greatest safeguards to American Democracy is the separation of the three branches of Government. Copying the Dictatorships of Europe, the National and State Government of this country have been functioning less and less as Legislative Governments. Governor James recognized that the Legislators have a proper place in this Government. He has therefore co-operated with the Legislature in the formation of a Republican party program. Neither he nor the Republican State Chairman have, or I think, intend to put before this body any "Must" legislation.

It has been suggested that we should have appointed Democratic members of the House to these Special Committees. This State has Party Government, and the Republican Party is charged with the responsibility of a Legislative program. In the formation of the Republican Party program the Democrats should have no part. All of the program which will be finally translated into bills and naturally be introduced into the House will receive the consideration of the entire membership, both in committee and on the floor.

I hope that we will not only have the criticism of the minority but that we will have their advice and constructive suggestions. We invite them and we encourage them, and when they are good we propose to accept them.

During the past two weeks these special committees have worked diligently and intelligently. A vast mass of information has been collected and a number of specific suggestions will result. The work is not completed but is to be continued with the co-operation of the Republican members in formulating a Republican party program, and I trust with the co-operation of the entire membership in the enactment of Legislation of which all of us can be proud.

STATEMENT BY MR. ACHTERMAN

Mr. ACHTERMAN asked and obtained unanimous consent to address the House.

Mr. Speaker and members of the House, it is rather a rare occasion when the House is privileged to hear two apologies in such a short period of time. I refer first to the apology of the Governor of Pennsylvania, when he apologizes, not only to this House, but to all the people of Pennsylvania, that he cannot reduce taxes. The second apology is that of the majority floor leader, the gentleman from Dauphin, Mr. Woodside, when he apologizes for the inactivities of the House, particularly the Republican members of the House, in the last two weeks time.

Mr. Speaker and members of the House, it strikes me that after all we ought not to have these apologies. The Democratic party has known for a long time that we had a program, that we knew how the taxes should be raised, and it has now simmered down to one definite, certain fact: the Democratic party pointed out the way in 1937 and Arthur James, the Governor of Pennsylvania, and the Republican party can point to no better way.

STATEMENT BY MR. WOODSIDE

Mr. WOODSIDE asked and obtained unanimous consent to address the House.

Mr. Speaker and members of the House, I am pleased to

learn that the minority is going to support the tax program suggested by the Governor.

COMMUNICATION FROM THE GOVERNOR

The Secretary to the Governor being introduced, presented a communication in writing from His Excellency the Governor, which was read as follows:

APPROVAL OF HOUSE BILL NO. 181.

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, February 10, 1939

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed House Bill No. 181, Printer's No. 11, entitled, "An Act making a deficiency appropriation to the Department of Public Assistance for the purpose of carrying out the Public Assistance Law for the two fiscal years ending May thirty-first one thousand nine hundred and thirty-nine."

ARTHUR H. JAMES.

BILL ON SECOND READING

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 92, entitled

An Act to prohibit assessments and demands for contributions for political purposes and providing a penalty

The first section was read as follows:

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 It shall be unlawful for any political committee or any member employe or agent thereof or for any public officer or employe or any other person whatsoever directly or indirectly to demand from any public officer subordinate or employe holding any office or position of honor trust or profit under this Commonwealth or otherwise engaged or employed in the service of the Commonwealth or employed by or in any way engaged in the service of any political subdivision or from any person receiving any public assistance whatsoever from the Commonwealth or the United States directly or through employment on public works or any person association or corporation desiring or having a contract with or a certificate license or permit from the Commonwealth or any political subdivision any assessment or percentage of any money or profit or their equivalent in any thing of value with the understanding express or implied that the same may be used shall be used for political purposes Provided however That nothing in this act contained shall be construed to prohibit voluntary contributions to any political committee or organization for legitimate political and campaign purposes to the extent such contributions are not prohibited by law

On the question,

Will the House agree to the section?

Mr. WOODSIDE. Mr. Speaker, I desire to offer the following amendment.

The SPEAKER. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend section 1, page 2, line 8 by inserting after the word "used" and before the word "shall" the word: "or"

On the question,

Will the House agree to the amendment?

It was agreed to.

On the question,

Will the House agree to the section as amended?

Mr. LONG. Mr. Speaker, I desire to offer the following amendments.

The SPEAKER. The amendments will be read by the Clerk.

The amendments were read by the Clerk as follows:

Amend Sec. 1, page 1, line 4, by inserting after the word "demand" the following: "or accept"

Amend Sec. 1, page 2, line 5, by inserting after the word "assessment" the following: "contribution"

Amend Sec. 1, page 2, line 8, by striking out the words: "shall be used"

Amend Sec. 1, page 2, lines 9 to 14, both inclusive, by striking out: "all of said lines".

On the question,

Will the House agree to the section?

Mr. LONG. Mr. Speaker, I desire to offer the following amendments.

The SPEAKER. The amendments will be read by the Clerk.

The amendments were read by the Clerk as follows:

Amend Sec. 1, page 1, line 4, by inserting after the word "to" the following: "assess"

Amend Sec. 1, page 1, line 4, by inserting after the word "demand" the following: "or solicit"

Amend Sec. 1, page 2, line 5, by inserting after the word "assessment" the following: "contribution"

Amend Sec. 1, page 2, line 8, by striking out the words: "shall be used"

On the question,

Will the House agree to the amendments?

Mr. WOODSIDE. Mr. Speaker, I request the gentleman from Philadelphia, Mr. Long, to explain the effect of the amendments.

Mr. LONG. Mr. Speaker and members of the House, I have proposed two sets of amendments. The first would make it illegal, not only to demand political assessments, but also to accept political assessments from jobholders and the people under obligation. The second set would make it illegal not only to demand but to solicit from jobholders, holders of contracts, licenses and other people under obligation, contributions or assessments for political purposes.

I believe that the most effective amendment we can put in this act would be the acceptance of an amendment whereby all political assessments against those on the public pay rolls and those under obligation, due to license and other reasons, could be presented. The first set of amendments would absolutely prevent this. The second set of amendments which forbids solicitation, would hamper and in effect really mean that the demand for political assessments shall cease. The solicitation of funds by the bosses from jobholders or from anyone else politically responsible is in effect a demand for funds. A solicitation by a political superior, no matter how sugarcoated that request may be is nevertheless a demand for a political assessment. If we really want to make the act effective, if we really wish to prevent political assessments, so far as it is possible to do such a thing by law, I ask all the members of the House, regardless of their political affiliations, to vote for these amendments in order to give a real anti-macing act to this administration.

Mr. WOODSIDE. Mr. Speaker, for over fifty years it has been the policy of this Commonwealth to prohibit political demands for funds from employees of the Commonwealth. For forty-two years, while the Republican party had control of either branch of this Legislature, such Legislation

was upon the statute books and no effort was made to remove it. In effect the Republican party said by that legislation, "We do not look with favor upon demands made upon those people who are employed by the Commonwealth; we do not look with favor upon political assessments. We will permit, however, voluntary contributions, if no force is used upon the person making them." For forty-two years that was the policy of the Republican Party, but the first time the Democratic party got control of the two branches of this Legislature and the Governorship they repealed that act and the reason for doing this was very clearly seen in the 1938 election and the scandal which has resulted therefrom.

It comes with poor grace for that side of the House to now say that they not only favor the enactment of legislation which would prohibit the assessing and demanding of political funds from employees or from the people who deal with the state, but also that they would not permit voluntary contributions to be made by any of those people. I have the greatest respect for the gentleman from Philadelphia, Mr. Long. I think he actually offered this amendment with sincerity, being probably ashamed of the action of his own party during the campaign of 1938, but I say it comes with bad grace from the Democratic side of the House to now offer an amendment of this type to this bill and I ask the House to vote it down.

Mr. LONG. Mr. Speaker and members of the House, first of all I would like to have is distinctly understood that this amendment emanated from myself alone. Political parties, regardless of their name, do not sponsor such legislation unless forced to do so. The Republican party of Pennsylvania has made an issue of anti-macing, a real issue and an effective political issue. Now is the time to remedy the evil. I do not condone political assessments, regardless of the people who levy them upon the unfortunate jobholders of the Commonwealth. For over forty years, as the gentleman from Dauphin just said, political demands or assessments for political purposes were not looked upon with favor in this Commonwealth. However, they were not prevented nor was any effort made that I know of or that anyone has ever called to my attention, to prevent or to actually obstruct political assessments in this Commonwealth.

I come from a county where political assessment has been developed to a science. The Philadelphia Republican organization has developed the assessment of jobholders to a point where I do not believe it can be much improved upon. However, I think we have had enough discussion on partisan issues in this case. This is clearly not a partisan issue. I wish to appeal to the members of this House, who have served with me in the past and who know that I mean what I say, and I also wish to appeal to the new members, many of whom were elected because of public aversion to the charges of political assessment. I wish you to stand by the people who were interested in supporting you, remove the evil and do not condone it by going back to the old days when they looked upon political assessment with favor. Do not look upon them with favor. Let us do away with them. Let us outlaw them. I do not think there are many responsible political leaders in Pennsylvania today, in the present public state of mind, who would dare to come out publicly in favor of assessments by either party. I believe it is the consensus of opinion of the vast majority of people in this Commonwealth, regardless of politics, or any other con-

sideration, that now is the time, once and for all, to bury political assessments in this Commonwealth.

Mr. Speaker, I would ask that the amendment preventing the acceptance, as well as the demanding of political assessments, be voted upon first, and Mr. Speaker, I ask for a roll call.

The amendments were read the second time as follows:

Amend Sec. 1, page 1, line 4, by inserting after the word "demand" the following: "or accept"

Amend Sec. 1, page 2, line 5, by inserting after the word "assessment" the following: "contribution"

Amend Sec. 1, page 2, line 8, by striking out the words: "shall be used"

Amend Sec. 1, page 2, lines 9 to 14, both inclusive, by striking out: "all of said lines"

On the question recurring,

Will the House agree to the amendments?

The yeas and nays were required by Messrs. Long, Harkins, and Holland and were as follows:

YEAS—68

Achterman,	Finnerty,	Melchiorre,	Rosenfeld,
Allen,	Flanagan,	Mihm,	Rothenberger,
Allmond,	Gorski,	Mooney,	Sarraf,
Andrews,	Harkins,	Moran,	Scanlon,
Baker,	Hess,	Munley,	Schwab,
Balthaser,	Hindman,	O'Brien,	Shaw,
Bohn,	Hoffman, S. K.,	O'Connor,	Skale,
Boles,	Holland,	O'Keefe,	Stank,
Boney,	Jirolanio,	Ominsky,	Tarr,
Brancato,	Keenan,	O'Neill,	Thompson, E. F.,
Broad,	Kenehan,	Powers,	Tronzo,
Burns,	Kilroy,	Preston,	Walsh,
Burris,	Long,	Reese, R. E.,	Welss,
Check,	Lovett,	Regan,	Welsh, E. B.,
Cohen, H. B.,	Malloy,	Reynolds,	Welsh, M. H.,
Falkenstein,	Malone,	Rider,	Westrick,
Fauset,	McLane,	Rooney,	Williams,

NAYS—122.

Ackermann,	Eckels,	Lee,	Serrill,
Alspach,	Ewing,	Leisey,	Shearer,
Atkins,	Fisher,	Levy,	Simons,
Auker,	Fiss,	Leydie,	Sloan,
Balliet,	Fleming,	Lichtenwalter,	Snyder,
Bardes,	Foor,	Lyons,	Sollenberger,
Bennett,	Freed,	Madden,	Stambaugh,
Boorse,	Gates,	Marr,	Stewart,
Boose,	Gillan,	McClester,	Stockham,
Bower,	Gillette,	McGarrity,	Sweeney,
Boyd,	Goll,	McKinney,	Tahl,
Bretherick,	Habbyshaw,	McNally,	Taylor,
Bronson,	Haines,	McVay,	Terry,
Brown, S. W.,	Hall,	Montgomery,	Thistle,
Brunner,	Hamilton,	Moser, F. S.,	Tiemann,
Cadwalader,	Harbeson,	Moser, J. L.	Trout,
Carpenter,	Haudenschild,	Mulr,	Van Allsburg,
Christler,	Henry,	O'Dare,	Van Belle,
Clark,	Hewitt,	Peacock,	Voorhees,
Clearwater,	Hocke,	Peale,	Watkins,
Cohen, R. E.,	Hoffman, J. N.,	Readinger,	Webster,
Cook,	Hoyt,	Reagan,	Wilkinson,
Cooper,	Huntley,	Reese, D. P.,	Wilson,
Cordier,	James,	Riley,	Winnor,
Curran,	Johnston,	Robertson,	Wood, H. M.,
Dalrymple,	Jones,	Rose,	Wood, L. H.,
Denman,	Kane,	Roseberry,	Wood, N.,
Dick,	Kline,	Royer,	Woodside,
Dix,	Knoble,	Schrock,	Yeakel,
Donahue,	Kowalski,	Seif,	Turner,
Downey,	Krise,		Speaker.

So the question was determined in the negative and the amendments were not agreed to.

REASON FOR VOTE

Mr. KANE filed the following reason for his vote.

Reasons for voting "no" on House Bill No. 92. While patronage has been detrimental rather than helpful to the political parties which have held it as is well shown

by the fact that when the Republicans had the State and Federal governments they lost the presidency. When they controlled the State they lost the governorship. When the democrats controlled Federal and State governments they lost the State of Pennsylvania. There is no reason why a state employee who is making his livelihood by reason of employment gained through his party should not voluntarily support it and be expected to do so. As a matter of fact the only way parties can get rid of domination by a few wealthy contributors is to keep the way open for many small sustaining contributions.

On the question recurring,

Will the House agree to the Section as amended?

The amendments were read the second time as follows:

Amend Sec. 1, page 1, line 4, by inserting after the word "to" the following: "assess"

Amend Sec. 1, page 1, line 4, by inserting after the word "demand" the following: "or solicit"

Amend Sec. 1, page 2, line 5, by inserting after the word "assessment" the following: "contribution"

Amend Sec. 1, page 2, line 8, by striking out the words: "shall be used"

On the question,

Will the House agree to the amendments?

Mr. LONG. I would like to direct the members' attention to the fact that the amendments which we have just voted down would have prevented not only the demanding but also the acceptance of political assessments. We are now about to vote upon the alternative set of amendments which would provide that not only shall demands upon job holders be illegal, but also solicitation of job holders by political committees and superiors would also be illegal. The first set of amendments would have prevented voluntary contributions. However, this second set of amendments would merely prevent the solicitation of funds for political purposes from job holders and those under obligations, by their superiors, and would not prevent voluntary contributions. Those of you who voted against the first set of amendments, because they might have impinged upon their constitutional right to use their money as they saw fit, are at liberty to vote for this set of amendments, because this set does not in any way prevent voluntary contributions. However, it does insure to a certain extent the fact that they shall be voluntary. These amendments would make a real anti-macing act of the James anti-macing bill. I believe that the Governor is sincere in his effort to prevent the macing of public employees. I believe sincerely that the majority of the members of this House regardless of their political affiliation are also in favor of preventing the macing of political employees, and I know as you all do that the general public in Pennsylvania, particularly at this time, will not tolerate a bill which is supposed to be an anti-macing bill but which would in effect let them collect and would not in any way obstruct or interfere with any present system or method of solicitation or macing of public employees. I therefore ask in a constructive mood that the members of this House, regardless of party, consider this question solely on its merits. Does the solicitation of campaign funds from a public employee by his superior or by his county chairman or political leader constitute in fact, if not in law, a demand for political funds because of the obligation under which the employee lies? These amendments are in no way drastic. These amendments in effect do what I know the Governor and the public of

the Commonwealth of Pennsylvania want done, and I therefore ask that all members of the House vote "aye" on these amendments.

Mr. KANE. Mr. Speaker and members of the House, much to the surprise perhaps of many of those present, I rise to support the last set of amendments offered by the gentleman from Philadelphia, Mr. Long.

I voted "no" on the first set of amendments and filed my reasons because I do not see any reason why those who receive from the government their livelihood should be prevented, if they see fit, from making a voluntary contribution towards the continuance of the rule of the party in which they believe and from which they receive their jobs and their livelihood. I claim as he does that there is a distinction too fine for the intelligence of those of us who have seen anything of practical politics, and one which I believe would not be sustained by the courts were it submitted in a fair test case, between the solicitation from your employer who holds over you the power of economic life and death and a demand on his part that you contribute.

I would say to you Mr. Speaker and members of the House, that we have clearly seen in recent years how when the Republican party controlled both the federal and the state governments that they lost the Presidency of the United States and the House and Senate, and when they controlled the state of Pennsylvania and its patronage, they lost the Governorship and the House and Senate, and we have seen the Democratic party in control of the federal government and of the state government lose Pennsylvania by an overwhelming majority. Many a Democrat marched in the celebration of the James victory not only because he hoped to hold his job but also because he believed that something had been accomplished to overturn a ruthless sale of patronage and governmental pressure.

We have come here, many of us, with campaign pledges that we will do all we can to prevent this high pressure method of continuing political parties in power, and while I feel that it is the privilege and the right of those who work for the government to make a voluntary contribution, I agree with the gentleman from Philadelphia that a solicitation by your superior in the government for your contribution amounts to a demand, with the implied threat that if you don't comply you will be dismissed. It is in the sincere belief that Governor James was sincere, and with the utmost confidence, based upon four years of association that the gentleman from Philadelphia, Mr. Long, is sincere that I intend to vote for these amendments and ask those who are real supporters of the Republican party to do likewise.

Mr. GATES. Mr. Speaker, I would like to interrogate the gentleman from Philadelphia, Mr. Long.

The SPEAKER. Will the gentleman from Philadelphia permit himself to be interrogated?

Mr. LONG. I will, Mr. Speaker.

Mr. GATES. Mr. Speaker, did I understand the gentleman from Philadelphia, Mr. Long, correctly when he said that he knew that Governor James wanted these amendments in this particular bill?

Mr. LONG. Mr. Speaker and members of the House, I believe that the people of Pennsylvania are thoroughly convinced that the Governor sincerely wishes to do all within his power to prevent assessments and the demand for assessments from political workers, and I believe that

any man who has had any experience in politics knows that the gentleman from McKean, Mr. Kane, is correct when he states that the solicitation of funds from a jobholder by his superior is in effect a demand for funds for political purposes and I know that the Governor is against such demands.

Mr. GATES. Mr. Speaker, I asked a question and I haven't received the answer. Did or did not the gentleman from Philadelphia say that he knew that Governor James wished these amendments in this bill?

Mr. LONG. Mr. Speaker and members of the House, I have not discussed these amendments with the Governor or with the leaders of either political party. As I stated previously these amendments are put forth voluntarily by myself because I really believe that they will prevent the demand of political assessments from public employees, and I know that the Governor agrees in principle with that statement.

The yeas and nays were required by Mr. Long and Mr. Ominsky.

Messrs. Moran, Baker and Keenan asked for a verification of the roll.

The roll was verified and was as follows:

YEAS—74

Achterman,	Fauset,	McLane,	Rosenfeld,
Allen,	Finnerty,	Mihm,	Rothenberger,
Allmond,	Flanagan,	Montgomery,	Sarraff,
Andrews,	Gorski,	Mooney,	Scanlon,
Baker,	Harkins,	Moran,	Schwab,
Balthaser,	Hess,	Munley,	Self,
Bohn,	Hindman,	O'Connor,	Shaw,
Boles,	Hoffman, S. K.,	O'Keefe,	Skale,
Boney,	Holland,	Ominsky,	Stank,
Brancato,	Jirolanio,	O'Neill,	Tarr,
Broad,	Kane,	Powers,	Thompson, E. F.,
Burns,	Keenan,	Preston,	Tronzo,
Burris,	Kencham,	Readinger,	Walsh,
Check,	Kilroy,	Reese, R. E.,	Wells,
Cohen, H. B.,	Levy,	Regan,	Welsh, E. B.,
Cohen, R. E.,	Long,	Reynolds,	Welsh, M. J.,
Dalrymple,	Lovett,	Rider,	Westrick,
Downey,	Malloy,	Rooney,	Williams,
Falkenstein,	Malone,		

NAYS—117

Ackermann,	Ewing,	Lee,	Sloan,
Alspach,	Fisher,	Lelsey,	Snyder,
Atkins,	Fliss,	Leydic,	Sollenberger,
Auker,	Fleming,	Lichtenwalter,	Stambaugh,
Balliet,	Foor,	Lyons,	Stewart,
Bardes,	Freed,	Marr,	Stockham,
Bennett,	Fullerton,	Matthews,	Sweeney,
Boorse,	Gates,	McClester,	Tahl,
Boose,	Gillan,	McGarrity,	Taylor,
Bower,	Gillette,	McKinney,	Terry,
Boyd,	Goll,	McNally,	Thistle,
Bretherick,	Habbyshaw,	McVay,	Thompson, G. R.,
Bronson,	Haines,	Moser, F. S.,	Tlemann,
Brown, S. W.,	Hall,	Moser, J. L.,	Trout,
Brunner,	Hamilton,	Mulr,	Van Allsburg,
Cadwalader,	Harbeson,	O'Dare,	Van Belle,
Calvin,	Haudenshield,	Peacock,	Voorhees,
Carpenter,	Henry,	Peale,	Watkins,
Christler,	Hewitt,	Reagan,	Webster,
Clark,	Hocke,	Reese, D. P.,	Wilkinson,
Clearwater,	Hoffman, J. N.,	Riley,	Wilson,
Cook,	Hoyt,	Robertson,	Winner,
Cooper,	Huntley,	Rose,	Wood, H. M.,
Cordier,	James,	Roseberry,	Wood, L. H.,
Curran,	Johnston,	Royer,	Wood, N.,
Dick,	Jones,	Schrock,	Woodside,
Dix,	Kline,	Serrill,	Yeakel,
Donahue,	Knoble,	Shearer,	Turner,
Eckels,	Kowalski,	Simons,	Speaker.
Ely,	Krise,		

So the question was determined in the negative and the amendments were not agreed to.

REASON FOR VOTE

Mr. SEIF filed the following reason for his vote.

I wish to be recorded as voting "aye" and desire to record my reasons for so doing as follows:

Macing of public employees in this Commonwealth must stop, and it is obvious that the amendments proposed by Mr. Long of Philadelphia County will prove far more effective than the terms of the act as proposed.

On the question recurring,

Will the House agree to the section as amended?

It was agreed to.

AMENDMENTS WITHDRAWN

Mr. LONG. Mr. Speaker, due to the fact that the two roll calls that have just been recorded in the House defeat the intent and purpose of the two sets of amendments, I withdraw the amendments to the title.

The second and third sections and title were separately read and agreed to as follows:

Section 2 Any person who violates any of the provisions of this act shall be guilty of a misdemeanor and on conviction thereof shall be sentenced to imprisonment for a term not exceeding one (1) year or to pay a fine not exceeding one thousand dollars (\$1,000) or both in the discretion of the court.

Section 3 This act shall become effective immediately upon its final enactment

An Act to prohibit assessments and demands for contributions for political purposes and providing a penalty.

And said bill having been read at length the second time and agreed to as amended.

Ordered, To be transcribed for a third reading.

BILLS ON SECOND READING

Agreeably to order,

The bill having been called up from the postponed calendar, by Mr. WOODSIDE.

The House resumed the consideration on second reading of House Bill No. 132, as follows:

An Act to repeal the act approved the thirtieth day of July one thousand nine hundred and thirty-eight (Pamphlet Laws eighteen) entitled "An act suspending retroactively as well as prospectively any other pending investigation legislative executive or judicial of charges of or involving misdemeanor in office on the part of civil officers liable to impeachment which the House of Representatives undertakes to investigate and providing under what circumstances the suspended investigation may be resumed"

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The act approved the thirtieth day of July one thousand nine hundred and thirty-eight (Pamphlet Laws eighteen) entitled "An act suspending retroactively as well as prospectively any other pending investigation legislative executive or judicial of charges of or involving misdemeanor in office on the part of civil officers liable to impeachment which the House of Representatives undertakes to investigate and providing under what circumstances the suspended investigation may be resumed" is hereby repealed absolutely

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The bill having been called up from the postponed calendar, by Mr. WOODSIDE.

The House resumed the consideration on second reading of House Bill No. 131, entitled:

An Act to repeal the act approved the thirtieth day of July one thousand nine hundred and thirty-eight (Pamphlet Laws thirteen) entitled "An act relating to the investigation of charges of or involving misdemeanor in office made against civil officers subject to impeachment providing that the jurisdiction of the House of Representatives to make such investigations shall have precedence over the jurisdiction of grand juries and limiting the circumstances under which courts of oyer and terminer and general jail delivery or courts of quarter sessions or judges of such courts may authorize grand juries to make such investigations"

The first section was read as follows:

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The act approved the thirtieth day of July one thousand nine hundred and thirty-eight (Pamphlet Laws thirteen) entitled "An act relating to the investigation of charges of or involving misdemeanor in office made against civil officers subject to impeachment providing that the jurisdiction of the House of Representatives to make such investigations shall have precedence over the jurisdiction of grand juries and limiting the circumstances under which courts of oyer and terminer and general jail delivery or courts of quarter sessions or judges of such courts may authorize grand juries to make such investigations" is hereby repealed absolutely

On the question,

Will the House agree to the section?

Mr. JIROLANIO. Mr. Speaker, I would like to interrogate the gentleman from Dauphin, Mr. Woodside.

The SPEAKER. Will the gentleman from Dauphin permit himself to be interrogated?

Mr. WOODSIDE. Mr. Speaker, I have no objection to being interrogated but it is not customary to debate bills on second reading. If the gentleman from Northampton has any amendments, I will be glad to have him introduce them and be interrogated later.

The SPEAKER. The gentleman from Dauphin desires to know the purpose for which the gentleman from Northampton desires to interrogate him.

Mr. JIROLANIO. Mr. Speaker, I do not desire to debate the bill nor do I desire to debate the measure before the House. I only desire to ask him a question.

Mr. WOODSIDE. Mr. Speaker, I have no objection.

Mr. JIROLANIO. Mr. Speaker, I would like to know from the gentleman from Dauphin whether or not the bill which we have acted upon or which we are called to act upon, has not been declared unconstitutional by the Courts of this Commonwealth?

Mr. WOODSIDE. Mr. Speaker, it is my understanding that it has been declared unconstitutional in part. Act 4 has been declared unconstitutional which we have just acted upon.

Mr. JIROLANIO. Mr. Speaker, did I understand the gentleman from Dauphin to say that it has been declared unconstitutional in part?

Mr. WOODSIDE. Mr. Speaker, that is correct.

Mr. JIROLANIO. Mr. Speaker, since the bill has been declared unconstitutional, and since it has been the program of the Governor to save expenses, and the same with the Speaker of the House, don't you think it would be advisable that this bill be placed upon the postponed calendar and allow it to remain there?

Mr. WOODSIDE. Mr. Speaker, my answer to that is definitely, no.

Mr. JIROLANIO. Mr. Speaker, will the gentleman from Dauphin be kind enough to inform me as well as the House the reason why he says definitely no?

Mr. WOODSIDE. Mr. Speaker, I think we are getting into a debate on the merits of the bill, which should be raised on third reading. However, I will still answer the gentleman. Since the bill is on the statute books, it has some standing in law and whether or not all the provisions of it have been declared unconstitutional is a matter which may yet be raised before the Court. I think all of these bills that were passed during the 1938 session should be definitely repealed and taken from the books of this Commonwealth.

Mr. JIROLANIO. Mr. Speaker, am I to understand that we are not supposed to listen to what the Supreme Court has to say when they say that an act is unconstitutional?

Mr. WOODSIDE. I did not understand the question.

Mr. JIROLANIO. Am I to understand that we are not to believe in the opinion handed down by the Supreme Court when they say that an act is unconstitutional, therefore void?

Mr. WOODSIDE. Mr. Speaker, we are still debating the bill. The gentleman from Northampton, as a lawyer should know that the Supreme Court's decision in any particular case which is handed down is very binding.

Mr. JIROLANIO. Mr. Speaker, therefore, if it is binding, why go through with all of this unnecessary expense?

The SPEAKER. Does the gentleman from Northampton desire to further interrogate the gentleman from Dauphin?

Mr. JIROLANIO. No, Mr. Speaker.

Mr. WOODSIDE. I suggest that the gentleman stay over until tomorrow when the bill is up for third reading.

On the question recurring,

Will the House agree to the section?

It was agreed to.

The title was read and agreed to as follows:

An Act to repeal the act, approved the thirtieth day of July, one thousand nine hundred and thirty-eight (P. L. 13), entitled "An act relating to the investigation of charges of, or involving, misdemeanor in office made against civil officers subject to impeachment; providing that the jurisdiction of the House of Representatives to make such investigations shall have precedence over the jurisdiction of grand juries; and limiting the circumstances under which courts of oyer and terminer and general jail delivery or courts of quarter sessions, or judges of such courts, may authorize grand juries to make such investigations."

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The bill having been called up from the postponed calendar, by Mr. WOODSIDE.

The House resumed the consideration on second reading of House Bill No. 128, entitled:

An Act to repeal the act approved the thirtieth day of July one thousand nine hundred and thirty-eight (Pamphlet Laws seventeen) entitled "An act defining the relative powers of the Attorney General and of district attorneys in investigating or proceedings in the criminal courts authorizing the judges thereof to appoint subject to appeal to the Supreme Court special prosecutors in certain cases and providing for their compensation by the county"

The first section was read as follows:

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The act approved the thirtieth day of July one thousand nine hundred and thirty-eight (Pamphlet Laws seventeen) entitled "An act defining the relative powers of the Attorney General and of district attorneys in investigations or proceedings in the criminal courts authorizing the judges thereof to appoint subject to appeal to the Supreme Court special prosecutors in certain cases and providing for their compensation by the county" is hereby repealed absolutely

On the question,

Will the House agree to the section?

MOTION TO RECOMMIT

Mr. HERBERT B. COHEN. Mr. Speaker, I move that this bill be recommitted to the Committee on Judiciary General.

On the question,

Will the House agree to the motion?

Mr. HERBERT B. COHEN. Mr. Speaker, in view of the message which was presented to the House by His Excellency, the Governor, in which he recommends an appropriation for the continuation of the Dauphin County Grand Jury, I believe that this bill should be recommitted to the Committee on Judiciary General so that more deliberation might be given to it, to see how it might be worked into a desirable piece of legislation and so that the purposes that are sought by this enactment can be accomplished.

The Governor recommends an appropriation to the Dauphin County Grand Jury of \$100,000. It has always been the law of this Commonwealth that where the Commonwealth enters into any legal judicial proceeding the Attorney General would also become a part of the proceeding.

Under the circumstances I feel that some definite law should be established upon that particular point and not allow the question of the intervention of the Attorney General to remain in a state of uncertainty and flux as it is now.

I feel that this particular bill can be whipped into the type of legislation that would be of outstanding help to the Attorney General and to the citizens of the Commonwealth in helping them solve the problem.

In view of the fact that we are called upon to give up \$100,000 of the taxpayers' money to Dauphin County, I feel that the rules and regulations governing the Attorney General's duties should be definitely set forth, and I therefore renew my motion that the bill be recommitted to the Committee on Judiciary General.

(Cries of "No").

Mr. HERBERT B. COHEN. Mr. Speaker and Members of the House in view of the "noes" that I heard being disseminated throughout the House on the other side, I felt that possibly I could convert those "noes" into a "yes" by giving a further reason for having the bill recommitted.

I would suggest that there is a very grave constitutional problem involved relative to the constitutionality of the appropriation of \$100,000 to the Dauphin County Grand Jury, and the other side might aid in the solution of that constitutional problem by recommitting this bill to the Committee on Judiciary General until the \$100,000 appropriation and this bill can be dovetailed.

(Cries of "No").

QUESTION OF PARLIAMENTARY INQUIRY

Mr. HERBERT B. COHEN. Mr. Speaker I rise to a question of parliamentary inquiry.

The SPEAKER. The gentleman from York will state his question of parliamentary inquiry.

Mr. HERBERT B. COHEN. Mr. Speaker, I desire to inquire of the Chair if the gentleman from Dauphin has been displaced as Majority Floor Leader.

The SPEAKER. That is a question that the gentleman from York will ascertain, I have no doubt, in a moment.

On the question recurring,

Will the House agree to the motion?

It was not agreed to.

On the question,

Will the House agree to the section?

It was agreed to.

The title was read and agreed to as follows:

An Act to repeal the act, approved the thirtieth day of July, one thousand nine hundred and thirty-eight (P. L. 17), entitled "An act defining the relative powers of the Attorney General and of district attorneys in investigations or proceedings in the criminal courts; authorizing the judges thereof to appoint, subject to appeal to the Supreme Court, special prosecutors in certain cases, and providing for their compensation by the county."

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The bill having been called up from the postponed calendar, by Mr. WOODSIDE.

The House resumed the consideration on second reading of House Bill No. 129, as follows:

An Act to repeal the act approved the thirtieth day of July one thousand nine hundred and thirty-eight (Pamphlet Laws fifteen) entitled "An act defining the procedure for and regulating the investigation by the House of Representatives and its committees of charges of or involving misdemeanor in office on the part of civil officers liable to impeachment authorizing the Speaker of the House to appoint a special committee for any such investigation authorizing the presentation of evidence by the Attorney General and other counsel and the officers investigated providing for the summoning of witnesses and for the punishment of persons refusing to appear produce evidence or testify and authorizing the employment and compensation of counsel and other assistants"

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The act approved the thirtieth day of July one thousand nine hundred and thirty-eight (Pamphlet Laws fifteen) entitled "An Act defining the procedure for and regulating the investigation by the House of Representatives and its committees of charges of or involving misdemeanor in office on the part of civil officers liable to impeachment authorizing the Speaker of the House to appoint a special committee for any such investigation authorizing the presentation of evidence by the Attorney General and other counsel and the officers investigated providing for the summoning of witnesses and for the punishment of persons refusing to appear produce evidence or testify and authorizing the employment and compensation of counsel and other assistants" is hereby repealed absolutely

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 142, entitled:

An Act to further amend section five of the act approved the twenty-sixth day of April one thousand nine hundred and thirty-five (P. L. 90) entitled "An act to promote uniformity in the assessment and taxation of properties and persons within the territorial limits of cities of the second class A by providing that city and school taxes within such territorial limits shall be assessed levied and collected upon the basis of the assessments for taxation for county purposes and requiring the furnishing of tax duplicates by the county taxing authorities to such cities and to school districts coterminous therewith abolishing the department of assessors in cities of the second class A consolidating tax statements covering city school county and poor taxes therein and making uniform the time for levy and collection of said taxes respectively and regulating the discounts therefrom and penalties thereon" by changing the date of certain tax payments and further regulating the penalties and interest imposed on unpaid taxes

On the question,

Will the House agree to the bill on third reading?

Mr. CORDIER. Mr. Speaker, I ask unanimous consent to offer amendments at this time.

The SPEAKER. The amendments will be read by the Clerk for information.

The Clerk read the amendments as follows:

Amend Sec. 1 (Sec. 5), page 3, line 28, by striking out: the dark-faced brackets before the word "the" and after the word "balance" and inserting in lieu thereof light-faced brackets.

Amend Sec. 1 (Sec. 5), page 4, line 2, by striking out: the dark-faced brackets before and after the word "balance" and inserting in lieu thereof light-faced brackets.

Amend Sec. 1 (Sec. 5), page 4, line 3, by inserting a light-faced bracket before the word "same".

Amend Sec. 1 (Sec. 5), page 4, line 4, by inserting a light-faced bracket after the word "provided".

Amend Sec. 1 (Sec. 5), page 4, lines 4, 5 and 6, by striking out with dark-faced brackets the following: the words "for delinquent taxes but such penal—" in line 4, and all of lines 5 and 6, and inserting in lieu thereof: "penalty of two (2) per centum and interest at the rate of one-half of one per centum for each and every month or part thereof, from the date the said installment shall become delinquent."

The SPEAKER. Will the House give unanimous consent to the insertion of the amendments at this time? Is there objection? The Chair hears none and the amendments will be inserted in accordance with the instructions of the House?

On the question,

Will the House agree to the bill on third reading as amended?

It was agreed to.

Ordered, that the bill as amended lie over for printing.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 214, entitled:

A Supplement to the act, approved the second day of July, one thousand nine hundred thirty-seven (Appropriation Acts, page seventy-four), entitled "An act to provide for the ordinary expense of the Executive, Legislative, and Judicial Departments of the Commonwealth, interest on the public debt, and the support of the public schools for two years beginning June first, one thousand nine hundred and thirty-seven; and for the payment of bills incurred and remaining unpaid at the close of the

fiscal year ending May thirty-first, one thousand nine hundred and thirty-seven", making a deficiency appropriation to the Department of State.

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

Mr. HERBERT B. COHEN. Mr. Speaker, I would like to interrogate the gentleman from Montgomery, Mr. Brunner.

The SPEAKER. Will the gentleman from Montgomery allow himself to be interrogated?

Mr. BRUNNER. I will, Mr. Speaker.

Mr. HERBERT B. COHEN. Mr. Speaker, I desire to inquire of the gentleman from Montgomery, Mr. Brunner, whether the deficiency appropriation called for in this bill is included in the budget message of His Excellency, the Governor.

Mr. BRUNNER. Mr. Speaker, in answer to the gentleman from York, Mr. Cohen, I do not believe so.

Mr. HERBERT B. COHEN. Mr. Speaker, I desire to inquire of the gentleman from Montgomery, Mr. Brunner, whether or not this bill has the approval of the Governor's Budget Secretary.

POINT OF ORDER

Mr. WOODSIDE. Mr. Speaker, I rise to a point of order.

The SPEAKER. The gentleman from Dauphin will state his point of order.

Mr. WOODSIDE. Mr. Speaker, the interrogation of the gentleman from York, Mr. Cohen, is out of order. This has nothing to do with the debate on the bill and the matter now before this House.

The SPEAKER. The Chair feels that the gentleman from Montgomery can answer or not answer, as he chooses, questions directed to him. The gentleman from York will proceed.

Mr. HERBERT B. COHEN. Mr. Speaker, if the question is embarrassing to the gentleman from Montgomery, I will withdraw the question.

The SPEAKER. The Chair wishes to advise the gentleman from York that the gentleman from Montgomery has not yet been given an opportunity to answer the question of the gentleman from York.

Mr. HERBERT B. COHEN. Mr. Speaker, I will be only too glad to reiterate the question and inquire of the gentleman from Montgomery whether this bill has the approval of the Governor's Secretary of the Budget.

Mr. BRUNNER. Mr. Speaker, I yield to the gentleman from Dauphin, Mr. Woodside.

The SPEAKER. Will the gentleman from Dauphin, Mr. Woodside, permit himself to be interrogated?

Mr. WOODSIDE. I will, Mr. Speaker, but in order to answer that question I would like to interrogate the gentleman from York, Mr. Cohen.

The SPEAKER. Will the gentleman from York permit himself to be interrogated for the purpose of continuing the interrogation?

Mr. HERBERT B. COHEN. Mr. Speaker, in order to get an answer to the question, I will allow myself to be interrogated.

Mr. WOODSIDE. Will the gentleman from York please inform me what he means by having the approval of the Budget Secretary?

Mr. HERBERT B. COHEN. Mr. Speaker, I desire to inquire of the gentleman from Dauphin who is pinch-hitting for the gentleman from Montgomery, whether or not the Secretary of the Budget has approved the expenditure that this bill carries. My purpose of so doing is to determine whether or not it has been taken into consideration by the budget officer so that we might have a balanced budget that the Governor just this evening indicated we would have.

Mr. WOODSIDE. Mr. Speaker, I don't know whether the Budget Secretary or his office personally considered this deficiency appropriation which is in the sum of \$10,454.79. I would suggest to the gentleman from York that he is simply wasting a lot of the time of this House by raising such questions concerning a deficiency appropriation of \$10,454.79, when his party left a deficiency in the neighborhood of \$50,000,000.

Mr. HERBERT B. COHEN. Mr. Speaker, I desire to further interrogate the gentleman from Dauphin, Mr. Woodside.

The SPEAKER. Will the gentleman from Dauphin, Mr. Woodside, permit himself to be interrogated?

Mr. WOODSIDE. I will, Mr. Speaker.

Mr. HERBERT B. COHEN. Mr. Speaker, I desire to inquire of the gentleman from Dauphin if the Secretary of the Budget and His Excellency, the Governor, were concerned sufficiently to carry under the head of deficiency appropriations the sum of \$2,000 for a deficiency to the Lieutenant Governor and make that a special part of the message, why would not the Secretary of the Budget or His Excellency, the Governor, be concerned with a sum five times that large?

Mr. WOODSIDE. Mr. Speaker, I did not assist the Budget Secretary in preparing the budget and I do not know the answer to the gentleman's question.

The SPEAKER. I presume that the gentleman from York is mindful of the biblical expression, that "even the hairs of the head are numbered."

Mr. HERBERT B. COHEN. Mr. Speaker, you are not casting any personal reflection, I hope. Contrary to the assumed thought that I am attempting to be facetious I desire to have explained by someone the purpose of this deficiency. I notice that the bill carries a deficiency of \$10,000 for proof-reading the bills of the Legislature. I desire to know whether that is for bills that are going to be proof-read in future or bills that have already been proof-read or bills on which too much proof-reading has already been done, so that there is not enough money left to proof-read the bills that we are going to pass. I think that this House is entitled to have an explanation as to the necessity for this appropriation. Since the Governor in his message called every particular item to the attention of the General Assembly, and since some of us gentlemen may wish to follow the appropriations, as they go through with a certain amount of attention, the members on this side of the House would like to know for what reason the \$10,000 is being appropriated, and furthermore, if it is not included in the Governor's address, we would like to know where the income is coming from which is necessary to pay for that appropriation.

Mr. WOODSIDE. Mr. Speaker, I think that a lot of time of this House could have been saved if the gentleman had attended the meetings of the Appropriation Committee where we would have discussed this matter, and we could have furnished him with all the necessary in-

formation and he could have obtained any additional information which he might have desired. After the effort that has been made by this Administration and all of the Departments to cut expenses to the bone, when they say that they need the sum of \$10,454.79 to carry out the work for the balance of the biennium, I assume that they have given the matter their careful consideration to determine the exact amount which is necessary to carry on the work to the end of the biennium, and that they are saving the Commonwealth every cent that they possibly can.

MOTION TO POSTPONE

Mr. HERBERT B. COHEN. Mr. Speaker and members of the House, I do not wish to prolong this debate. We have had a very hard day but I do feel that the membership is entitled to know for what reason an appropriation of \$10,000 is being made, particularly when that deficiency is not carried in the budget address. I personally do not know the reason for this deficiency appropriation. I might have been derelict in not having attended the last meeting of the Appropriations Committee, nevertheless there are some members in this House who are not members of the Appropriations Committee and they are entitled to an explanation as to the necessity of this deficiency, and until that explanation is forthcoming it is not the will of this House to ask the membership to vote blindly upon a measure irrespective of the amount involved, unless the membership is fully acquainted with the needs, requirements and the sources of the particular deficiency, when we are asked to supplement an additional appropriation.

I therefore move that the bill be placed on the postponed calendar.

On the question,

Will the House agree to the motion?

Mr. TROUT. Mr. Speaker and members of the House, it seems to me that the purpose of this deficiency appropriation is on a par with deficiency appropriations that have been passed, amounting to \$43,000,000, to carry on relief in Pennsylvania to the end of the biennium. The reason we passed that deficiency appropriation was because the previous administration failed to provide sufficient funds to continue relief until the end of the biennium. For that same reason I presume we are now asking for this deficiency appropriation in order to provide funds which they failed to provide up to the end of the biennium.

Mr. WOODSIDE. Mr. Speaker, I was just going to suggest to the gentleman from York, Mr. Cohen, that perhaps the reason for the deficiency appropriation was because the Democratic State Chairman, David L. Lawrence, spent too much of the money appropriated to his department—

The SPEAKER. The Chair desires to inform the gentleman from Dauphin, that the question is on a motion to place the bill on the postponed calendar.

Mr. WOODSIDE. That is right, Mr. Speaker, but the argument on the motion was raised on the basis that there was no knowledge concerning this small appropriation. I might say further, on page five of the Budget Message there is a statement to the effect that, there is a deficiency requested by the Department of Public Assistance amounting to \$43,000,000. The gentleman need

not worry, we will find the ten thousand necessary for this deficiency.

Mr. HERBERT B. COHEN. Mr. Speaker, while the sum involved is rather small, I must insist on being a stickler for principle—

The SPEAKER. The Chair desires to inform the gentleman from York, as he did the gentleman from Dauphin, that the question is on a motion to place the bill on the postponed calendar.

Mr. HERBERT B. COHEN. Mr. Speaker, I say that it should be placed on the postponed calendar—

The SPEAKER. The gentleman has already said that.

Mr. HERBERT B. COHEN. I will reiterate it, for the reason that the gentleman from Lancaster tells us that he presumed that this appropriation or this deficiency is similar to the \$43,000,000 deficiency, and the gentleman from Dauphin tells us in all probability this deficiency is the deficiency that accrued in the Department of State when it was under the secretaryship of the Democratic State Chairman. I say to the gentleman from Dauphin and to the gentleman from Lancaster that on page fourteen of the budget the \$43,000,000 deficiency is set forth by the Governor in his Budget Message. Therefore, the assumption that this is the same as the \$43,000,000 deficiency is not correct, because the Governor saw fit to include that in his Budget Message, and the insinuation that this is the result of the secretaryship by the Democratic State Chairman, Mr. Lawrence is not explained. I reiterate my position, and I say that I cannot see the reluctance on the part of the majority of this House in the placing of this bill upon the postponed calendar, when no one is in a position to explain just what this bill is for, how it was arrived at, and why they need the money. I realize that the majority have the votes if they desire to pass it. I only suggest that it should be placed upon the postponed calendar until an explanation is given, and then I might possibly be willing, and the minority might also be willing, to go along and vote for this deficiency, but until we get that explanation, I feel sure Mr. Speaker, the majority does not wish to vote in the dark.

On the question recurring.

Will the House agree to the motion?

It was not agreed to

On the question recurring.

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—122

Ackermann,	Fisher,	Lee,	Sloan,
Atkins,	Fiss,	Leisey,	Snyder,
Auker,	Fleming,	Lichtenwalter,	Sollenberger,
Balliet,	Foor,	Lyons,	Stambaugh,
Bardes,	Freed,	Madden,	Stewart,
Bennett,	Fullerton,	Marr,	Stockham,
Boorse,	Gates,	Matthews,	Sweeney,
Boose,	Gillan,	McClester,	Tahl,
Bower,	Gillette,	McGarrity,	Taylor,
Boyd,	Goll,	McKinney,	Terry,
Bretherick,	Habbyshaw,	McNally,	Thistle,
Bronson,	Haines,	McVay,	Thompson, G. R.,
Brown, S. W.,	Hall,	Montgomery,	Tiemann,
Brunner,	Hamilton,	Moser, F. S.,	Trout,
Cadwalader,	Harbeson,	Moser, J. L.,	Van Allsburg,
Carpenter,	Haudenshield,	Muir,	Van Belle,
Christler,	Henry,	O'Dare,	Voorhees,
Clark,	Hewitt,	Peacock,	Wagner,
Clearwater,	Hocke,	Peale,	Watkins,
Cook,	Hoffman, J. N.,	Reagan,	Webster,
Cooper,	Hoyt,	Reese, D. P.,	Wilkinson
Cordier,	Huntley,	Riley,	Wilson,

Curran,	Irvin,	Robertson,	Winner,
Dalrymple,	James,	Rose,	Wood, H. M.,
Denman,	Johnston,	Roseberry,	Wood, L. H.,
Dick,	Jones,	Royer,	Wood, N.,
Dix,	Kane,	Schrock,	Woodside,
Donahue,	Kline,	Seif,	Yeakel,
Eckels,	Knoble,	Serrill,	Turner
Ely,	Kowalski,	Shearer,	Speaker.
Ewing,	Krise,	Simons,	

NAYS—56

Achterman,	Flanagan,	Mooney,	Sarraff,
Allen,	Gorski,	Moran,	Scanlon,
Allmond,	Hess,	Munley,	Schwab,
Baker,	Hindman,	O'Keefe,	Skale,
Balthaser,	Hoffman, S. K.,	Omlinsky,	Stank,
Brancato,	Holland,	O'Neill,	Tarr,
Broad,	Jirolanio,	Powers,	Thompson, E. F.,
Burns,	Keenan,	Readinger,	Tronzo,
Check,	Kenehan,	Reese, R. E.	Walsh,
Cohen, H. B.,	Levy,	Regan,	Weiss,
Cohen, R. E.,	Lovett,	Reynolds,	Welsh, E. B.,
Falkenstein,	Malone,	Rooney,	Welsh, M. J.,
Fauset,	McLane,	Rosenfeld,	Westrick,
Finnerty,	Melchiorre,	Rothenberger,	Williams,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

BILL ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 215, entitled:

A Supplement to the act, approved the second day of July, one thousand nine hundred thirty-seven (Appropriation Acts, page seventy-four), entitled "An act to provide for the ordinary expenses of the Executive, Legislative, and Judicial Departments of the Commonwealth, interest on the public debt, and the support of the public schools for two years beginning June first, one thousand nine hundred and thirty-seven; and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending May thirty-first, one thousand nine hundred and thirty-seven," providing for deficiencies in certain appropriations to the Department of Justice for the fiscal biennium ending May thirty-first, one thousand nine hundred thirty-nine.

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

Mr. HERBERT B. COHEN. Mr. Speaker, since I am able to determine just what this bill seeks to accomplish, just what deficiency it seeks to supply, I join with the gentleman from Dauphin in requesting the membership of this House to vote for this deficiency. However, on page fourteen of the Governor's budget, the small budget message, and on the page, Roman numeral IX of the large budget message, the Governor refers to the deficiency appropriation to the Department of Justice in the following words:

"To the Department of Justice \$75,000. This is in addition to the deficiency appropriation of \$50,000 received at the special session last fall. This is the price of side trips into purely local county affairs by the department during the last administration."

I do not wish to question the amount of money, as I have indicated I think the deficiency should be voted by this House. I do, however, seriously wish to question the Governor's words on that particular point, and I assume

that in asking us to make this deficiency appropriation His Excellency, the Governor, feels that that was a side trip into purely local county affairs by the department. The side trip to which he refers is the grand Jury investigation that is being conducted in Philadelphia. I might state that the Grand Jury investigation involves the investigation of a purely local condition, but who has ever doubted that the Governor of this Commonwealth was the chief law enforcement officer of the Commonwealth? Who has ever said that the Commonwealth of Pennsylvania should not look into the situation as to vice and crime that has existed in the Commonwealth of Pennsylvania? Where is the authority that would say that this government of this great Commonwealth should allow crime to run rampant in any community, where the local enforcement officers are either not willing or unable to wipe out the infection. If the Governor of the Commonwealth of Pennsylvania calls a grand jury investigation of vice and crime in Philadelphia a side trip, then I say to the people of the Commonwealth of Pennsylvania that this administration should take many more side trips in the Commonwealth to see that the laws of this Commonwealth are adhered to. Seventy-five thousand dollars is the price that we are asked to pay in order to eradicate vice in Philadelphia, crime and gambling, with the attendant tie-up of some of the Philadelphia political overlords in some of the activities. Possibly the Governor of this Commonwealth feels that the side trip is not worthwhile because possibly the finger has been pointed at some of the Republican politicians in that community. Possibly the Governor of the Commonwealth feels that the seventy-five thousand dollars has been wasted because perhaps some of the lily white Republicans have been besmirched with some of the investigation. Possibly he feels that the seventy-five thousand dollars is wasted because the activities of some of the Philadelphia judiciary have been placed under scrutiny. I say to the membership of this House that seventy-five thousand dollars was too little to be spent in that investigation, and I say to the membership of this House that the good that will accrue to the people of Philadelphia will make up ten fold the cost of the investigation, and in passing might I remark that that investigation, while being, as the Governor has said, a little side trip, a little excursion into a local situation, nevertheless the investigations that were made were non-partisan and non-political, and the council appointed by the Attorney General, to continue that investigation represented men who were affiliated with the two major political parties in this Commonwealth. I ask the membership of this House to vote for this deficiency appropriation because the moneys have been justifiably spent, and I further ask them to vote for it because it is something about which you need have no reluctance to vote for, as you are not voting in the blind but are voting for problems that are within the comprehension of every member of this House.

Mr. SWEENEY. Mr. Speaker, I would like to interrogate the gentleman from York, Mr. Cohen.

The SPEAKER. Will the gentleman from York permit himself to be interrogated?

Mr. HERBERT B. COHEN. I will, Mr. Speaker.

Mr. SWEENEY. Mr. Speaker, I would like to ask the gentleman from York, Mr. Cohen, who is the chief law enforcement officer in Philadelphia?

Mr. HERBERT B. COHEN. Mr. Speaker, I understand that the chief law enforcement officer in the County of Philadelphia is the District Attorney of the County of Philadelphia, Mr. Kelley, a Republican.

Mr. SWEENEY. Mr. Speaker, I would like to ask the gentleman from York, Mr. Cohen, who has charge of the police force in Philadelphia?

Mr. HERBERT B. COHEN. Mr. Speaker, I understand that the Civil Service Commission of Philadelphia has charge of the police force.

Mr. SWEENEY. Mr. Speaker, I would like to ask the gentleman from York, Mr. Cohen, what authority our mayor has?

Mr. HERBERT B. COHEN. Mr. Speaker, I understand, and I will now give a little discourse on the Philadelphia City Charter—

The SPEAKER. The gentleman would be out of order.

Mr. HERBERT B. COHEN. Mr. Speaker, I understand that apparently by the encroachment of a Republican City Council, the mayor has been shorn of a tremendous amount of his authority—if any.

Mr. SWEENEY. Mr. Speaker, I would like to ask the gentleman from York, Mr. Cohen, whether or not the mayor is still the chief law enforcement officer in Philadelphia?

Mr. HERBERT B. COHEN. Mr. Speaker, I don't know. All I know is that I remember reading in the Press that the District Attorney refused to go ahead with the investigation. There was some difficulty down in Philadelphia, some accusations were made about the Republican District Attorney, to the effect that he was derelict in his duties in not proceeding with the investigation, and the situation became so tense that the Attorney General of the Commonwealth of Pennsylvania had to step in to see that all sides were protected and given a square deal.

Mr. SWEENEY. Mr. Speaker, I would like to ask the gentleman from York, Mr. Cohen, whether or not the District Attorney has been indicted by the Grand Jury.

Mr. HERBERT B. COHEN. I understand, on advice of counsel, that that has not occurred as yet.

Mr. SWEENEY. Mr. Speaker, I would like to ask the gentleman from York, Mr. Cohen, whether or not the mayor of Philadelphia has been indicted by the Grand Jury?

Mr. HERBERT B. COHEN. Mr. Speaker, I understand that both the Superior and Supreme Courts of Pennsylvania have said "no."

Mr. SWEENEY. Mr. Speaker, I would like to inquire of the gentleman from York, Mr. Cohen, whether or not he is able to tell me to which political party the mayor of Philadelphia belongs.

Mr. HERBERT B. COHEN. Can you?

On the question recurring,

Shall the bill pass finally?

Agreeably to the provision of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—201

Achterman.	Ely.	Leydic.	Royer.
Ackermann.	Ewing.	Lichtenwalter.	Sarraff.
Allen.	Falkenstein.	Long.	Scanlon.
Allmond.	Fauset.	Lovett.	Schrock.
Alspach.	Finnerty.	Lyons.	Schrope.
Andrews.	Fisher.	Madden.	Schwab.
Atkins.	Fiss.	Malloy.	Self.
Auker.	Flanagan.	Malone.	Serrill.
Baker.	Fleming.	Marr.	Shaw.

Ballet.	Foor.	Matthews.	Shearer.
Balthaser.	Freed.	McClester.	Simons.
Bardes.	Fullerton.	McGarrity.	Skale.
Bennett.	Furman.	McKinney.	Sloan.
Bohn.	Gates.	McLane.	Snyder.
Boles.	Gillan.	McNally.	Sollenberger.
Boney.	Gilette.	McVay.	Stambaugh.
Boorse.	Goll.	Melchiorre.	Stank.
Boose.	Gorski.	Mihm.	Stewart.
Bower.	Habbyshaw.	Montgomery.	Stockham.
Boyd.	Haines.	Mooney.	Sweeney.
Brancato.	Hall.	Moran.	Tahl.
Bretherick.	Hamilton.	Moser, F. S.	Tarr.
Broad.	Harbeson.	Moser, J. L.	Taylor.
Bronson.	Harkins.	Muir.	Terry.
Brown, S. W.	Haudenschild.	Munley.	Thistle.
Brunner.	Henry.	O'Brien.	Thompson, E. F.
Burns.	Hess.	O'Connor.	Thompson, G. R.
Burris.	Hewitt.	O'Dare.	Tiemann.
Cadwalader.	Hindman.	O'Keefe.	Trout.
Calvin.	Hocke.	Ominsky.	Van Allsburg.
Carpenter.	Hoffman, J. N.	O'Neill.	Van Belle.
Check.	Hoffman, S. K.	Peacock.	Voorhees.
Christler.	Holland.	Peale.	Wagner.
Clark.	Hoyt.	Powers.	Walsh.
Clearwater.	Huntley.	Preston.	Watkins.
Cohen, H. B.	Irvin.	Readinger.	Webster.
Cohen, R. E.	James.	Reagan.	Weiss.
Cook.	Jirolanko.	Reese, D. P.	Welsh, E. B.
Cooper.	Johnston.	Reese, R. E.	Welsh, M. J.
Cordier.	Jones.	Regan.	Westrick.
Corrigan.	Kane.	Reynolds.	Wilkinson.
Cortese.	Keenan.	Rhodes.	Williams.
Curran.	Kenehan.	Rider.	Wilson.
Dalrymple.	Kilroy.	Riley.	Winner.
Denman.	Kline.	Robertson.	Wood, H. M.
DeNote.	Knoble.	Rooney.	Wood, L. H.
Dick.	Kowalski.	Rose.	Wood, N.
Dix.	Krise.	Roseberry.	Woodside.
Donahue.	Lee.	Rosenfeld.	Yeakel.
Downey.	Lelsey.	Rothemberger.	Turner.
Eckels.	Levy.		Speaker.

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

BILL ON THIRD READING

Agreeably to order,

The bill having been called up from the postponed calendar by Mr. ROSE.

The House resumed the consideration on third reading of House Bill No. 26, entitled:

An Act to amend section three of the act approved the twenty-seventh day of April one thousand nine hundred and twenty-seven (Pamphlet Laws four hundred sixty-five) entitled 'An act to provide for the safety of persons employed housed or assembled in certain buildings and structures not in cities of the first class second class and second class A by requiring certain construction and ways of egress equipment and maintenance providing for the licensing of projectionists requiring the submission of plans for examination and approval providing for the promulgation of rules and regulations for the enforcement of this act providing for the enforcement of this act by the Department of Labor and Industry and in certain cases by the chiefs of fire departments in cities of the third class providing penalties for violations of the provisions of this act and repealing acts as amended eliminating the requirement that certain buildings shall be equipped with certain equipment in connection with gas meters to prevent or retard the escape of gas.

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

Mr. ROSE. Mr. Speaker, and members of the House, this bill is a bill to repeal an amendment passed in the 1937 session. I understand that the gentleman from Cambria, who sponsored the amendment in 1937, would like to express himself on this bill, and I therefore yield to the gentleman from Cambria, Mr. Westrick.

Mr. WESTRICK. Mr. Speaker and members of the House, the Bill now before us for consideration repeals Act No. 349, passed during the regular session of 1937 and signed as law June 5, 1937, the provisions to become effective in eighteen months, or December 5, 1938.

This act, of which I was co-sponser, was an amendment to what is commonly known as the "Fire and Panic Act." It required the installation of gas shut-off valves in public buildings for the protection of the fire-fighters as well as the general public.

These valves were to be of a type and so installed as to automatically close when affected by heat or to be mechanically shut off by any member of a fire department.

During the time this proposal was being considered by the Legislature, those directly concerned with its passage were assured at least seven approved valves were on the market and that they would sell at a very reasonable price.

For the protection of the lives of our firemen, many of whom volunteer their services and who make such noble sacrifices for our general welfare, I felt such a law was very necessary.

Now because of the apparent unreasonable market price at which these valves are being offered and further, because of the very strict interpretation by the Department of Labor and Industry of the type of building to which this law applies, I am now urging the members of this House to vote for this repeal bill.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—202

Achterman,	Ely,	Leydic,	Sarra,
Ackermann,	Ewing,	Lichtenwalter,	Scanlon,
Allen,	Falkenstein,	Long,	Schrock,
Allmond,	Fauset,	Lovett,	Schrope,
Alspach,	Finnerty,	Lyons,	Schwab,
Andrews,	Fisher,	Madden,	Seif,
Atkins,	Fiss,	Malloy,	Serrill,
Auker,	Flanagan,	Malone,	Shaw,
Baker,	Fleming,	Marr,	Shearer,
Balliet,	Foor,	Matthews,	Simons,
Balthaser,	Freed,	McClester,	Skale,
Bardes,	Fullerton,	McGarrity,	Sloan,
Bennett,	Furman,	McKinney,	Snyder,
Bohn,	Gates,	McLane,	Sollenberger,
Boles,	Gillan,	McNally,	Stambaugh,
Boney,	Gillette,	McVay,	Stank,
Boorse,	Goll,	Melchiorre,	Stewart,
Boose,	Gorski,	Mihm,	Stockham,
Bower,	Habbyschaw,	Montgomery,	Sweeney,
Boyd,	Haines,	Mooney,	Tahl,
Brancato,	Hall,	Moran,	Tarr,
Bretherick,	Hamilton,	Moser, F. S.,	Taylor,
Broad,	Harbeson,	Moser, J. L.,	Terry,
Bronson,	Harkins,	Muir,	Thistle,
Brown, S. W.,	Haudenschild,	Munley,	Thompson, E. F.,
Brunner,	Henry,	O'Brien,	Thompson, G. R.,
Burns,	Hess,	O'Connor,	Tiemann,
Burtis,	Hewitt,	O'Dare,	Tronzo,
Cadwalader,	Hindman,	O'Keefe,	Trout,
Calvin,	Hocke,	Omlinsky,	Van Allsburg,
Carpenter,	Hoffman, J. N.,	O'Neill,	Van Belle,
Check,	Hoffman, S. K.,	Peacock,	Voorhees,
Christler,	Holland,	Peale,	Wagner,

Clark,	Hoyt,	Powers,	Walsh,
Clearwater,	Huntley,	Preston,	Watkins,
Cohen, H. B.,	Irvin,	Readinger,	Webster,
Cohen, R. E.,	James,	Reagan,	Weiss,
Cook,	Jirolanio,	Reese, D. P.,	Welsh, E. B.,
Cooper,	Johnston,	Reese, R. E.,	Welsh, M. J.,
Cordier,	Jones,	Regan,	Westrick,
Corrigan,	Kane,	Reynolds,	Wilkinson,
Cortese,	Keenan,	Rhodes,	Williams,
Curran,	Kenehan,	Rider,	Wilson,
Dalrymple,	Kilroy,	Riley,	Winner,
Denman,	Kline,	Robertson,	Wood, H. M.,
DeNote,	Knoble,	Rooney,	Wood, L. H.,
Dick,	Kowalski,	Rose,	Wood, N.,
Dix,	Krise,	Roseberry,	Woodside,
Donahue,	Lee,	Rosenfeld,	Yeakel,
Donohoe,	Lelsey,	Rothenberger,	Turner,
Downey,	Levy,	Royer,	Speaker,
Eckels,			

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence

RESOLUTION

CONGRATULATIONS

Mr. DENMAN offered a resolution which was read by the Clerk as follows:

In the House of Representatives, February, 1939.

Robert J. Cordier our member from Lackawanna County, after many years of single loneliness, suddenly plunged into the Sea of Matrimony last week and from what is reported by those who saw his wife, he is not "all wet" in any way.

Acting as Chairman of a Special Committee during the recent recess of the Legislature, he suddenly deserted his fellow committeemen and the business of the Committee, and when he finally returned, he was not alone. His unusual action at this time recalls the lines of a Scotch poet named Hogg who wrote

Oh love, love, love
Love is like a dizziness
It winna let a poor body
Gang about his business.

therefore be it

Resolved, That the members of this House heartily congratulate the member from Lackawanna upon his wisdom in abandoning the life of a hermit and a recluse and welcome him into the State of Matrimony, but at the same time seriously admonish him not to let this "dizziness" in any way interfere with the "bizness" of this House.

To his new wife we extend our sincere wishes for the full success of their new undertaking and for an abundance of happiness, and we further extend to her a most cordial invitation to visit her new husband and us here in the House.

On the question recurring,

Will the House adopt the resolution?

It was unanimously adopted.

Mr. CORDIER. In full appreciation of the fact of what I have done in taking unto myself a blushing bride and appreciating the fact that that is done every day, I am extremely grateful to the gentleman from Westmoreland, Mr. Denman, and to the membership of this House in recognizing that fact officially. I assure you that both my wife and myself are extremely happy.

I also wish to in a lighter vein perhaps drop a hint to a woman member of the House, Miss Brancato, who has announced her engagement and her marriage after the

session, by stating that she doesn't know what she is missing.

I would also say to the gentleman from York, Mr. Cohen, who rose to his feet in the Assembly a few weeks back and offered his intelligent advice and help to the members of the majority in all of the problems that might come before them, that I will have to in this instance refuse his help.

I want to say that some years back we had the pleasure of making as the 209th member of the House, the young son of the gentleman from Westmoreland, Mr. Denman, and had he seen fit on this occasion to make as the 210th member of this House my attractive wife, I would have been glad to have her take part in the deliberations of the House, but would have had to limit it in so far as any caucuses of the House are concerned to our 209th member.

I wish to say that I am deeply appreciative of the felicitations you have extended to my wife and myself and I am sure that we are going to have a long and happy married life.

Thank you very much.

RESOLUTION CONGRATULATIONS

Mr. NORMAN WOOD offered a resolution which was read by the Clerk as follows:

In the House of Representatives, February 27, 1939.

The well known English poet, Rudyard Kipling wrote,

"Oh East is East and West is West
And never the twain shall meet
Till earth and sky stand presently
At God's great judgment seat.
But there is neither East or West
Border nor breed nor birth
When two strong men stand face to face
Tho they come from the ends of the earth."

A Lancaster, Pa., newspaper last week carried the following announcement:

"Mr. and Mrs. Clayton J. Embree of St. Louis, Mo., announced the engagement of their daughter, Miss Mary Frances Embree to Alfred C. Alspach, son of Dr. and Mrs. Titus A. Alspach, of Lancaster. Miss Embree is a graduate of Northwestern University and of the National College of Education at Evanston, Ill." The Alfred C. Alspach mentioned in this newspaper article is the member of this House from the City of Lancaster and this announcement proves that Kipling's poem should be amended, therefore be it

Resolved, by the House of Representatives of the General Assembly of the Commonwealth of Pennsylvania, that the last two lines of the above cited verse from Kipling's Barrack-Room Ballads be amended so as to read as follows:

"When two [strong men] great loves stand face to face
Though they come from the ends of the earth."

and be it further

Resolved, that the members of this House congratulate the member from Lancaster upon his good fortune and his bright and happy prospects and for his bride to be, we wish a long and happy life with our fellow member for whom love lent wings that carried him afar from home.

As another evidence of the certainty that distance means nothing when love steps in, we quote from Edwin Arnold, another poet.

"Somewhere there waiteth in this world of ours
For one lone soul another lonely soul,
Each choosing each through all the weary hours
And meeting strangely at one sudden goal.
Then blend they, like green leaves with golden flowers,
Into one beautiful and perfect whole;
And life's long night is ended, and the way
Lies open onward to eternal day."

On the question recurring,
Will the House adopt the resolution?
It was unanimously adopted.

Mr. ALSPACH. Mr. Speaker and members of the House, I am greatly overwhelmed by the poetry. At the beginning it sounded like a eulogy and at the end it sounded somewhat like a funeral dirge.

I naturally feel very good about all of this, my only regret being that I do not have any blushing bride to sit beside the blushing bride of the gentleman from Lackawanna on the right hand side of the Assembly Hall.

Needless to say, I deeply appreciate all of these felicitations and kind remarks.

Thank you.

RESOLUTION

BIRTHDAY OF ST. PATRICK

Mr. McGARRITY offered a resolution which was read by the Clerk as follows:

In the House of Representatives, February 27, 1939.

Many legislative bills are filled with snakes and it is the duty of the members of the General Assembly to find these snakes and drive them out.

Proficiency in this respect can only be acquired by studying the lives and customs of those who have succeeded in the past in effectively getting rid of snakes.

St. Patrick, the patron saint of Ireland, was the world's greatest snake driver.

The celebration of the birthday of this immortal will be held on the 17th day of March, therefore be it

Resolved (if the Senate concur), That a legislative committee is hereby created consisting of six members of the House of Representatives to be appointed by Speaker of the House and five members of the Senate to be appointed by the President Pro Tempore of the Senate, whose duty it shall be to arrange for a fitting and suitable celebration of the birthday of St. Patrick by the members of the General Assembly and their guests; and be it further

Resolved, That

Saint Patrick was a gentleman
Who lived in the "land o' lakes"
He made it quite a decent place
By driving out the snakes.

On the question,
Will the House adopt the resolution?
It was adopted.

Ordered, That the Clerk present the same to the Senate for its concurrence.

Mr. REUBEN E. COHEN. Mr. Speaker, may I humbly suggest that the resolutions that were read and adopted, with the exception of the one about the snakes, be referred to the "Committee on Matrimony"?

The SPEAKER. The Chair feels that that is too "knotty" a question to decide now.

COMMITTEE MEETINGS

There will be a meeting of the Committee on Judiciary Special, Tuesday, February 28, 1939, at 11:30 a. m., in Room "B", House Caucus Room.

ADJOURNMENT

Mr. POWERS. Mr. Speaker, I move that this House do now adjourn until tomorrow at 1 p. m.

The motion was agreed to, and (at 11:12 p. m.) the House adjourned until Tuesday, February 28, 1939, at 1 p. m.

Legislative Journal

Session 1939.

133d of the General Assembly.

Vol. 23.

HARRISBURG, PA., TUESDAY, FEBRUARY 28, 1939.

No. 17.

SENATE

TUESDAY, February 28, 1939

The Senate met at 2:00 o'clock p. m.

The PRESIDENT (Lieutenant-Governor Samuel S. Lewis) in the Chair.

PRAYER

The Chaplain, Rev. BURLEIGH A. PETERS, offered the following prayer:

Our Heavenly Father, standing yet in the patriotic fragrance of the anniversaries of our two great Americans, George Washington the attending physician at the birth of this Republic and Abraham Lincoln the preserver of the Union, we take increased devotion to the unfinished tasks before us. As we love their names, revere their memories and emulate their statesmanship, may we also remember their up-standing citizenship, their prayer life in the hour of trial and their God-fearing manhood at the waters of eternal life; and, inhaling deeply the life-giving breath of pulsating liberty, that the increasing evidence of un-American activities both within and without this Commonwealth shall steel every fibre of our beings for the great struggle against the betrayal and overthrow of our democratic form of government. Help every true American in these troublous days likewise to drink at these same fountains, trusting in God for daily sustenance and fighting the honorable and godly fight of honest, upright, God-fearing citizenship.

As good stewards of Thine in all the varying proposals of life and living, with its many ramifications and temptations, may we answer, by our deeds of self-sacrifice and patriotic devotion, as did Washington and Lincoln, not "What do I get out of it?" but "What can I put into it?"

In the sphere of government as well as all others may this be our high-motived philosophy of living. For Jesus' sake, Amen.

JOURNAL APPROVED

The PRESIDENT. A quorum of the Senate being present, the Clerk will read the Journal of the preceding session.

The Clerk proceeded to read the Journal of the preceding session, when, on motion of Mr. OWLETT and Mr. MALLERY, the further reading was dispensed with, and the Journal was approved.

LEAVES OF ABSENCE

Mr. SHAPIRO asked and obtained leave of absence for himself for Wednesday, March 1, 1939.

Mr. FREY asked and obtained leave of absence for himself for Wednesday, March 1, 1939.

HOUSE MESSAGE

The Clerk of the House of Representatives, being introduced, presented extract from the Journal of the House, which was twice read as follows:

RESOLUTION RELATIVE TO OBSERVANCE OF SAINT PATRICK'S DAY

In the House of Representatives, February 27th, 1939.

Many legislative bills are filled with snakes and it is the duty of the members of the General Assembly to find these snakes and drive them out.

Proficiency in this respect can only be acquired by studying the lives and customs of those who have succeeded in the past in effectively getting rid of snakes.

St. Patrick, the patron saint of Ireland, was the world's greatest snake driver.

The celebration of the birthday of this immortal will be held on the 17th day of March, therefore be it

Resolved (if the Senate concur), That a legislative committee is hereby created consisting of six members of the House of Representatives to be appointed by Speaker of the House and five members of the Senate to be appointed by the President Pro Tempore of the Senate, whose duty it shall be to arrange for a fitting and suitable celebration of the birthday of St. Patrick by the members of the General Assembly and their guests; and be it further

Resolved, That

Saint Patrick was a gentleman
Who lived in the "land o' lakes"
He made it quite a decent place
By driving out the snakes.

Mr. CHAPMAN. Mr. President, I ask unanimous consent that Rule 39, which requires resolutions be referred to an appropriate committee, be suspended and the Senate do now proceed to the consideration of the resolution just read.

The PRESIDENT. Is there objection?

The Chair hears none.

On the question,

Will the Senate agree to the resolution?

It was agreed to.

Ordered, That the Clerk inform the House of Representatives accordingly.

QUESTION OF PERSONAL PRIVILEGE

Mr. CAVALCANTE. Mr. President, I rise to a question of personal privilege.

The PRESIDENT. The Senator from Fayette will state his question of personal privilege.

Mr. CAVALCANTE. Mr. President, The Journal of this Senate will show that on repeated occasions, we have cautiously reminded members of this Senate upon matters touching the dignity of this body and also that of its members. At times, we have been extremely reluctant in

the selection of our language lest it might be construed as condemnatory of our colleagues. On all occasions however, we have sought diligently to pursue the course most consistent with the dictates of conscience, our intellectual honesty and the accepted tenets of moral rectitude. In all matters, we have sought moderation.

The prevailing international turmoil; the indictment of Parliamentary Government by violent and bellicose dictatorship; and the international racial frictions, should heighten our efforts to embellish the dignity of this body and show reasonable moderation in all matters touching the integrity of its members.

Mr. President, the matter involving the integrity and seat of Mr. Levin, and the manner in which it was dealt with last night, can add no lustre to the dignity of this Parliamentary body. It is a sufficient proof of the impotency of this form of government when members cast their intellectual honesty and civic rectitude to the winds and, at the beckon of party spirit and expediency, stoop to deeds so foul as to move the most moderate men to rebellion.

Throughout the entire course of last night's proceedings touching the integrity of Mr. Levin, there was enmeshed in it a premonition that the plot behind the tongues of the dictatorial gentleman from Tioga, Mr. Owlett, and the Nazi Gentleman from Allegheny, Mr. Geltz, was a subtle and sinister plot not founded in the sublimest of human passions, to-wit: a desire to give psychological initiation and impetus to the despicable Nazi Anti-Semitic creed.

Mr. President, I regret that you inadvertently, or willingly became an accessory to that un-American motive. It is deplorable that this un-American plot should be hatched during the month when this great American Nation was giving thought to the natal days of the Father of his County, George Washington, and of Abraham Lincoln, the great American Liberator. It is shameful to note that this august body has permitted the birthdays of these two great Americans to pass without placing a single word of commemoration upon its Journal.

Truly a neglect fully consistent with the mentality that pervades the majority leadership of this Senate.

QUESTION OF PERSONAL PRIVILEGE

Mr. SIPE. Mr. President, I rise to a question of personal privilege.

The PRESIDENT. The Senator from Armstrong, Mr. Sipe, will state his question of personal privilege.

Mr. SIPE. Mr. President, the Senate will remember a couple of weeks ago we were all regaled with a lot of quotations from the classics. The Senate seems to have gone on record as endorsing Shakespeare and Cicero and other great luminaries of the Ancient World and Modern. I am thinking now of a quotation from one of the great Latin writers: "Tempora mutantur et nos mutamur in illis," which, as all you erudite gentlemen know, translated means, "Times change and we change in them."

I am impressed Mr. President, with the way times have changed in the last few years. Politically, I remember only a few years ago when the worst thing that could be said about the Democratic party was that it was dominated by Democrats from the South; and I remember one man in my County of Butler who attained considerable distinction in the second Woodrow Wilson campaign by delivering a speech at political meetings over the western part of the State on the subject of "The South in the Saddle". Yes, in those old days we Democrats were reviled as belonging

to the party which kicked up secession which seceded a large portion of our nation from the Union on the ground of interference with State rights. Yes, we were the party whose adherents in the old days chased men and women through the swamps of Virginia with blood hounds, in order to regain their services, and rewarded them with lashes on the bare back.

Nothing was too bad to say about the Democrats, especially one who was tainted with any of the Southern Democracy; but, behold, times have changed, and here in the Year of Grace 1938, and especially in the year 1939, we behold a Republican Governor of Pennsylvania sending to the heart of the South for a mentor and advisor for him. Not very complimentary was that action to his ardent Republican advisors in Pennsylvania; but, casting them aside, he goes to the heart of the South and brings up a southern Democrat here as his advisor. I do not think he is on the payroll of the State, but I assume he is not working for nothing.

Yes, in this Year of Grace 1939, we behold the spectacle of an old-line Republican Governor in Pennsylvania becoming a Charley McCarthy for a Southern Democrat; and, Mr. President, if this metamorphosis keeps on much longer I predict that all of the old-line Republican politicians in Pennsylvania will be red-hot Democrats of the solid South.

I am glad, Mr. President, that the Chaplain, in his prayer, and my colleague from Fayette, made reference to the Father of his Country, made reference to his idealism, and the fact that this month commemorates his birthday.

I was thinking, Mr. President, of George Washington amid the turmoil of last night, and I wondered what he would think if he were here and had a seat on the Republican side of this Chamber.

Before I sit down, Mr. President, let me say that surely we ought to take a little time out in this month of February, before it passes, to say something of George Washington and Abraham Lincoln, something especially about the idealism of those men, about the greatness of Washington; and my little contribution is this—I thought of it while Mr. Cavalcante was speaking:

Have you ever thought, gentlemen of the Senate, of the greatness of George Washington—He is great. You know, the greatness of some men only makes us believe that however well they did their work others could have done just as well; but Washington had that peculiar greatness which convinces the world that he alone could have done his work. George Washington was not a mere mountain top catching a little earlier the beams that of their own force would have soon found the valley, but, rather, he was like the sun itself, without which the light on the mountain top and in the valley would have been but moonlight or starlight.

Carrying the figure a little further, in deference to the classics, in these solar systems of the American Revolution, in the birth of the young republic in the west, Washington was not a secondary arc reflecting the light through the years, not a moon or planet, but, in the presence of Almighty God he was the center of undulations and radiations that filled the whole system with glory after he rose from the dead. He was an idol yet he did not cease to be a man among men. It is true that with few exceptions the great of the world of his day revered him, but at the same time little children played with him.

He has a monument of silver and bronze, he has medals of silver and gold; but, Mr. President, his best monument

is the best love of the best American hearts, and the truest impression of his image is in the great heart of the greatest nation that ever stepped forth upon the stage of time.

Let us pause a second and think of him as he lies, peacefully on his own farm on the banks of his long-loved Potomac—"After Life's fitful fever," as Shakespeare would say, "he sleeps well." The centuries will place tributes on his bier; he will abide as a power for all time; his image will cast itself on the current of the ages like the mountain top alongside the Susquehanna mirrors its form in the waters. I am glad to bring George Washington here with us here today; I am sorry he was not with us last night—on the Republican side of this Chamber.

CONSIDERATION OF SENATE RESOLUTION EMPLOYEES OF THE SENATE

Mr. CHAPMAN. Mr. President, I call up for consideration the resolution relative to employes of the Senate, February 27, 1939, which was laid on the table.

The resolution was read as follows:

In the Senate, February 27, 1939.

Resolved, That the following persons be elected employes of the Senate, as is provided by Act of Assembly:

EXECUTIVE CLERK

Bessie B. Everett, Springfield, Pa.

CLERKS TO COMMITTEES

Harry C. McDade, Henryville, transferred from Proof-reader.

Robert Cox, Wellsboro, vice B. B. Bastain, resigned.

Lester Weidman, R. R. 1, Elizabethtown, vice J. Paul Templeton, resigned.

ASSISTANT SERGEANT-AT-ARMS

James Thompson, Shamokin, vice John K. Jones, resigned.

CHIEF PAGE

Herbert V. Eynon, Harrisburg, transferred from Page.

PAGE

Elijah Boston, Beaver Falls, vice Herbert V. Eynon, resigned.

Mr. CHAPMAN. Mr. President, I ask unanimous consent that Rule 39, which requires resolutions be referred to an appropriate committee, be suspended and the Senate do now proceed to the consideration of the resolution just read.

The PRESIDENT. Is there objection?

The Chair hears none.

On the question,

Will the Senate agree to the resolution?

It was agreed to.

RECESS

Mr. OWLETT. Mr. President, I move that the Senate do now take a recess for thirty minutes.

Mr. GELDER. Mr. President, I second the motion.

The motion was agreed to.

AFTER RECESS

The PRESIDENT. The time of recess having elapsed the Senate will be in order.

HOUSE MESSAGES

TIME OF NEXT MEETING

The Clerk of the House of Representatives, being introduced, informed the Senate that the House has concurred in Resolution from the Senate as follows:

In the Senate, February 27, 1939.

Resolved (if the House of Representatives concur) That when the Senate adjourns this week it reconvene on Monday evening, March 6, 1939, at nine o'clock; and when the House of Representatives adjourns this week it reconvene on Monday evening, March 6, 1939, at eight o'clock.

HOUSE BILLS FOR CONCURRENCE

He also presented for concurrence bills of the House, as follows:

House Bill No. 26, (Senate Bill No. 108), entitled:

An Act to repeal the act, approved the fifth day of June, one thousand nine hundred and thirty-seven (P. L. 1670), entitled "Fire Safety Building Regulation Law."

Which was committed to the Committee on Labor and Industry.

House Bill No. 214, (Senate Bill No. 109), entitled:

A Supplement to the act approved the second day of July one thousand nine hundred and thirty-seven (Appropriation Acts page seventy-four) entitled "An act to provide for the ordinary expense of the Executive Legislative and Judicial Departments of the Commonwealth interest on the public debt and the support of the public schools for two years beginning June first one thousand nine hundred and thirty-seven and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending May thirty-first one thousand nine hundred and thirty-seven" making a deficiency appropriation to the Department of State

Which was committed to the Committee on Appropriations.

House Bill No. 215, (Senate Bill No. 110), entitled:

A Supplement to the act approved the second day of July one thousand nine hundred and thirty-seven (Appropriation Acts page seventy-four) entitled "An act to provide for the ordinary expenses of the Executive Legislative and Judicial Departments of the Commonwealth interest on the public debt and the support of the public schools for two years beginning June first one thousand nine hundred and thirty-seven and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending May thirty-first one thousand nine hundred and thirty-seven" providing for deficiencies in certain appropriations to the Department of Justice for the fiscal biennium ending May thirty-first one thousand nine hundred and thirty-nine.

Which was committed to the Committee on Appropriations.

House Bill No. 92, (Senate Bill No. 111), entitled:

An Act to prohibit assessments and demands for contributions for political purposes; and providing a penalty.

Which was committed to the Committee on Elections.

House Bill No. 142, (Senate Bill No. 112), entitled:

An Act to further amend section five of the act, approved the twenty-sixth day of April, one thousand nine hundred thirty-five (P. L. 90), entitled "An act to promote uniformity in the assessment and taxation of properties and persons within the territorial limits of cities

of the second class A, by providing that city and school taxes within such territorial limits shall be assessed, levied, and collected upon the basis of the assessments for taxation for county purposes; and requiring the furnishing of tax duplicates by the county taxing authorities to such cities and to school districts coterminous therewith; abolishing the department of assessors in cities of the second class A; consolidating tax statements covering city, school, county, and poor taxes therein, and making uniform the time for levy and collection of said taxes respectively, and regulating the discounts therefrom and penalties thereon," by changing the date of certain tax payments.

Which was committed to the Committee on Municipal Government.

House Bill No. 128, (Senate Bill No. 113), entitled:

An Act to repeal the act, approved the thirtieth day of July, one thousand nine hundred and thirty-eight (P. L. 17), entitled "An act defining the relative powers of the Attorney General and of district attorneys in investigations or proceedings in the criminal courts; authorizing the judges thereof to appoint, subject to appeal to the Supreme Court special prosecutors in certain cases, and providing for their compensation by the county."

Which was committed to the Committee on Judiciary General.

House Bill No. 129, (Senate Bill No. 114), entitled:

An Act to repeal the act, approved the thirtieth day of July, one thousand nine hundred and thirty-eight (P. L. 15), entitled "An act defining the procedure for, and regulating, the investigation by the House of Representatives and its committees of charges of, or involving, misdemeanor in office on the part of civil officers liable to impeachment; authorizing the Speaker of the House to appoint a special committee for any such investigation; authorizing the presentation of evidence by the Attorney General and other counsel and the officers investigated; providing for the summoning of witnesses and for the punishment of persons refusing to appear, produce evidence or testify; and authorizing the employment and compensation of counsel and other assistants."

Which was committed to the Committee on Judiciary General.

House Bill No. 131, (Senate Bill No. 115), entitled:

An act to repeal the act, approved the thirtieth day of July, one thousand nine hundred and thirty-eight (P. L. 13), entitled "An act relating to the investigation of charges of or involving, misdemeanor in office made against civil officers subject to impeachment; providing that the jurisdiction of the House of Representatives to make such investigations shall have precedence over the jurisdiction of grand juries; and limiting the circumstances under which courts of oyer and terminer and general jail delivery or courts of quarter sessions, or judges of such courts, may authorize grand juries to make such investigations."

Which was committed to the Committee on Judiciary General.

House Bill No. 132, (Senate Bill No. 116), entitled:

An Act to repeal the act, approved the thirtieth day of July, one thousand nine hundred and thirty-eight (P. L. 18), entitled "An act suspending, retroactively as well as prospectively, any other pending investigation, legislative, executive or judicial, of charges of, or involving, misdemeanor in office on the part of civil officers liable to impeachment, which the House of Representatives undertakes to investigate, and providing under what circumstances the suspended investigation may be resumed."

Which was committed to the Committee on Judiciary General.

CONSIDERATION OF EXECUTIVE NOMINATIONS

Mr. EDMONDS. Mr. President, I move that the Senate do now proceed to the consideration of nominations for appointment as Notaries Public, sent to the Senate February 27th, 1939, by His Excellency, the Governor of the Commonwealth, together with similar nominations reported from committee today.

Mr. MALLERY. Mr. President, I second the motion.

The PRESIDENT. This motion is seconded by the Senator from Blair, Mr. Mallery, for the confirmation of Notaries Public.

On the question,

Will the Senate agree to the motion?

Mr. SHAPIRO. Mr. President, is it not merely to consider them? I suggest we are going to consider them and not confirm them.

The PRESIDENT. The correction of the Senator from Philadelphia is well taken.

And the question recurring,

Will the Senate agree to the motion?

The motion was agreed to.

The nominations were read as follows:

NOTARIES PUBLIC

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, February 27, 1939.
To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for reappointment as Notaries Public, for terms of four years to compute from the date set opposite their names:

CUMBERLAND COUNTY

Clarence E. Baughman, Carlisle, February 28, 1939.

ALLEGHENY COUNTY

Miss Lois M. Richardson, Pittsburgh, 44 Terminal Way, S. S., March 2, 1939.

BLAIR COUNTY

Matthew M. Morrow, Altoona, March 2, 1939.
Charles M. Kurtz, Altoona, March 4, 1939.

ALLEGHENY COUNTY

Victor S. Skok, Pittsburgh, 1308 Peoples Bank Bldg., March 5, 1939.

LAWRENCE COUNTY

Mrs. Helen W. Hoose, New Castle, March 5, 1939.

ALLEGHENY COUNTY

Sydney H. Shaw, Pittsburgh, 435 6th Avenue, March 6, 1939.
Joseph H. Wagner, Braddock, March 6, 1939.

HUNTINGDON COUNTY

Frank L. Saylor, Mt. Union, March 6, 1939.

PHILADELPHIA COUNTY

Harry Ginsburg, Phila., 607 W. Norris St., March 6, 1939.
David E. Longacre, Phila., 402 Pa. Stock Yard Bldg., 36th St. & Gray's Ferry Ave., March 6, 1939.
Simon Weiss, Phila., 1626 Point Breeze Ave., March 6, 1939.
Miss May P. Willet, Phila., 511 N. Broad St., March 6, 1939.

YORK COUNTY

Hugh B. Hostetter, Hanover, March 6, 1939.

CHESTER COUNTY

Miss Mildred E. McFadden, Phoenixville, March 7, 1939.

PHILADELPHIA COUNTY

Miss Madeleine Gottsman, Phila., Jefferson Hospital, 126 S. 10th St., March 7, 1939.

SULLIVAN COUNTY

Harold C. Thomas, Dushore, March 7, 1939.

WESTMORELAND COUNTY

Raymond A. Troxell, Greensburg, March 7, 1939.

LACKAWANNA COUNTY

Herbert L. Taylor, Jr., Scranton, March 8, 1939.

ALLEGHENY COUNTY

Miss Dorothy C. Bandi, Pittsburgh, 318 Frick Bldg., March 9, 1939.

James W. Barnett, Patton Twp., Union R. R., East Pittsburgh, March 9, 1939.

Mrs. Gertrude W. Berringer, Wilkinsburg, March 9, 1939.

James N. Dill, McKeesport, March 9, 1939.

Mrs. Nelle Thom Fuller, Wilkinsburg, March 9, 1939.

George E. Murrie, Pittsburgh, 14 Wood St., March 9, 1939.

C. Joseph Recht, Clairton, March 9, 1939.

Edward Schwartz, Pittsburgh, 218 Bakewell Bldg., March 9, 1939.

Samuel S. Scott, Pittsburgh, 5905 Baum Blvd., March 9, 1939.

Harold F. Shook, Pittsburgh, 3100 Liberty Ave., March 9, 1939.

BEAVER COUNTY

Mrs. Eleanor W. Wehr, Beaver, March 9, 1939.

DAUPHIN COUNTY

Mrs. Katheryn M. DeLone, Harrisburg, March 9, 1939.

NORTHAMPTON COUNTY

Miss Mary A. Yurasek, Bethlehem, March 9, 1939.

NORTHUMBERLAND COUNTY

Miss Catherine Kleinschmidt, Shamokin, March 9, 1939.

PHILADELPHIA COUNTY

Miss Elizabeth Birney, Phila., 4706 Frankford Avenue, March 9, 1939.

Norman Klauder, Phila., Phila. Saving Fund Bldg., 12 South 12th St., March 9, 1939.

Miss Ada Levy, Phila., 1012 Fox Bldg., 1612 Market St., March 9, 1939.

David Platt, Phila., 5116 N. 8th St., March 9, 1939.

Maurice Rifkin, Phila., 716 Walnut St., March 9, 1939.

M. V. Tobin, Phila., Lewis Tower Bldg., 225 S. 15th St., March 9, 1939.

Joseph Wenlock, Phila., 1606 Packard Bldg., 15th & Chestnut Sts., March 9, 1939.

ALLEGHENY COUNTY

J. C. Septer, Terentum, March 11, 1939.

Henry S. Bepler, Pittsburgh, 239 Fourth Avenue, March 12, 1939.

Hubert A. Tyler, Wilkinsburg, March 12, 1939.

BUTLER COUNTY

H. Clyde Curtis, Zelienople, March 12, 1939.

LANCASTER COUNTY

I. C. Arnold, Lancaster, March 12, 1939.

LUZERNE COUNTY

Mrs. Ethel Oliver, Dallas, March 12, 1939.

YORK COUNTY

John S. Garber, York, March 12, 1939.

Miss Mattie P. Snyder, York, March 12, 1939.

CAMBRIA COUNTY

Clayton Law, Ebensburg, March 14, 1939.

ELK COUNTY

W. W. Barbour, Ridgway, March 14, 1939.

LaRue M. Thompson, Ridgway, March 14, 1939.

ADAMS COUNTY

Mrs. Luella Lerew, East Berlin, March 16, 1939.

MONTGOMERY COUNTY

Daniel M. Dempster, Jenkintown, March 16, 1939.

YORK COUNTY

George S. Dellinger, York, March 17, 1939.

ERIE COUNTY

Miss Esther H. Highmyer, Erie, March 19, 1939.

Miss C. A. Masten, Erie, March 19, 1939.

Mrs. Thora E. Swan, Erie, March 19, 1939.

PHILADELPHIA COUNTY

Allen C. Middleton, Phila., 1416-18 S. Penn Square, March 20, 1939.

Harry L. Gribbin, Phila., 515 Arch St., March 21, 1939.

MONTGOMERY COUNTY

Miss Lizzie Weiss, Norristown, March 22, 1939.

BEAVER COUNTY

Crescenzo Ciccone, Aliquippa, March 23, 1939.

CARBON COUNTY

J. Monroe Miller, Summit Hill, March 24, 1939.

MONTGOMERY COUNTY

Norman W. Gray, Plymouth Twp., Box 26, Conshohocken, March 24, 1939.

LACKAWANNA COUNTY

Miss Emma E. Mayer, Scranton, March 26, 1939.

CUMBERLAND COUNTY

Mrs. Mildred Hoopy Stone, Lemoyne, March 30, 1939.

ALLEGHENY COUNTY

Julius Bano, Homestead, March 31, 1939.

ARTHUR H. JAMES,

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, February 27, 1939.

To the Honorable, the Senate of the Commonwealth of Pennsylvania.

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for reappointment as Notaries Public, for terms of four years to compute from the date set opposite their names:

CAMBRIA COUNTY

Edgar Giles, Johnstown, February 28, 1939.

LACKAWANNA COUNTY

Horace G. Likeley, Carbondale, February 28, 1939.

PHILADELPHIA COUNTY

Miss Jennie G. Rhoades, Phila., Wesley Bldg., 1701 Arch St., February 28, 1939.

LACKAWANNA COUNTY

John F. Erhard, Scranton, March 1, 1939.

NORTHAMPTON COUNTY

Miss Della M. Frankenfield, Bethlehem, March 1, 1939.

MERCER COUNTY

Alexander Green, Sharon, March 2, 1939.

MONROE COUNTY

Roy M. Houser, Stroudsburg, March 2, 1939.

DELAWARE COUNTY

Miss Rachel C. Rowles, Chester, March 5, 1939.

MONTGOMERY COUNTY

Miss Bessie R. Shade, Royersford, March 5, 1939.

NORTHAMPTON COUNTY

Ray F. Hoover, Bethlehem, March 5, 1939.

PHILADELPHIA COUNTY

Mrs. Anna E. Blackman, Phila., c/o Nice Ball Brg. Co., Cor. 30th & Nicetown Lane, March 5, 1939.

Mrs. Isabel F. Groves, Phila., 225 S. 15th St., March 5, 1939.

VENANGO COUNTY

J. H. Contino, Oil City, March 5, 1939.

ALLEGHENY COUNTY

Miss Isabella D. Baldwin, Sewickley, March 6, 1939.

Peter J. Glaser, Avalon, March 6, 1939.

A. L. Goldstrom, McKeesport, March 6, 1939.

Adolph Greenberger, Pittsburgh, 308 Frick Bldg., March 6, 1939.

Mrs. Anna M. Hawkins, Pittsburgh, 1200 Arrott Bldg., March 6, 1939.

Miss Jane F. Lawler, Pittsburgh, 5101 Baum Blvd., March 6, 1939.

Harry W. Maybury, Pittsburgh, 6316 Ebdy St., March 6, 1939.

Miss Adah E. Morgan, Pittsburgh, 2100 E. Ohio St., March 6, 1939.

Saul Perlman, Pittsburgh, Farmers Bank Bldg., March 6, 1939.

G. H. Pifer, Pittsburgh, 214 Lexington Av., March 6, 1939.

Gilbert B. Weiss, Pittsburgh, 603-5 W. Diamond St., March 6, 1939.

BEAVER COUNTY

J. W. Moore, Rochester, March 6, 1939.

CHESTER COUNTY

Frank F. Walker, Easttown Twp., Berwyn, March 6, 1939.

Ralph H. Walter, Kennett Square, March 6, 1939.

DAUPHIN COUNTY

Miss Anna C. Roth, Harrisburg, March 6, 1939.

ELK COUNTY

William Cheattle, St. Marys, March 6, 1939.

FAYETTE COUNTY

C. C. Montgomery, Point Marion, March 6, 1939.

FULTON COUNTY

L. L. Cunningham, Wells Twp., New Grenada, March 6, 1939.

INDIANA COUNTY

Miss Iva M. Cunningham, Indiana, March 6, 1939.

LACKAWANNA COUNTY

Walter H. Cooper, Scranton, March 6, 1939.

Chester A. Thomas, Scranton, March 6, 1939.

LANCASTER COUNTY

Hubert Miller, Lancaster, March 6, 1939.

LAWRENCE COUNTY

George W. Muse, New Castle, March 6, 1939.

LEHIGH COUNTY

Tilden A. J. Kelchner, Allentown, March 6, 1939.

LUZERNE COUNTY

Louis T. Gentilini, Hazleton, March 6, 1939.

LYCOMING COUNTY

Fay C. Doane, Jersey Shore, March 6, 1939.

MONROE COUNTY

William T. McNulty, Stroudsburg, March 3, 1939.

MONTGOMERY COUNTY

B. Frank Christman, Pottstown, March 6, 1939.

Mrs. Margaret A. DeHaven, Conshohocken, March 6, 1939.

Charles R. Swartley, Lansdale, March 6, 1939.

NORTHAMPTON COUNTY

Miss Esther A. Bellmer, Easton, March 6, 1939.

PHILADELPHIA COUNTY

Herman C. Idler, Phila., Gaul & East Susquehanna Ave., March 6, 1939.

William Levin, Phila., 1035 Bainbridge St., March 6, 1939.

William J. Logan, Phila., 1228 Wagner Ave., March 6, 1939.

Charles McFadden, Phila., 264 South 16th Street, March 6, 1939.

E. Witherden Nock, Phila., S. W. Cor. 4th & Godfrey Ave., March 6, 1939.

Walter B. Siddall, Phila., 1420 Chestnut Street, March 6, 1939.

Mrs. Edythe C. Smith, Phila., Bustleton Ave., Somerton, March 6, 1939.

Norman Stuart Straw, Phila., 1917 Haworth Street, March 6, 1939.

G. H. Zacherle, Phila., 135 S. Broad St., March 6, 1939.

Miss Ethel B. Baldensperger, Warren, March 6, 1939.

YORK COUNTY

C. D. Garrett, Hanover, March 6, 1939.

P. M. Garrett, Hanover, March 6, 1939.

John C. Krebs, Hanover, March 6, 1939.

ALLEGHENY COUNTY

Miss Anna G. Behm, Wilkensburg, March 7, 1939.

Edwin L. Campbell, Pittsburgh, 915 Penn Ave., March 7, 1939.

Sanford E. Stuhlfire, Pittsburgh, Walsh Bldg., 434 Diamond St., March 7, 1939.

William H. Whitman, Pittsburgh, 2302 Fifth Avenue, March 7, 1939.

BERKS COUNTY

Mrs. H. M. O'Neil, Kutztown, March 7, 1939.

CRAWFORD COUNTY

Mrs. Mildred Terrill, Conneautville, March 7, 1939.

DAUPHIN COUNTY

Mrs. Henrietta H. Ream, Harrisburg, March 7, 1939.

DELAWARE COUNTY

George Hetherington, Eddystone, March 7, 1939.

JUNIATA COUNTY

Dolph B. Roush, Fayette Twp., McAllisterville, March 7, 1939.

LAWRENCE COUNTY

Sydney B. Cleal, New Castle, March 7, 1939.

LEHIGH COUNTY

Clarence T. Schneck, South Whitehall Twp., R. D. 3, Allentown, March 7, 1939.

LUZERNE COUNTY

Miss Anna K. Dash, Wilkes-Barre, March 7, 1939.
Michael J. English, Wilkes-Barre, March 7, 1939.

MONTGOMERY COUNTY

H. Eugene Gardner, Abington Twp., 7 E. Wharton Ave., Glenside, March 7, 1939.

NORTHAMPTON COUNTY

Miss Mary E. Pepper, Bethlehem, March 7, 1939.

PHILADELPHIA COUNTY

Harry Ebert, Phila., 5826 N. Camac St., March 7, 1939.
William J. Gordon, Phila., 1421 Chestnut St., March 7, 1939.
Wm. F. Kolm, Phila., 1535 W. Passyunk Ave., March 7, 1939.
Thomas P. Lipscomb, Phila., 23 N. 57th St., March 7, 1939.
Robert McClay, Phila., 1116 Stephen, Girard Bldg, 21 S. 12th St., March 7, 1939.

SCHUYLKILL COUNTY

E. Bright Pflueger, Schuylkill Haven, March 7, 1939.
Harry A. Quinter, Schuylkill Haven, March 7, 1939.

WASHINGTON COUNTY

W. C. Edwards, California, March 7, 1939.

WESTMORELAND COUNTY

Harry E. Ward, New Kensington, March 7, 1939.

DAUPHIN COUNTY

Paul A. Troutman, Upper Paxton Twp., Box 110, Millersburg, March 8, 1939.

DELAWARE COUNTY

Miss Anita E. McKinley, Chester, March 8, 1939.

MERCER COUNTY

J. M. Hittle, Greenville, March 8, 1939.
Guy Thorne, Greenville, March 8, 1939.

MONTGOMERY COUNTY

Winifred W. Harley, Schwenksville, March 8, 1939.
John R. Kline, Souderton, March 8, 1939.

SCHUYLKILL COUNTY

H. Fred Lauer, Ashland, March 8, 1939.
John Tautsko, Frackville, March 8, 1939.

ALLEGHENY COUNTY

Miss E. D. Bambis, Pittsburgh, 225 Gaveston Ave., March 9, 1939.

Mrs. Clara Conflenti, Coraopolis, March 9, 1939.
Miss Margaret E. Dermitt, Pittsburgh, 211 Fourth Ave., March 9, 1939.

David O. Eaton, Pittsburgh, 902 Chamber of Commerce Bdg., March 9, 1939.

Norman Gluck, Pittsburgh, 508 Grant St., March 9, 1939.
Howard F. Good, Pittsburgh, 1601 Oliver Bldg., March 9, 1939.

Miss Edna Hazlett, Pittsburgh, Standard Life Bldg., 345 Fourth Ave., March 9, 1939.

E. C. Hillman, Pittsburgh, 800 Union Trust Bldg., March 9, 1939.

Mrs. Martha R. Holmes, Pittsburgh, 747 Union Trust Bldg., March 9, 1939.

Mark Jordan, Pittsburgh, 2008-10 Pike St., March 9, 1939.

Miss Jean K. Kinlough, Pittsburgh, 1000 Jones Law Bldg., 4th Ave & Ross St., March 9, 1939.

S. W. Kleinman, Pittsburgh, 1124 Grant Bldg., March 9, 1939.

Thomas J. Lewis, McKeesport, March 9, 1939.

Glenn H. Lindquist, Tarentum, March 9, 1939.

John E. Lukacs, Pittsburgh, 5244 Second Ave., March 9, 1939.

Geo. F. McCartney, Edgewood, March 9, 1939.

Chas. E. Nicklas, Pittsburgh, 545 William Penn Way March 9, 1939.

Harry B. Pavitt, Harrison Twp., Brackenridge, March 9, 1939.

J. M. Stull, Pittsburgh, 1207 Berry St., March 9, 1939.

J. M. Votaw, Pittsburgh, 1922 Farmers Bank Bldg., March 9, 1939.

Charles F. Ward, Wilkinsburg, March 9, 1939.

Miss Edna K. Weixel, Pittsburgh, 1823 Murray Ave., March 9, 1939.

ARMSTRONG COUNTY

Mrs. Haddessah Devereaux, Freeport, March 9, 1939.

BEAVER COUNTY

George G. Starr, Beaver Falls, March 9, 1939.

BERKS COUNTY

A. M. Reinhold, Kutztown, March 9, 1939.

BRADFORD COUNTY

Mrs. Muriel A. Clayton, Athens, March 9, 1939.

BUTLER COUNTY

F. Scott Gillespie, Butler, March 9, 1939.

CLEARFIELD COUNTY

William F. Patterson, Clearfield, March 9, 1939.

COLUMBIA COUNTY

J. S. Housenick, Bloomsburg, March 9, 1939.

CUMBERLAND COUNTY

George B. Kirsch, Lemoyne, March 9, 1939.

DELAWARE COUNTY

Miss Dorothy Allam, Media, March 9, 1939.

Mrs. Jennie D. Gomberg, Chester, March 9, 1939.

Clinton F. Keiter, Upper Darby Twp., 8217 West Chester Pike, Upper Darby, March 9, 1939.

Theodore C. Wells, Upper Darby Twp., 6996 Chestnut St., Upper Darby, March 9, 1939.

Stephen Zappala, Chester, March 9, 1939.

ELK COUNTY

Joseph L. Trambly, Johnsonburg, March 9, 1939.

ERIE COUNTY

Orin C. Owens, Erie, March 9, 1939.
F. O. Reed, Millcreek Twp., 2230 W. 8th St., Erie, March 9, 1939.

FAYETTE COUNTY

Miss Alice O'Connor, Connellsville, March 9, 1939.

FRANKLIN COUNTY

Miss Thelma M. Rowe, Waynesboro, March 9, 1939.

INDIANA COUNTY

Miss Martha M. Cameron, Cherry Tree, March 9, 1939.

LACKAWANNA COUNTY

Miss Jeannette Thomas, Scranton, March 9, 1939.
Miss Hannah C. Walsh, Scranton, March 9, 1939.

LANCASTER COUNTY

Miss Ada B. Herr, Quarryville, March 9, 1939.
John G. Hershey, Lititz, March 9, 1939.
Henry B. Howell, Lancaster, March 9, 1939.
Miss Mary A. Huebener, Lititz, March 9, 1939.

LEBANON COUNTY

John L. Witmer, Palmyra, March 9, 1939.

LEHIGH COUNTY

Miss Georgianna Altenn, Fountain Hill, March 9, 1939.
Paul A. Lauster, Allentown, March 9, 1939.

LUZERNE COUNTY

Mrs. Adelaide B. Lewis, Plymouth, March 9, 1939.

McKEAN COUNTY

C. C. Davis, Kane, March 9, 1939.
Mrs. Ada P. Duffee, Bradford, March 9, 1939.

MONROE COUNTY

Charles P. Merwin, Mt. Pocono, March 9, 1939.

MONTGOMERY COUNTY

Miss C. R. Cornell, Jenkintown, March 9, 1939.
J. Walter Gallagher, Abington Twp., York & Welsh Rds., Willow Grove, March 9, 1939.
M. B. Linderman, Limerick Twp., Limerick, March 9, 1939.
Miss Mary A. Yost, Pottstown, March 9, 1939.

NORTHAMPTON COUNTY

Mrs. Helen T. Ritterff, Easton, March 9, 1939.

NORTHUMBERLAND COUNTY

Alvin W. Carpenter, Sunbury, March 9, 1939.
Wm. H. Ressler, Shamokin, March 9, 1939.

PHILADELPHIA COUNTY

A. M. Blanche, Phila., 201 N. Broad St., March 9, 1939.
C. V. Brennan, Phila., Wood Bldg., 400 Chestnut St., March 9, 1939.
Cecil Cadman, Phila., Real Estate Tr. Bldg., March 9, 1939.
Norman S. Chamberlain, Phila., 332 Commercial Tr. Bldg., March 9, 1939.
Mrs. Sadie E. Dunlap, Phila., 1839 Fairmount Ave., March 9, 1939.
Frank A. Hookey, Phila., 5304 Lancaster Ave., March 9, 1939.
Miss Bessie B. Keys, Phila., Architects Bldg., March 9, 1939.
Clifford E. Kurtz, Phila., 221 W. Rosemar St., Olney, March 9, 1939.
Miss Leonore L. Little, Phila., 410 Bulletin Bldg., March 9, 1939.

Joseph P. McGuekin, Phila., 1156 Frankford Ave., March 9, 1939.

George H. Meisle, Phila., 4621 Old York Road, March 9, 1939.

John E. Miller, Phila., 1429 Walnut St., March 9, 1939.

Miss Gertrude F. Montgomery, Phila., 1200 Chestnut St., March 9, 1939.

Mrs. A. Viola Pohlke, Phila., 1520 Locust St., March 9, 1939.

Miss Birdie M. Pyle, Phila., 7 S. 16th St., March 9, 1939.

Aloysius V. Rafferty, Phila., 5313 Oxford Ave., March 9, 1939.

Mrs. Jennie Schwartz, Phila., 924 W. Girard Ave., March 9, 1939.

Erwin G. Stein, Phila., 6076 Ridge Ave., March 9, 1939.

SOMERSET COUNTY

Roy Grant Gramling, Windber, March 9, 1939.

UNION COUNTY

Charlton F. Hummel, White Deer Twp., New Columbia, March 9, 1939.

VENANGO COUNTY

C. R. Engstrom, Oil City, March 9, 1939.

Miss Ada S. Poulson, Oil City, March 9, 1939.

WASHINGTON COUNTY

Mrs. Mildred L. Irwin Washington, March 9, 1939.
Miss Mary Ruey, Donora, March 9, 1939.

WESTMORELAND COUNTY

Miss Lida B. Adair, Vandergrift, March 9, 1939.
Miss Ann Manix, Greensburg, March 9, 1939.

WYOMING COUNTY

Floyd A. Dymond, Tunkhannock, March 9, 1939.

YORK COUNTY

Allen A. Beshore, Manchester, March 9, 1939.

FAYETTE COUNTY

Frank W. Protzman, Uniontown, March 10, 1939.

ALLEGHENY COUNTY

Chas. E. Redman, Glassport, March 12, 1939.

FAYETTE COUNTY

Thomas Malpass, Jr., Belle Vernon, March 12, 1939.

MONTGOMERY COUNTY

Harry C. Geckle, Jr., Lower Merion Twp., Gladwyne, March 12, 1939.

NORTHAMPTON COUNTY

M. B. Yotter, Easton, March 12, 1939.

PHILADELPHIA COUNTY

Frank Stornantis, Phila., 2135 S. 8th St., March 12, 1939.

SCHUYLKILL COUNTY

G. T. Burd, Pottsville, March 12, 1939.

SOMERSET COUNTY

John Torquato, Windber, March 12, 1939.

WESTMORELAND COUNTY

Joseph M. Loughran, Greensburg, March 12, 1939.

CAMBRIA COUNTY

Albert Seigh, Johnstown, March 14, 1939.

ALLEGHENY COUNTY

Gilbert F. Wagner, Mt. Oliver, March 16, 1939.

ERIE COUNTY

Mrs. Gladys A. Riede, Erie, March 16, 1939.

LEBANON COUNTY

M. B. Nye, Lebanon, March 17, 1939.

SCHUYLKILL COUNTY

Joseph P. Koval, Mahanoy City, March 17, 1939.

ALLEGHENY COUNTY

Frank F. Canuti, Pittsburgh, St. Nicholas Bldg., 450 4th Ave., March 19, 1939.

John F. Cunningham, Pittsburgh, Grant Bldg., March 19, 1939.

Miss Helen C. Maloney, Pittsburgh, 5972 Baum Boulevard, March 19, 1939.

PHILADELPHIA COUNTY

Joseph F. X. Fasy, Phila., 1712 West Girard Ave., March 19, 1939.

Mrs. Anne H. Marlowe, Phila., 811 Chestnut Street, March 19, 1939.

CAMBRIA COUNTY

Mrs. C. M. Reynolds, Reade Twp., Blandburg, March 20, 1939.

PHILADELPHIA COUNTY

Chas. Fred Miller, Phila., 1201-07 Commonwealth Bldg., 12th & Chestnut Sts., March 20, 1939.

SUSQUEHANNA COUNTY

Miss Frances C. Williams, Montrose, March 21, 1939.

ALLEGHENY COUNTY

Chas. M. Miller, Pittsburgh, Investment Bldg., 239 4th Ave., March 23, 1939.

MERCER COUNTY

R. A. Irvine, Sharon, March 23, 1939.

NORTHAMPTON COUNTY

Robert E. Speck, Bethlehem, March 23, 1939.

MERCER COUNTY

G. R. Johnston, Sharon, March 24, 1939.

MONTGOMERY COUNTY

Miss Gladys W. Gordon, Lower Merion Twp., 47 E. Lancaster Ave., Ardmore, March 24, 1939.

BERKS COUNTY

Miss Cora C. Mays, Reading, March 25, 1939.

ALLEGHENY COUNTY

Miss Jessie E. Boor, Pittsburgh, 1st Floor, Vandergrift Bldg., 323 4th Avenue, March 26, 1939.

Francis F. Kernan, Pittsburgh, 1741 Chislett Street, March 26, 1939.

Wm. M. Wood, Pittsburgh, 2101 Law & Finance Bldg., March 26, 1939.

FRANKLIN COUNTY

Miss L. Maude Beck, Chambersburg, March 26, 1939.

NORTHUMBERLAND COUNTY

Miss Gertrude A. Cashman, Shamokin, March 26, 1939.

PHILADELPHIA COUNTY

Myer Pasik, Phila., 1401 N. Franklin Street, March 26, 1939.

SOMERSET COUNTY

Mrs. Violet M. Adams, Windber, March 29, 1939.

ALLEGHENY COUNTY

John F. Wiegman, Pittsburgh, 1300 Chamber of Commerce Bldg., March 30, 1939.

PHILADELPHIA COUNTY

Miss Isabel Lower, Phila., 2516 W. Columbia Avenue, March 31, 1939.

Mrs. Florence W. Whartenby, Phila., 2709 W. Lehigh Avenue, March 31, 1939.

ALLEGHENY COUNTY

Miss Esther R. Goodman, Pittsburgh, Prothonotary's Office, City-Co. Bldg., April 1, 1939.

Chas. W. Morris, Pittsburgh, 429 Fourth Avenue, April 1, 1939.

John H. Wallace, Pittsburgh, Jenkins Arcade Bldg., April 1, 1939.

FAYETTE COUNTY

Miss Anna Kate Harris, Connellsville, April 1, 1939.

LANCASTER COUNTY

C. R. Weaver, New Holland, April 1, 1939.

LAWRENCE COUNTY

Roy C. Miller, New Castle, April 1, 1939.

PHILADELPHIA COUNTY

Eugene Gullman, Phila., 1201-7 Commonwealth Bldg., 1201 Chestnut St., April 1, 1939.

William Hetzel, Phila., 3701 N. 6th St., April 1, 1939.

VENANGO COUNTY

Miss Jessie Urey, Oil City, April 1, 1939.

WESTMORELAND COUNTY

H. H. Dinsmore, Greensburg, April 1, 1939.

Alex Eicher, Greensburg, April 1, 1939.

PHILADELPHIA COUNTY

William Koerwer, Jr., Phila., 6615 N. 13th St., April 2, 1939.

ERIE COUNTY

F. L. Camp, Erie, April 3, 1939.

LUZERNE COUNTY

Frank A. O'Neill, Plymouth, April 3, 1939.

DELAWARE COUNTY

Everett G. Rodebaugh, Radnor Twp., Ithan, April 4, 1939.

PHILADELPHIA COUNTY

Miss Annie E. Connell, Phila., 5727 Germantown Ave., April 6, 1939.

Wm. F. Sullivan, Phila., Bankers Securities Bldg., April 13, 1939.

VENANGO COUNTY

Mrs. Ella C. McKee, Clintonville, March 13, 1939.

DELAWARE COUNTY

Mrs. Catherine L. Fossett, Media, April 16, 1939.

LACKAWANNA COUNTY

Thomas H. Davies, Olyphant, April 24, 1939.

MONTGOMERY COUNTY

Oliver T. Watson, Hatboro, April 24, 1939.

PHILADELPHIA COUNTY

Amos H. Williams, Phila., 1013 Allengrove St., May 5, 1939.

ARTHUR H. JAMES.

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, February 27, 1939.
To the Honorable, the Senate of the Commonwealth of
Pennsylvania:

In conformity with law, I have the honor hereby to
nominate for the advice and consent of the Senate the fol-
low persons for appointment as Notaries Public, for terms
of four years to compute from the date of confirmation:

ALLEGHENY COUNTY

Miss Helen Brogan, Pittsburgh, 400 N. Lexington Avenue.
Miss Marian Caughey, Pittsburgh, 1406 Chamber of Com-
merce Building.
Mrs. Freda A. Cromley, Pittsburgh, 602 Frick Bldg.
R. L. Fisher, McKees Rocks.
Wm. P. Goldstein, Pittsburgh, 5117 Baum Blvd.
Miss Helen S. Grant, Pittsburgh, Koppers Bldg.
Elias J. John, Pittsburgh, 3412 Iowa St.
Miss Helen L. Kladusan, Pittsburgh, Bakewell Bldg.
Gilbert Loder, Pittsburgh, Forbes National Bank, 5th and
Oakland Aves.
W. A. Martin, Pittsburgh, 4905 Penn Ave.
Mrs. Emma R. Matta, Braddock.
John M. McGinnis, Pittsburgh, 4th & Liberty Aves.
Miss Nellie Nicol, McKeesport.
Mrs. Mary Nurnberger, Pittsburgh, 439 Baldwin Rd.,
Hays.
Edward I. Olliffe, Pittsburgh, 611 City-County Bldg.
Frederick H. Ruff, Pittsburgh, 2709 Carson St.
H. W. Schmidt, Pittsburgh, 707 E. Ohio St.
Newton M. Shatto, Sewickley.

BEAVER COUNTY

Earl B. Beglin, Midland.

BERKS COUNTY

Arlin E. Haas Sinking Springs.

BLAIR COUNTY

Miss Lorene M. Potter, Altoona.

BUCKS COUNTY

William D. Warner, Bristol.

CAMBRIA COUNTY

Geo. S. Dluzansky, Johnstown.
Mrs. Bertha Henger, Johnstown.

CENTRE COUNTY

Mrs. Louise Tanner O'Donnell, Bellefonte.

DAUPHIN COUNTY

Arthur Frankel, Harrisburg.
Mrs. Amelia A. Mell, Harrisburg.
Edward M. Winters, Harrisburg.

DELAWARE COUNTY

Miss Kathryn Bassett, Swarthmore.
Lester D. Gratz, Upper Darby Twp., W. Garrett Rd. &
Spruce Ave., Upper Darby.
Mrs. Dorothea H. Hobdell, Darby.
Mr. Dorothy J. Martin, Media.
Miss Grace K. Power, Lansdowne.

ELK COUNTY

Eugene P. McCarthy, Johnsonburg.

ERIE COUNTY

Miss Bess Heedbon, Erie.
Roy D. McAllister, Erie.
Edward G. Petrillo, Erie.
Miss Mildred Rauscher, Erie.
W. J. Schumacher, Erie.

FAYETTE COUNTY

Lloyd N. Johnson, Brownsville Twp., Nat'l. Pike East,
Brownsville.

FRANKLIN COUNTY

J. F. Brinley, Fannett Twp., Dry Run.
Mrs. Elizabeth B. Doyle, Waynesboro.

INDIANA COUNTY

Hugh A. Jackson, Saltsburg.

LACKAWANNA COUNTY

Mrs. Catherine S. Burnell, Scranton.
Miss Anne T. Garvey, Scranton.
Mrs. Mary G. Grier, Carbondale.

LANCASTER COUNTY

Miss M. Arline Charles, Lancaster.
Miss M. Edna Hurst, Lancaster.
Hyman Mishkin, Lancaster.

LEBANON COUNTY

Miss Nancy E. Hammond, Lebanon.

LEHIGH COUNTY

Miss Isabel M. Ehret, Allentown.
Miss Jean Sheffler, Allentown.

LUZERNE COUNTY

Mrs. Alice S. David, Pittston.
Willard N. Durbin, Kingston.
Jarrett W. Jennings, Pittston.
Miss Stefana F. Licata, Exeter.
Miss Elizabeth Sandish, Wilkes-Barre.
Mrs. Kathryn M. Sudnick, Wilkes-Barre.

McKEAN COUNTY

Miss Margaret O'Mara, Bradford.

MERCER COUNTY

Miss Mary Jane Peat, Sharon.
Lester P. Williamson, Grove City.

MONTGOMERY COUNTY

Andrew Knight Borda, Jr., Jenkintown.
Eck Carson, Plymouth Twp., R. D. No. 4, Norristown.
Mrs. Carrie C. Kinnane, Bridgeport.
Frederick Muller, Jr., Cheltenham Twp., 503 Central Ave.,
Cheltenham.

NORTHAMPTON COUNTY

Wilbur L. King, Bethlehem.
Miss Veronica McInerney, Easton.
Erwin H. Shawde, Easton.

PERRY COUNTY

Mrs. Helen M. Briner, Tyrone Twp., Loysville.

PHILADELPHIA COUNTY

Wm. J. P. Allen, Phila., 931 Public Ledger Building.
James R. Ballantine, Phila., 34th St. below Spruce Street.
Henry Balsley, Phila., 603 Pennsylvania Building.
Albert Bamash, Phila., Produce Building, 2nd and Dock
Streets.
John D. Battersby, Phila., Breyer Ice Cream Co., 43d Bel.
Woodland Avenue.
Samuel Englander, Phila., 1222 Spruce St.
Frank T. Harrison, Jr., Phila., 617 South 52nd St.
Herman Harvey, Phila., 210 North 63d St.
Adolf H. J. Kellner, Phila., 1120 E. Columbia Avenue.
Jos. Killoy, Phila., 1620 Thompson St.
Mrs. Rose E. Landberg, Phila., 6227 Ogontz Ave.
Harry S. McCall, Phila., Pier 18, South Delaware Avenue.
Mrs. Anna E. McShea, Phila., 1709 Market St., National
Bank Bldg.

Mrs. Helen L. Neveil, Phila., 1428 Land Title Bldg.
Miss Sara M. Nugent, Phila., Delaware and Fairmount
Avenues.

Albert Robinson, Phila., 322 Chestnut St.
Charles H. Smith, Phila., 4215 Haverford Ave.
Paul Uetz, Phila., 824-25 Stephen Girard Bldg., 21 S. 12th
Street.

Miss Leah Wallerstein, Phila., United Petroleum Corp.
Bldg., 2227 Bryn Mawr Avenue.

John K. Wildemore, Jr., Phila., N. W. Cor. Germantown
Ave. & Ontario St.

Michael T. Yannessa, Phila., 2057 W. Indiana Ave.
Jacob H. Yocum, Phila., 2213 S. 68th St.

SCHUYLKILL COUNTY

Miss Helen Harvilla, Minersville.

SOMERSET COUNTY

Harold W. Dunn, Somerset.

WASHINGTON COUNTY

J. C. Bryant, Washington.
L. B. Finley, Donora.

WESTMORELAND COUNTY

John F. Haser, New Kensington.
Mrs. L. L. Heegmann, Greensburg.
Harry George Horne, Hempfield Twp., Grapeville.
P. R. Schmittle, Bell Twp., Apollo, R. D. 2.
Miss Helen Shuma, Greensburg.
Anthony F. Varine, Jeannette.

YORK COUNTY

H. Van Adams, West Manchester Twp., 1890-98 W. Mar-
ket St., York.
Roy Coulson, Dillsburg.

ARTHUR H. JAMES.

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, February 27, 1939.
To the Honorable, the Senate of the Commonwealth of
Pennsylvania:

In conformity with law, I have the honor hereby to
nominate for the advice and consent of the Senate the
following persons for appointment as Notaries Public, for
terms of four years to compute from the date of confirma-
tion:

ALLEGHENY COUNTY

Geo. J. Cochran, Pittsburgh, Forbes & Pride Sts.
R. A. Gerwig, Wilkinsburg.

BUCKS COUNTY

Mrs. Katherine Busche, Morrisville

DAUPHIN COUNTY

Douglas J. Harter, Harrisburg.

ERIE COUNTY

E. E. McNamara, Erie.

FAYETTE COUNTY

George A. Stewart, Jr., Brownsville.

LACKAWANNA COUNTY

Charles H. Horton, Carbondale.
Miss Olive Miller, Scranton.

LYCOMING COUNTY

Miss Edith R. Williams, Williamsport.

PHILADELPHIA COUNTY

Joseph N. Cameron, Phila., 253 S. 12th St.
Archie Edelson, Phila., 502 S. 4th St.
Miss Pauline Fisher, Phila., N. W. Cor. 8th & Dauphin
Sts.
Roy C. Thomas, Phila., 807 Fidelity Phila. Bldg.

SUSQUEHANNA COUNTY

A. J. Masters, Harford Twp., Kingsley.

TIOGA COUNTY

Miss M. Zoe Howard, Blossburg.

ARTHUR H. JAMES.

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, February 27, 1939.
To the Honorable, the Senate of the Commonwealth of
Pennsylvania:

In conformity with law, I have the honor hereby to
nominate for the advice and consent of the Senate the
following persons for appointment as Notaries Public, for
terms of four years to compute from the date of confirma-
tion:

ALLEGHENY COUNTY

John A. Broglie, Snowden Twp., Broughton.
Charles A. Collier, Pittsburgh, 14 Wood St.
Miss A. M. Davis, Pittsburgh, 437 Oliver Bldg.
C. S. Lamb, Pittsburgh, 2200 Grant Bldg.

BLAIR COUNTY

Homer I. Smith, Hollidaysburg.

ERIE COUNTY

Gerald Bagley, Corry.

LACKAWANNA COUNTY

Miss Catherine R. Regan, Scranton.

LAWRENCE COUNTY

Robert L. Powell, Ellwood City.

LUZERNE COUNTY

Miss Caroline R. Sesarz, Hazleton.

MIFFLIN COUNTY

Ray C. Yoder, Burnham.

MONTGOMERY COUNTY

Thomas Bunting, Jr., Cheltenham Twp., 838 Hazel Ave.,
Glenside.
Austin C. Sirms, Cheltenham Twp., Elkins Park.

NORTHAMPTON COUNTY

Miss Alice Fenicle, Easton.
Mrs. Mildred R. Judd, Bethlehem.

PHILADELPHIA COUNTY

Miss Helen B. Edwards, Phila., 2540 S. 17th St.
Chas. M. Fessler, Phila., 409 Crozer Bldg., 1420 Chestnut
St.
E. Russell Gleeson, Phila., Nedro Ave. & Hope St.
Miss Margaret M. Schoettle, Phila., Stephen Girard Bldg.,
21 South 12th St.
T. Bailey Stinson, Phila., 2035 Land Title Bldg.
Fred R. Strenger, Phila., 3445 Sunnyside Ave.

VENANGO COUNTY

Mrs. Helen E. Taylor, Emlenton.

WESTMORELAND COUNTY

C. M. Repine, Derry Twp., R. D. 3, Box 84, Blairsville.

YORK COUNTY

Preston H. Barnhart, Red Lion.

ARTHUR H. JAMES.

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, February 27, 1939.
To the Honorable, the Senate of the Commonwealth of
Pennsylvania:

In conformity with law, I have the honor hereby to
nominate for the advice and consent of the Senate the
following persons for reappointment as Notaries Public,
for terms of four years to compute from the date set
opposite their names:

SCHUYLKILL COUNTY

Nicholas Smith, Mahanoy City, February 28, 1939.

MERCER COUNTY

Quinton J. Burnett, Greenville, March 1, 1939.

SCHUYLKILL COUNTY

Frank L. Brown, Auburn, March 1, 1939.

PHILADELPHIA COUNTY

Mrs. Mattie G. Gyles, Phila., Hunting Park Ave. at 18th
March 2, 1939.

Miss M. Edna Hurst, Phila., 801 Market St., March 2,
1939.

Edward M. Moll, Phila., 507-8 Franklin Bldg., 133 S. 12th
St., March 3, 1939.

Alfred Griffith, Phila., 1517 Locust St., March 4, 1939.

ALLEGHENY COUNTY

F. C. Bauer, Pittsburgh, 921 East St., N. S. March 5, 1939.

CRAWFORD COUNTY

Harold D. Jones, Titusville, March 5, 1939.

DAUPHIN COUNTY

Miss Lucille A. Stroup, Harrisburg, March 5, 1939.

LEHIGH COUNTY

Lehigh W. Schadt, Allentown, March 5, 1939.

PHILADELPHIA COUNTY

Joseph J. Harris, Phila., 1324 Bankers Securities Bldg.,
March 5, 1939.

John J. Maitland, Phila., 316 W. Cheltenham Ave., March 5,
1939.

Miss Martha C. Scott, Phila., 3164 N. 6th St., March 5,
1939.

ALLEGHENY COUNTY

L. H. Keil, Sharpsburg, March 6, 1939.

Stephen E. Lovasik, Tarentum, March 6, 1939.

Joseph T. Peoples, Pittsburgh, 3621 Butler St., March 6,
1939.

A. O. Ross, Pittsburgh, 926 Penn Ave., March 6, 1939.
Henry J. Volz, Pittsburgh, 665 Union Tr. Bldg., March 6,
1939.

BEAVER COUNTY

C. E. Coleman, Rochester, March 6, 1939.

Christian Henderson, Aliquippa, March 6, 1939.

BERKS COUNTY

Edwin W. Moyer, Reading, March 6, 1939.

James H. S. Putt, Robesonia, March 6, 1939.

John W. Rhode, Kutztown, March 6, 1939.

CAMBRIA COUNTY

Miss Ella M. Flanagan, Johnstown, March 6, 1939.

CUMBERLAND COUNTY

Mrs. Hattie N. Frehn, Carlisle, March 6, 1939.

Mrs. Mary E. Harman, Mount Holly Springs, March 6,
1939.

DELAWARE COUNTY

Charles M. Davis, Radnor Twp., Maguire Bldg., N. Wayne
Ave., Wayne, March 6, 1939.

ERIE COUNTY

Claude B. Porter, Corry, March 6, 1939.

Miss Clara B. Roth, Erie, March 6, 1939.

LANCASTER COUNTY

H. E. Heller, East Lampeter Twp., R. D. 5, Lancaster,
March 6, 1939.

MONTGOMERY COUNTY

Raymond Ellis, West Norristown Twp., 14 Orchard Lane,
Norristown, March 6, 1939.

Frederick W. Scheuren, Collegeville, March 6, 1939.

NORTHAMPTON COUNTY

Miss Mildred E. Milchsack, Bethlehem, March 6, 1939.

PHILADELPHIA COUNTY

Miss Mary A. Desmond, Phila., c/o Broad St. Tr. Co.,
Broad & Stiles Sts., March 6, 1939.

Ellwood G. Dungan, Phila., Fox St. & Roberts Ave.,
March 6, 1939.

Miss Edith L. Hall, Phila., 516 Stephen, Girard Bldg., 21
S. 12th St., March 6, 1939.

Richard Hill, Jr., Phila., 1260 South 22d St., March 6,
1939.

Miss Selma L. Houseman, Phila., 4001 Haverford Ave.,
March 6, 1939.

Lenoard Kissileff, Phila., 309 Walnut St., March 6, 1939.

J. Franklin Lippincott, Phila., 6750 Old York Road, March
6, 1939.

Mrs. Martha E. Ramage, Phila., 2126 Land, Title Bldg.,
March 6, 1939.

Albert E. Sharpe, Phila., 424 N. 19th St., March 6, 1939.

James R. Shields, Phila., Finance Bldg., 1428 S. Penn Sq.,
March 6, 1939.

H. W. Voelcker, Phila., 1847 N. 12th St., March 6, 1939.

Calvin B. Wood, Phila., 1600 Walnut St., March 6, 1939.

SCHUYLKILL COUNTY

John Leitzel, Upper Mahantango Twp., Klinkerstown,
March 6, 1939.

UNION COUNTY

Miss Kathryn Eisley, Lewisburg, March 6, 1939.

VENANGO COUNTY

J. Guy McCutcheon, Franklin, March 6, 1939.

WASHINGTON COUNTY

Miss Anna M. Gentile, Washington, March 6, 1939.

ALLEGHENY COUNTY

Glenn E. Beynon, Pittsburgh, 908 Peoples Bank Bldg.,
March 7, 1939.

Milton H. Hazlett, Tarentum, March 7, 1939.

Mrs. Julia Rishel, Tarentum, March 7, 1939.

L. H. Zonge, Pittsburgh, 1062 Progress St., March 7, 1939.

BUTLER COUNTY

John Everett Forsythe, Butler, March 7, 1939.

CHESTER COUNTY

Wm. T. Marvel, West Chester, March 7, 1939.

DAUPHIN COUNTY

Miss E. A. Ebersole, Penbrook, March 7, 1937.

DELAWARE COUNTY

Albert N. Garrett, Jr., Springfield Twp., 37 Wayne Ave., Springfield, March 7, 1939.

FRANKLIN COUNTY

Eldon G. Hoachlander, Greencastle, March 7, 1939.

LACKAWANNA COUNTY

Mrs. Isabel Carey Durkin, Scranton, March 7, 1939.

LEHIGH COUNTY

Michael Felegy, Allentown, March 7, 1939.

McKEAN COUNTY

A. Vern Miller, Mount Jewett, March 7, 1939.

MERCER COUNTY

Miss Mary R. McCann, Sharon, March 7, 1939.

MONTOUR COUNTY

S. M. Jacobs, Danville, March 7, 1939.

PERRY COUNTY

Charles F. D'Olier, Newport, March 7, 1939.

PHILADELPHIA COUNTY

Chas. S. Crawford, Phila., 216 Stephen, Girard Bldg., March 7, 1939.

Paul S. Frantz, Phila., 121 W. Grange Ave., March 7, 1939.

Carl B. Goldacker, Phila., 434 E. Sharpnack St., March 7, 1939.

Michael Nadley, Phila., Rm. 915, Market St. Nat'l Bank Bldg., Juniper & Market Sts., March 7, 1939.

Frank Pollard, Phila., 320 N. 13th St., March 7, 1939.

H. Conwell Snoke, Phila., 1701 Arch St., March 7, 1939.

Harry C. White, Phila., 2025 N. Broad St., March 7, 1939.

WESTMORELAND COUNTY

A. L. Vetter, Monessen, March 7, 1939.

DELAWARE COUNTY

Mrs. Margaret C. Hoopes, Upper Darby Twp., East Lansdowne, March 8, 1939.

FAYETTE COUNTY

W. H. Showman, Connellsville, March 8, 1939.

LUZERNE COUNTY

Miss Reba B. Smith, Wilkes-Barre, March 8, 1939.

ADAMS COUNTY

P. S. Orner, Arendtsville, March 9, 1939.

ALLEGHENY COUNTY

Miss Elizabeth B. Becker, Pittsburgh, 625 Frick Bldg., March 9, 1939.

Miss Della V. Berberich, Pittsburgh, 2415 Grant Bldg., March 9, 1939.

Harry N. Cobbett, Pittsburgh, 1708 Clark Bldg., March 9, 1939.

Miss Sara Corry, Pittsburgh, 575 6th Ave., March 9, 1939.

Henry E. Gardner, Etna, March 9, 1939.

Miss Orva Gilkinson, Pittsburgh, Law & Finance Bldg., March 9, 1939.

Miss Ethel I. Gordon, Pittsburgh, 7535 Thomas St., March 9, 1939.

Miss M. E. Gullen, Pittsburgh, 6901 Lynn Way, March 9, 1939.

Miss Ethyle R. Hackett, Pittsburgh, 818 Brownsville Rd., March 9, 1939.

Miss Elvira M. Lawrence, Pittsburgh, 910 Chamber Commerce Bldg., March 9, 1939.

Jacob P. Luffy, Pittsburgh, 2508 Library Rd., March 9, 1939.

Howard O. Rogers, Pittsburgh, 2125 Grant Bldg., March 9, 1939.

Miss Gertrude E. Ryan, Pittsburgh, 401 Grant Bldg., March 9, 1939.

J. David Steiner, Pittsburgh, 6018 Houston St., March 9, 1939.

Walton W. Tustin, Pittsburgh, 907 American Bank Bldg., 600 Grant St., March 9, 1939.

F. Wayne Young, Pittsburgh, 3306 Brighton Road, N. S., March 9, 1939.

BEAVER COUNTY

Paul M. Henderson, Aliquippa, March 9, 1939.

Joseph B. Homish, Aliquippa, March 9, 1939.

James S. Strouss, Beaver, March 9, 1939.

BERKS COUNTY

Jos. F. Lillis, Reading, March 9, 1939.

Nelson L. Rothermel, Temple, March 9, 1939.

Robert P. Weiherer, Reading, March 9, 1939.

BLAIR COUNTY

Albert G. Lauver, Hollidaysburg, March 9, 1939.

Miss Esther E. Stouffer, Tyrone, March 9, 1939.

BUCKS COUNTY

Richard W. Fetschenberger, Bensalem Twp., Eddington, March 9, 1939.

CAMBRIA COUNTY

Roy Mulhollen, Johnstown, March 9, 1939.

CAMERON COUNTY

E. D. White, Emporium, March 9, 1939.

CARBON COUNTY

Mrs. Mabel R. Young, Weatherly, March 9, 1939.

CHESTER COUNTY

Charles W. Duncan, Coatesville, March 9, 1939.

CLINTON COUNTY

Benjamin Snowiss, Lock Haven, March 9, 1939.

CUMBERLAND COUNTY

Leon K. Wagner, Middlesex Twp., Star Route, Carlisle, March 9, 1939.

DAUPHIN COUNTY

Miss Helen M. Brightbill, Harrisburg, March 9, 1939.

Geo. S. Rempfer, Harrisburg, March 9, 1939.

Frank M. Stevens, Harrisburg, March 9, 1939.

DELAWARE COUNTY

Miss Leone A. Johnson, Media, March 9, 1939.

Miss Mabel E. Martin, Chester, March 9, 1939.

Harry Werner, Glenolden, March 9, 1939.

ERIE COUNTY

C. J. Denmark, Erie, March 9, 1939.

Earl A. Minor, Erie, March 9, 1939.

Miss Florence A. Schutte, Erie, March 9, 1939.

FAYETTE COUNTY

John A. Allen, Smock, March 9, 1939.

Charles K. Brooks, Springfield Twp., Mill Run, March 9, 1939.

Carl F. Mills, Uniontown, March 9, 1939.

Miss Emilie A. Schuler, Connellsville, March 9, 1939.

LACKAWANNA COUNTY

Nicholas Coyer, Dunmore, March 9, 1939.
Miss Margaret Evans, Scranton, March 9, 1939.
Miss Adoline O'Neill, Scranton, March 9, 1939.

LANCASTER COUNTY

Miss Dorothy M. Kirchner, Lancaster, March 9, 1939.

LAWRENCE COUNTY

Rudolf Mayer, Ellwood City, March 9, 1939.
Miss Mary R. Reynolds, New Castle, March 9, 1939.

LEBANON COUNTY

Irwin A. Heisey, Cleona, March 9, 1939.

LEHIGH COUNTY

Z. O. Trumbore, Allentown, March 9, 1939.

LUZERNE COUNTY

Miss Nellie F. McGee, West Hazleton, March 9, 1939.
Lewis Smith, Pittston, March 9, 1939.

LYCOMING COUNTY

Miss Elsie C. Woodward, Muncy, March 9, 1939.

McKEAN COUNTY

Miss Angela M. Lynch, Bradford Twp., Custer City,
March 9, 1939.
Miss Martha L. Skooglund, Kane, March 9, 1939.

MERCER COUNTY

Stanley A. Gillespie, Greenville, March 9, 1939.
Lewis W. Hunter, Sharon, March 9, 1939.
Mrs. Ora B. Snodgrass, West Shenango Twp., James-
town, March 9, 1939.

MONTGOMERY COUNTY

J. B. Clemens, Telford, March 9, 1939.
W. Allen Roney, Jenkintown, March 9, 1939.
Frank Uderkoffler, Norristown, March 9, 1939.

NORTAHMPTON COUNTY

Mrs. Martin Flagler, Williams Twp., Raubsville, March
9, 1939.
John E. Leibfried, Bethlehem, March 9, 1939.
Mrs. Ethel Y. Rockwell, Bangor, March 9, 1939.
H. P. Yeisley, Nazareth, March 9, 1939.

NORTHUMBERLAND COUNTY

Mrs. Emma R. Heitzman, Shamokin, March 9, 1939.

PHILADELPHIA COUNTY

Harry J. Alker, Jr., Phila., Land Title Bldg., March 9,
1939.
Horace R. Baker, Phila., 6834 Oakley St., March 9, 1939.
Miss Eleanor R. Bird, Phila., 1600 Arch St., March 9,
1939.
Miss Ruth E. Blake, Phila., 634 Land Title Bldg., March
9, 1939.
Morris Bobman, Phila., Bankers Securities Bldg., March
9, 1939.
Mrs. Margaret J. Devine, Phila., 1606 Walnut St., March
9, 1939.
Miss Marie R. Franzen, Phila., 4538 Silverwood St., March
9, 1939.
William A. Gelber, Phila., 5401 Arlington St., March 9,
1939.
Robert Greenhalgh, Jr., Phila., 4907 Longshore St., March
9, 1939.
Mrs. A. C. Hackett, Phila., North American Bldg., Broad
& Sansom Sts., March 9, 1939.
John H. Herke, Phila., 3001 N. 17th St., March 9, 1939.
Mrs. Jeanne P. Hoffman, Phila., 260 S. Broad St., March
9, 1939.

Herman Hurowitz, Phila., Bankers Securities Bldg., March
9, 1939.

Miss Anne M. Kennedy, Phila., 5001 Oxford Ave., March
9, 1939.

Miss Eleanor E. LeBon, Phila., 1930 Land Title Bldg.,
March 9, 1939.

William F. Lueckel, Phila., 428 E. Mentor St., March 9,
1939.

W. W. Rhoads, Phila., 423 Reading Terminal, 12th & Mar-
ket Sts., March 9, 1939.

Miss Helen M. Rittersbach, Phila., 423 Walnut St., March
9, 1939.

Oscar Rosenbaum, Phila., 1422 Rockland St., March 9,
1939.

Miss Minnie Rubin, Phila., 3000 Market St., March 9,
1939.

Miss Catharine M. Scheiber, Phila., 902 Finance Bldg.,
March 9, 1939.

Miss Rose Smith, Phila., 830 S. 5th St., March 9, 1939.
Edgar L. Steel, Phila., 404 Church Lane, March 9, 1939.

SCHUYLKILL COUNTY

Miss Catharine E. Bridge, Pottsville, March 9, 1939.

SNYDER COUNTY

H. G. Winey, Middleburg, March 9, 1939.

SULLIVAN COUNTY

Mrs. Delena U. Meehan, Dushore, March 9, 1939.

SUSQUEHANNA COUNTY

Charles H. Ainey, New Milford, March 9, 1939.

TIOGA COUNTY

Miss Reba C. Davis, Westfield, March 9, 1939.

WARREN COUNTY

Miss Kathryn Butterfield, Warren, March 9, 1939.
Miss Esther L. Stohl, Pleasant Twp., 38 Mohawk Ave.,
Warren, March 9, 1939.

WESTMORELAND COUNTY

Edward J. Ferris, Jeannette, March 9, 1939.
S. H. McCracken, New Kensington, March 9, 1939.
John C. Tagge, Jeannette, March 9, 1939.

YORK COUNTY

Harry L. Miller, Hanover, March 9, 1939.
William A. Salsgiver, York, March 9, 1939.
H. E. Starner, New Freedom, March 9, 1939.

LUZERNE COUNTY

Miss Angeline Ferugiari, Wilkes-Barre, March 10, 1939.

MIFFLIN COUNTY

Miss Grace I. Benner, Lewistown, March 10, 1939.

CAMBRIA COUNTY

Mrs. Margaret Kinney, Johnstown, March 12, 1939.
H. O. Winslow, Patton, March 12, 1939.

CHESTER COUNTY

Mrs. Ida S. Dotts, West Chester, March 12, 1939.

LACKAWANNA COUNTY

Miss Loretta A. Burke, Scranton, March 12, 1939.

LEBANON COUNTY

W. Ray Clawser, South Londonderry Twp., Main St., Camp-
belltown, March 12, 1939.

MERCER COUNTY

John F. Gilbert, Sharon, March 12, 1939.

MONTGOMERY COUNTY

Warren M. Cornell, Hatboro, March 12, 1939.

PHILADELPHIA COUNTY

Wm. H. Grubb, Phila., 1013 S. Frazer St., March 12, 1939.
Miss Gedney Gruninger, Phila., 1416 Chestnut St., March 12, 1939.

Hyman Jaffe, Phila., 1955 N. 19th St., March 12, 1939.
Frank Lamalfa, Phila., 1130 McKean St., March 12, 1939.
Emanuel Nageli, Jr., Phila., 5316 Chestnut St., March 12, 1939.

Anthony Paranzino, Phila., 107 W. Sedgwick St., March 12, 1939.

Charles S. Paxson, Jr., Phila., Hahnemann Hospital, 230 N. Broad St., March 12, 1939.

Miss Rissie Wernick, Phila., 500 Perry Bldg., 1530 Chestnut St., March 12, 1939.

SCHUYLKILL COUNTY

R. Frank Heiser, Mahanoy City, March 12, 1939.

WESTMORELAND COUNTY

Miss Lillian Kepner, Scottdale, March 13, 1939.

LEHIGH COUNTY

Robert L. Schiffert, Allentown, March 15, 1939.

ALLEGHENY COUNTY

Robert E. Chew, Pittsburgh, 2408 1st Nat'l Bank Bldg., March 16, 1939.

LANCASTER COUNTY

Alexander T. Stein, Lancaster, March 16, 1939.

LEHIGH COUNTY

Miss Lillian D. Crouse, Allentown, March 16, 1939.

PHILADELPHIA COUNTY

Thomas J. McClinchey, Jr., Phila., 1835 Arch St., March 16, 1939.

SCHUYLKILL COUNTY

Charles S. Henry, Tower City, March 16, 1939.

ALLEGHENY COUNTY

Waldo P. Breeden, Pittsburgh, 603 Law & Finance Bldg., March 19, 1939.

Glenn C. Jones, Pittsburgh, 1204 Park Bldg., March 19, 1939.

Charles D. Siegle, Pittsburgh, 5539 Walnut St., c/o Shady-side Real Estate Co., March 19, 1939.

CRAWFORD COUNTY

Mrs. Josephine Worden, Oil Creek Twp., Star Route, Titusville, March 19, 1939.

TIOGA COUNTY

Howard H. Campbell, Wellsboro, March 19, 1939.

WYOMING COUNTY

Miss Wilhelmina Schlatter, Tunkhannock, March 19, 1939.

MERCER COUNTY

Michael Nevant, Farrell, March 20, 1939.

LACKAWANNA COUNTY

Miss Hazel E. Ash, Clarks Summit, March 21, 1939.

LEHIGH COUNTY

Miss Anna M. Guth, Allentown, March 21, 1939.

ALLEGHENY COUNTY

Miss L. Adelaide Simpson, Pittsburgh, 7417 Thomas Blvd., March 23, 1939.

LEHIGH COUNTY

William T. Ruth, Allentown, March 23, 1939.

PHILADELPHIA COUNTY

Joseph DiCicco, Phila., 1226 S. 21st St., March 23, 1939.
Joseph M. Bellano, Jr., Phila., 6412 Vine St., March 26, 1939.

A. Seymour Brown, Phila., 1301 Tasker St., March 26, 1939.

Miss G. L. Darrach, Phila., 112 S. 16th St., March 26, 1939.

Harold S. Pelham, Phila., 2628-40 N. Mascher St., March 26, 1939.

LAWRENCE COUNTY

Miss Alice Sedgwick, New Castle, March 29, 1939.

PHILADELPHIA COUNTY

Edw. Linsky, Phila., 116 S. 3d St., March 29, 1939.

ELK COUNTY

Bernard E. Willard, St. Marys, March 31, 1939.

PHILADELPHIA COUNTY

Alfred A. Becker, Phila., 2827 W. Cumberland St., March 31, 1939.

ALLEGHENY COUNTY

Chas. L. Cunningham, Pittsburgh, Farmers Bank Bldg., April 1, 1939.

Miss S. R. Harnack, Pittsburgh, 5930 Broad St., April 1, 1939.

William T. Mueller, Pittsburgh, 613 W. Diamond St., N. S., April 1, 1939.

J. Robb Snyder, Pittsburgh, 6424 Landview St., April 1, 1939.

COLUMBIA COUNTY

Arthur E. Arndt, Berwick, April 1, 1939.

ERIE COUNTY

Ralph R. Riehl, Erie, April 1, 1939.

Miss Mary A. Scouller, North East, April 1, 1939.

LYCOMING COUNTY

Romaine M. Moorehead, Williamsport, April 1, 1939.

MERCER COUNTY

Miss Agnes Callahan, Greenville, April 1, 1939.

MIFFLIN COUNTY

John L. Pandel, Burnham, April 1, 1939.

PHILADELPHIA COUNTY

C. Harris Colehower, Phila., 5942 Chestnut St., April 1, 1939.

Thos. W. Cox, Phila., 1000 Widener Bldg., April 1, 1939.

George A. Gaul, Phila., 7028 Woodland Ave., April 1, 1939.

J. Warren Heebner, Phila., 34th and Indiana Ave., April 1, 1939.

Miss Elsie Klinge, Phila., Crozer Bldg., 1420 Chestnut St., April 1, 1939.

Thomas A. Mann, Phila., 3141 "G" St., April 1, 1939.

John F. Megonigal, Phila., 318 Bourse Bldg., April 1, 1939.

Miss Helene Nathanson, Phila., 1700 Bankers Securities Bldg., April 1, 1939.

Harry A. Schoenberg, Phila., 4501 Richmond St., April 1, 1939.

VENANGO COUNTY

Mrs. Hattie B. Hepner, Franklin, April 1, 1939.

WARREN COUNTY

Mrs. Genevieve G. Moll, Warren, April 1, 1939.

WESTMORELAND COUNTY

C. M. McClune, Ligonier, April 1, 1939.

YORK COUNTY

Mrs. Charlotte L. Rupp, York, April 1, 1939.

LAWRENCE COUNTY

Rufus C. McKinley, New Castle, April 8, 1939.

PHILADELPHIA COUNTY

Miss F. Evelyn Curtis, Phila., Room 1911, 1500 Walnut St., April 8, 1939.

FAYETTE COUNTY

Bernard Brunetti, Uniontown, April 9, 1939.

MONTGOMERY COUNTY

Paul C. Fronheiser, Pottstown, April 9, 1939.

NORTHAMPTON COUNTY

Mrs. Emily Leona Waldron, Milton, April 9, 1939.

SCHUYLKILL COUNTY

J. Frank Farne, Minersville, April 10, 1939.

PHILADELPHIA COUNTY

Miss Nellie Groves, Phila., Germantown Tr. Co., Germantown and Cheltenham Aves., Germantown, April 14, 1939.

YORK COUNTY

Miss Catharine B. Frey, York, April 14, 1939.

PHILADELPHIA COUNTY

Owen P. Marchand, Phila., 6305 Rising Sun Ave., April 16, 1939.

Columbus W. Gabell, Jr., Phila., 1700 Sansom St. Bldg., April 19, 1939.

Miss Eva Roberts, Phila., Lincoln Liberty Bldg., April 24, 1939.

ARTHUR H. JAMES.

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, February 27, 1939.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for reappointment as Notaries Public, for terms of four years to compute from the date set opposite their names:

ELK COUNTY

G. F. Greiner, Ridgway, February 28, 1939.

LAWRENCE COUNTY

J. Glenn Berry, New Castle, March 2, 1939.

ALLEGHENY COUNTY

Henry T. Hamilton, Pittsburgh, 1014 Frick Building, March 3, 1939.

CAMBRIA COUNTY

M. B. Silverstone, Johnstown, March 3, 1939.

ALLEGHENY COUNTY

James F. Richards, Wilmerding, March 5, 1939.

BUCKS COUNTY

Raymond C. Hampton, Yardley, March 5, 1939.

CUMBERLAND COUNTY

Paul L. Bender, East Pennsboro Township, Enola, March 5, 1939.

LANCASTER COUNTY

E. B. Silvius, Lancaster, March 5, 1939.

PHILADELPHIA COUNTY

George H. Diehm, Phila., Land Title Bank & Trust Co., 100 South Broad St., March 5, 1939.

ALLEGHENY COUNTY

David Friedman, Pittsburgh, 803 Jones Bldg., March 6, 1939.

H. Joseph Mansmann, Mt. Lebanon Twp., Mt. Lebanon, March 6, 1939.

John McKelvie, Pittsburgh, 1006 Berger Bldg., March 6, 1939.

Miss Nell Mickenry, Pittsburgh, University of Pittsburgh, March 6, 1939.

Miss Anna C. Schaefer, Pittsburgh, Room 603, 311 Ross St., March 6, 1939.

E. M. Sharah, Braddock, March 6, 1939.

Otto A. Zange, McKees Rocks, March 6, 1939.

CAMBRIA COUNTY

Fred Doerr, Johnstown, March 6, 1939.

CUMBERLAND COUNTY

John Robertson, Mechanicsburg, March 6, 1939.

FAYETTE COUNTY

Isaac E. Moyer, Brownsville, March 6, 1939.

LANCASTER COUNTY

Guy C. Eaby, Lancaster, March 6, 1939.

John F. Heinitsch, Lancaster, March 6, 1939.

MONTGOMERY COUNTY

Miss Mary L. Dreshman, Norristown, March 6, 1939.

H. N. Lafferty, Pottstown, March 6, 1939.

NORTHAMPTON COUNTY

Wm. C. Bader, Bethlehem, March 6, 1939.

G. E. Smell, Bethlehem, March 6, 1939.

PHILADELPHIA COUNTY

Miss Bella Fox, Phila., Commercial Trust Bldg., 15th & Market Streets, March 6, 1939.

Miss Mary H. Hoeger, Phila., 3525 N. Broad Street, March 6, 1939.

Miss Anna H. Quinn, Phila., Victory Bldg., 1011 Chestnut St., March 6, 1939.

H. B. Randall, Phila., 262 S. 52d St., March 6, 1939.

George F. Rebe, Phila., 5712 North 16th Street, March 6, 1939.

Mrs. Lena S. Scheindlinger, Phila., 135 S. 2d St., March 6, 1939.

H. S. J. Sickel, Phila., Commercial Trust Bldg., 15th & Market Streets, March 6, 1939.

Miss M. Wiggins, Phila., 1407 Franklin Trust Bldg., March 6, 1939.

SCHUYLKILL COUNTY

Leon M. Brobst, Mahanoy City, March 6, 1939.

Edward L. Muench, Pottsville, March 6, 1939.

C. P. Reing, Mahanoy City, March 6, 1939.

WESTMORELAND COUNTY

J. A. Walton, Greensburg, March 6, 1939.

ALLEGHENY COUNTY

Miss Gertrude M. Edwards, Pittsburgh, Oliver Bldg., March 7, 1939.

William Pow, Pittsburgh, 4322 Butler Street, March 7, 1939.

BEAVER COUNTY

O. H. Loche, Monaca, March 7, 1939.

Wm. J. Miller, Monaca, March 7, 1939.

BLAIR COUNTY

Mrs. Margarethe Hemminger, Altoona, March 7, 1939.

CHESTER COUNTY

Miss Rosalind R. Long, Coatesville, March 7, 1939.

CUMBERLAND COUNTY

F. B. Sellers, Jr., Carlisle, March 7, 1939.

LANCASTER COUNTY

Mrs. Ruth G. Buckwalter, Paradise Township, Paradise, March 7, 1939.

McKEAN COUNTY

Arthur W. Lupfer, Kane, March 7, 1939.

PHILADELPHIA COUNTY

Miss Anna S. Coxson, Phila., Frankford Hospital, Frankford Ave. & Wakeling Street, March 7, 1939.

SCHUYLKILL COUNTY

John W. Barto, Pine Grove, March 7, 1939.

VENANGO COUNTY

Mrs. Winifred Reid Walker, Oil City, March 7, 1939.

WESTMORELAND COUNTY

Reuben Levinson, Jeannette, March 7, 1939.

YORK COUNTY

Mrs. Cordula H. Hamme, Paradise Township, Thomasville, March 7, 1939.

ALLEGHENY COUNTY

John J. Thomas, McKees Rocks, March 8, 1939.

Max Balsam, Pittsburgh, 4830 Second Avenue, March 9, 1939.

Miss Mildred P. Butler, Pittsburgh, 66 St. Nicholas Bldg., 450 Fourth Ave., March 9, 1939.

S. H. Gordon, Munhall, March 9, 1939.

Jesse V. Hartlauer, Pittsburgh, 1909 Oliver Building, March 9, 1939.

C. B. Karns, Pittsburgh, 34th and Smallman Sts., March 9, 1939.

George J. Knorr, Pittsburgh, 111 Pius St., March 9, 1939.

J. C. Moore, Collier Twp., 1 Administration Office, Allegheny County Home, Woodville, March 9, 1939.

Edward M. Nolan, Pittsburgh, 339 Blvd of Allies. Ma-loney Bldg., March 9, 1939.

Emil J. Quatchak, Pittsburgh, 737 E. Ohio St., March 9, 1939.

R. F. Sample, Pittsburgh, 1428 Park Bldg., March 9, 1939.

Miss E. E. Shaw, Pittsburgh, First National Bank Bldg., March 9, 1939.

Miss Ruth W. Steinbrink, Pittsburgh, Grant Bldg., March 9, 1939.

Millard F. L. Stewart, Pittsburgh, 903 Liberty Ave., March 9, 1939.

Samuel Werlinich, Stowe Twp., 701 Woodward Ave., McKees Rocks, March 9, 1939.

W. L. Zimmer, Pittsburgh, 945 Liberty Ave., March 9, 1939.

ARMSTRONG COUNTY

Ira J. Wray, Apollo, March 9, 1939.

BEAVER COUNTY

Charles K. Anderson, New Brighton, March 9, 1939.

BERKS COUNTY

Jacob W. Albright, Hamburg, March 9, 1939.

BUCKS COUNTY

Jesse C. Everitt, Hulmesville, March 9, 1939.

Mrs. Elsie Klenk, Upper Southampton Twp., Southamp-ton, March 9, 1939.

CAMBRIA COUNTY

Miss V. Glenn Rhoads, Johnstown, March 9, 1939.

Seymour S. Silverstone, Johnstown, March 9, 1939.

CARBON COUNTY

William M. Kleckner, East Mauch Chunk, March 9, 1939.

CENTRE COUNTY

James C. Furst, Bellefonte, March 9, 1939.

CLEARFIELD COUNTY

W. J. Guzzy, DuBois, March 9, 1939.

CRAWFORD COUNTY

Frank M. Walling, Meadville, March 9, 1939.

CUMBERLAND COUNTY

Andrew T. Oiler, Carlisle, March 9, 1939.

DAUPHIN COUNTY

LeRoy R. Gramm, Harrisburg, March 9, 1939.

J. Russell Sheffer, Harrisburg, March 9, 1939.

DELAWARE COUNTY

J. Clarence Dowdy, Prospect Park, March 9, 1939.

W. LeRoy Hart, Collingdale, March 9, 1939.

Miss Mary E. McCloskey, Tinicum Twp., Lester Branch P. O., Phila., March 9, 1939.

Miss Kathryn A. Stewart, Ridley Park, March 9, 1939.

John Toram, Jr., Chester, March 9, 1939.

ERIE COUNTY

H. W. Jewell, Corry, March 9, 1939.

Mrs. Freda F. Powell, Corry, March 9, 1939.

FAYETTE COUNTY

J. H. Dunn, Uniontown, March 9, 1939.

C. V. Lee, Uniontown, March 9, 1939.

Max Schilling, Connellsville, March 9, 1939.

P. R. Seeman, Uniontown, March 9, 1939.

FRANKLIN COUNTY

John L. Etchberger, Chambersburg, March 9, 1939.

HUNTINGDON COUNTY

L. L. Emmert, Huntingdon, March 9, 1939.

INDIANA COUNTY

James G. Kring, Indiana, March 9, 1939.

JEFFERSON COUNTY

Mahlon J. Stahl, Sykesville, March 9, 1939.

LACKAWANNA COUNTY

Miss Edna R. Jopling, Scranton, March 9, 1939.

Alphonse C. F. Kenowski, Scranton, March 9, 1939.

LANCASTER COUNTY

G. K. Biemesderfer, Lancaster, March 9, 1939.

LAWRENCE COUNTY

Bruce S. Miller, New Castle, March 9, 1939.

LEHIGH COUNTY

Miss Veronica M. Coyle, Allentown, March 9, 1939.

McKEAN COUNTY

O. D. Downs, Port Allegheny, March 9, 1939.

H. D. Sears, Bradford, March 9, 1939.

MERCER COUNTY

Mrs. Mary M. Palko, Farrell, March 9, 1939.

MONTGOMERY COUNTY

Mrs. Mary Yerkes Dwelly, Hatboro, March 9, 1939.

NORTHUMBERLAND COUNTY

William E. Miller, Sunbury, March 9, 1939.

PHILADELPHIA COUNTY

Harvey C. Douie, Phila., 100 S. Broad St., March 9, 1939.
Miss Mildred Higgins, Phila., 1000 Provident Tr. Bldg.,
17th & Chestnut Sts., March 9, 1939.

Wallace G. Hinkle, Phila., 5501 Angora Terrace, March
9, 1939.

Miss R. M. Kelley, Phila., 4415 Chestnut St., March 9,
1939.

Miss Emma L. Lore, Phila., 1900 Race St., March 9, 1939.
Stanley J. McCracken, Phila., 3821 Lancaster Ave., March
9, 1939.

Miss Rose A. Mellon, Phila., Provident Trust Bldg., 1632
Chestnut St., March 9, 1939.

Miss Mary A. Mullin, Phila., 123 S. Broad St., March 9,
1939.

Gustave E. Nelson, Phila., Belber Bldg., 22d and Arch
Sts., March 9, 1939.

Chas. H. Noble, Jr., Phila., 1700 Walnut St., March 9,
1939.

James A. Ratigan, Phila., 3710 Frankford Ave., March 9,
1939.

Miss E. Jane Sheck, Phila., 1320 Packard Bldg., March
9, 1939.

William F. Sherwood, Phila., 4725 N. 4th St., March 9,
1939.

Robert Wiser, Phila., 1315 Walnut St., March 9, 1939.

SCHUYLKILL COUNTY

Franklin L. Brobst, Mahanoy City, March 9, 1939.

James J. Furey, Coaldale, March 9, 1939.

VENANGO COUNTY

W. J. Scott, Sugarcreek Twp., Allegheny Ave., Reno,
March 9, 1939.

WASHINGTON COUNTY

Miss Rose M. Bastio, Canonsburg, March 9, 1939.

Mrs. Florence S. Piatt, West Bethlehem Twp., Marianna,
March 9, 1939.

YORK COUNTY

Mrs. Gladys E. Falvey, York, March 9, 1939.

BEAVER COUNTY

Mrs. Leona H. Green, Midland, March 12, 1939.

CAMBRIA COUNTY

William J. Blimmel, Johnstown, March 12, 1939.

ERIE COUNTY

R. C. Bloomstine, Erie, March 12, 1939.

LACKAWANNA COUNTY

Miss Anna M. Gibbons, Scranton, March 12, 1939.

LANCASTER COUNTY

Miss Alice W. Kreiner, Lancaster, March 12, 1939.

LAWRENCE COUNTY

Tarquin Marziano, Ellwood City, March 12, 1939.

PHILADELPHIA COUNTY

Frank J. DeWaele, Phila., 6852 Elmwood Ave., March 12,
1939.

Miss Amelia H. Syren, Phila., 1421 Chestnut St., March
14, 1939.

MONROE COUNTY

Steward F. Shiffer, Stroudsburg, March 19, 1939.

FAYETTE COUNTY

Chauncey D. Harader, Uniontown, March 23, 1939.

PHILADELPHIA COUNTY

Miss Alice M. Brown, Phila., 6954 Jackson St., March 26,
1939.

WESTMORELAND COUNTY

Miss Virginia P. Everly, Jeannette, March 26, 1939.

SCHUYLKILL COUNTY

Allen S. Paul, Pottsville, March 31, 1939.

ALLEGHENY COUNTY

Theo. R. Foster, Pittsburgh, 1117 Reedsdale St., April 1,
1939.

PHILADELPHIA COUNTY

Miss Helen M. Baker, Phila., 1515 Locust St., April 1,
1939.

Miss Elizabeth M. Marr, Phila., 722 Penfield Bldg., 1328
Chestnut St., April 1, 1939.

ALLEGHENY COUNTY

Miss Agnes B. Cochrane, Pittsburgh, 1307 Oliver Bldg.,
April 3, 1939.

PHILADELPHIA COUNTY

Victor C. Trappler, Phila., 1518 Walnut St., April 13,
1939.

George W. Hamm, Phila., 400 Chestnut Street, April 16,
1939.

Hugh F. Quinn, Phila., 1916 West Columbia Ave., April
25, 1939.

DAUPHIN COUNTY

Miss Mary E. Fenical, Harrisburg, April 30, 1939.

PHILADELPHIA COUNTY

Miss Mariari Ward, Phila., 2801 Hunting Park Ave.,
April 30, 1939.

ERIE COUNTY

William R. Harris, Albion, May 27, 1939.

ARTHUR H. JAMES.

Commonwealth of Pennsylvania,

Governor's Office, Harrisburg, February 27, 1939.

To the Honorable, the Senate of the Commonwealth of
Pennsylvania:

In conformity with law, I have the honor hereby to
nominate for the advice and consent of the Senate the
following persons for reappointment as Notaries Public,
for terms of four years to compute from the date set
opposite their names:

ALLEGHENY COUNTY

F. M. Benz, Pittsburgh, 506 Galveston Ave., February 28, 1939.

PHILADELPHIA COUNTY

Miss Helen H. Fullerton, Phila., 8 S. 40th St., March 1, 1939.

DAUPHIN COUNTY

John W. Metzger, Middletown, March 2, 1939.

JEFFERSON COUNTY

Miss Elaine M. Kearney, Brockway, March 3, 1939.

ALLEGHENY COUNTY

Giuseppe Cuda, Pittsburgh, 310 Rochelle St., March 5, 1939.

ERIE COUNTY

Blaine Kincaid, Corry, March 5, 1939.

LEHIGH COUNTY

Mrs. Lottie R. Mohr, Upper Macungie Twp., Fogelville, March 5, 1939.

LYCOMING COUNTY

Miss Miriam M. Carter, Williamsport, March 5, 1939.

PHILADELPHIA COUNTY

Morris Rosenbaum, Phila., 5827 Alter St., March 5, 1939.

ALLEGHENY COUNTY

Victor E. Voss, Pittsburgh, 1110 Park Bldg., 5th and Smithfield Sts., March 6, 1939.

BERKS COUNTY

William M. Stottlemeyer, Reading, March 6, 1939.
C. W. Willman, (Esterly P. O.), St. Lawrence, March 6, 1939.

CHESTER COUNTY

Miss Sara G. Nesbitt, West Chester, March 6, 1939.

DAUPHIN COUNTY

Charles M. Hartrick, Derry Twp., Hershey, March 6, 1939.

LEHIGH COUNTY

Geza Bolez, Allentown, March 6, 1939.

LUZERNE COUNTY

Miss M. T. Thompson, Wilkes-Barre, March 6, 1939.

PHILADELPHIA COUNTY

Stuart S. Buzby, Phila., 5519 N. 5th St., March 6, 1939.
Benjamin J. Krakow, Phila., 1835 S. 5th St., March 6, 1939.

Harvey W. Reed, Phila., 1151 S. 60th St., March 6, 1939.
Julius J. Saltzburg, Phila., 308 Market St., March 6, 1939.

WESTMORELAND COUNTY

C. L. Cottom, New Kensington, March 6, 1939.

YORK COUNTY

Franklin M. Beecher, York, March 6, 1939.
Vernice A. Stinger, York, March 6, 1939.

ALLEGHENY COUNTY

John E. Blanchard, Pittsburgh, 121-53rd St., March 7, 1939.

Howard S. Wilcox, Bridgeville, March 7, 1939.

CAMBRIA COUNTY

George L. Reade, Ebensburg, March 7, 1939.

CENTRE COUNTY

John R. Doty, State College, March 7, 1939.
Preston A. Frost, State College, March 7, 1939.

CLEARFIELD COUNTY

Thomas R. McCracken, Mahaffey, March 7, 1939.

McKEAN COUNTY

Mrs. Dorothy C. Bunce, Kane, March 7, 1939.

PHILADELPHIA COUNTY

J. Raymond Kenney, Phila., 2444 Ridge Ave., March 7, 1939.

J. Ralph Satterthwaite, Phila., 1320 Girard Trust Co. Bldg., March 7, 1939.

Paul A. Sherwin, Phila., 3431 Bleigh Street, March 7, 1939.

WASHINGTON COUNTY

Miss Gladys C. Marshall, Washington, March 7, 1939.

YORK COUNTY

Miss Grace M. Drayer, York, March 7, 1939.

BEAVER COUNTY

Paul J. Huth, Rochester, March 8, 1939.

PHILADELPHIA COUNTY

Joseph A. Lynch, Phila., 2726 S. Iseminger St., March 8, 1939.

Frank L. Schmid, Phila., 325 Land Title Bldg., March 8, 1939.

ALLEGHENY COUNTY

Miss Mary E. McCarthy, Pittsburgh, Frick Bldg., March 9, 1939.

Geo. W. Miller, Wilkinsburg, March 9, 1939.

BERKS COUNTY

Mrs. Ruth W. Adams, Reading, March 9, 1939.

J. Paul Burkhart, Bernville, March 9, 1939.

Miss Edna M. Rauch, Reading, March 9, 1939.

Charles A. Yerger, West Reading, March 9, 1939.

CHESTER COUNTY

Samuel M. Greenwood, Coatesville, March 9, 1939.

CLARION COUNTY

Mrs. Leona Alexander, Rimersburg, March 9, 1939.

Irven F. Dempsey, New Bethlehem, March 9, 1939.

CUMBERLAND COUNTY

George A. Plough, Newville, March 9, 1939.

DAUPHIN COUNTY

Miss Marion R. Berry, Harrisburg, March 9, 1939.

Harry D. Dando, Wiconisco Twp., P. O. Box 75, Wiconisco, March 9, 1939.

Paul S. Gingrich, Harrisburg, March 9, 1939.

Herbert H. Kamm, Harrisburg, March 9, 1939.

Mrs. L. S. King, Harrisburg, March 9, 1939.

F. E. Weaver, Harrisburg, March 9, 1939.

DELAWARE COUNTY

Miss Anna Frank, Chester, March 9, 1939.

Leander R. Johnson, Norwood, March 9, 1939.

FRANKLIN COUNTY

Mrs. Rose U. Plough, Chambersburg, March 9, 1939.

GREENE COUNTY

Ralph L. Amos, Waynesburg, March 9, 1939.

INDIANA COUNTY

Raymond G. Graff, Blairsville, March 9, 1939.
 Samuel W. Miller, Blairsville, March 9, 1939.

JEFFERSON COUNTY

Frank A. Boyd, Brookville, March 9, 1939.

LANCASTER COUNTY

Roy R. Frey, Elizabethtown, March 9, 1939.
 Miss Dorothy P. Martin, Lancaster, March 9, 1939.

LAWRENCE COUNTY

Martin Leonhardt, New Castle, March 9, 1939.

LEHIGH COUNTY

Paul J. Knerr, Coopersburg, March 9, 1939.
 Mrs. Katharine M. Moyer, Allentown, March 9, 1939.
 Samuel Weil, Allentown, March 9, 1939.

LUZERNE COUNTY

Miss Sadie C. McNelis, Hazleton, March 9, 1939.

McKEAN COUNTY

Kevin B. Ogilvie, Keating Twp., R. D. 3, Smethport,
 March 9, 1939.
 C. H. Snyder, Bradford, March 9, 1939.
 Raymond Woodrum, Bradford, March 9, 1939.

NORTHAMPTON COUNTY

Jordan F. Stover, Wilson, March 9, 1939.

PHILADELPHIA COUNTY

Miss Rose Bodek, Phila., 2701 N. Broad St., Traylor
 Bldg., March 9, 1939.
 James Carmint, Jr., Phila., 5000 Wakefield St., March 9,
 1939.
 Abr. I. Cassover, Phila., 915 Porter Street, March 9,
 1939.
 Miss Ethel J. Deery, Phila., 704 Fidelity-Phila. Tr. Bldg.,
 March 9, 1939.
 Mrs. Blanche C. Hall, Phila., Packard Bldg., March 9,
 1939.
 Miss Catharine M. Higgins, Phila., 503 Bailey Bldg., 1218
 Chestnut St., March 9, 1939.
 David T. Robinson, Phila., 4733 Chestnut St., March 9,
 1939.
 John J. Stell, Phila., S. W. Cor. 3d and Brown Sts.,
 March 9, 1939.
 Charles P. Stocke, Phila., 240 W. Somerset St., March 9,
 1939.
 Robert Taggart, Phila., N. W. Cor. 4th and Pine Sts.,
 March 9, 1939.
 Edw. H. White, Jr., Phila., 666 City Hall, March 9, 1939.

SUSQUEHANNA COUNTY

Morton W. Stephens, Hop Bottom, March 9, 1939.

VENANGO COUNTY

Harold T. Parker, Oil City, March 9, 1939.

WASHINGTON COUNTY

Mrs. Minnie B. McGrew, Washington, March 9, 1939.

CUMBERLAND COUNTY

Mrs. Caroline S. Capiello, Carlisle, March 10, 1939.

ALLEGHENY COUNTY

Clifford N. Bauer, Pittsburgh, 860 Spring Garden Ave.,
 March 12, 1939.
 Charles L. Brinkman, Jr., Mt. Lebanon Twp., 427 Wash-
 ington Rd., Mt. Lebanon, Pittsburgh, March 12, 1939.
 Leo R. Horstman, Sharpsburg, March 12, 1939.

CLINTON COUNTY

Miss Pauline F. Mack, Lock Haven, March 12, 1939.

DELAWARE COUNTY

Peter E. Told, Swarthmore, March 12, 1939.

ERIE COUNTY

L. F. Smith, Erie, March 12, 1939.

LUZERNE COUNTY

Miss Theresa Casey, Pittston, March 12, 1939.

NORTHUMBERLAND COUNTY

M. Herbert Bower, Sunbury, March 12, 1939.

PHILADELPHIA COUNTY

Mrs. Addie W. Dickerson, Phila., 628 S. 16th St., March
 12, 1939.
 Charles R. Mason, Phila., 5612 McMahon Ave., German-
 town, March 12, 1939.

LUZERNE COUNTY

Mrs. Anita Shea Siani, Wilkes-Barre, March 14, 1939.

LACKAWANNA COUNTY

Geo. M. Rhodes, Scranton, March 16, 1939.

WASHINGTON COUNTY

Miss Susan Cook, Monongahela, March 16, 1939.
 Miss Alice B. Craven, West Brownsville, March 16, 1939.

ALLEGHENY COUNTY

Chas. G. Krapf, McKeesport, March 17, 1939.

PHILADELPHIA COUNTY

Conrad Goldner, Phila., 3701 N. Broad St., Beury Bldg.,
 March 17, 1939.

ALLEGHENY COUNTY

Geo. P. Jordan, Pittsburgh, 2026 Osgood St., March 19,
 1939.

LYCOMING COUNTY

Jas. G. Goodman, Jersey Shore, March 19, 1939.

PHILADELPHIA COUNTY

Albert S. Houldsworth, Jr., Phila., 1619 N. 55th St.,
 March 19, 1939.

YORK COUNTY

James R. Cousler, York, March 19, 1939.

LAWRENCE COUNTY

Miss Ruth E. Jamison, New Castle, March 20, 1939.

LEHIGH COUNTY

Earl A. Jones, Allentown, March 20, 1939.

CRAWFORD COUNTY

Miss Margaret M. Addle, Meadville, March 22, 1939.

McKEAN COUNTY

Mrs. Ethel K. Moore, Bradford, March 23, 1939.

CLARION COUNTY

Leland T. Sheffer, Knox, March 24, 1939.

TIOGA COUNTY

William J. Ordway, Elkland, March 24, 1939.

PHILADELPHIA COUNTY

Miss Rose G. Fox, Phila., 714 Penfield Bldg., 1328 Chestnut St., March 26, 1939.

MONTGOMERY COUNTY

Daniel E. Biddle, Ambler, March 30, 1939.

ALLEGHENY COUNTY

Irving E. Kemp, Neville Twp., 3400 Grand Ave., Neville Island, P. O., Pittsburgh, March 31, 1939.

ERIE COUNTY

I. D. McQuistion, Erie, March 31, 1939.

SCHUYLKILL COUNTY

Harrison G. Ball, Shenandoah, March 31, 1939.

ALLEGHENY COUNTY

Miss M. E. Flygar, Swissvale, April 1, 1939.
LeVan R. Geiger, Pittsburgh, 925 Pennsylvania Sta., April 1, 1939.

Miss M. M. Sandles, Pittsburgh, First National Bank Bldg., April 1, 1939.

CHESTER COUNTY

Henry D. Rankin, Phoenixville, April 1, 1939.

COLUMBIA COUNTY

T. Carl McHenry, Benton, April 1, 1939.

DELAWARE COUNTY

William N. Goff, Marcus Hook, April 1, 1939.

FRANKLIN COUNTY

Henry M. Riddlesberger, Waynesboro, April 1, 1939.
S. Frank Schlichter, Chambersburg, April 1, 1939.

LUZERNE COUNTY

H. J. Steinhauer, Wilkes-Barre, April 1, 1939.

PHILADELPHIA COUNTY

Earl Blizzard, Phila., 517 Arch St., April 1, 1939.
John J. Burns, Phila., S. W. Cor. 30th and Dickinson Sts., April 1, 1939.

Miss Bessie E. Donoghue, Phila., 411 Liberty Tr. Bldg., April 1, 1939.

Miss Margaret W. Unruh, Phila., 1416 Fidelity-Phila. Tr. Bldg., April 1, 1939.

BUTLER COUNTY

C. M. Miller, Butler, April 4, 1939.

JEFFERSON COUNTY

Miss Amy M. Stuftt, Brookville, April 4, 1939.

PHILADELPHIA COUNTY

Joseph V. Murray, Phila., 1420 Chestnut Street, April 4, 1939.

ALLEGHENY COUNTY

Fred C. Grote, Pittsburgh, 261 Frick Bldg. Annex, April 6, 1939.

Jos. H. Hammill, Carnegie, April 6, 1939.

LEHIGH COUNTY

George C. Fullagar, North Whitehall Twp., R. D. 1, Ormrod, April 9, 1939.

SCHUYLKILL COUNTY

George R. Stitzel, Pottsville, April 16, 1939.

LACKAWANNA COUNTY

Ernesto M. Lettieri, Scranton, April 23, 1939.

ALLEGHENY COUNTY

L. H. McMillen, Carnegie, April 29, 1939.

Miss Sue Abercrombie, Verona, April 30, 1939.

PHILADELPHIA COUNTY

Byron A. Thalheimer, Phila., S. W. Cor. 5th and Olney Ave., May 7, 1939.

ARTHUR H. JAMES.

Commonwealth of Pennsylvania,

Governor's Office, Harrisburg, February 28, 1939.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointment as Notaries Public for terms of four years to compute from the date of confirmation:

ALLEGHENY COUNTY

John B. McBride, Pittsburgh, 720 Bakewell Bldg.

Thos F. Smith, Pittsburgh, 301 Smithfield St.

BUCKS COUNTY

Miss Martha E. Strand, Bridgeton Twp., Upper Black Eddy.

DAUPHIN COUNTY

Miss Julia D. Connor, Harrisburg.

FAYETTE COUNTY

Miss Sarah A. Cameron, Connellsville.

GREENE COUNTY

Fred F. Staggers, Waynesburg.

LANCASTER COUNTY

A. L. Resch, East Donegal Twp., Marietta.

LAWRENCE COUNTY

Michael A. Barletta, Ellwood City.

SCHUYLKILL COUNTY

B. W. Wentz, Shenandoah.

ARTHUR H. JAMES.

Commonwealth of Pennsylvania,

Governor's Office, Harrisburg, February 28, 1939.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for reappointment as Notaries Public, for terms of four years to compute from the date set opposite their names:

BERKS COUNTY

Miss Bessie M. Hartman, Reading, March 1, 1939.

ERIE COUNTY

Miss Olivia Mahoney, Erie, March 2, 1939.

ALLEGHENY COUNTY

Miss E. R. Cronin, Pittsburgh, 907 Benedum-Trees Bldg., March 5, 1939.

PHILADELPHIA COUNTY

Miss Katherine A. O'Neill, Phila., 912 Christian St., March 5, 1939.
Charles H. Ward, Phila., Phila. Savings Fund Bldg., 12 S. 12th St., March 5, 1939.

YORK COUNTY

Miss M. Marie Wagner, West York, March 5, 1939.

CAMBRIA COUNTY

Stephen Eperjessy, Johnstown, March 6, 1939.

PHILADELPHIA COUNTY

Miss Jane M. Simons, Phila., 1104 Stock Exchange Bldg., March 6, 1939.

ALLEGHENY COUNTY

Miss L. Beryle Sellers, Pittsburgh, Gen. Motor Acceptance Corp., Baum Blvd. at Craig St., March 7, 1939.

BUCKS COUNTY

Webster S. Achey, Doylestown, March 7, 1939.
Edward J. Pierson, Middletown Twp., Parkland, March 7, 1939.

ALLEGHENY COUNTY

Al. F. Quick, McKeesport, March 9, 1939.
Thos. J. Walker, Pittsburgh, 803 Marshall Ave., March 9, 1939.

BERKS COUNTY

Mrs. Emma F. Kachel, Mohnton, March 9, 1939.

BLAIR COUNTY

Miss Catherine C. Beck, Altoona, March 9, 1939.

BUCKS COUNTY

Norman Refsnider, Richlandtown, March 9, 1939.

DAUPHIN COUNTY

Mrs. Jean R. Geer, Harrisburg, March 9, 1939.

DELAWARE COUNTY

Theron B. Eggleston, Haverford Twp., Good Rds. Co., Inc., Harvard Rd. and Penna. R. R., Upper Darby, March 9, 1939.
Mrs. Ida D. Powell, Upper Darby Twp., Garrett Rd. and Walnut St., Upper Darby, March 9, 1939.

LUZERNE COUNTY

Miss Stella Zola, Plymouth, March 9, 1939.

MONTGOMERY COUNTY

Jóseph M. Fennell, Norristown, March 9, 1939.

PERRY COUNTY

F. E. Wase, Duncannon, March 9, 1939.

PHILADELPHIA COUNTY

George W. Brown, Phila., 1601 Federal St., March 9, 1939.
William S. Gallagher, Phila., 1508 Walnut St., March 9, 1939.
George S. Neill, Phila., 4200 N. 7th St., March 9, 1939.
Edward J. Stevens, Jr., Phila., 6038 Duffield St., March 9, 1939.

PIKE COUNTY

James Hamilton, Matamoras, March 9, 1939.

SCHUYLKILL COUNTY

E. J. Flaherty, Pottsville, March 9, 1939.

YORK COUNTY

Mrs. Myrtus E. Mickley Olp, York, March 9, 1939.

ALLEGHENY COUNTY

S. Arthur Carrabotta, Clairton, March 12, 1939.
Charles McK. Moore, Clairton, March 12, 1939.

CAMBRIA COUNTY

Miss Hazel R. Blough, Johnstown, March 12, 1939.

DELAWARE COUNTY

David C. Shropshire, Ridley Twp., 200 Grant Ave., Woodlyn, March 12, 1939.

ERIE COUNTY

William J. Robinson, Erie, March 12, 1939.

LUZERNE COUNTY

Robert F. Smith, Wilkes-Barre, March 12, 1939.

FAYETTE COUNTY

E. N. Pala, Redstone Twp., Box 171, Fairbank, March 14, 1939.

ALLEGHENY COUNTY

Miss Sara Barnard, Pittsburgh, 1220 Berger Bldg., March 19, 1939.

BERKS COUNTY

Mrs. Marie B. Liever, Reading, March 19, 1939.

ERIE COUNTY

William Francis Liljenberg, Erie, March 19, 1939.

ALLEGHENY COUNTY

Miss Otilie M. Lachter, Pittsburgh, 1008 Park Bldg., March 20, 1939.

LAWRENCE COUNTY

A. Clyde Shoaf, New Castle, March 20, 1939.

GREENE COUNTY

Miss Edna O'Hara, Waynesburg, March 21, 1939.

DAUPHIN COUNTY

Miss Myrna R. Shover, Harrisburg, March 23, 1939.

ARTHUR H. JAMES.

EXECUTIVE SESSION

By unanimous consent,

A motion was made by Mr. EDMONDS and Mr. MALLERY

That Rule 38, which requires nominations made by the Governor be referred to an appropriate committee, be dispensed with, and the Senate do now resolve itself into Executive Session, for the purpose of acting on the foregoing nominations.

Which was agreed to.

Whereupon,

A motion was made by Mr. EDMONDS and Mr. MALLERY

That the Senate do advise and consent to said nominations.

On the question,

Will the Senate agree to the motion?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—47.

Bartlett.	Farrell	Kunkel.	Ruth,
Cavalcante,	Frey.	Lanius.	Scarlett,
Chapman,	Gelder,	Letzler,	Shapiro,
Coleman,	Geltz,	Mallery,	Sipe,

Crowe,
Dando,
Deitrick,
Dent,
DiSilvestro,
Ealy,
Edmonds,
Eroe,

Gilson,
Haluska,
Heyburn,
Homsher,
Jacobs,
James,
Jaspan,
Kilgallen,

McCreesh,
McGinnis,
Miller,
Mundy,
Owlett,
Pierson,
Rice,
Reed,

Snowden,
Stevenson,
Stiefel,
Tallman,
Thomas,
Walker,
Wolfenden,

NAYS—0.

Two-thirds of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Governor be informed accordingly.

Mr. EDMONDS. Mr. President, I move that the Executive Session do now rise.

Mr. JAMES. Mr. President, I second the motion.

The motion was agreed to.

BILLS INTRODUCED

Mr. CAVALCANTE read in his place and presented to the Chair Senate Bill No. 117, entitled:

An Act to amend the title and section two of the act approved the twenty-sixth day of May one thousand eight hundred and ninety-seven (P. L. 106) entitled "An act prohibiting the discharge from public positions of Union soldiers without a reasonable cause and prohibiting the abolishment of or changing the emoluments of public offices occupied by Union Soldiers except for good reason" by extending the provisions thereof to veterans and nurses of any war in which the United States has engaged.

Which was committed to the Committee on Military Affairs.

Mr. MALLERY read in his place and presented to the Chair Senate Bill No 118, entitled:

An Act to amend section one hundred and four of the act approved the second day of June, one thousand nine hundred and fifteen (P. L. 736), entitled as amended "An act defining the liability of an employer to pay damages for injuries received by an employee in the course of employment; establishing an elective schedule of compensation; providing procedure for the determination of liability and compensation thereunder; and prescribing penalties," as reenacted and amended, by extending the protection of the Workmen's Compensation Act to certain persons performing agricultural services.

Which was committed to the Committee on Judiciary General.

Mr. STIEFEL read in his place and presented to the Chair Senate Bill No. 119, entitled:

An Act to further amend clause (a) of section forty-one of the act, approved the seventh day of June, one thousand nine hundred seventeen (P. L. 447), entitled as amended "An act relating to the administration and distribution of the estates of decedents and of minors, and of trust estates; including the appointment, bonds, rights, powers, duties, liabilities, accounts discharges and removal of executors, administrators, guardians, and trustees herein designated as fiduciaries; the administration and distribution of the estates of presumed decedents; widow's and children's exemptions; debts of decedents, rents of real estate as assets for payment thereof, the lien thereof, sales and mortgages of real estate or the payment thereof, judgments and executions therefor, and the discharge of real estate from the lien thereof; contracts of decedents for the sale or purchase of real estate; legacies, including legacies charged on land; the discharge of residuary estates and of real estate from the lien of legacies and

other charges; the appraisement of real estate devised at a valuation; the ascertainment of the curtilage of dwelling houses or other buildings devised; the abatement and survival of actions, and the substitution of executors and administrators therein; the survival of causes of action and suits thereupon by or against fiduciaries; investments by fiduciaries; the organization of corporations to carry on the business of decedents; the audit and review of accounts of fiduciaries; refunding bonds; transcripts to the court of common pleas of balances due by fiduciaries; the rights, powers and liabilities of non-resident and foreign fiduciaries; the appointment, bonds, rights, powers, duties, and liabilities of trustees durante absentia; the recording and registration of decrees, reports and other proceedings, and the fees therefor; appeals in certain cases; and also, generally dealing with the jurisdiction, powers, and procedure of the orphans' court in all matters relating to fiduciaries concerned with the estates of decedents," by permitting fiduciaries to accept a deed in lieu of foreclosures

Which was committed to the Committee on Judiciary General

Mr. McCREESH read in his place and presented to the Chair Senate Bill No. 120, entitled:

An Act making an appropriation to the Women's Hospital, Philadelphia, Pennsylvania

Which was committed to the Committee on Appropriations.

He also read in his place and presented to the Chair Senate Bill No. 121, entitled:

An Act making an appropriation to the Union Home for Old Ladies of West Philadelphia, Pennsylvania.

Which was committed to the Committee on Appropriations.

He also read in his place and presented to the Chair Senate Bill No. 122, entitled:

An Act providing for the establishment in counties of the first class of different rates of taxation on land and the improvements thereon by means of separate assessments of the land values and the values of improvements on or in the land and fixing the percentages of the total amount of revenue from taxes on real property to be borne by unimproved land and by improvements on or in the land in the year one thousand nine hundred and forty and thereafter.

Which was committed to the Committee on County Government

Mr. RICE read in his place and presented to the Chair Senate Bill No. 123, entitled:

An Act making a appropriation to the Children's Aid Society of Franklin County, Chambersburg, Pennsylvania.

Which was committed to the Committee on Appropriations.

He also read in his place and presented to the Chair Senate Bill No. 124, entitled:

An Act making an appropriation to the Chambersburg Hospital, Chambersburg, Pennsylvania.

Which was committed to the Committee on Appropriations.

He also read in his place and presented to the Chair, Senate Bill No. 125, entitled:

An Act making an appropriation to the Annie M. Warner Hospital, Gettysburg, Pennsylvania.

Which was committed to the Committee on Appropriations.

He also read in his place and presented to the Chair, Senate Bill No. 126, entitled:

An Act making an appropriation to the Waynesboro Hospital, Waynesboro, Pennsylvania.

Which was committed to the Committee on Appropriations.

Mr. WALKER read in his place and presented to the Chair, Senate Bill No. 127, entitled:

An Act providing for and regulating the assessment and valuation of persons, property and subjects of taxation for county, city, borough, township, school and poor purposes in counties of the second class; creating and prescribing the powers and duties of a Board of Property Assessment, Appeals and Review; imposing duties on certain county and city officers; abolishing the board for the assessment and revision of taxes in such counties; and prescribing penalties.

Which was committed to the Committee on County Government.

He also read in his place and presented to the Chair, Senate Bill No. 128, entitled:

An Act to promote uniformity in the assessment and taxation of properties and persons within the territorial limits of cities of the second class by providing that city and school taxes within such territorial limits shall be assessed, levied and collected upon the basis of the assessments for taxation made by county taxing authorities; imposing duties on such taxing authorities; abolishing the department of assessors in cities of the second class; and transferring certain property and functions to county taxing authorities.

Which was committed to the Committee on Municipal Government.

He also read in his place and presented to the Chair, Senate Bill No. 129, entitled:

An Act regulating marriages and the issuance of licenses to marry; imposing duties upon the clerks of the orphans' courts and persons who perform marriage ceremonies; providing for the annulment of marriage for certain violations of this act; and fixing other penalties.

Which was committed to the Committee on Public Health.

Mr. DENT read in his place and presented to the Chair, Senate Bill No. 130, entitled:

An Act making an appropriation to the Westmoreland Children's Aid Society at Greensburg, Pennsylvania.

Which was committed to the Committee on Appropriations.

Mr. JAMES read in his place and presented to the Chair, Senate Bill No. 131, entitled:

An Act authorizing the Department of Property and Supplies to acquire by purchase, gift, lease or condemnation on behalf of the Commonwealth of Pennsylvania forty acres of land adjacent to "Pennsbury Memorial" or so much thereof as may be necessary to properly honor the

founder of the Commonwealth of Pennsylvania on the spot where he made definite plans to spend his life; providing for the control, management, supervision, improvement, preservation and maintenance thereof; authorizing the Pennsylvania Historical Commission to make and enforce rules and regulations for the preservation and visitation thereof; and making an appropriation.

Which was committed to the Committee on State Government.

He also read in his place and presented to the Chair, Senate Bill No. 132, entitled:

An Act to amend sections one, two and four of the act, approved the sixteenth day of May, one thousand nine hundred nineteen (P. L. 180), entitled "An act providing a method of establishing title to land acquired at a sale for unpaid taxes or municipal claims," extending the provisions of said act to include land acquired at county treasurer's sales for unpaid taxes.

Which was committed to the Committee on Judiciary General.

Mr. EDMONDS. Mr. President, before the Senator from Philadelphia, Mr. Woodward, was called out he asked me to introduce this bill, which he signed:

Mr. EDMONDS, for Mr. WOODWARD, read in his place and presented to the Chair, Senate Bill No. 133, entitled:

An Act making an appropriation to the Woman's Medical College of Pennsylvania, located at East Falls, Philadelphia, Pennsylvania.

Which was committed to the Committee on Appropriations.

Mr. GELTZ, by request, read in his place and presented to the Chair, Senate Bill No. 134, entitled:

An Act requiring aliens to register with the Department of Labor and Industry and to carry, and upon proper demand to exhibit, identification cards, prohibiting the issuing of certain registrations and licenses to, or the employment of, aliens under certain circumstances; and prescribing penalties.

Which was committed to the Committee on Labor and Industry.

He also read in his place and presented to the Chair Senate Bill No. 135, entitled:

An Act to define the manner of making affidavit to appeals from awards by Boards of Viewers to common pleas courts in all counties of this Commonwealth and affecting all present and future appeals.

Which was committed to the Committee on Judiciary General

He also read in his place and presented to the Chair Senate Bill No. 136, entitled:

An Act validating the title to real estate purchased at a judicial sale for unpaid taxes or municipal assessments, pursuant to the provisions of an act approved the sixteenth day of May, one thousand nine hundred and twenty-three (P. L. 207), entitled "An act providing when, how, upon what property, and to what extent, liens shall be allowed for taxes and for municipal improvement, for the removal of nuisances, and for water rents or rates, sewer rates, and lighting rates; for the procedure upon claims filed therefor; the methods for preserving liens and enforcing payment of such claims; the effect of judicial sales of the

properties liened; the distribution of the proceeds of such sales, and the redemption of the property therefrom; for the lien and collection of certain taxes heretofore assessed, and of claims for municipal improvements made and nuisances removed, within six months before the passage of this act; and for the procedure on tax and municipal claims filed under other and prior acts of Assembly."

Which was committed to the Committee on Judiciary General

Mr. LETZLER read in his place and presented to the Chair Senate Bill No. 137, entitled:

A Supplement to the act approved the twenty-second day of June, one thousand nine hundred and thirty-one (P. L. 594), entitled "An act establishing certain township roads as State highways, authorizing their construction, maintenance and improvement under certain conditions and restrictions; limiting the obligation of the Commonwealth in the construction of certain structures located on such highways, conferring certain powers upon the Department of Highways and local authorities, persons, associations and corporations for sharing the cost of the maintenance and construction of such highways, and making an appropriation to carry out the provisions of said act," establishing an additional route in the County of Clearfield.

Which was committed to the Committee on Highways

BILL ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in committee of the whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 80. (House Bill No. 143), entitled:

An Act to amend clause (b) of section four, article two of the act approved the twenty-fifth day of June, one thousand nine hundred and nineteen (Pamphlet Laws 581) entitled, "An act for the better government of cities of the first class of this Commonwealth," as amended by providing a succession of officers of such cities to act as mayor in case of a vacancy or disability of the mayor to act."

And said bill having been read at length the second time: On the question,

Will the Senate agree to the bill on second reading?

QUESTION OF PERSONAL PRIVILEGE

Mr. SIPE. Mr. President, I also rise to a question of personal privilege.

The PRESIDENT. The Senator from Armstrong, Mr. Sipe, will state his question of personal privilege.

Mr. SIPE. Mr. President, to begin with I want to read a few sentences from the Governor's budget message, as follows:

"The Budget provides a total of \$4,400,000 for maintenance of patients in the sanatoria and Crippled Children's Hospital. This will provide 487,640 days' care in addition to the 1,916,250 days provided in the present biennium. It will provide for the occupancy of all State Authority construction at these institutions with the exception of Butler. I propose that the sanatorium at Butler be not occupied during the coming biennium. The entire present waiting list of sufferers from tuberculosis can be amply accommodated at the present sanatoria. To occupy the Butler institution would be an unjustifiable expense."

I think, Mr. President, that we can all take judicial notice of the fact that the tuberculosis sanatoria are already crowded and have long waiting lists. I think the Governor should take judicial notice of the fact that about the first three months after the development of tuberculosis in an individual are the critical months, and if he does not get proper treatment within those three months it usually follows that the undertaker makes a call within a year or two.

Now, this tuberculosis sanatorium at Butler is within my district. Further than that, it is the only State tuberculosis sanatorium in that part of Pennsylvania, west of the Allegheny mountains, a region in which there are approximately three millions of people; so that in the name of those millions of western Pennsylvanians I protest against the false economy which would keep this sanatorium closed for the next two years.

It seems likely that for a saving of a few dollars, hundreds of these tuberculosis sufferers—my fellow western Pennsylvanians—will sink into untimely graves. In the meantime, however, it is likely that there will be no let-up in the spending of State money to eradicate tuberculosis in hogs and cattle; but the thought is very repellent to me, representing Butler County, that tuberculosis sufferers in western Pennsylvania will have to take second place to tubercular hogs and cattle; so, in the name of emaciated hollow-voiced consumptive fathers and mothers of western Pennsylvania I protest against this false economy; in the name of emaciated hollow-eyed bony, little children I protest against this false economy. Why, Mr. President, I can hear the clods falling on their coffins while Mr. James saves a few dollars for the next two years.

He is suddenly getting very much interested in economy, all at once. Too bad he did not get a little interested in economy last year when, for the greater part of the year he was loafing on the job to the tune of fifteen hundred dollars a month. I cannot make this protest too strong, and I hope the gentlemen of the press will send the good news back to western Pennsylvania, send the good news back to the neighborhood of Pittsburgh, that for the saving of a few dollars the economical Governor of Pennsylvania proposes to keep the one tuberculosis hospital in western Pennsylvania closed the next two years, while money will be spent to eradicate tuberculosis in hogs and cattle. And no doubt, Mr. President, the fathers and mothers in my section of the country will be mighty glad to hear that—mighty interested.

The PRESIDENT. The Senate has before it the consideration of House Bill No. 143 (Senate Bill No. 80), on second reading.

And the question recurring,

Will the Senate agree to the bill?

Mr. SHAPIRO. Mr. President, I may not be here—in fact, I will not be here tomorrow and I will not be here Monday. I want to take advantage of this opportunity to say a few words on this bill, and call attention of the members of the Senate to the fact that if this is the bill I think we are talking about—it is the only bill on the calendar today—this is a bill which deals with succession to the office of mayor in Philadelphia in the event of a vacancy or inability to fill the office. This is a proposed amendment to the City charter Act of 1919. That act was amended in 1919, 1933, and 1937. The amendments all dealt with the same question. I mean, Mr. President, the

act was passed in 1919 and amended in 1933 and in 1937.

In 1933 the Republican party in Philadelphia had an experience with the Public Safety Director. He was very active and opposed the party and they were afraid in case anything happened to the mayor that he, under the bill, would succeed to the office of mayor; and so, in 1933, since they did not like the Director of Public Safety and did not like the thought that possibly he would succeed to the office of mayor, they amended the act and eliminated the succession. That act originally stated first the Director of Public Safety and then the Director of the various departments. The act was subsequently amended also to add from time to time new departments that were created.

In 1933, however, the method of succession was eliminated by this amendment and the succession went to the president of council, and upon his inability to act or accept—his refusal to accept—it was then to go to the chairman of the Finance Committee.

In 1937 the bill was amended and the controller was substituted for the president of council. Now, I call attention of the members of the Senate to the fact that this act strikes out these amendments now, strikes out the word "controller" returns the bill to its original form, to the president of city council, or, if he refuses or he is unable to accept, to the chairman of the Finance Committee. I call attention of the members of the Senate to the fact that this amendment is unnecessary; and, by the way this conflicts with and contradicts the provision of the clause in section 4-A of the act. I want to read Section 4-A of the Act, which I copied from the original act:

"When a vacancy shall take place in the office of mayor, a successor shall be elected for the unexpired term at the next election occurring more than thirty days after the commencement of such vacancy, unless such election should occur in the last year of said term, in which case a mayor shall be chosen by the council by a majority vote of all the members elected thereto."

The Mayor of Philadelphia is now very sick—very ill—he may die or he may be unable to exercise the duties of his office, so in the midst of all our worries about the budget and saving one hundred thirty-three millions of dollars in expenses—as I see the paper says the Governor has done—we must take care of the situation, in case this man dies, for the City of Philadelphia, which is in financial trouble and is anxious to have this Legislature help it; so that, the Republican party must get busy to insure—in case anything happens to Mayor Wilson—that the president of the council can succeed. The mayor should be there to prepare his budget—and the employees are not paid—to see that nobody interferes with their doing nothing; they must be permitted to continue to do nothing. So this act now provides that until a vacancy is filled or in case of the mayor's temporary disability, which has been added now, the president of council will act.

Section 4-A. Provides that in the last year—and this is the last year of the present mayor's term—the council itself will appoint a successor to the mayor from its own body. It seems to me that this is no time for such political clap-trap. It is not fair, it is not necessary, and it is foolish to get this Senate to worry about that kind of a condition and pass amendatory acts.

I am willing to say that I never agreed with the changes in the first place. If you will look at the record you will see when the vote was taken the vote was 49 to 1, and I was the one who voted against that change. There is no

necessity for it; it is bad practice and it should be stopped. If we are going to make laws to suit a particular situation in a non-recurring instance; if we are going to correct our own legislative acts after we have passed them in deliberate ways, to merely suit the whims or desires and necessities of the moment, you can imagine the kind of legislation we will get.

I think it is not important and certainly not decent to try to anticipate the death or inability to serve, by reason of illness, of a man who occupies a public office. There is no emergency; the Democrats cannot gain control of this office; the office must pass to the Republicans. Why worry and make bad laws and set a bad precedent?

And the question recurring,

Will the Senate agree to the bill on second reading?

It was agreed to.

Mr. SHAPIRO. Mr. President, I desire to be recorded as voting "No" on the passage of this bill on second reading.

The PRESIDENT. It will be so noted.

QUESTION OF PERSONAL PRIVILEGE

Mr. REED. Mr. President, I rise to a question of personal privilege.

The PRESIDENT. The Senator from Washington, Mr. Reed, will state his question of personal privilege.

Mr. REED. Mr. President, I was very much interested in what the Senator from Armstrong, Mr. Sipe, had to say about the question of tuberculosis in the State. I agree with him that one of the first considerations of government is to protect our people. I was just wondering whether the Chairman of the Committee on Health would see the Department of Health and ascertain how many people are on the waiting list in that department to go to tuberculosis sanatoria.

Mr. President, I would like to interrogate the Senator from Warren, Dr. Chapman.

The PRESIDENT. Will the Senator from Warren, Dr. Chapman, permit himself to be interrogated?

Mr. CHAPMAN. Mr. President, I will.

Mr. REED. Mr. President, I would like to know whether the Senator from Warren, in his kindness, would see the Department of Health and ascertain how many people are on the waiting list to go to tuberculosis sanatoria.

Mr. CHAPMAN. Mr. President, a short time ago fifteen thousand.

Mr. REED. Mr. President, will the Senator state how long that condition has existed.

Mr. CHAPMAN. Mr. President, it has been a couple of years ago.

Mr. REED. Mr. President, I would like to know whether the Senator could find that out and advise us.

Mr. CHAPMAN. Mr. President, I will do that.

REPORT FROM COMMITTEE

Mr. SNOWDEN. Mr. President I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. SNOWDEN, from the Committee on Agriculture, to which was referred resolution offered by Messrs. SCARLETT and HEYBURN on February 7, 1939, reported the same without amendment, as follows:

JOINT LEGISLATIVE COMMITTEE TO STUDY REGULATIONS OF MILK CONTROL

In the Senate, February 7, 1939.

Whereas, Milk Control has been the subject of much controversy, and

Whereas, The production and distribution of milk is a subject of such vital importance to the citizens of the Commonwealth; therefore be it

Resolved (if the House of Representatives concur), That the President Pro Tempore shall appoint three members of the Senate, one of whom shall be designated as Chairman, and the Speaker of the House of Representatives shall appoint four members of the House, who together shall constitute a joint legislative committee and whose duty it shall be to investigate and study, (a) all regulations, records and activities of each department, severally and jointly, and to take the testimony of such witnesses as may be deemed necessary to ascertain full facts which will be useful and helpful in formulating future remedial and regulatory legislation;

Resolved, That said committee shall have power to issue subpoenas under the hand and seal of its Chairman, requiring and commanding any person to appear before it and answer such questions touching matters properly being inquired into by the committee, and to produce such books, papers, records and documents as the committee may deem necessary. Such subpoenas may be served upon any person and shall have the same force and effect as subpoenas issued out of the courts of this Commonwealth. Each member of the committee shall have power to administer oaths and affirmations to witnesses appearing before it. Any person who shall wilfully neglect or refuse to appear and testify for said committee, or to produce any books, papers, records and documents, shall be subject to the penalties provided by the laws of this Commonwealth in such cases.

A Motion was made by Mr. HEYBURN and Mr. OWLETT

That rule 39, which requires resolutions reported from committee to lie over for one day, be dispensed with and the Senate proceed to the consideration of the foregoing resolution.

Which was agreed to.

On the question,

Will the Senate agree to the resolution?

Mr. SHAPIRO. Mr. President, I desire to interrogate the Senator from Delaware, Mr. Heyburn.

The PRESIDENT. Will the Senator from Delaware, Mr. Heyburn, permit himself to be interrogated?

Mr. HEYBURN. Mr. President, gladly

Mr. SHAPIRO. Mr. President, will the Senator from Delaware, for the information of the Senate, advise us what brought about the preparation and introduction of this resolution at this time

Mr. HEYBURN. Mr. President, there has been widespread discontent on the part of producers and distributors and consumers, and it has been the case heretofore that legislation has been hastily drawn, without any facts before the body, and it was conceived that this would be a fact-finding commission to delve into the situation and lay a report on every Senator's desk, in order that he might guide himself accordingly.

Mr. SHAPIRO. Mr. President, it is true is it not, that the subject of milk control in all its phases has been discussed and reports in connection therewith presented to the Senators for the last three or four sessions?

Mr. HEYBURN. No, Mr. President, not to my knowledge; not for the last three or four sessions.

Mr. SHAPIRO. Mr. President, was there not anything in particular that brought about the necessity to pass this

resolution—or is it just because of what the Senator has already stated?

Mr. HEYBURN. Mr. President, nothing in particular, except that the farmers are pretty much affected, sheriffs are getting pretty close; and we thought it necessary to do something.

Mr. SHAPIRO. Mr. President, will the Senator answer whether or not the fact I read in the newspapers had something to do with it, namely, that the present Commission, with the approval of the Governor—as they must have—has reduced the price of milk two cents a quart, with the result that of that two cents one and a half cents per quart of the cost is being borne by the farmer and only one half cent by the distributor? Is it not true that that is what has made the situation acute and is the basis of this resolution?

Mr. HEYBURN. No, Mr. President, it is not, as far as I am concerned; this is a general condition, sir, I do not know much about the situation in western Pennsylvania; my colleagues, Senator Sipe and Senator Dent, are familiar with that situation and have spoken at length on it. The State is divided into different milk control areas, and the order the Senator from Philadelphia speaks of does not affect my area of the State.

Mr. SHAPIRO. But Mr. President, the Senator does know about the order?

Mr. HEYBURN. Mr. President, I read something about it.

Mr. SHAPIRO. Mr. President, does the Senator from Delaware ask for immediate consideration of this resolution?

Mr. HEYBURN. Mr. President, I do.

Mr. SHAPIRO. Mr. President, I do not know anything about the fixing of the price of milk. I only have two cows and my quarrel, when I do not get enough milk, is with the cows and not with the Governor. I have just learned something about this, both on the farm and here in the Senate.

I do not know whether this is the proper way to attack the problem. The Governor has restricted the amount of money which will be appropriated for the appointment of commissions, and it would seem to me that instead of appointing a committee this matter could be dealt with by the Senators themselves, without a matter of investigation. You are going to have a committee appointed, you are going to be harassed by various views, you are going to have various pressure groups, and you will get just as much out of this committee as we did out of the first committee that handled the milk situation.

Each Administration determines it has the solution of the milk problem and determines to make rules and regulations and decisions which upset one section of the State, with the result that it begins to file resolutions of this kind for the purpose of having investigations.

None of us know enough about the milk situation to act intelligently on it, but I do not think it requires an investigation by this Senate. What it does require is an honest acknowledgment of what the problems are by the persons vitally interested, and that does not require having an investigation.

If the Governor is going to economize and if he is going to limit us to the amount set up in the budget for investigatory committees, I think we had better stop passing these resolutions.

QUESTION OF PERSONAL PRIVILEGE

Mr. SIPE. Mr. President, I rise to a question of personal privilege.

The PRESIDENT. The Senator from Armstrong, Mr. Sipe, will state his question of personal privilege.

Mr. SIPE. Mr. President, I know the hour is late, and my colleagues, many of them, are getting pretty nervous about attending the banquet tonight, but I want to say there is a very acute situation in western Pennsylvania with reference to milk, that I want to tell you about.

I did mention it briefly a couple of weeks ago. On the tenth of this month there went into effect an order for the Pittsburgh district, signed by the Governor, of course, as every order of the Milk Control Board must be, which is simply driving the milk producing farmers of western Pennsylvania out of business. The order provides that there shall be a reduction of two cents a quart on milk to the consumer, seventy-six cents a hundred-weight to the farmer on class A and fifty-two cents on the next class. To boil it down it means that of this two cent reduction, as has been stated here, that the consumer gets, one and a half cents goes back to the farmer.

To put it in another way, take the small milk producer, one who is producing fifty gallons a day—that order approved by our economical Governor takes three dollars a day off that farmer's income. As a consequence there is a regular furore in the countryside in my county. Approximately one-fourth of the milk producing farmer's milk check goes for high pepped-up dairy feed, to add to the food produced on the farm, and then the Governor comes along and knocks off another one-fourth to one-third of his income, and you can see where the farmer is.

I am receiving the most pitiful letters from farmers in my district that I have received since I came down here to this Senate. One farmer writes me he has had such a hard time since he began farming in 1895, to raise a family of eight children, that he has not been able to make the necessary repairs on his farm, that he has now nine cows in his old age, and that this order takes off enough of his farm income to pay his taxes, to pay his insurance, and part of his repair bill. I went to visit him. It was pathetic to see his distress.

I have one neighbor who just got done putting in a lot of repairs and changing his stables which the milk inspectors from the City of Pittsburgh and the other inspectors order us poor old farmers to make. He has just got done laying out two hundred fifty dollars to make that change, and here comes along this order that takes off one-third of his milk check.

Meetings are being held all over western Pennsylvania among the farmers—they are not forgetting Governor James's promises, if he forgot them. They heard him haranguing over the radio with promises and ballyhoo and Bible quotations to the farmers, promising them the world with a fence around it. They took him at his word and voted for him, and now, the first crack out of the box, he gives them a wallop that knocks them silly; and I will tell you, seriously speaking, there is a trend in the milk monopoly to drive the milk producing farmer out of the milk producing business and supplant him with monopoly-owned dairy farms.

About two years ago I was called into consultation with a couple of lawyers in the holy city of Pittsburgh who are legal representatives for some milk monopoly. This was not a milk case, it was another kind of law business,

and after we got through and split the fees they took me to the William Penn Hotel and gave me a great dinner. Well, being from the country, the only beverage I am interested in and the only one I will stick to is water, and I intend to stick to that as long as the supply lasts, but these two legal luminaries did not stick to water, they took a few highballs with their dinner, and after the highballs commenced to work on them they began to tease me for operating a farm.

They began by saying to me "You get a great deal of annoyance from our inspections, do you not?" "Oh, yes." I said, "I agree to that. One inspector comes and orders a couple of hundred dollars' worth of changes and no sooner do we get those changes made than another inspector comes and rescinds them or alters them, and so we dig down into our pockets and make the other change, and just about the time we get on our feet the milk monopoly come along and gives us another wallop."

When whiskey is in wit is out, and sometimes when whiskey is in the unconscious mind is letting out some of its stuff, so they said to me, "You know, we are going to stabilize this milk business, we are going to make it so annoying for you fellows that you are going to get out of the milk business or starve, and then we are going to do as Meadow Gold is already doing (and as I knew it was) put in our own dairy farm." "And then," they said, "after we get the business stabilized and get you rubes out of the milk-producing business and have our own dairy farms, then you and your wives can clean our stables for us."

Kidding they were, but yet there is no doubt that that is what was in the back of their minds, because that is the trend. I happen to live in western Pennsylvania and I know the dairy farms that have been gobbled in by the milk monopoly. I know about all that. And I am issuing a warning here that unless the farmers wake up and unless they get some support from the merchants who will get on their backs—and they are depending on the farmers' income—that farm income will be knocked into a three-cornered cocked hat. It will be only a few years until the farmers of my part of the State will be driven out of business, the milk producing business, and will be supplanted by the dairy farms of the milk trust.

I do not know whether an investigation of the milk business is the best thing to do at present. I have largely the same idea now that I had when the Milk Control Law was passed; it went through my committee and I said then it was not the best Milk Control Law in the world but that if we had the right kind of a Milk Control Board we would get pretty good results from that law. The trouble, as I see it, is not so much in the law as in the board; and in that respect the Governor has forgotten his promises. If you have a poor law and a good board the farmer is going to get some relief, he is going to get some consideration that approximates justice—a little of it, at least; but no matter how good a Milk Control Law you have you will get no good results if the board is no good. But I say this is a very serious situation. I took a couple of hours the other night and made an estimate that I believe is very conservative, that this recent order issued by the Milk Control Board and signed and approved by the economical Governor of this Commonwealth will take at least five hundred thousand dollars a month from the income of western Pennsylvania farmers. That is economy for you!

Mr. CROWE. Mr. President, I would like to interrogate my colleague, the Senator from Armstrong, Mr. Sipe.

The PRESIDENT. Will the Senator from Armstrong, Mr. Sipe, permit himself to be interrogated?

Mr. SIPE. Mr. President, I will.

Mr. CROWE. Mr. President, I would like to know whether my esteemed colleague from Armstrong is speaking for or against the question?

Mr. SIPE. Mr. President, I cannot give you any better answer than I have. I do not know what the question is. You tell me what the question is and I will answer it.

I know we have a serious situation over there in the western part of the state, and I have on my desk, if you want to see them, a lot of letters written to me which are alleged by the writers to be copies of letters sent to the Governor, saying they listened to his promises, they voted for him, and they regret it, because he is heading them toward bankruptcy by this order that has gone out from the Milk Control Board.

And the question recurring,

Will the Senate agree to the resolution?

Mr. STIEFEL. Mr. President, how can we vote upon this question when we do not know anything about it? I do not want to sit here and vote on this question as a Democrat or Republican, I want to know something about the milk situation; and I need an explanation. I do not know anything about it; and how can anybody expect me to vote on this question when I do not know anything about it?

Mr. HEYBURN. Mr. President, the purpose of this resolution is simply to investigate the situation in order that the members of this Senate may be well informed.

Mr. SIPE. Mr. President, I think it would be a good idea to investigate the Governor as to why he made such wonderful promises to farmers and then went back on them and gave them this wallop, in western Pennsylvania, as far as their business is concerned. And then they may look for another wallop about June 1st.

I am willing to vote for the resolution, I am willing to do anything that gives any promise at all of helping the farmers of Pennsylvania.

Mr. STIEFEL. Mr. President, in the good olden days I was a neighbor of the Senator from Delaware, Mr. Heyburn; he was seated in seat No. 40, I was seated in seat No. 50; and I remember the indignation of Senator Heyburn when the Milk Control Law was railroaded. He objected to the speed, he wanted more time, clamored for more time. Now the same thing he objected to he wants to promulgate in the Senate.

And the question recurring,

Will the Senate agree to the resolution?

The yeas and nays were required by Mr. Cavalcante and Mr. Dent, and the roll was called.

Mr. DEITRICK. Mr. President, I wish to be recorded as voting "Aye".

The PRESIDENT. It will be so noted.

Mr. DENT. Mr. President, may I inquire how the Senator from Fayette, Mr. Cavalcante, voted?

Mr. SHAPIRO. Mr. President, there is nothing before the Senate but the roll call.

Mr. CAVALCANTE. Mr. President, while the discussion was going on on this resolution I was called out about three times to answer the telephone, and had a few

other interruptions, and I had to ask for a roll call in order to get sufficient time to inquire of my colleague from Armstrong concerning the substance of the resolution. I am now apprised of it and I wish to be recorded as voting for the resolution.

The PRESIDENT. It is so recorded.

The yeas and nays were as follows, viz:

YEAS—42.

Bartlett,	Farrell,	Kilgallen,	Ruth,
Cavalcante,	Frey,	Letzler,	Scarlett,
Chapman,	Gelder,	Mallery,	Shapiro,
Crowe,	Geltz,	McCreesh,	Sipe,
Dando,	Gilson,	McGinnis,	Snowden,
Deitrick,	Haluska,	Miller,	Stevenson,
Dent,	Heyburn,	Owlett,	Tallman,
DiSilvestro,	Homsher,	Pierson,	Thomas,
Ealy,	Jacobs,	Reed,	Walker,
Edmonds,	James,	Rice,	Wolfenden,
Eroe,	Jaspan,		

NAYS—1.

Coleman,

So the question was determined in the affirmative.

Ordered, that the Clerk inform the House of Representatives accordingly.

QUESTION OF PERSONAL PRIVILEGE

Mr. SIPE. Mr. President, I rise to a question of personal privilege.

The PRESIDENT. The Senator from Armstrong, Mr. Sipe, will state his question of personal privilege.

Mr. SIPE. I hope now, Mr. President, that since we are going to have an investigation that the investigators will give some attention at least to the question of to what extent representatives and lobbyists and lawyers of the milk monopoly have to do with the various orders that the Milk Control Board makes. A former member of the Milk Control Board told me that on the day on which the late Governor Stewart was buried two members of the Milk Control Board were closeted for the greater part of the day with two representatives of the Milk monopoly from Pittsburgh, and an order came out reducing the price to the farmer; and this member of the Milk Control Board did not know anything about it until the order was made. I think we had better look into the monopoly.

ADJOURNMENT

Mr. OWLETT. Mr. President, I move that the Senate do now adjourn until Wednesday, March 1, 1939 at 12:00 o'clock, noon.

Mr. WALKER. Mr. President, I second the motion.

The motion was agreed to.

The Senate adjourned at 5:33 o'clock, p. m. until Wednesday, March 1, 1939, at 12:00 o'clock, noon.

HOUSE OF REPRESENTATIVES

TUESDAY, February 28, 1939.

The House met at 1 p. m.

The SPEAKER (Ellwood J. Turner) in the Chair.

PRAYER

The Chaplain, Rev. Walter Evans Deibler, offered the following prayer:

"For as the rain cometh down, and the snow from heaven, and returneth not thither, but watereth the earth, and maketh it bring forth and bud, that it may give seed to the sower, and bread to the eater: So shall my word be that goeth forth out of my mouth: it shall not return unto me void, but it shall accomplish that which I please, and it shall prosper in the thing whereto I sent it." Help us O God to appreciate Thy continuous beneficence for which we give Thee thanks. Bless, we beseech Thee, all wholesome institutions in our land. Especially do we pray for the Boy Scouts of America who celebrated their thirtieth birthday this month. Help us to be willing at all times to say with them:

"On my honor I will do my best—

To do my duty to God and my country, and to obey the Scout Law.

To help other people at all times.

To keep myself physically strong, mentally awake, and morally straight"

May these ideals give us courage to face every task, and to do our work well. This we pray in Thy Holy Name, O God. Amen.

JOURNAL APPROVED

The SPEAKER. The Clerk will read the Journal of yesterday.

The Clerk proceeded to read the Journal of yesterday, when, on motion of Mr. DIX, the further reading was dispensed with and the Journal approved.

BILLS INTRODUCED AND REFERRED

By Mr. BREATHERICK. HOUSE BILL No. 265.

An Act authorizing the adjournment and readjournment of any county treasurer's sales of seated and unseated lands to be held in the year one thousand nine hundred and thirty-nine; validating any action in adjourning or readjournment tax sales taken prior to the effective date of this act; and preserving the lien of all taxes on lands to be sold at such sales.

Referred to the Committee on Municipal Corporations.

By Mr. GATES. HOUSE BILL No. 266.

An Act to further amend section two of the act, approved the fourth day of June, one thousand nine hundred and fifteen (P. L. 328), entitled "An act to provide revenue by imposing a State tax upon sales or agreements to sell or memoranda of sales of stock, and upon deliveries or transfers of shares or certificates of stock in domestic and foreign corporations, co-partnership associations, and joint-stock associations; providing the manner of collecting such tax; and prescribing penalties," by further extending the exemptions from the tax imposed by the said act.

Referred to the Committee on Ways and Means.

By Mr. STAMBAUGH. HOUSE BILL No. 267.

An Act to amend clause (a) of section ten of the act, approved the twenty-first day of May, one thousand nine hundred and thirty-one (P. L. 149), entitled "An act imposing a State tax, payable by those herein defined as distributors, on liquid fuels used or sold and delivered within the Commonwealth, which are ordinarily, practically, and commercially usable in internal combustion engines for the generation of power; providing for the collection and lien of the tax, and the distribution and use of the proceeds thereof; requiring such distributors to secure permits, to file corporate surety bonds and reports, and to retain certain records; imposing duties on retail dealers, common carriers, county commissioners, and such distributors; pro-

viding for rewards; imposing certain costs on counties; conferring powers and imposing duties on certain State officers and departments; providing for refunds; imposing penalties; and making an appropriation," as amended, by providing that the moneys paid from the Liquid Fuels Tax Fund to counties may be used by such counties for the payment of bonded indebtedness incurred for highway construction or to pay any other expense incurred in the construction of highways.

Referred to the Committee on Highways.

By Mr. TAYLOR. HOUSE BILL No. 268.

An Act to add section six hundred and two and one-tenth to article six of the act approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith, further regulating the sale of unused and unnecessary land and buildings by boards of school directors.

Referred to the Committee on Education.

By Mr. WILKINSON. HOUSE BILL No. 269.

An Act making an appropriation for the purchase of a history of the One Hundred and Ninth Field Artillery of the Pennsylvania National Guard and providing for the distribution thereof.

Referred to the Committee on Appropriations.

By Mr. HABBYSKAW. HOUSE BILL No. 270.

An Act to amend article six of the act approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith," as amended, by authorizing school districts jointly with other districts to contract with Federal agencies for the construction or improvement of school buildings, and the furnishings and equipment thereof, and to acquire additional property for such purposes and regulating the manner of placing before the voters, the question of increasing the indebtedness of a school district for such purposes.

Referred to the Committee on Education.

By Mr. HABBYSKAW. HOUSE BILL No. 271.

An Act to amend part of section twenty-nine of the act approved the twenty-fifth day of May, one thousand nine hundred thirty-seven (P. L. 849), entitled "An act to provide for the permanent personal registration of electors in cities of the third class as a condition of their right to vote at elections and primaries, and their enrollment as members of political parties as a further condition of their right to vote at primaries; prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors; and prescribing the powers and duties of citizens, parties, political bodies, registration commissions, commissioners, registrars, inspectors of registration and other appointees of registration commissions, county election boards, election officers, municipal officers, departments and bureaus, police officers, courts, judges, prothonotaries, sheriffs, county commissioners, peace officers, county treasurers, county controllers, registrars of vital statistics, certain public utility

corporations, real estate brokers, rental agents, and boards of school directors; imposing penalties; and repealing existing legislation," by authorizing justices of the peace to act as registrars for certain purposes and providing for their compensation.

Referred to the Committee on Elections.

By Mr. HABBYSKAW. HOUSE BILL No. 272.

An Act to amend section five hundred and thirty-one of the act approved the twenty-third day of June, one thousand nine hundred and thirty-seven (P. L. 1333), entitled "An act concerning elections, including general, municipal, special and primary elections, the nomination of candidates, primary and election expenses and election contests; creating and defining membership of county boards of elections; imposing duties upon the Secretary of the Commonwealth, courts, county boards of elections, county commissioners; imposing penalties for violation of the act, and codifying, revising and consolidating the laws relating thereto; and repealing certain acts and parts of acts relating to elections," by requiring the county board of elections to fix the compensation for the use of fire houses as polling places at primaries and elections.

Referred to the Committee on Elections.

By Mr. HABBYSKAW. HOUSE BILL No. 273.

An Act to repeal the act, approved the twenty-fifth day of June, one thousand nine hundred and thirty-seven (P. L. 2116), entitled "An act declaring certain rights, grants, and privileges in the beds of navigable waters, within and on the boundaries of this Commonwealth, void; vesting power in the Department of Forests and Waters, the Water and Power Resources Board, and the Pennsylvania State Park and Harbor Commission to revoke and declare void such rights, grants, and privileges, and providing the procedure in such cases."

Referred to the Committee on Forestry.

By Mr. HABBYSKAW. HOUSE BILL No. 274.

An Act to amend part of section twenty-eight of the act approved the twenty-ninth day of April, one thousand nine hundred and thirty-seven (P. L. 487), entitled "An act to provide for the permanent personal registration of electors in boroughs, towns and townships as a condition of their right to vote at elections and primaries, and their enrollment as members of political parties as a further condition of their right to vote at primaries; prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors; requiring the county commissioners of the various counties to act as a registration commission therefor; and prescribing the powers and duties of citizens, parties, political bodies, registration commissions, commissioners, registrars, inspectors of registration and other appointees of registration commissions, county election boards, election officers, municipal officers, departments and bureaus, police officers, courts, judges, prothonotaries, sheriffs, county commissioners, peace of vital statistics, certain public utility corporations, real estate brokers, rental agents, and boards of school directors; and imposing penalties," by authorizing justices of the peace to act as registrars for certain purposes, and providing for their compensation.

Referred to the Committee on Elections.

By Mr. HABBYSKAW. HOUSE BILL No. 275.

An Act to amend article three, and section six hundred and eight and to repeal article eight of the act, approved the twenty-eighth day of April, one thousand nine hundred and thirty-seven (P. L. 417), entitled "An act relating to milk and the products thereof; creating a Milk Control Commission; establishing its jurisdiction, powers and duties; regulating the production, transportation, manufacturing, processing, storage, distribution, delivery and

sale of milk and certain products thereof; providing for the licensing of milk dealers and the payment of fees therefor; requiring milk dealers to file bonds to secure payment for milk to producers and certain milk dealers; authorizing the holding of hearings and the issuance of subpoenas by the commission; conferring jurisdiction upon courts to punish contempts and to prohibit violations of this act and of rules, regulations and orders of the commission; authorizing the commission to adopt rules, regulations and orders, and to enter into inter-state and Federal compacts; requiring persons who weigh, measure, sample or test milk to procure permits or certificates, to take examinations, to pay fees therefor, to furnish certain notices, records and statements, and to use certain methods of weighing, measuring, sampling and testing; authorizing the commission to examine the business, papers and premises of milk dealers and producers, requiring the keeping of records and the filing of reports by milk dealers, and permitting, with limitations, the use of information obtained thereby; authorizing the commission to fix prices for milk and certain milk products subject to the approval of the Governor, and conferring certain powers upon the Governor with respect thereto; providing for appeals to the courts from decisions of the commission, and for the burden of proof upon such appeals; prescribing penalties, fines and imprisonment for violations of this act and rules, regulations and orders of the commission; defining perjury, defining remedies; repealing legislation supplied and superseded by this act, and saving rights, duties and proceedings thereunder; and making appropriations," by excluding from said act the power of the commission to fix prices for milk and milk products and all the provisions relative thereto.

Referred to the Committee on Dairy-Industries.

By Mr. HABBYSKAW. HOUSE BILL No. 276.

An Act to further amend sections four and twenty-two of the act, approved the twenty-seventh day of June, one thousand nine hundred twenty-three (Pamphlet Laws, eight hundred fifty-eight), entitled "An act establishing a State employees' retirement system, and creating a retirement board for the administration thereof; establishing certain funds from contributions by the Commonwealth and contributing State employees, defining the uses and purposes thereof and the manner of payment therefrom, and providing for the guaranty by the Commonwealth of certain of said funds; imposing powers and duties upon the heads of departments in which State employees serve; excepting annuities, allowances, returns, benefits, and rights from taxation and judicial process; and providing penalties," by transferring the State Employees' Retirement Board from the Treasury Department of State; and transferring certain appropriations.

Referred to the Committee on State Government.

By Mr. POWERS. HOUSE BILL No. 277.

An Act to provide revenue by imposing a license-tax on the keepers of all pin-ball games, hi-score games, or other games or devices of skill or chance for purpose of profit; providing for the collection of said tax; and imposing certain duties upon mercantile appraisers, county treasurers, and the Department of Revenue; and appropriating the proceeds from such tax to the Department of Welfare.

Referred to the Committee on Ways and Means.

By Mr. POWERS. HOUSE BILL No. 278.

An Act providing for the payment of examination fees by applicants for civil service positions under the various departments, boards and commissions of the Commonwealth.

Referred to the Committee on State Government.

By Mr. POWERS.

HOUSE BILL No. 279.

An Act to provide revenue by imposing a license-tax on the keepers of all pin-ball games, hi-score games or other games or devices of skill or chance, or other automatic coin operated machine or devices for purpose of profit; providing for the collection of said tax and imposing certain duties upon mercantile appraisers, county treasurers and Department of Revenue, and appropriating the proceeds from such tax to the Department of Welfare.

Referred to the Committee on Ways and Means.

By Mr. TAYLOR.

HOUSE BILL No. 280.

An Act making it unlawful to trespass on railroads, and declaring the trespasser guilty of contributory negligence in actions against the railroad company for damages because of injuries sustained while so trespassing.

Referred to the Committee on Railroads and Railways.

By Mr. BRETHERICK.

HOUSE BILL No. 281.

An Act to amend the title and sections four and six of, and to add section nine to, the act approved the tenth day of July, one thousand nine hundred and thirty-five (P. L. 641), entitled "An act providing for the eradication of mosquitoes; authorizing the establishment of county mosquito extermination commissions, after popular referendum, and the appointment of their members by the county commissioners; prescribing the powers and duties of such commissions;" by further prescribing the powers and duties of such commissions and of the county commissioners and the Secretary of Agriculture of the Commonwealth; providing for the assessment of costs against the owners of property when the commission is required to abate certain nuisances thereon, and providing that the act shall not apply to counties of the first class.

Referred to the Committee on Counties.

By Mr. SWEENEY.

HOUSE BILL No. 282.

An Act to repeal the act, approved the twenty-second day of September, one thousand nine hundred and thirty-eight (P. L. 37), entitled "An act relating to and removing the remaining additional persons now serving as Pennsylvania members of the Delaware River Joint Commission by virtue of appointment by the General Assembly under the act, approved June twelfth, one thousand nine hundred and thirty-one (Pamphlet Laws, five hundred seventy-five), entitled 'An act providing for joint action by Pennsylvania and New Jersey in the development of the ports on the lower Delaware River, and the improvement of the facilities for transportation across the river; authorizing the Governor, for these purposes, to enter into an agreement with New Jersey, creating The Delaware River Joint Commission and specifying the powers and duties thereof, including the power to finance projects by the issuance of revenue bonds, transferring to the new commission all the powers of The Delaware River Bridge Joint Commission; and making an appropriation,' and providing for the appointment of their successors."

Referred to the Committee on State Government.

By Mr. SWEENEY.

HOUSE BILL No. 283.

An Act permitting inquiry as to good repute and consent on cross-examination of prosecutrix in cases of statutory rape.

Referred to the Committee on Judiciary Special.

By Mr. BRETHERICK.

HOUSE BILL No. 284.

An Act to amend clause (d) of section two of the act, approved the seventh day of June, one thousand nine hundred and seventeen (P. L. 447) entitled as amended

"An act relating to the administration and distribution of the estates of decedents and of minors, and of trust estates; including the appointment, bonds, rights, powers, duties, liabilities, accounts, discharge and removal of executors, administrators, guardians, and trustees, herein designated as fiduciaries; the administration and distribution of the estates of presumed decedents; widow's and children's exemptions; debts of decedents, rents of real estate as assets for payment thereof, the lien thereof, sales and mortgages of real estates for the payment thereof, judgments and executions therefor, and the discharge of real estate from the lien thereof, contracts of decedents for the sale or purchase of real estate; legacies, including legacies charged on land; the discharge of residuary estates and of real estate from the lien of legacies and other charges; the appraisal of real estate devised at a valuation; the ascertainment of the curtilage of dwelling houses or other buildings devised; the abatement and survival of actions, and the substitution of executors and administrators therein; the survival of causes of action and suits thereupon by or against fiduciaries; investments by fiduciaries; the organization of corporations to carry on the business of decedents; the audit and review of accounts of fiduciaries; refunding bonds; transcripts to the court of common pleas of balances due by fiduciaries; the rights, powers, and liabilities of nonresident and foreign fiduciaries; the appointment, bonds, rights, powers, duties and liabilities of trustees during the absence of the recording and registration of decrees, reports and other proceedings, and the fees therefor; appeals in certain cases; and, also, generally dealing with the jurisdiction, powers, and procedure of the orphans' court in all matters relating to fiduciaries concerned with the estates of decedents," as amended, providing that where a resident of this Commonwealth petitions the register of wills of a county other than the one in which he resides, for the issuance of letters testamentary, the affidavit and oath or affirmation required by this act before the issuance of such letters may be taken before, and administered by the register of wills of the county in which the applicant resides, and letters testamentary may be issued by the register of wills of the proper county without a personal appearance of the applicant.

Referred to the Committee on Judiciary General.

By Mr. BRETHERICK.

HOUSE BILL No. 285.

An Act to amend section five hundred twenty, section five hundred thirty as amended, and sections seven hundred three and two thousand twelve of the act, approved the twenty-fourth of June, one thousand nine hundred and thirty-one (P. L. 1206), entitled "An act concerning townships of the first class; amending, revising, consolidating, and changing the law relating thereto," providing for the election of auditors for vacancies in office of commissioners for compensation to township commissioners and fixing the width of public roads, streets, lanes and alleys.

Referred to the Committee on Townships.

By Mr. BRETHERICK.

HOUSE BILL No. 286.

An Act providing that officials charged with the duty of assessing real estate for taxation, except in cities of the first class, may at any time split or separate the assessment on any tract of real estate which has been or is to be divided in order to permit the payment of taxes due on a portion of such tract; requiring tax collectors to accept payment of such taxes and validating all such split or separated assessments heretofore made.

Referred to the Committee on Municipal Corporations.

By Mr. O'CONNOR.

HOUSE BILL No. 287.

An Act to further amend clause (a) and to amend clause (g) of section fifteen of the act, approved the seventh day of June, one thousand nine hundred and seventeen (P. L.

447), entitled as amended "An act relating to the administration and distribution of the estates of decedents and of minors, and of trust estates; including the appointment of bonds, rights, powers, duties, liabilities, accounts, discharge and removal of executors, administrators, guardians, and trustees, herein designated as fiduciaries; the administration and distribution of the estates of presumed decedents; widow's and children's exemptions; debts of decedents, rents of real estate as assets for payment thereof, the lien thereof, sales and mortgages of real estate for the payment thereof, judgments and executions therefor, and the discharge of real estate from the lien thereof; contracts of decedents for the sale or purchase of real estate; legacies, including legacies charged on land; the discharge of residuary estates and of real estate from the lien of legacies and other charges; the appraisement of real estate devised at a valuation; the ascertainment of the curtilage of dwelling houses or other buildings devised; the abatement and survival of actions, and the substitution of executors and administrators therein; the survival of causes of action and suits thereupon by or against fiduciaries; investments by fiduciaries; the organization of corporations to carry on the business of decedents; the audit and review of accounts of fiduciaries; refunding bonds; transcripts to the court of common pleas of balances due by fiduciaries; the rights, powers, and liabilities of nonresident and foreign fiduciaries; the appointment, bonds, rights, powers, duties, and liabilities of trustees durante absentia; the recording and registration of decrees, reports and other proceedings, and the fees therefor; appeals in certain cases; and, also, generally dealing with the jurisdiction, powers, and procedure of the orphans' court in all matters relating to fiduciaries concerned with the estates of decedents," by providing that the cost of settlement of the estate and the funeral expenses of a deceased person shall be liens upon the real estate owned by such deceased person.

Referred to the Committee on Judiciary General.

By Mr. BREATHERICK. HOUSE BILL No. 288.

An Act to repeal sections two thousand ninety, two thousand ninety-one, two thousand ninety-two, two thousand ninety-three, two thousand ninety-four, two thousand ninety-five, and two thousand ninety-six of the act approved the twenty-fourth day of June, one thousand nine hundred and thirty-one (P. L. 1206), entitled "An act concerning townships of the first class; amending, revising, consolidating, and changing the law relating thereto," by abolishing the right of taxpayers to furnish all the materials and labor necessary for opening, making, amending and repairing the public highways and bridges of townships by petition and contract.

Referred to the Committee on Townships.

By Mr. HOLLAND. HOUSE BILL No. 289.

An Act authorizing political subdivisions of this Commonwealth to exempt from taxation alterations and improvements to existing buildings in certain cases.

Referred to the Committee on Municipal Corporations.

By Messrs. WEISS and CHECK. HOUSE BILL No. 290.

An Act to amend section one of, and to add section one and one-tenth, to the act approved the twenty-fifth day of October, one thousand nine hundred and thirty-eight, (P. L. 84), entitled, "An act abating certain tax penalties, interest and costs on county, city (except city of the first class), borough, town, township, school district (except school district of the first class), and poor district taxes; prohibiting the sale of real property for the nonpayment of any such taxes for a certain period; and preserving certain tax liens, and providing for the extension thereof," by providing that persons who shall have failed to comply with the requirements of said act and who shall have lost or who have failed to secure the benefits and

privileges thereof, may regain or acquire a portion of such benefits and privileges upon complying with the provisions of this amendment.

Referred to the Committee on Municipal Corporations.

By Messrs. CLARK and KRISE. HOUSE BILL No. 291.

An Act to amend section one of the act, approved the first day of July, one thousand nine hundred and thirty-seven (P. L. 2681), entitled "An act relating to, and regulating the manufacture, storing, and possession of explosives; requiring permits for magazines, and prescribing permit fees; and providing penalties," by excluding from the provisions of said act explosives used in clay mining or in rock or stone quarries.

Referred to the Committee on Mines and Mining.

By Mr. CHECK. HOUSE BILL No. 292.

An Act to promote uniformity in the assessment and taxation of properties and persons within the territorial limits of cities of the third class, by providing that city and school taxes within such territorial limits shall be assessed, levied, and collected upon the basis of the assessments for taxation made by county taxing authorities; imposing duties on such taxing authorities; abolishing the offices of assessor and assistant assessor in cities of the third class; and transferring certain property and functions to county taxing authorities.

Referred to the Committee on Cities—Third Class.

By Mr. HESS. HOUSE BILL No. 293.

An Act providing for the exclusions from the court room and the segregation of certain witnesses in criminal cases, imposing restrictions on such witnesses, providing for their maintenance at the expense of the county; and prescribing penalties.

Referred to the Committee on Judiciary Special.

By Mr. SEIF (By Request). HOUSE BILL No. 294.

An Act providing for the classification of real estate in counties of the second class so as to distinguish between buildings and land and for the fixing of different rates of taxes thereon.

Referred to the Committee on Counties.

By Mr. BOWER. HOUSE BILL No. 295.

A Supplement to the act, approved the seventeenth day of May, one thousand nine hundred and twenty-one (P. L. 869), entitled, "An act providing for the organization, government, discipline, maintenance, and regulation of the armed land forces of this Commonwealth," by providing that the Pennsylvania National Guard shall supply squads at funerals of honorably discharged deceased war veterans, in certain cases; providing for the expenses thereof; and making an appropriation.

Referred to the Committee on Military Affairs.

By Mr. CURRAN. HOUSE BILL No. 296.

An Act to validate mortgage sales of real estate by foreign executors and administrators, and the titles acquired by purchasers at such sales.

Referred to the Committee on Judiciary General.

By Mr. CURRAN. HOUSE BILL No. 297.

An Act authorizing women who have been divorced from the bonds of matrimony to retake and use their maiden names; and making certified copies of their election evidence in all cases.

Referred to the Committee on Judiciary General.

By Mr. WINNER (By Request). HOUSE BILL No. 298.

An Act to amend section one of the act, approved the fourteenth day of April, one thousand nine hundred and thirty-seven (P. L. 313), entitled "An act to enable cities of the first, second, and second class A, incorporated towns, boroughs, and townships of the second class, to govern and regulate by ordinance the construction, alteration, repairs, occupation, maintenance, sanitation, lighting, ventilation, water supply, toilet facilities, drainage, use and inspection of all buildings and land appurtenant thereto; providing for the enforcement of such ordinances; and repealing existing laws," by making provision for adoption of standard building codes; and dispensing with the publishing of such codes in full.

Referred to the Committee on Municipal Corporations.

By Mr. WINNER (By Request). HOUSE BILL No. 299.

An Act to amend section four thousand one hundred twenty of the act, approved the twenty-third day of June, one thousand nine hundred and thirty-one (P. L. 932), entitled "An act relating to cities of the third class; and amending, revising, and consolidating the law relating thereto," by making provision for adoption of standard building codes; and dispensing with the publishing of such codes in full.

Referred to the Committee on Cities—Third Class.

By Mr. WINNER (By Request). HOUSE BILL No. 300.

An Act to amend clause nineteen of section one thousand five hundred two of the act, approved the twenty-fourth day of June, one thousand nine hundred and thirty-one (P. L. 1206), entitled "An act concerning townships of the first class; amending, revising, consolidating, and changing the law relating thereto," by making provision for adoption of standard building codes; and dispensing with the publishing of such codes in full.

Referred to the Committee on Townships.

By Mr. McKINNEY. HOUSE BILL No. 301.

An Act providing that sentence shall not be imposed by any court of criminal jurisdiction on any person convicted of any offense before such court, until after the expiration of five days from the date of conviction.

Referred to the Committee on Judiciary Special.

By Mr. ROSENFELD. HOUSE BILL No. 302.

An Act to amend section nine of the act, approved the fifteenth day of May, one thousand nine hundred and thirty-three (P. L. 553), entitled "An act relating to the financial responsibility of operators and owners of motor vehicles, and to make uniform the law with reference thereto; requiring operators and owners of automobiles, under certain circumstances, to furnish proof of financial responsibility, as herein defined; providing for the suspension of operators' licenses and motor vehicle registration certificates in certain cases; regulating insurance policies which may be accepted as proof of financial responsibility; imposing duties upon the Secretary of Revenue, the State Treasurer, and prothonotaries; and prescribing penalties," by requiring applicant for renewal of operator's license to provide additional information to the Secretary of Revenue.

Referred to the Committee on Motor Vehicles.

By Mr. ROSENFELD. HOUSE BILL No. 303.

An Act to amend section six hundred ten as amended, and section six hundred twelve of the act, approved the first day of May, one thousand nine hundred twenty-nine (P. L. 905), entitled "An act for the protection of the public safety; regulating the use of highways, and the operation of vehicles, tractors, street cars, trackless trolley

omnibuses, bicycles, pedestrians, and the riding of animals upon the highways of this Commonwealth; providing for the titling, including liens, encumbrances, and legal claims; registration of certain vehicles and licensing the operators thereof, upon payment of prescribed fees; prescribing and limiting the powers of local authorities to deal with the subject matter of this act; conferring powers and imposing duties upon the Department of Revenue, the Department of Highways, peace officers, mayors, burgesses, magistrates, aldermen, justices of the peace, the courts and the clerks thereof, owners of vehicles, and garage keepers, providing that records are admissible as evidence; imposing upon owners, counties, cities, boroughs, incorporated towns, townships, within the Commonwealth, liability for damages caused by the negligent operation of their motor vehicles; imposing penalties; imposing certain costs upon counties; providing for the disposition of fines, forfeitures, fees and miscellaneous receipts; making an appropriation and providing for refunds," by requiring licensed operators to affix a photograph of themselves upon their operator's card.

Referred to the Committee on Motor Vehicles.

By Mr. McKINNEY. HOUSE BILL No. 304.

An Act to amend the act approved the second day of May, one thousand nine hundred and twenty-nine (P. L. 1278), entitled "An act relating to counties of the second, third, fourth, fifth, sixth, seventh and eighth classes; and revising, amending and consolidating the laws relating thereto," by adding thereto section fifty-seven and one-tenth; requiring county officers in counties of the sixth class to keep separate from their personal accounts all fees, costs and other moneys paid into their office, and to turn such moneys not paid to parties entitled thereto over to their successor.

Referred to the Committee on Counties.

By Messrs. TAHL and HAMILTON.

HOUSE BILL No. 305.

An Act relating to fireworks; defining fireworks; prohibiting the sale, offering or exposing for sale and use of fireworks, except in certain cases; authorizing cities, boroughs, towns and townships to issue permits for fireworks displays and to regulate the same; imposing duties on the Pennsylvania Motor Police, sheriffs, police officers and constables; and providing penalties.

Referred to the Committee on Municipal Corporations.

By Messrs. HAMILTON and SWEENEY.

HOUSE BILL No. 306.

An Act providing for the payment by the State Treasurer of the tax on certain premiums paid by foreign casualty insurance companies to the treasurers of the several cities, boroughs, towns and townships, and for the payment thereof into their police pension funds, and, in certain cases, into the State Employees' Retirement Fund for the benefit of the Pennsylvania Motor Police.

Referred to the Committee on Ways and Means.

By Mr. ROSENFELD. HOUSE BILL No. 307.

An Act to further amend clause (a) of section four hundred two of the act approved the first day of May, one thousand nine hundred twenty-nine (P. L. 905), entitled "An act for the protection of the public safety; regulating the use of highways, and the operation of vehicles, tractors, street cars, trackless trolley omnibuses, bicycles, pedestrians, and the riding of animals upon the highways of this Commonwealth; providing for the titling, including liens, encumbrances, and legal claims; registration of certain vehicles and licensing the operators thereof, upon payment of prescribed fees; prescribing and limiting the powers of local authorities to deal with the subject matter of this act; conferring powers and imposing

duties upon the Department of Revenue, the Department of Highways, peace officers, mayors, burgesses, magistrates, aldermen, justices of the peace, the courts and the clerks thereof, owners of vehicles, and garage keepers; providing that records are admissible as evidence; imposing upon owners, counties, cities, boroughs, incorporated towns, townships, within the Commonwealth, liability for damages caused by the negligent operation of their motor vehicles; imposing penalties; imposing certain costs upon counties; providing for the disposition of fines, forfeitures, fees, and miscellaneous receipts; making an appropriation; and providing for refunds," by further regulating the registration of motor vehicles, trailers and semi-trailers.

Referred to the Committee on Motor Vehicles.

By Mr. WINNER. (By Request). HOUSE BILL No. 308.

An Act to amend section one of the act, approved the seventeenth day of June, one thousand nine hundred and thirteen (P. L. 507), entitled "An act to provide revenue for State and county purposes, and, in cities coextensive with counties, for city and county purposes; imposing taxes upon certain classes of personal property; providing for the assessment and collection of the same; providing for the duties and compensation of prothonotaries and recorders in connection therewith; and modifying existing legislation which provided for raising revenue for State purposes," as amended, by excluding from the provisions of said act personal property transferred and assigned to, or possessed by certain fiduciaries.

Referred to the Committee on Counties.

By Mr. WINNER. (By Request). HOUSE BILL No. 309.

An act to amend section three of the act, approved the twenty-second day of June, one thousand nine hundred and thirty-five (P. L. 414), entitled "An act to provide revenue for State purposes; imposing taxes upon certain classes of personal property; providing for the assessment, collection, and lien of the same, and the distribution of the proceeds thereof; imposing duties on executors, administrators, registers of wills, recorders of deeds, prothonotaries, and court clerks, and on persons, copartnerships, associations, banks, national banks, trust companies, and other corporations receiving deposits of money, and on certain corporations and limited partnerships, conferring powers and imposing duties on certain State officers and departments; imposing penalties; and making an appropriation," as re-enacted and amended, excluding from the provisions of said act personal property transferred and assigned to, or possessed by certain fiduciaries.

Referred to the Committee on Ways and Means.

By Mr. SHEARER. HOUSE BILL No. 310.

An Act to amend section seven of the act, approved the second day of January, one thousand nine hundred thirty-four (P. L. 201), entitled "An Act authorizing the issue and sale of bonds by the Commonwealth of Pennsylvania to defray the cost of the acquisition of toll bridges; defining the powers and duties of the Governor, and Auditor General, the State Treasurer, and the Board of Finance and Revenue, in relation thereto; providing for the payment of interest on, and the redemption of, such bonds; and making an appropriation," providing for the payment of the interest on and the redemption of such bonds out of the Motor License Fund.

Referred to the Committee on Highways.

By Mr. SHEARER. HOUSE BILL No. 311.

An Act to amend section eleven of the act, approved the twenty-seventh day of April, one thousand nine hundred and twenty-seven (P. L. 395), entitled "An act empowering the Department of Highways to acquire certain toll bridges within the Commonwealth; providing the procedure therefor; providing for the reimbursement of the Commonwealth from tolls and charges; and making an

appropriation," as amended, by providing that such toll bridges, heretofore or hereafter acquired by the Department of Highways, shall be free bridges from the effective date of this act or from the date they are so acquired.

Referred to the Committee on Highways.

RESOLUTION INTRODUCED AND REFERRED

By Mr. SHEARER. (Concurrent) RESOLUTION No. 21.

In the House of Representatives, February 27, 1939.

Whereas, it was the intent of the Commonwealth, at the time it purchased \$90,000 of the capital stock of the Harrisburg Bridge Company, that the toll bridge, the construction of which was authorized in 1809 at Market Street in Harrisburg, should be freed within a period of thirty years, or as soon thereafter as excess toll collections would permit; and

Whereas, the Constitution of the Commonwealth has been amended to authorize the issuance of such part of \$10,000,000 of additional bonds as may be necessary to acquire intrastate toll bridges; and

Whereas, negotiations for the purchase of the Market Street Bridge have resulted in a delay of approximately five years in the acquisition of the property, during which time gross receipts increased to \$416,371.27, in 1937, on a property valued at \$1,501,000 by the Department of Highways; and

Whereas, the current collection of approximately \$500,000 annually in tolls on the two vehicular bridges at Harrisburg is a serious impediment to the social and commercial life of the community; and

Whereas, neither of the present vehicular bridges are so located as to facilitate the flow of traffic in the vicinity of Harrisburg that will result from the completion of the South Penn Turnpike and other projected highway improvements; and

Whereas, it is neither fitting nor proper that toll shall be charged on highways leading into the Capitol of the Commonwealth; now, therefore, be it

Resolved, (if the Senate concur) that this General Assembly of the Commonwealth of Pennsylvania shall proceed to the enactment of legislation for the construction of two free bridges over the Susquehanna River at Harrisburg; one between State Street and the highway by-pass at Wormleysburg, and the other between Paxton Street and the West Shore.

Referred to the Committee on Highways.

RESOLUTION INTRODUCED AND REFERRED

By Mr. REYNOLDS. RESOLUTION No. 22.

In the House of Representatives, February 27, 1939.

Whereas, The Negro has always been a loyal and patriotic citizen of the United States; and

Whereas, His record for brave and heroic deeds in numerous wars throughout the entire history of this country beginning with the Revolutionary War has been most commendable; and

Whereas, The Negro is denied the right to serve in a large number of branches of the armed forces of the United States; and

Whereas, The exclusion of the Negro from the various branches of the armed service is unfair, un-American and virtually a denial of his right to prepare himself to give his best in defense of his country; therefore be it

Resolved, That the House of Representatives of the Commonwealth of Pennsylvania memorialize the President of the United States to use his executive authority to the end that all branches of the military service of our country be opened alike to all qualified citizens so that no person shall be denied the right to enter the various branches of the armed forces of our land because of race, creed or color; and be it further

Resolved, That a copy of this resolution be forwarded to His Excellency, the President of the United States, the Hon. Harry H. Woodring, Secretary of War, and the Hon. Claude A. Swanson, Secretary of the Navy.

Referred to the Committee on Federal Relations.

PETITION

Mr. McKINNEY presented the petition of citizens of Venango County praying for the passage of legislation to license, supervise and restrict locksmiths.

Referred to the Committee on Professional Licensure.

LEAVE OF ABSENCE

Mr. Sweeney asked and obtained leave of absence for Mr. IRVIN on account of illness.

REPORT FROM COMMITTEE

Mr. McVAY from the committee on Judiciary Special reported as committed, House Bill No. 115, entitled

An Act to amend section ten of the act approved the thirty-first day of March, one thousand eight hundred and sixty, (P. L. 427), entitled "An act to consolidate, revise and amend the laws of the Commonwealth relating to penal proceedings and pleadings, by providing further for the administration of oaths and affirmations to witnesses appearing before grand juries.

BILL ON FINAL PASSAGE

Agreeably to order.

The House proceeded to the consideration on final passage of House Bill No. 142 as follows:

An Act to further amend section five of the act approved the twenty-sixth day of April one thousand nine hundred thirty-five (Pamphlet Laws 90) entitled "An act to promote uniformity in the assessment and taxation of properties and persons within the territorial limits of cities of the second class A providing that city and school taxes within such territorial limits shall be assessed levied and collected upon the basis of the assessment for taxation for county purposes and requiring the furnishing of tax duplicates by the county taxing authorities to such cities and to school districts coterminous therewith abolishing the department of assessors in cities of the second class A consolidating tax statements covering city school county and poor taxes therein and making uniform the time for levy and collection of said taxes respectively and regulating the discounts therefrom and penalties thereon" by changing the date of certain tax payments and further regulating the penalties and interest imposed on unpaid taxes

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section five of the act approved the twenty-sixth day of April one thousand nine hundred thirty-five (Pamphlet Laws 90) entitled "An act to promote uniformity in the assessment and taxation of properties and persons within the territorial limits of cities of the second class A by providing that city and school taxes within such territorial limits shall be assessed levied and collected upon the basis of the assessments for taxation for county purposes and requiring the furnishing of tax duplicates by the county taxing authorities to such cities and to school districts coterminous therewith abolishing the department of assessors in cities of the second class A consolidating tax statements covering city school county and poor taxes therein and making uniform the time for levy and collection of said taxes respectively and regulating the discounts therefrom and penalties thereon" which was amended by section five of the act approved the second day of July one thousand nine hundred thirty-seven (Pamphlet Laws 2791) is hereby further amended to read as follows

Section 5 It shall be the duty of the collector of taxes in the issuing of tax statements to include all city school county and poor taxes against the same properties or persons upon one statement for each year and said tax statement shall be mailed to the taxpayer by the tax collector not later than the first day of April of each calendar year Taxables shall have the option to elect to pay the

total amount of their city county school and poor taxes in four equal quarterly payments as follows viz

The first quarterly payment during the months of April May and June the second quarterly payment during the month of July the third quarterly payment during the month of October and the fourth quarterly payment during the month of [January] December The first quarterly payment shall become delinquent if not paid on or before the thirtieth day of June the second quarterly payment shall become delinquent if not paid on or before the thirty-first day of July the third quarterly payment shall become delinquent if not paid on or before the thirty-first day of October the fourth quarterly payment shall become delinquent if not paid on or before the thirty-first day of [January] December

The discount as provided under section four shall be allowed to the taxable on his first quarterly payment only provided the same shall be paid on or before the thirtieth day of April Upon default in the payment of any quarterly installment only the amount of such installment shall be considered delinquent and shall thereupon become due and owing by the taxable and said unpaid installment shall bear the same penalties and interest charges as is hereinbefore provided for delinquent taxes but such penalties and interest shall be computed only on the amount of the installment which is in default

Section 2 This act shall be in force and effect immediately upon its passage and approval by the Governor

On the question,

Shall the bill pass finally?

Mr. CORDIER. Mr. Speaker and members of the House, the bill before you applies only to cities of the second class A, namely Scranton. It provides for the collection and payment of taxes in cities of the second class A within the same year for which the taxes are assessed. It also provides for a change in the penalties under the Single Tax Act, under which Scranton operates and which at present provides where a taxpayer becomes delinquent on any quarterly payment of his taxes he is penalized for the entire amount of the taxes for the entire year. The amendment to the act provides that the taxpayer is only penalized for interest and a penalty to the extent that he is delinquent in any quarterly payment during the year. This particular act has the approval of the County Solicitor, the City Solicitor and the School Board Solicitor of the city of Scranton, and it definitely has the approval of the taxpayers of Scranton. Mr. Speaker and members of the House, the tax collector of the city of Scranton is holding up the printing of his tax statement looking forward to the approval of this act.

For the reasons stated, Mr. Speaker and members of the House, I respectfully urge the members of the House to give this bill their affirmative vote.

Mr. HUNTLEY. Mr. Speaker, I would like to interrogate the gentleman from Lackawanna, Mr. Cordier.

The SPEAKER. Will the gentleman from Lackawanna, Mr. Cordier, permit himself to be interrogated?

Mr. CORDIER. I will, Mr. Speaker.

Mr. HUNTLEY. Mr. Speaker, I understood the gentleman from Lackawanna to say that that was a special law in reference to Scranton.

Mr. CORDIER. That is right, Mr. Speaker.

Mr. HUNTLEY. Mr. Speaker, then I take it that this law is unconstitutional. How can we pass a special tax law in Pennsylvania that applies to only one county?

Mr. CORDIER. Mr. Speaker, for the information of the gentleman I would say that this is not a new law. It is an amendment to a law that has already been passed, and from information that I have from the Legislative

Reference Bureau when the amendment was prepared, I am informed it is not special legislation and it does not require any publication.

Mr. HUNTLEY. Mr. Speaker and members of the House, in the county where I live, Cameron County, we have a special tax law, and I am informed we cannot amend that law, that the only thing we can do is to repeal it.

Mr. CORDIER. Mr. Speaker and members of the House, this amendment to the Single Tax Act of cities of the second class A in no sense can be construed as special legislation. The act originally applied to all cities of the second class A, and in the present set-up there is but one city of the second class A, namely Scranton. I have taken the matter up with the director of the Legislative Reference Bureau and I have been informed that it is not special legislation, and for these reasons I ask for an affirmative vote on this bill.

Mr. HUNTLEY. Mr. Speaker, I withdraw my objections. I think the gentleman has made it plain by mentioning the classification. He did not do that when he first spoke of it. He said it was a law applying to Scranton only.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—205.

Achterman.	Downey.	Levy.	Royer.
Ackermann.	Eckels.	Leydlc.	Sarraf.
Allen.	Ely.	Lichtenwalter.	Scanlon.
Allmond.	Ewing.	Long.	Schrock.
Alspach.	Falkenstein	Lovett.	Schrope.
Andrews.	Fauset.	Lyons.	Schwab.
Atkins.	Finnerty.	Madden.	Seif.
Auker.	Fisher.	Malloy.	Serrill.
Baker.	Fiss.	Malone.	Shaw.
Balliet.	Flanagan.	Marr.	Shearer.
Balthaser.	Fleming.	Matthews.	Simons.
Bardes.	Foor.	McClester.	Skale.
Bennett.	Freed.	McGarrity.	Sloan.
Bohn.	Fullerton.	McKinney.	Snyder.
Boles.	Furman.	McLane.	Sollenberger.
Boney.	Gates.	McNally.	Stambaugh.
Boorse.	Gillan.	McVay.	Stank.
Boose.	Gillette.	Melchiorre.	Stewart.
Bower.	Goll.	Mihm.	Stockham.
Boyd.	Gorskl.	Montgomery.	Sweeney.
Brancato.	Habbyshaw	Mooney.	Tahl.
Bretherick.	Haines.	Moran.	Tarr.
Broad.	Hall.	Moser, F. S..	Taylor.
Bronson.	Hamilton.	Moser, J. L..	Terry.
Brown, H. S..	Harbeson.	Muir.	Thistle.
Brown, S. W..	Harkins.	Munley.	Thompson, E. F..
Brunner.	Haudenschild.	O'Brien.	Thompson, G. R..
Burns.	Henry.	O'Connor.	Tiemann.
Burris.	Hess.	O'Dare.	Tronzo.
Cadwalader.	Hewitt.	O'Keefe.	Trout.
Calvin.	Hindman.	Omlnsky.	Van Allsburg
Carpenter.	Hocke.	O'Neill.	Van Belle.
Check.	Hoffman, J. N..	Peacock.	Voorhees.
Chervenak.	Hoffman, S. K..	Peale.	Wagner.
Christler.	Holland.	Powers.	Walsh.
Clark.	Hoyt.	Preston.	Watkins.
Clearwater.	Huntley.	Readinger.	Webster.
Cohen, H. B..	James.	Reagan.	Weiss.
Cohen, R. E..	Jirolanio.	Reese, D. P..	Welsh, E. B..
Cook.	Johnston.	Reese, R. E..	Welsh, M. J..
Cooper.	Jones.	Regan.	Westrick.
Cordier.	Kane.	Reynolds.	Wilkinson.
Corrigan.	Keenan.	Rhodes.	Williams.
Cortese.	Kenehan.	Rider.	Wilson.
Curran.	Kilroy.	Riley.	Winner.
Dalrymple.	Kline.	Robertson.	Wood, H. M..
Denman.	Knobie.	Rooney.	Wood, L. H..
DeNote.	Kowalski.	Rose.	Wood, N..
Dick.	Krise.	Roseberry.	Woodside.
Dix.	Lee.	Rosenfeld.	Yeakel.
Donahue.	Lelsey.	Rothenberger.	Turner.
Donohoe.			Speaker.

NAYS—0.

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

BILL ON THIRD READING

Agreeably to order.

The House proceeded to the third reading and consideration of House Bill No. 92, as follows:

An Act to prohibit assessments and demands for contributions for political purposes and providing a penalty
The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 It shall be unlawful for any political committee or any member employe or agent thereof or for any public officer or employe or any other person whatsoever directly or indirectly to demand from any public officer subordinate or employe holding any office or position of honor trust or profit under this Commonwealth or otherwise engaged or employed in the service of the Commonwealth or employed by or in any way engaged in the service of any political subdivision or from any person receiving any public assistance whatsoever from the Commonwealth or the United States directly or through employment on public works or any person association or corporation desiring or having a contract with or a certificate license or permit from the Commonwealth or any political subdivision any assessment or percentage of any money or profit or their equivalent in any thing of value with the understanding express or implied that the same may be used or shall be used for political purposes Provided however That nothing in this act contained shall be construed to prohibit voluntary contributions to any political committee or organization for legitimate political and campaign purposes to the extent such contributions are not prohibited by law

Section 2 Any person who violates any of the provisions of this act shall be guilty of a misdemeanor and on conviction thereof shall be sentenced to imprisonment for a term not exceeding one (1) year or to pay a fine not exceeding one thousand dollars (\$1,000) or both in the discretion of the court.

Section 3 This act shall become effective immediately upon its final enactment

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

Mr. LONG. Mr. Speaker and members of the House, the administration anti-macing bill is about to be put to a vote in this House. I would like to call the attention of the House to the fact that the bill in its present form merely reenacts the old anti-macing acts which have been in effect in this state for the past forty years. The old anti-macing acts have permitted every administration and every political party that has gained control in the Commonwealth to levy persistently and maliciously assessments and demands upon political jobholders in this Commonwealth. After last night's little discussion on the floor of the House I met several of the former employees of the Commonwealth who worked on the Hill for a number of years under both Democratic and Republican administrations, and these gentlemen who are no longer employed by the Commonwealth as public employees, are of the opinion that the solicitation which is permitted by this bill, is in effect a demand. The first form of job insurance that we ever had in Pennsylvania was political assessments and political contributions to the boss that

held the whip. As the employees will tell you, it was always a very good investment. If we wish to continue macing of public employees as it has persisted in this Commonwealth during the last forty years, all we have to do is to enact this measure as it now stands and go back to the old status quo, an open season for the macing of public employees. Here is a real opportunity for the incoming administration to practice economy and to at the same time in effect give a raise in salary to every public employee in the Commonwealth of Pennsylvania.

The tax on employees' salaries is a most malicious and vicious form of unofficial taxation. It is based upon the principle in many cases of inability to pay, rather than ability to pay. If we really wish to do away with this malicious form of macing, the only way we can do it is by strengthening this bill and not by merely re-enacting the old anti-macing legislation of former years.

I would like to ask the members of this House, regardless of their political affiliation, to vote for this anti-macing measure in the hope and with the expectation that the Senate might strengthen in some measure and make effective to some extent at least an anti-macing bill, and if by any stretch of the imagination should fail in its duty to the people of the state of Pennsylvania, I and I believe many other people interested in this State, really believe that His Excellency, the Governor of the Commonwealth, being sincere in wishing to do away once and for all with this vicious practice, will send back to this House this emasculated bill with the demand that we prevent the macing of public employees in Pennsylvania for once and for all. Therefore, I ask that all members give this bill their support and their vote.

Mr. ANDREWS. Mr. Speaker and members of the House, the request of the gentleman from Philadelphia that this House support a bill which he properly terms an inoperative measure is indeed a peculiar one. I would not have arisen had it not been for the fact that the gentleman from Philadelphia did request the minority to support this bill.

This measure outlines the procedure followed by the party whose leaders are now facing indictments and possible conviction. If the leaders of the Democratic party are convicted they will have done nothing more than those things which would be sanctioned by this measure. If the gentleman from Philadelphia is really consistent instead of asking the minority to support this measure, in view of the misfortunes that have followed the footsteps of the Democratic leaders, he would ask that the minority oppose this inoperative bill.

Mr. McVAY. Mr. Speaker and members of the House, the gentleman from Philadelphia, Mr. Long, has stated that the passing of this bill will reenact an anti-macing law. He has not told us that the 1937 session of the Legislature, through what they claim in apologetic terms to have been an oversight, omitted this bill from a revision of the election code.

With apologies to the scripture, I do not quote, I understand there is great rejoicing in Heaven over the repentance of even one sinner. I am sure that Saint Peter will open wide the pearly gates of heaven to receive the ladies and gentlemen of the minority. Why do I say this? Because the minority through at least some of their spokesmen have stated that they would support an anti-macing measure. Last evening we had the pleasure of

listening to some very able and, yes, perhaps some sincere remarks from the gentleman from Philadelphia, Mr. Long. He offered alternative amendments. His first set of amendments would deny the right of suffrage to every employee on the state payroll. Upon the defeat of that amendment he admits upon the floor of this House, both a doubt of the merits and a doubt of the constitutionality. For that reason I cannot but feel that there might have been some doubt as to the sincerity and the good faith in which the amendment was offered. Now, he offered last evening an alternative amendment in which he would make it crime to solicit contributions for political purposes. The gentleman could not but admit the absolute impossibility of administering such a law. I cannot doubt that there might have been some sincerity in the remarks of the gentleman from Philadelphia. Certainly there is fresh in all of our minds the campaign preceding the last election held on November 8th to the eternal shame of the so called Democratic party. There was paraded before the world the most high handed most vicious and most disgracing blood sucking display of autocratic penny grabbing that the mind of man, beast or the devil could possibly conjure. The brows of the janitor were plucked in order that the last shackle might be shaken loose from the palsied hand of the aged. The purse of the scrub woman was examined so that in addition to the regular assessment a further levy might be exacted. Even "Harry the Hop," who has since apparently turned over a new leaf as Secretary of Commerce has admitted that WPA workers were mulcted, maced, browbeaten and "fenagled" out of the last farthing which he so laboriously earned in waiving the red flag. I think we of the majority would appreciate the request of the gentleman from Philadelphia, Mr. Long, that the minority join in the passage of this act because, if it is nothing more, it is the reenactment of a bill which the Democrats apologized for having omitted through oversight.

Mr. ANDREWS. Mr. Speaker and members of the House, "when the devil is sick, the devil a saint would be; when the devil is well, the devil a saint is he." The Democratic devil, as a result of the unrestrained solicitation of contributions from the people who should not have been solicited is in trouble, and as the gentleman said, he has repented, but the Republican devil, being well, takes the position that it can get away with the sort of thing that destroyed the Democratic party.

Mr. LONG. Mr. Speaker and members of the House, I do not wish to take up too much of the members time, I do not believe that at any time, particularly by the members who have served with me, has my sincerity ever been an issue in this House. The gentleman from Allegheny, Mr. McVay, gave some very fine reasons why this bill should be passed. He enumerated the facts of macing, "fenagling" and brow-beating of federal and work relief employees, and the fact that he included solicitation in the "fenagling" and the macing only goes to show that if we really want to prevent these occurrences which the gentleman from Allegheny deplures, the way to do that is to strengthen the bill and to prevent solicitation which is really a demand.

The gentleman has given the most excellent reasons I think, why the Republican majority in this House should reconsider its action in not including in this measure the solicitation of public employees.

Mr. KANE. Mr. Speaker and members of the House, like the gentleman from Philadelphia, I do not want to take up too much of your time, but I do want to point out one reason which we did not cover in last night's discussion for preserving the right of voluntary contributions to a political party on the part of governmental employees, and that is this: next to macing, which we are all complaining about, probably the next worst evil that we have to contend with is the domination of political parties by one or two wealthy contributors, who by reason of the fact that they furnish sinews of war, are in a position after election to demand proper recognition for their very well worth while service in the campaign. I am not complaining about any individuals on this matter. It is a matter which prevails in both parties in state and national elections. Therefore, it is important that we preserve the voluntary privilege on the part of governmental employees, if they care to contribute.

I likewise wish to state that the sincerity of the gentleman from Philadelphia is well known to the members who have served with him for a four year period, and it should not be questioned by any body in this House, whether on one side or the other. I want to suggest, however, that the gentleman from Philadelphia, rather than the gentleman from Cambria, is right about the position we should take at this time. Let us by all means pass the measure before the House by unanimous vote and join in a request for betterments as the bill goes on through the processes in the Senate and to the Governor's desk so that it can be made a genuinely effective anti-macing bill, preserving on the one hand the right of an individual to make contributions, and preventing on the other hand the demanding of contributions whether by outright demand or by quiet suggestion that "you had better contribute or else."

I want to thank the members of the House for their courtesy and I hope the Democratic members will not take a partisan angle on this thing for the reason that it is proposed by Republicans, but remembering, as the gentleman from Cambria has already said, it was this very macing which did their party the most damage in the recent election. Join the Republicans in making the vote on this bill unanimous.

Mr. HERBERT B. COHEN. Mr. Speaker, and members of the House, I remember very clearly, and I think that the members of the House remember very clearly January 17, when His Excellency, the Governor, stood before the present assemblage and waved the anti-macing bill which he said was the bill which was going to prevent contributions from people who received money from the state, or the demand for contributions from people who received money from the state. In that bill the Governor changed the established law of this Commonwealth that had been in existence for years, in that it allowed corporations to make voluntary contributions. Now, when that particular, shall I say, misconception, was called to the Governor's attention, the Governor through his legislative arm, had lines ten and eleven of the bill deleted. I did not hear anybody say that that deletion of lines ten and eleven was a fraud committed by the Governor maliciously in order to change the existing law. The Governor said and the Attorney General said that it was an error that crept into the bill and we will see, after the bill is presented to us, that the error is obviated. The gentleman who pre-

viously spoke was not nearly as magnanimous to the Democratic minority, as the majority in 1937 was to the Governor and his Attorney General in 1939. He would say it was a malicious act on the part of the 1937 legislature that deleted the anti-macing clause from the election code.

I say to the members of this House, just as the gentleman from Philadelphia has said, and as the gentleman from McKean has said, that this bill, for all practical purposes and effect, is an absolute nullity; we are accomplishing nothing by its enactment. The only particular purpose that we might have in passing this bill is to turn it over to the Senate so that those who are sincerely interested in passing an anti-macing bill might have this bill before them so that the proper effective amendments might be placed in it. As it stands now, as the gentleman from Cambria has indicated, with this particular enactment passed by this House, it will not prevent the abuses that we seek to cure; it will not change one iota a situation that existed more than four years under the previous Republican administration; it will not change one iota the system that has been in force for the past four years under the Democratic administration. I say to the membership of this House if you expect to go back to your people and tell them that you have now driven from the laws of the Commonwealth of Pennsylvania this miserable practice of macing state employees, that you have thereby enacted the campaign promise that you have made to your constituents, that you did make and still are making, I say to the membership of this House that you are committing a fraud upon your constituents because this bill accomplishes nothing. If the Senate sees fit to put teeth into this bill, if the Governor sees fit to send it back to the House and Senate for effective amendment, then we will have something accomplished, but lest the majority will continue to go back to their constituents and say that when that grand and fine anti-macing bill was presented to the House the Democrats all voted "No," lest there should be a continued perpetration of fraud upon the people of the Commonwealth, I say to the membership of this House, pass the bill, a nullity as it might be, send it over to the Senate with the sincere hope that the amendments suggested by the gentleman from Philadelphia be placed in the bill, and that we enact for the people of the Commonwealth of Pennsylvania, the employees of the Commonwealth of Pennsylvania, the employees of the municipal governments of the state of Pennsylvania, an effective anti-macing bill, so that we can go back to our people and know that the job has been well done.

Under those circumstances, realizing that no effective accomplishment will be made by the passage of this bill, but in order to obviate incorrect accusations, I ask the membership of this House to vote for this bill, which is nothing more than a complete fraud upon the people of the Commonwealth of Pennsylvania and the workers for the Commonwealth.

Mr. ROSENFELD. Mr. Speaker and members of the House, we of the minority feel rather grateful to my worthy colleague from Allegheny County in receiving the sanction to enter the Hall of St Peter. As the minority in this House, we favor legislation which will do the public some good; we certainly do not favor legislation similar to what we are trying to enact today. Such legislation to my mind purports to be nothing more than a joker. It certainly will not remedy the situation that has existed for more than fifty years. I refer not only to employees

that have been maced but I refer to the practice that has continued here for many years whereby organizations dominated by Pew, Grundy and Weir, have made contributions for the reason that they have vitally interested themselves in every campaign that went on in this state, and as a matter of fact, in this nation. I appeal, on behalf of the minority in this House, to oppose this bill and to oppose it for the reason that it does not mean anything. It merely carries out a promise which the Governor made which has no effect whatsoever.

Mr. LEVY. Mr. Speaker and members of the House last night until approximately three o'clock in the morning I witnessed personally the argument over on the Senate floor concerning a debatable senatorial election in Philadelphia, and I was very happy near the close of the session this morning that a Democratic member of the Senate had the courage to stand up and tell the body that he thought the argument was useless and was wasted because, he added, "During my campaign I remembered distinctly that I went into many tap rooms and put the drinks up for the house, when my voters were present," and he never reported that to the Elections' Committee.

Mr. Speaker and members of the House, I join with my colleague from York, Mr. Cohen, in telling you that this anti-macing bill is a fraud on the people of the Commonwealth of Pennsylvania. I for one doubt the sincerity of the gentleman who represents the majority in this House, and I doubt the sincerity of the gentleman from Allegheny who spoke about macing Federal employees, and I also doubt the sincerity of any member on the opposite side of this House who attempts to bring in anything which has to deal with the subject of macing in Pennsylvania. I deny the sincerity of the Governor of Pennsylvania when we remember distinctly on the day of the inauguration, when we flaunted upon this assemblage a bill which he had in his hand and he said, "This will stop macing in Pennsylvania," when in fact in that particular bill there was no provision for contributions by manufacturers and industrialists in Pennsylvania. It was only after a vigorous protest from a Philadelphia liberal newspaper that the Governor went into conference with his Attorney General and inserted in that bill the very thing that they had been talking about. We know as members of this House that you are not going to stop macing with this piece of legislation. We are not kidding ourselves. We are not kidding the thousands of people in the Commonwealth of Pennsylvania. I say, let us forget this partisan debate and let us defeat this bill, and until the Governor or his Attorney General or the members of the majority bring to this House a bill that really means something, I say I am opposed to it.

Mr. WOODSIDE. Mr. Speaker and members of the House, in this debate I think the record should at least be kept straight. The gentleman from York, Mr. Cohen, spoke of the amendments which were inserted in this bill while it was on its way through the House. He had the lines all wrong in the first place, but that is not of any great importance. Line 11 and part of line 12 was stricken out. Line 10 provides this, and this is the way the bill read prior to its amendment:

"Provided however that nothing in this act contained shall prevent any person association or corporation from making a voluntary contribution." There was nothing in this act which prior to this time prohibited corporations from making contributions, but in another act there was a provision which prohibited corporations from making con-

tributions, and that in no way would have been affected by the provisions of this act. That was the opinion and the thought of the Attorney General of this Commonwealth and the thought and opinion of the best lawyers of this Commonwealth, but because the question was raised it was the opinion of the majority party that there should be no doubt left as to the real intent of this act, and for that reason the amendment was inserted, which makes it perfectly clear that the law as it existed prior to this time, relative to contributions by corporations, should in no way be changed. The law now reads, "nothing in this act contained shall be construed to prohibit voluntary contributions to any political committee or any organization for legitimate political and campaign purposes to the extent such contributions are not prohibited by law."

Mr. SEIF. Mr. Speaker and members of the House, one of the members of the minority got up a few moments and said that he questioned the sincerity of the floor leader and my colleague, Mr. McVay from Allegheny, and practically everybody on this side of the House, in regard to our sincerity in attempting to eliminate once and for all, macing.

I might say it is a matter of record that I voted as a Republican in favor of the amendment, the alternative amendment, proposed by Mr. Long from Philadelphia County. I am sincere in my feeling that macing must be prohibited, but because I am sincere I think that half a loaf is better than no bread. I voted for the amendment, as I said, that Mr. Long proposed because I thought it was a very effective amendment, a more effective provision, but if it is the will of the members of this House that the amendment be not accepted, then I say that my sincerity, I do not believe, should be questioned in view of the way I voted last night, and I ask all the members of the House to vote for the bill that is on the floor today.

MOTION TO POSTPONE BILL

Mr. MORAN. Mr. Speaker and members of the House I do not believe that we should pass legislation in this House and depend on the Senate to amend that legislation to cover something that we are afraid to face in the House. I think that this measure, as some of the members here have brought out, is nothing but a gesture, a camouflage on the people of Pennsylvania, to try to make the people think they are getting a real law when they are not. I say that the majority members of this House should reconsider this bill, put it back into committee and amend it. If they do not like Mr. Long's amendment, let some Republican member put those amendments in the bill.

Mr. Speaker, I move you that this bill be placed on the postponed calendar until the majority, or that committee that handles this bill, has had a little more time to consider it.

On the question,

Will the House agree to the motion?

The yeas and nays were required by Mr. Moran and Mr. Baker and were as follows:

YEAS—56

Achterman.	Cohen, R. E.,	Keenan,	O'Neill,
Allen,	Corrigan,	Kenehan,	Powers,
Allmond,	Falkenstein,	Kilroy,	Preston,
Andrews,	Fauset,	Long,	Reese, R. E.
Baker,	Flanagan,	Lovett,	Regan,
Balthaser	Furman,	Malloy,	Rosenfeld,
Boles,	Gorski,	Malone,	Rothenberger,
Boney,	Harkins,	McLane,	Sarraff,

Brancato,
Broad,
Burns,
Burns,
Check,
Cohen, H. B

Hess,
Hindman
Hoffman, S. K.,
Holland,
Jirolanio,
Kane,

Mooney,
Moran,
Munley,
O'Brien,
O'Connor,
Ominsky,

Self,
Skale,
Tronzo,
Welsh, E. B.,
Welsh, M. J.,
Westrick,

Donahue,
Eckels,

Knoble,
Kowalski,

Roseberry,
Rosenfeld,

Turner,
Speaker,

NAYS—16

Andrews,
Bols,
Brown, H. S.,
Cohen, R. E.,

Downey,
Finnerty,
Flanagan,
Gorski,

Levy,
Lovett,
Moran,
Reynolds,

Sarraf,
Schrope,
Tronzo,
Westrick,

NAYS—117

Ackermann
Alspach,
Atkins,
Auker,
Balliet,
Bardes,
Bennett,
Boorse,
Boose,
Bower,
Boyd,
Bretherick,
Brown, H. S.
Brown, S. W.
Brunner,
Cadwalader,
Calvin,
Carpenter,
Christler,
Clark,
Clearwater,
Cook,
Cooper,
Cordier,
Curran,
Dalrymple,
Denman,
Dick,
Dix,
Donahue,

Eckels,
Ely,
Ewing,
Flass,
Fleming,
Foor,
Freud,
Fullerton,
Gates,
Gillan,
Gillette,
Goll,
Habbyshaw
Haines,
Hall,
Hamilton,
Harbeson,
Henry,
Hewitt,
Hocke,
Hoffman, J. N.
Hoyt,
Huntley,
James,
Johnston,
Jones,
Kline,
Knoble,
Kowalski,

Krise,
Lee,
Lelsey,
Leydic,
Lichtenwalter,
Lyons,
Madden,
Marr,
Matthews,
McClester,
McGarrity,
McKinney,
McNally,
McVay,
Montgomery,
Moser, J. L.
Muir,
O'Dare,
Peacock,
Peale,
Reese, D. P.
Reynolds,
Robertson,
Rose,
Roseberry,
Royer,
Schrock,
Serrill,
Shearer,

Simons,
Sloan,
Snyder,
Sollenberger,
Stambaugh,
Stewart,
Stockham,
Sweeney,
Tahl,
Taylor,
Terry,
Thistle,
Tiemann,
Trout,
VanAllsburg,
Van Belle,
Voorhees,
Watkins,
Webster,
Weiss,
Wilkinson,
Wilson,
Winner,
Wood, H. M.,
Wood, L. H.,
Wood, N.,
Woodside,
Yeakel,
Turner,
Speaker,

So the question was determined in the negative and the motion was not agreed to.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—164

Achterman,
Ackermann
Allen,
Allmond,
Alspach,
Atkins,
Auker,
Baker,
Balliet,
Balthaser,
Bardes,
Bennett,
Boorse,
Boose,
Bower,
Boyd,
Brancato,
Bretherick,
Broad,
Brown,
Brown, S. W.,
Brunner,
Burns,
Burns,
Check,
Cadwalader,
Calvin,
Carpenter,
Christler,
Clark,
Clearwater,
Cohen, H. B.,
Cook,
Cooper,
Cordier,
Curran,
Dalrymple,
Denman,
DeNote,
Dick,

Ely,
Ewing,
Falkenstein,
Fauset,
Fisher,
Flass,
Fleming,
Foor,
Freud,
Fullerton,
Furman,
Gates,
Gillan,
Gillette,
Goll,
Habbyshaw,
Haines,
Hall,
Hamilton,
Harbeson,
Harkins,
Haudenshield,
Henry,
Hess,
Hewitt,
Hindman,
Hocke,
Hoffman, J. N.,
Hoffman, S. K.,
Holland,
Hoyt,
Huntley,
James,
Jirolanio,
Johnston,
Jones,
Kane,
Kenahan,
Kilroy,
Kline,

Krise,
Lee,
Lelsey,
Leydic,
Lichtenwalter,
Long,
Malloy,
Malone,
Marr,
Matthews,
McClester,
McGarrity,
McKinney,
McLane,
McNally,
McVay,
Melchiorre,
Montgomery,
Mooney,
Moser, F. S.,
Moser, J. L.,
Muir,
Munley,
O'Connor,
O'Dare,
O'Keefe,
Ominsky,
O'Neill,
Peacock,
Peale,
Powers,
Preston,
Reagan,
Reese, D. P.,
Reese, R. E.,
Rhodes,
Rider,
Robertson,
Rooney,
Rose,

Rothenberger,
Royer,
Schrock,
Schwab,
Serrill,
Shaw,
Shearer,
Simons,
Sloan,
Snyder,
Sollenberger,
Stambaugh,
Stank,
Stewart,
Stockham,
Sweeney,
Tahl,
Tarr,
Taylor,
Thistle,
Thompson, G. R.,
Tiemann,
Trout,
VanAllsburg,
Van Belle,
Voorhees,
Wagner,
Watkins,
Webster,
Weiss,
Welsh, E. B.,
Welsh, M. J.,
Wilkinson,
Wilson,
Winner,
Wood, H. M.,
Wood, L. H.,
Wood, N.,
Woodside,
Yeakel,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

REASONS FOR VOTE.

Mr. REUBEN E. COHEN filed the following reason for his vote.

I am opposed to the practice of so-called "macing of public employees" and extortion of money from business for favors from the State or other political sub-divisions. I am in favor of an all inclusive bill and am of the firm opinion that this bill does not accomplish the high purpose it set out to do. I therefore vote "No." I would vote "Aye" to a proper bill.

Mr. HESS filed the following reason for his vote.

I believe that House Bill No. 92 as passed by this House is a poor bill in that it does not also make illegal the solicitation of contributions for political purposes. I am of the opinion that the bill as passed allows loopholes which will defeat its purpose and not accomplish the avowed purpose of its sponsor.

I am voting in favor of it, however, because I feel that it is at least a step in the right direction to assure honest government. I am of the opinion, however, that in the event that this bill is enacted into law future legislatures will find it necessary to amend the bill to make illegal the solicitation of political contributions if the measure is to be of real benefit in the advancement of honest government.

Mr. TRONZO filed the following reason for his vote.

I refuse to vote for an ineffective anti-macing bill. I am firmly convinced that Governor James is merely kidding the public when he says that he is opposed to the macing of the payroll.

BILL ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 132, entitled:

An Act to repeal the act, approved the thirtieth day of July, one thousand nine hundred and thirty-eight (P. L. 18), entitled "An act suspending, retroactively as well as prospectively, any other pending investigation, legislative, executive or judicial, of charges of, or involving, misdemeanor in office on the part of civil officers liable to impeachment, which the House of Representatives undertakes to investigate, and providing under what circumstances the suspended investigation may be resumed."

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

Mr. JIROLANIO. Mr. Speaker, I would like to inter-

rogate the gentleman from Northampton, Mr. Roseberry.

The SPEAKER. Will the gentleman from Northampton permit himself to be interrogated?

Mr. ROSEBERRY. Mr. Speaker, I will, and I yield to my colleague, the gentleman from Northampton, Mr. Hoffman.

The SPEAKER. Will the gentleman from Northampton, Mr. Hoffman, permit himself to be interrogated?

Mr. HOFFMAN. I will, Mr. Speaker.

Mr. JIROLANIO. Mr. Speaker, does the gentleman from Northampton know whether or not the act which this bill is about to repeal was ever placed before the Supreme Court of Pennsylvania for its consideration or study?

Mr. HOFFMAN. Mr. Speaker, I have no direct or personal knowledge as to that question. I feel it is irrelevant. The fact that a bill now stands upon the statute books that is an injustice to the decency of our Pennsylvania citizenry, is sufficient warrant for me to say that the bill has been introduced for the purpose of repealing that bill.

Mr. JIROLANIO. Mr. Speaker, does the gentleman from Northampton know that the bill which he seeks to repeal has been declared unconstitutional by the Supreme Court of Pennsylvania?

Mr. HOFFMAN. Mr. Speaker, I have no direct personal knowledge that this bill in its entirety has been declared unconstitutional by the Supreme Court. It may have declared unconstitutional in part.

Mr. JIROLANIO. Mr. Speaker, I would like to know or be enlightened by the gentleman from Northampton just what section or part of the bill which he says he knows very little about, has been or has not been declared constitutional.

Mr. HOFFMAN. Mr. Speaker, fortunately I happen to be among those who are not learned or trained in legal attainments, and for an answer to that question I respectfully refer the gentleman from Northampton to the Supreme Court of Pennsylvania.

Mr. JIROLANIO. Mr. Speaker, is it not a fact that when an act is declared unconstitutional by the highest and mightiest court in this Commonwealth, it being in this case the Supreme Court of Pennsylvania, that that act then upon the statute books is null and void?

Mr. HOFFMAN. Mr. Speaker, it would occur to me if the gentleman has any real constructive subject that he wants any enlightenment upon that he ought to address his questions to matters which are relevant and not make suggestions that are purely nonsensical.

Mr. JIROLANIO. Mr. Speaker and members of the House, bowing to an older person, older in age and wisdom, I must confess my ignorance in my youth. However, we have before us House Bill, No. 132, Printer's No. 17.

Mr. Speaker and members of the House, we are asked here to vote to repeal a certain act passed in the special session of 1938. If my memory serves me correctly, at the opening of this session the Governor of the state of Pennsylvania said that economy should be the greatest thing in the program of his administration. If my memory also serves me correctly, the Speaker from the Chair at the opening of the session said that two men learned in the law would be at the use and disposal of the various members of the House of Representatives who would pass upon bills to be introduced, so that they would not conflict with those of anyone else.

Now, ladies and gentlemen of the House, bearing in mind that the gentleman who introduced this bill, from his own say-so, knows nothing about the bill, — and of course I can see that, but that is immaterial — still and all this bill is before the House under his name, and the act which you are about to be asked to repeal has been declared unconstitutional by the Supreme Court of Pennsylvania, a court, which whether you like it or not, is the supreme authority in this Commonwealth in the adjudication of acts as to whether or not they are constitutional. As to this particular act they said that it was unconstitutional, and therefore, although that act may be part and parcel of the 1938 special session, no court in the Commonwealth of Pennsylvania can consider that act to have any force and effect. At the same time there are members in this House who have seen fit to waste and squander the time of this legislative body and the money of the Commonwealth of Pennsylvania in having printed several times a bill which amounts to nothing. You know that old saying, "Nothing from nothing leaves nothing." Here we have a bill that the Supreme Court says does not exist, and along comes a member and introduces a measure which is to do away with something that does not exist. I say unto you, members of the House, do not vote according to your party affiliation in this respect, vote as your conscience would want you to. Stop this waste of money, let us put a stop on members introducing measures which they know nothing about, "where ignorance is bliss" on a certain measure, and then have him decide to introduce a bill spending the taxpayers money in repealing something that does not exist.

Mr. WOODSIDE. Mr. Speaker, I yield to the gentleman from Northampton, Mr. Hoffman, if he desires to speak.

Mr. HOFFMAN. Mr. Speaker and members of the House, I extend my courtesy to the gentleman from Dauphin in graciously yielding. I have no intention to prolong debate upon these bills, because I believe that the very nature and essence of the pernicious principles underlying the original bill speak louder than any word that I might add towards the breakdown of un-American institutions and restoring the safeguards of our American liberty. To you, Mr. Speaker, and to those who know me, my friends in the House, I would like to be as brief as possible because I do not want to be guilty of the charge of adding undue expense upon the State, in defense of that which I believe to be absolutely wrong.

I want to say to the member from Northampton County, from which county I also have the honor to come, when he makes a reference to conscience being our guide in voting against the bill before the House, where was his conscience and the conscience of the majority of the Democratic party when it placed upon the statute books of Pennsylvania five pernicious laws designed to break down our American constitutional government and to inflict upon our courts such a practice as would destroy the very fundamentals and basic principles of our American laws. I say to you, Mr. Speaker and members of the House, there are some things in our human affairs that are more precious to us than life itself. Among these are the principles of high character upon which nations as well as individuals are constructed, and when we seek to break down the integrity of our courts we are destroying the last line of defense for our homes and our Amer-

ican liberty. I am here in defense of those principles today, and for the benefit of my constituents. I am neither ashamed nor lack the courage to re-dedicate and re-pledge my allegiance and devotion to the Constitution of the United States and the Constitution of Pennsylvania. These are the inalienable principles which guarantee me civil and religious liberty and freedom, and that is the thing that ~~boils my blood when I am~~ confronted with men who are presumed to know better, who are trained in the law, and instead of respecting the law, they attempt to set themselves above the law and give us a bill which under the white wash treatment makes it so pugnacious and so vicious that it becomes an insult to the citizenry and is a disgrace upon our American civilization. It is time for us then to take care of that which has protected us during the past 150 years and has assured us of our American freedom and religious liberty. If we are not careful the things that have happened in Europe can and will happen in America.

Mr. Speaker and members of the House, this bill which is presently before the House is a companion bill to four other bills that are likewise on third reading today, and in order to conserve the time and lessen the expense, I desire to say, Mr. Speaker, that the statements that I have made with reference to the particular bill now before us are the statements that I wish to reiterate when the other bills are introduced before this House for enactment. I thank you.

Mr. KANE. Mr. Speaker and members of the House, I was delighted to hear the gentleman from Northampton so ably define his position on these bills and I do not propose to go into the question of what the Supreme Court has declared unconstitutional or what they have not. I would say, however, that the gentleman from Northampton well knows that those points which are not directly in issue in a given case are not covered by a declaration of the Court as to the defects of a bill and its deficiencies. I want to remind this assembly that when the gentleman from Northampton criticized his colleague from the same county, that makes me somewhat suspect that there is a question of local politics involved. No group was more conspicuous in the last session of the General Assembly than the men from Northampton County in repeatedly sponsoring bills,—all four of the members from that county,—and I think they ranked at the top of the procession among the members of the General Assembly in that respect, and cost the state useless expense for printing costs for the innumerable bills that were not going anywhere and I think the record will bear me out in that statement,

QUESTION OF PARLIAMENTARY INQUIRY

Mr. JIROLANIO. Mr. Speaker, I rise to a question of parliamentary inquiry.

The SPEAKER. The gentleman from Northampton will state his question of parliamentary inquiry.

Mr. JIROLANIO. Mr. Speaker, the gentleman is not discussing the bill.

The SPEAKER. The gentleman will confine his remarks to the question before the House.

Mr. KANE. This bill and its companion bills are to wipe from the statute books, bills by which the Legislature of Pennsylvania disgraced itself through enactment of the so-called whitewash bills in the Special Session.

It is not at all fitting that this Assembly should unload upon the Supreme Court of Pennsylvania, whom we so frequently criticize, the duty of rectifying the blunderous mistakes which were enacted here. The people have found these acts more repugnant than the Supreme Court, and it would be the right thing for this Assembly by unanimous vote to erase every vestige of the so-called "Whitewash Session" which disgraced the Assembly and in a large measure defeated the Democratic Party.

While we are on the subject of the Supreme Court which has been discussed here, it is a good thing that the Supreme Court declared these bills unconstitutional. Let me remind this Assembly that one of the gentlemen on the other side of the House introduced a bill, and I believe passed it through this House, to prevent the Supreme Court from having the right to declare acts of the Assembly unconstitutional unless there was practically a unanimous vote of the Judges of the Supreme Court. Not only were they willing to pass these whitewash bills but they also wished to prevent the Supreme Court from declaring the acts unconstitutional. I certainly agree with the gentleman from Northampton, he is entirely right, that this Assembly, and I mean all of you, ought by an act of the Legislature wipe out every one of those whitewash bills of the Special Session of 1938.

Mr. JIROLANIO. Mr. Speaker and members of the House, I just want to say in answer to the gentleman from Northampton, that my conscience at that time was clear, I thought I was voting for something that was constitutional, so much so in nature that one of the greatest universities in the United States, Columbia Law School, a branch of Columbia University, saw fit in one of its leading law journals to discuss the entire question of the constitutionality of the various acts in question.

Let me further say it is because of my belief in the integrity of the high courts of Pennsylvania, who have seen fit to declare this particular act unconstitutional, that that is the reason why I say we should not consider this bill. I say that they have decided the case and I stand by their decision, and I am willing to abide by their decision as to the constitutionality of the act. But my learned colleague somehow or other probably has thought that some time in the future the Supreme Court may reverse itself, and for that reason, so that they shall have nothing before them to reverse themselves, he now sees fit to introduce an act which will do away with something which that very court has declared unconstitutional.

Let me say further that the election was over on November 8, 1938, and that the waving of the American flag is good at a public assemblage, but here before men learned not only in the law but in the ways of men, the waving of the American flag to me as a member of the House of Representatives, usually brings to my mind the thought that he is trying to evade the issue and becloud the real question so that we can't see through it. Therefore I say to the members of the House of Representatives that this particular act should be defeated in order that economy shall be the main question in the state of Pennsylvania, and in order that no more money shall be expended for the printing and for the further carrying on of this bill in order that it could possibly be enacted into legislation.

The SPEAKER. If the Chair may say so, it seems to me that there is an honest difference of opinion as to whether the measure is or is not constitutional.

Mr. JONES. Mr. Speaker, the gentleman from Northampton, and members of the House, I am not an attorney, neither am I a student of Columbia University, but the gentleman from Northampton has admitted that this bill and these other bills are probably unconstitutional. I would say that that is one reason, using our good old common sense, for us to vote to abolish these bills. I thank you.

Mr. TARR. Mr. Speaker, as one of the younger members of the House, not being an attorney and not knowing too much about flag waving that has been talked about, I rise in defense of the bills as they are presented. I am not speaking perhaps for the rest of my colleagues, but I am speaking for some of the younger members and believe me when I say that all that we know is that when something is wrong the best way to get rid of it is to wipe it out. Whether or not these bills are constitutional does not go down much with us, but we do realize that something is wrong in the bills themselves. As a member of the minority party I make my first request on the floor that the members of the minority go along with this bill in order to right a wrong, if we possibly can, by voting for the bill.

Mr. HERBERT B. COHEN. Mr. Speaker, and members of the House, the brunt of this situation should be upon my shoulders as I was very active in the passage of these bills in their original form and now I am attempting possibly to inform the House as to the difficulty with which they are confronted.

I wish to inform the House that I am directing my remarks primarily to the consideration of our democratic form of government. What I have to say to you today I feel is equally as applicable to the Commonwealth of Pennsylvania with a Republican Governor guiding the Ship of State as it would be applicable to a Democratic governor. My thought in this matter is one of statesmanship in the development of the history of the Commonwealth of Pennsylvania and the function of its various component parts, and the responsibilities of the State government to the local government. I am appealing to you men not to pass these acts and I am appealing to you men in the majority particularly, in view of the fact that I do not wish to see the government of the Commonwealth of Pennsylvania in hock to the District Attorney of Dauphin County; I do not wish to see the government of this great Commonwealth subject to encroachment and imposition by any politically minded District Attorney, whether the government of this Commonwealth is dominated by the Republicans or the Democrats.

The purposes of this great Commonwealth, its ramifications and obligations to the millions of people that look to it for protection and guidance should not be obstructed by any politically minded two-by-four District Attorney, when he falls out with the Administration, and what I say is as applicable today as it was when these bills were passed. Perchance, a new District Attorney is elected in Dauphin County; perchance that District Attorney of Dauphin County does not like the way the administration throws out patronage; perchance the District Attorney or the political leaders are not satisfied with the manner in which the pie is cut. Do you mean to say that this great Ship of State should be subservient to the District Attorney? Do you mean to say that Governor James' actions and activities should be nullified in the political antagonism that is bound to creep into every

political party? Do you mean to say if perchance, in the election of 1939, this fall, there is elected a Democratic District Attorney in Dauphin County, that the Democratic District Attorney should be able to affront Governor James in the exercise of his sworn duties and obligations? That never was possible under the law as it stood in the Commonwealth of Pennsylvania for over 150 years; that never was possible under the law as decided in Hartranft's Appeal and decided recently in the McNair case. That never was possible until the very recent decision of the Supreme Court of the Commonwealth of Pennsylvania.

What I am saying is not said upon the basis of partisanship; what I am saying is said because the Supreme Court has struck down the very fundamentals of Constitutional government in its decision in those cases. The Supreme Court has allowed the injection of extraneous influence into the system of government that never before in the history of the Commonwealth of Pennsylvania had been exposed to those influences, and what I say is not my own sole thought in the matter. I am referring particularly the legal members in this House to the recent issue of the Columbia Law Review, Volume No. 8 of December, 1938, in which volume there is an exhaustive comment made on the Supreme Court's decision declaring these acts to be unconstitutional. Just reading, a small part, "The Court's reason for holding that the power to investigate by a Grand Jury is vested in the Courts is unclear". They further say, "A statute which does not deprive the Court of power but simply postpones the exercise of it during impeachment proceedings cannot be said to be so unreasonable or unwarranted as to be unconstitutional".

The deliberations that went into the Columbia Law view were not the deliberations of individuals who were actuated by political aggrandizement, they were the studied deliberations of students of law in an attempt to legally analyze the effect and purpose of the enactment. Be that as it may, whether these acts are or are not unconstitutional, I say to the membership of this House that the very foundation of constitutional government has been struck down and, as George H. Earle said, "You gentlemen have sown the whirlwind and you gentlemen will reap the tornado." You gentlemen who have paraded up and down the state of Pennsylvania telling what a great crime has been perpetrated on the people of the Commonwealth of Pennsylvania, may possibly perpetrate a greater crime in the Commonwealth of Pennsylvania. When you reap the benefits of the Supreme Court's decision, when constitutional government in the Commonwealth of Pennsylvania is under the domination of a few men, who can at will destroy the operations of this great Commonwealth, when a few men politically minded may come in and intrude into the operations of the agency that affects the lives of ten million people, when you reap that tornado you will look upon your own presentation as mere fallacies presented to the people with the sole desire to reap victory. Men, I say to you, to protect the integrity, to protect the independence of your own administration, to protect the integrity and independence of the administrations that are to follow, I say to you do not pass these bills today.

Mr. HESS. Mr. Speaker and members of the House, I deem it a pleasure to say a word in defense and in favor of this bill. I was present in the session of 1938 when this bill came up for consideration, and the people whom

I represent in Berks County were vitally interested in this bill because they felt it was an affront to a Judge twice elected by the people of the county by large majorities, a Judge in whom they had great faith and confidence. At that session I voted against this bill and I am glad now to vote in favor of a bill to repeal it. I say to the members of this House, the only reason I am back here at this session is because I voted against the bill in the 1938 Session.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—138

Ackermann,	Donahue,	Kowalski,	Seif,
Alspach,	Downey,	Krise,	Serrill,
Andrews,	Eckels,	Lee,	Shearer,
Atkins,	Ely,	Leisey,	Simons,
Auker,	Ewing,	Leydic,	Sloan,
Balliet,	Fisher,	Lichtenwalter,	Snyder,
Balthaser,	Fiss,	Lyons,	Sollenberger,
Bardes,	Fleming,	Madden,	Stambaugh,
Bennett,	Foor,	Marr,	Stewart,
Boorse,	Freed,	Matthews,	Stockham,
Boose,	Fullerton,	McClester,	Sweeney,
Bower,	Gates,	McGarrity,	Tahl,
Boyd,	Gillan,	McKinney,	Tarr,
Bretherick,	Gillette,	McNally,	Taylor,
Bronson,	Goll,	McVay,	Thistle,
Brown, H. S.,	Gorski,	Montgomery,	Thompson, G. R.,
Brown, S. W.,	Habbyshaw,	Moser, F. S.,	Tiemann,
Brunner,	Haines,	Moser, J. L.,	Trout,
Burns,	Hall,	Muir,	VanAllsburg,
Burriss,	Hamilton,	O'Connor,	Van Belle,
Cadwalader,	Harbeson,	O'Dare,	Voorhees,
Calvin,	Haudenschild,	Peacock,	Wagner,
Carpenter,	Henry,	Peale,	Watkins,
Check,	Hess,	Preston,	Webster,
Christler,	Hewitt,	Reagan,	Weiss,
Clark,	Hocke,	Reese, D. P.,	Williams,
Clearwater,	Hoffman, J. N.,	Rhodes,	Wilson,
Cook,	Hoyt,	Riley,	Winner,
Cooper,	Huntley,	Robertson,	Wood, H. M.,
Cordier,	James,	Rose,	Wood, L. H.,
Curran,	Johnston,	Roseberry,	Wood, N.,
Dalrymple,	Jones,	Rothenberg,	Woodside,
Denman,	Kane,	Royer,	Yeakel,
Dick,	Kline,	Schrock,	Turner,
Dix,	Knoble,		Speaker.

NAYS—47

Achterman,	Finnerty,	Mooney,	Sarrafa,
Allen,	Flanagan,	Moran,	Scanlon,
Allmond,	Furman,	O'Brien,	Schrope,
Baker,	Hindman,	O'Keefe,	Schwab,
Boles,	Hoffman, S. K.,	Ominsky,	Shaw,
Boney,	Keenan,	O'Neill,	Stank,
Brancato,	Kenahan,	Powers,	Thompson, E. F.,
Broad,	Kilroy,	Regan,	Tronzo,
Cohen, H. B.,	Levy,	Reynolds,	Welsh, E. B.,
Corrigan,	Long,	Rider,	Welsh, M. J.,
DeNote,	Malloy,	Rooney,	Westrick,
Falkenstein,	McLane,	Rosenfeld,	

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 131, entitled:

An Act to repeal the act approved the thirtieth day of July one thousand nine hundred and thirty-eight (Pamphlet Laws thirteen) entitled "An act relating to the investigation of charges of or involving misdemeanor in office made against civil officers subject to impeachment

providing that the jurisdiction of the House of Representatives to make such investigation shall have precedence over the jurisdiction of grand juries and limiting the circumstances under which courts of oyer and terminer and general jail delivery or courts of quarter sessions or judges of such courts may authorize grand juries to make such investigations"

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—134

Ackermann,	Downey,	Krise,	Serrill,
Alspach,	Eckels,	Lee,	Shearer,
Atkins,	Ely,	Leisey,	Simons,
Auker,	Ewing,	Leydic,	Sloan,
Balliet,	Fisher,	Lichtenwalter,	Snyder,
Balthaser,	Fiss,	Lyons,	Sollenberger,
Bardes,	Fleming,	Madden,	Stambaugh,
Bennett,	Foor,	Marr,	Stewart,
Boorse,	Freed,	Matthews,	Stockham,
Boose,	Fullerton,	McClester,	Sweeney,
Bower,	Gates,	McGarrity,	Tahl,
Boyd,	Gillan,	McKinney,	Tarr,
Bretherick,	Gillette,	McNally,	Taylor,
Bronson,	Goll,	McVay,	Terry,
Brown, H. S.,	Habbyshaw,	Montgomery,	Thistle,
Brown, S. W.,	Haines,	Moser, F. S.,	Thompson, G. R.,
Brunner,	Hall,	Moser, J. L.,	Tiemann,
Burns,	Hamilton,	Muir,	Trout,
Burriss,	Harbeson,	O'Connor,	VanAllsburg,
Cadwalader,	Haudenschild,	O'Dare,	Van Belle,
Calvin,	Henry,	Peacock,	Voorhees,
Carpenter,	Hess,	Peale,	Wagner,
Christler,	Hewitt,	Preston,	Watkins,
Clark,	Hocke,	Reagan,	Webster,
Clearwater,	Hoffman, J. N.,	Reese, D. P.,	Wilkinson,
Cook,	Hoyt,	Rhodes,	Williams,
Cooper,	Huntley,	Riley,	Wilson,
Cordier,	James,	Robertson,	Winner,
Curran,	Johnston,	Rose,	Wood, H. M.,
Dalrymple,	Jones,	Roseberry,	Wood, L. H.,
Denman,	Kane,	Rothenberg,	Wood, N.,
Dick,	Kline,	Royer,	Woodside,
Dix,	Knoble,	Schrock,	Yeakel,
Donahue,	Kowalski,	Seif,	Turner,

NAYS—39

Achterman,	Furman,	Mooney,	Sarrafa,
Allen,	Hindman,	Moran,	Scanlon,
Allmond,	Hoffman, S. K.,	O'Brien,	Schrope,
Baker,	Keenan,	O'Keefe,	Schwab,
Boney,	Kenahan,	Ominsky,	Shaw,
Brancato,	Kilroy,	Powers,	Stank,
Cohen, H. B.,	Long,	Regan,	Thompson, E. F.,
Cohen, R. E.,	Malloy,	Rider,	Weiss,
Falkenstein,	Malone,	Rooney,	Welsh, E. B.,
Finnerty,	McLane,	Rosenfeld,	Westrick

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 128, entitled:

An Act to repeal the act approved the thirtieth day of July one thousand nine hundred and thirty-eight (Pamphlet laws seventeen) entitled "An act defining the relative powers of the Attorney General and of district attorneys in investigations or proceedings in the criminal courts authorizing the judges thereof to appoint subject to appeal to the Supreme Court special prosecutors in certain cases and providing for their compensation by the county"

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—139

Ackermann,	Downey,	Krise,	Serrill.
Alspach,	Eckels,	Lee,	Shearer,
Andrews,	Ely,	Lelsey,	Simons,
Atkins,	Ewing,	Leydic,	Sloan,
Auker,	Fisher,	Lichtenwalter,	Snyder,
Balliet,	Fiss,	Lyons,	Sollenberger,
Balthaser,	Fleming,	Madden,	Stambaugh,
Bardes,	Foor,	Marr,	Stockham,
Bennett,	Freed,	Matthews,	Sweeney,
Boorse,	Fullerton,	McClester,	Tahl,
Boose,	Gates,	McGarrity,	Tarr,
Bower,	Gillan,	McKinney,	Taylor,
Boyd,	Gillette,	McNally,	Terry,
Bretherick,	Goll,	McVay,	Thistle,
Bronson,	Habbyshaw,	Montgomery,	Thompson, G. R.,
Brown, H. S.,	Haines,	Moser, F. S.,	Tiemann,
Brown, S. W.,	Hall,	Moser, J. L.	Trou,
Brunner,	Hamilton,	Muir,	Van Allsburg,
Burris,	Harbeson,	O'Connor,	Van Belle,
Cadwalader,	Haudenshield,	O'Dare,	Voorhees,
Calvin,	Henry,	Peacock,	Wagner,
Carpenter,	Hess,	Peale,	Watkins,
Christler,	Hewitt,	Readinger,	Webster,
Clark,	Hocke,	Reagan,	Weiss,
Clearwater,	Hoffman, J. N.,	Reese, D. P.,	Wilkinson,
Cook,	Hoyt,	Rhodes,	Williams,
Cooper,	Huntley,	Rose,	Wilson,
Cordier,	Irvin,	Robertson,	Winner,
Cortese,	James,	Rose,	Wood, H. M.,
Curran,	Johnston,	Roseberry,	Wood, L. H.,
Dalrymple,	Jones,	Rothenberg,	Wood, N.,
Denman,	Kane,	Rover,	Woodside,
Dick,	Kline,	Sarge,	Yeakel,
Dix,	Knoble,	Schrock,	Turner,
Donahue,	Kowalski,	Self,	

NAYS—39

Achterman,	Furman,	Mooney,	Rooney,
Allen,	Hindman,	Moran,	Rosenfeld,
Allmond,	Holland,	O'Brien,	Sarra,
Boney,	Keenan,	O'Keefe,	Schrope,
Brancato,	Kenehan,	Omlinsky,	Shaw,
Broad,	Kilroy,	O'Neill,	Stank,
Cohen, H. B.,	Long,	Preston,	Thompson, E. F.,
Falkenstein,	Malloy,	Reese, R. E.	Weiss,
Finnerty,	Malone,	Reynolds,	Westrick,
Flanagan,	McLane,	Rider,	

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 129, entitled:

An Act to repeal the act approved the thirtieth day of July one thousand nine hundred and thirty-eight (Pamphlet Laws fifteen) entitled "An act defining the procedure for and regulating the investigation by the House of Representatives and its committees of charges of or involving misdemeanor in office on the part of civil officers liable to impeachment authorizing the Speaker of the House to appoint a special committee for any such investigation authorizing the presentation of evidence by the Attorney General and other counsel and the officers investigated providing for the summoning of witnesses and for the punishment of persons refusing to appear produce evidence or testify and authorizing the employment and compensation of counsel and other assistants"

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—136

Ackermann,	Eckels,	Lelsey,	Simons,
Alspach,	Ely,	Leydic,	Sloan,
Andrews,	Ewing,	Lichtenwalter,	Snyder,
Atkins,	Fisher,	Lyons,	Sollenberger,
Auker,	Fiss,	Madden,	Stambaugh,
Balliet,	Fleming,	Marr,	Stewart,
Balthaser,	Foor,	Matthews,	Stockham,
Bardes,	Freed,	McClester,	Sweeney,
Bennett,	Fullerton,	McGarrity,	Tahl,
Boorse,	Gates,	McKinney,	Tarr,
Boose,	Gillan,	McNally,	Taylor,
Bower,	Gillette,	McVay,	Terry,
Boyd,	Goll,	Montgomery,	Thistle,
Bretherick,	Habbyshaw,	Moser, F. S.,	Thompson, G. R.,
Bronson,	Haines,	Moser, J. L.	Tiemann,
Brown, H. S.,	Hall,	Muir,	Trout,
Brown, S. W.,	Hamilton,	O'Connor,	Van Allsburg,
Brunner,	Harbeson,	O'Dare,	Van Belle,
Burris,	Haudenshield,	Peacock,	Voorhees,
Cadwalader,	Henry,	Peale,	Wagner,
Calvin,	Hess,	Readinger,	Watkins,
Carpenter,	Hewitt,	Reagan,	Webster,
Christler,	Hocke,	Reese, D. P.,	Weiss,
Clark,	Hoffman, J. N.,	Rhodes,	Wilkinson,
Clearwater,	Hoyt,	Riley,	Williams,
Cook,	Huntley,	Robertson,	Wilson,
Cooper,	James,	Rose,	Winner,
Cordier,	Johnston,	Roseberry,	Wood, H. M.,
Curran,	Jones,	Rothenberg,	Wood, L. H.,
Dalrymple,	Kane,	Royer,	Wood, N.,
Denman,	Kline,	Schrock,	Woodside,
Dick,	Knoble,	Self,	Yeakel,
Dix,	Kowalski,	Serrill,	Turner,
Donahue,	Krise,	Shearer,	Speaker.
Downey,	Lee,		

NAYS—45

Achterman,	Furman,	Moran,	Rider,
Allmond,	Hindman,	Munley,	Rooney,
Baker,	Hoffman, S. K.,	O'Brien,	Rosenfeld,
Boles,	Holland,	O'Keefe,	Sarra,
Boney,	Keenan,	Omlinsky,	Schrope,
Brancato,	Kenehan,	O'Neill,	Schwab,
Broad,	Kilroy,	Powers,	Shaw,
Cohen, H. B.,	Malloy,	Preston,	Stank,
Falkenstein,	Malone,	Reese, R. E.	Thompson, E. F.,
Finnerty,	McLane,	Regan,	Welsh, E. B.,
Flanagan,	Mooney,	Reynolds,	Westrick,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

SENATE MESSAGE

TIME OF NEXT MEETING

The Clerk of the Senate being introduced presented an extract from the Journal of the Senate, which was read as follows:

In the Senate, February 27, 1939.

Resolved (if the House of Representatives concur), That when the Senate adjourns this week it reconvenes on Monday evening, March 6, at nine o'clock; and when the House of Representatives adjourns this week it reconvenes on Monday evening, March 6, at eight o'clock.

Ordered, That the Clerk present the same to the House of Representatives for its concurrence.

On the question,

Will the House concur in the resolution of the Senate?

It was concurred in.

Ordered, That the Clerk inform the Senate accordingly.

COMMITTEE MEETINGS

There will be meetings of the Committees on:
Agriculture, Wednesday, March 1, 1939, at 10 a. m., in Room 325.

Counties, Wednesday, March 1, 1939, at 11 a. m., in Room 323.

Game, Wednesday, March 1, 1939, at 11.30 a. m., in Room 332.

Judiciary General, Wednesday, March 1, 1939, at 12.30 p. m., in Room A.

Municipal Corporations, Tuesday, February 28, 1939, at 4 p. m., in Room 324.

There will be a meeting of the chairmen and vice-chairmen of all standing committees in the House Caucus Room immediately after recess is declared.

RECESS

The SPEAKER. If there are no objections the Chair is about to declare a recess until 4.30 p. m. Are there objections? The Chair hears none and declares a recess until 4:30 p. m.

AFTER RECESS

The House reconvened at 4:30 p. m.

The SPEAKER (Ellwood J. Turner) in the Chair.

SENATE MESSAGE

RESOLUTION CONCURRED IN BY SENATE

The Clerk of the Senate being introduced, informed that the Senate has concurred in the resolution from the House of Representatives, as follows:

In the House of Representatives, February 27th, 1939.

Many legislative bills are filled with snakes and it is the duty of the members of the General Assembly to find those snakes and drive them out.

Proficiency in this respect can only be acquired by studying the lives and customs of those who have succeeded in the past in effectively getting rid of snakes.

St. Patrick, the patron saint of Ireland, was the world's greatest snake driver.

The celebration of the birthday of this immortal will be held on the 17th day of March, therefore be it

Resolved (if the Senate concur), That a legislative committee is hereby created consisting of six members of the House of Representatives to be appointed by Speaker of the House and five members of the Senate to be appointed by the President Pro Tempore of the Senate, whose duty it shall be to arrange for a fitting and suitable celebration of the birthday of St. Patrick by the members of the General Assembly and their guests; and be it further

Resolved, That

Saint Patrick was a gentleman
Who lived in the "land o' lakes"
He made it quite a decent place
By driving out the snakes.

APPOINTMENT OF COMMITTEE

The SPEAKER. In accordance with the resolution just read the Chair appoints the following committee on the part of the House: Messrs. McGarrity, David P. Reese, Balliet, Ewing, O'Connor and Finnerty. This committee will confer with a similar committee on the part of the Senate, when appointed, to make suitable arrangements.

RESOLUTION

SYMPATHY EXTENDED

Mr. MOONEY offered a resolution and asked and obtained unanimous consent for its immediate consideration.

The resolution was twice read, considered and adopted as follows:

In the House of Representatives, February 28, 1939.

George C. Metzler, a former member of this House, died on the fourteenth day of December last.

He was elected from the second district of Allegheny County in 1930 and again in 1932.

He resigned as a member of this House on the first day of September, 1933 and was appointed a magistrate in the City of Pittsburgh.

While serving in the General Assembly his ability and his kindness won for him friendship and respect of his fellow members, therefore be it

Resolved, That the House of Representatives pauses to make note of his death and to offer to his surviving brothers and sisters its most profound and sincere sympathy.

STATEMENT BY MR. HOLLAND

Mr. HOLLAND asked and obtained unanimous consent to address the House.

In the Budget message of the Governor, he definitely places himself on record of refusing to continue Flood Control in Pennsylvania. On page 11, he is quoted as follows: "It is expected that this balance will be sufficient to cover administration and other necessary costs in completing projects undertaken."

I think it is well to definitely state just how much money will be in the Flood Control fund to cover the expenses of completing Flood Control dams now in construction. I find in this morning's Pittsburgh Post-Gazette a statement that I believe is to mislead the public as has always been the policy of this newspaper in the printing of political news. The Pittsburgh Post-Gazette states "Finished Flood Control is James' plan." The Governor says, "Balance of \$3,454,000 at hand for work." I do not know how these figures were obtained. In 1937 \$4,900,000 was appropriated. It is the Governor's intention to cut this appropriation to \$2,000,000. According to his figures \$1,830,000 will be expended up to and including May 31, leaving a balance of \$170,000 on the reduced \$2,000,000 appropriation by the Governor. Adding the balance of \$384,000 from the 1936 appropriation, according to the way I was taught mathematics, there would be \$554,000 in the Flood Control fund to carry on the work now in progress.

I am afraid that Governor James has been misled on information he is receiving from his advisers on Flood Control. At the very beginning of the Flood Control controversy, Governor James injected a false issue, that of the Federal Government instead of the State holding the title to lands used for Flood Control dams. Actually this amendment was a life-saver to Pennsylvania and a Governor who is particularly interested in economizing should be the first to defend it. The old Act required the State to buy and provide the land with the Federal Government building and operating the dams.

Pennsylvania thus would be forced to spend \$50,000,000 to get \$50,000,000 worth of dams, and the Federal Government through its control of rivers still would have the final say. Therefore, the Act was amended to relieve the States of the financial burden of providing land. By the

amendment Pennsylvania saves nearly \$50,000,000 yet this Governor and Mr. Stewart have attacked it and have called this feature of the Flood Control plans an "invasion of State's rights." I might call to the attention of the Governor that no dams can be built even with the Federal Government footing all the bills without State approval. If Mr. James opposed Flood Control why did he not in his campaign for office state his stand as he is now stating it?

The Governor of the State of Penna. has tried to convey the impression to the people of Penna. Flood Control plans have not been developed and that the controlling of floods is something new and has never been discussed in the past. If the Governor will go back to 1897, he will find in the records of Congress the "Chittenden Report." This report was requested by Congress. In the "Chittenden Report" it definitely states, "Flood relief is not a State problem but a National one." Further on it states, "It is not possible to secure the best developments of a Flood Control system except through the agencies of the National Government." For the control of Flood waters through the construction of reservoirs and dams, it definitely states, that if the constructions were left entirely to the State, certain conditions existing when sites were close to State lines the construction of dams would protect the people in the adjoining States instead of the State where constructed. I could make many more quotations from the "Chittenden Report" emphasizing the fact that the control of floods is a Federal problem. This was decided 42 years ago in the Congress of the United States.

We will now jump to the years of 1907-08 when the City of Pittsburgh was visited by three big floods that caused property damages of close to \$10,000,000 right in the City of Pittsburgh. While these Floods were fresh in the minds of the people of Pittsburgh, the Pittsburgh Chamber of Commerce, by resolution, created the Chamber of Commerce Flood Commission. The heads of this Commission contained such names as H. J. Heinz, Colonel Logan, Geo. H. Maxwell, W. H. Jacoby of the Pittsburgh Sun-Telegraph, and numerous other names who are supposed to be interested as civic-minded men in Pittsburgh.

The Chamber of Commerce report on Flood which was completed after four years of study and survey costing \$126,000 definitely states that Flood Control is not a State problem but a problem that belongs to the Federal Government. To bear out the fact that it was the constitutional power of the National Government to build reservoirs and dams the Chamber of Commerce is quoted as follows: "This is the same power as was exercised in the construction of levies on the lower Mississippi, to aid in maintaining a navigable stream, also one of the greatest moving forces in that case was a necessity for protecting the plantations along the Mississippi from overflow." Quoting from the third paragraph addressed to the Chamber of Commerce by the Chairman of the Commission, H. J. Heinz, he states, "This Committee has succeeded in solving a difficult problem and has provided a comprehensive report which is presented with the belief that it not only forms the solution of the problem of Flood relief for our own City and many communities on the rivers above and below, but also shows other benefits to be obtained for the general public welfare, notably improvements to navigation, water power, water supply and sanitary conditions." Unfortunately in the report, the members of the Commission placed in it a small paragraph that aroused the Utilities

to throw their political strategy to shelve this report the same as they are doing today.

This paragraph reads, "The water power that would be developed could be utilized to produce electrical energy, and thereby yield a revenue that would cover the cost of maintaining and operating the reservoir system and in addition render return upon the investment."

Utilities in 1912 stopped Flood Control and for 17 years they have kept hidden the Chamber of Commerce report. Now in 1939, the Utilities through Governor James have again stopped Flood Control. The Governor stresses economy in all his talks. If stopping Flood Control is economy. I would like to ask the Governor judging from the cost of past floods if the saving of \$2,000,000 would offset the loss of \$212,000,000 which was the loss of property alone in the 1936 Floods \$49,000,000 of this loss being in the Pittsburgh district alone. This loss does not represent the loss of life or the depreciation of property which is the most serious of all Flood losses. I believe it is time that the Governor seeks the advice of real Pennsylvanians on Flood Control. I wonder if Governor James on this issue has not permitted himself to be led astray by his Texas adviser and would be presidential maker, Colonel Estes. Colonel Estes may know Utility problems and may know his way around in Texas, but he doesn't know Pennsylvania and its people. The people of Pennsylvania want no pussy footing on Flood Control. They are not going to stand for a Colonel dictating the policies of Penna.—no musical comedy Colonels are needed in Penna. advising the Governor to permit the people of Penna. to suffer from future floods in order to protect Utilities. Flood Control is not a partisan measure and I appeal to the Republican members of this House not to make it one. You who represent districts that are flooded are going to have a hard job to explain to your constituents when their homes are flooded in the future that you are sorry for them, but Governor James felt when he discontinued the Flood Control plans that he owed more allegiance to the Utilities of Penna. who are not even Penna. owned than he did to the people of Pennsylvania.

BILLS INTRODUCED AND REFERRED

By Mr. WINNER.

HOUSE BILL No. 312.

An Act to reenact and amend the title and the act, approved the ninth day of June, one thousand nine hundred thirty-six (Special Session of one thousand nine hundred thirty-six Pamphlet Laws, thirteen), entitled "An act imposing an emergency State tax for a limited period of time on liquor, as herein defined, sold by the Pennsylvania Liquor Control Board; providing for the collection and payment of such tax; and imposing duties upon the Department of Revenue and the Pennsylvania Liquor Control Board," as previously reenacted and amended, by extending the provisions thereof for a further limited period of time.

Referred to the Committee on Ways and Means.

By Mr. WINNER.

HOUSE BILL No. 313.

An Act to further amend section one of the act, approved the thirteenth day of June, one thousand nine hundred seven (Pamphlet Laws, six hundred forty), entitled "An act to provide revenue by levying a tax upon the shares of stock of companies incorporated under the provisions of section twenty-nine of an act, entitled 'An act to provide for the incorporation and regulation of certain corporations,' approved April twenty-ninth, one thousand eight hundred and seventy-four, and the supplements thereto; for the insurance of owners of real estate, mort-

gages, and others interested in real estate, from loss by reason of defective titles, liens, and encumbrances; and of companies entitled to the benefit of, and of companies having any of the powers of, companies entitled to the benefits of an act, entitled 'An act conferring upon certain fidelity, insurance, safety deposit, trust, and savings companies the powers and privileges of companies incorporated under the provisions of section twenty-nine of an act, entitled "An act to provide for the incorporation and regulation of certain corporations," approved April twenty-ninth, Anno Domini one thousand eight hundred and seventy-four, and of the supplements thereto,' approved June twenty-seventh, one thousand eight hundred and ninety-five, commonly known as title insurance or trust companies," by continuing the increased rate of tax for a further limited period of time, and reducing the rate of tax after such limited period of time.

Referred to the Committee on Ways and Means.

By Mr. WINNER. HOUSE BILL No. 314.

An Act to further amend the act, approved the first day of June, one thousand eight hundred eighty-nine (Pamphlet Laws, four hundred twenty), entitled "A further supplement to an act, entitled 'An act to provide revenue by taxation,' approved the seventh day of June, Anno Domini one thousand eight hundred and seventy-nine," by increasing for a further limited period of time the rate of tax imposed by the act upon the gross receipts of certain companies, limited partnerships, associations, joint-stock associations, co-partnerships, and persons.

Referred to the Committee on Ways and Means.

By Mr. WINNER. HOUSE BILL No. 315.

An Act to further amend section one of the act, approved the fifteenth day of July, one thousand eight hundred ninety-seven (Pamphlet Laws, two hundred ninety-two), entitled "An act to provide revenue by taxation," by increasing the rate of tax for a further limited period of time.

Referred to the Committee on Ways and Means.

By Mr. WINNER. HOUSE BILL No. 316.

An Act to further amend section four of the act, approved the twenty-first day of May, one thousand nine hundred thirty-one (Pamphlet Laws, one hundred forty-nine), entitled "An act imposing a State tax, payable by those herein defined as distributors, on liquid fuels used or sold and delivered within the Commonwealth, which are ordinarily, practically, and commercially usable in internal combustion engines for the generation of power; providing for the collection and lien of the tax, and the distribution and use of the proceeds thereof; requiring such distributors to secure permits, to file corporate surety bonds and reports, and to retain certain records; imposing duties on retail dealers, common carriers, county commissioners, and such distributors; providing for rewards; imposing certain costs on counties; conferring powers and imposing duties on certain State officers and departments; providing for refunds; imposing penalties; and making an appropriation," by imposing and continuing the additional emergency tax on liquid fuels for a further limited period of time.

Referred to the Committee on Ways and Means.

By Mr. WINNER. HOUSE BILL No. 317.

An Act to reenact and amend the title and the act, approved the sixteenth day of May, one thousand nine hundred thirty-five (Pamphlet Laws, two hundred eight), entitled, as amended, "An act to provide revenue for State purposes by imposing an excise tax, for a limited period of time, on the net incomes of certain corporations, joint-stock associations, and limited partnerships: providing for the assessment, collection, settlement and re-

settlement of taxes, and reviews and appeal therefrom; conferring powers, and imposing duties on certain persons, corporations, joint-stock associations, limited partnerships, State, and county officers, boards, and departments; making an appropriation; and providing penalties," as previously reenacted and amended, by extending the provisions of the act for a further limited period of time; exempting title insurance companies; and making certain changes in the procedure for the collection and adjustment of the tax.

Referred to the Committee on Ways and Means.

By Mr. WINNER. HOUSE BILL No. 318.

An Act to reenact and amend the title and the act, approved the twenty-second day of June, one thousand nine hundred thirty-five (Pamphlet Laws, four hundred fourteen), entitled "An act to provide revenue for State purposes; imposing taxes upon certain classes of personal property; providing for the assessment, collection, and lien of the same, and the distribution of the proceeds thereof; imposing duties on executors, administrators, registers of wills, recorders of deeds, prothonotaries, and court clerks, and on persons, copartnerships, associations, banks, national banks, trust companies, and other corporations receiving deposits of money, and on certain corporations and limited partnerships; conferring powers and imposing duties on certain State officers and departments; imposing penalties; and making an appropriation," as previously reenacted and amended, by continuing the State personal property tax for a further limited period of time.

Referred to the Committee on Ways and Means.

By Mr. WINNER. HOUSE BILL No. 319.

An Act to reenact and amend the title and the act, approved the fourteenth day of June, one thousand nine hundred thirty-five (Pamphlet Laws, three hundred forty-one), entitled, as amended, "An act to provide revenue by imposing a State tax upon sales of cigarettes by dealers as herein defined; requiring persons engaged in the sale of cigarettes at wholesale and retail to secure permits; prescribing the method and manner of collecting such tax; conferring powers and imposing duties on the Department of Revenue, and persons, as herein defined, engaged in the sale of cigarettes at retail or wholesale; and providing penalties," as previously reenacted and amended, by extending the provisions of the act for a further limited period of time.

Referred to the Committee on Ways and Means.

REPORTS FROM COMMITTEES

Mr. ELLWOOD B. WELSH from the Committee on Municipal Corporations reported as committed, House Bill No. 194, entitled:

An Act providing for the validation and amendment of defective tax liens and municipal claims heretofore or hereafter entered of record.

Mr. MUIR from the Committee on Municipal Corporations reported as committed, House Bill No. 191, entitled:

An Act to amend the title and section six of the act, approved the twenty-ninth day of May, one thousand nine hundred thirty-one (P. L. 280), entitled "An act relating to delinquent taxes on seated lands, and prescribing interest charges on nonpayment thereof; requiring the receivers and collectors of county, city, borough, town, township, school district and poor district taxes to make a return to the county commissioners of such unpaid taxes, and providing for the lien thereof; authorizing the county treasurers to collect such taxes, and to sell seated lands at public sale for taxes heretofore or hereafter returned as unpaid; and authorizing the county commis-

sioners to purchase such lands and resell the same under certain circumstances," by providing that tax collectors and receivers shall be paid a commission on all delinquent taxes collected.

COMMITTEE MEETINGS

There will be meetings of the Committees on Forestry, Wednesday, March 1, 1939, at 10:30 a. m., in Room 251.

Military Affairs, Wednesday, March 1, 1939, at 11 a. m., in Room 333.

State Government, Wednesday, March 1, 1939, at 12:15

p. m., in Room 325.

Townships, Wednesday, March 1, 1939, at 11 a. m., in Room A.

Federal Relations, immediately after adjournment in the Conference Room.

ADJOURNMENT

Mr. JONES. Mr. Speaker I move that this House do now adjourn until tomorrow at 1 p. m.

The motion was agreed to, and (at 4:55 p. m.) the House adjourned until Wednesday, March 1, 1939, at 1 p. m.

Legislative Journal.

Session 1939.

133d of the General Assembly.

Vol. 23

HARRISBURG, PA., WEDNESDAY, MARCH 1, 1939.

No. 18.

SENATE

WEDNESDAY, March 1, 1939.

The Senate met at 12:00 o'clock, noon.

The PRESIDENT (Lieutenant-Governor Samuel S. Lewis) in the Chair.

PRAYER

The Chaplain, Rev. BURLEIGH A. PETERS, offered the following prayer:

Almighty and Everlasting God, who art worthy to be held in reverence by all the children of men, we give Thee most hearty thanks for the manifold blessings of life and liberty which we daily receive at Thy beneficent hand even though we are most unworthy.

We need Thee so very much each day—so much more than we know or realize. That each of us may fully realize this fact turn Thou the searchlight of Heaven upon us and into our hearts. Help us to discover ourselves and to know our needs and to satisfy them in the deep folds of Thy love.

We are Thy children, for Thou hast made us. We live today, for Thou dost sustain us. Yet this life's little day, though it be fourscore years, is so very short at its greatest length that we would crowd into its fleeting days whatsoever of glory to Thee and service to our fellow-man we are capable. "O satisfy us early with Thy mercy; that we may rejoice and be glad all our days."

May Thy grace be sufficient for us and all our tasks this day and every day, that we may strive to become like that perfect manhood as it is found in Christ Jesus, Our Lord, in whose holy name we pray. Amen.

JOURNAL APPROVED

The PRESIDENT. A quorum of the Senate being present the Clerk will read the Journal of the preceding session.

The Clerk proceeded to read the Journal of the preceding session, when, on motion of Mr. HEYBURN and Mr. WALKER, the further reading was dispensed with, and the Journal was approved.

REPORTS FROM COMMITTEES

Mr. HOMSHER, from the Committee on Education, reported as amended, Senate Bill No. 34, entitled:

An Act to further amend section five hundred eight of the act, approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309), entitled: "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special, or local, or any parts thereof, that are or may be inconsistent therewith," by

further regulating the incurring of temporary indebtedness and the repayment thereof in school districts other than school districts of the first class.

Mr. FARRELL, from the Committee on Judiciary General, reported as committed, Senate Bill No. 16, entitled:

An Act to amend section one as amended of the act approved the third day of June, one thousand nine hundred and nineteen (P. L. 370) entitled "An act to fix the number and salaries of assistant district attorneys in counties of this Commonwealth having over one million five hundred thousand inhabitants, and prescribing the powers and duties of said assistant district attorneys" by increasing the number and fixing the salaries of the assistant district attorneys thereof.

BILLS INTRODUCED

Mr. HOMSHER read in his place and presented to the Chair Senate Bill No. 138, entitled:

An Act authorizing counties, cities, boroughs, townships of the first and second class, and school districts to issue and sell bonds for certain purposes and for a certain period of time; providing for a trust fund and a sinking fund for the payment thereof, and defining the duties of the officers and governing bodies of the said municipalities or quasi-municipalities in relation to said funds; and fixing a penalty for the violation thereof.

Which was committed to the Committee on Education.

Mr. COLEMAN read in his place and presented to the Chair Senate Bill No. 139, entitled:

An Act to further amend sections four and five of the act, approved the twenty-sixth day of April, one thousand nine hundred and thirty-five (P. L. 90), entitled "An act to promote uniformity in the assessment and taxation of properties and persons within the territorial limits of cities of the second class A, by providing that city and school taxes within such territorial limits shall be assessed, levied, and collected upon the basis of the assessments for taxation for county purposes; and requiring the furnishing of tax duplicates by the county taxing authorities to such cities and to school districts coterminous therewith; abolishing the department of assessors in cities of the second class A; consolidating tax statements covering city, school, county, and poor taxes therein, and making uniform the time for levy and collection of said taxes respectively, and regulating the discounts therefrom and penalties thereon," by changing the date of certain tax payments and further regulating the discount for prompt payment and the penalties and interest imposed on said taxes.

Which was committed to the Committee on Municipal Government.

He also read in his place and presented to the Chair Senate Bill No. 140, entitled:

An Act affecting cities of the second class A, authorizing the annexation of boroughs and townships thereto under certain conditions and in connection therewith, placing

duties upon or affecting courts of quarter sessions, county boards of elections and officers of boroughs, townships and cities of the second class A, and providing for the payment of the indebtedness of the various territorial units involved

Which was committed to the Committee on Municipal Government.

Mr. McCREESH read in his place and presented to the Chair Senate Bill No. 141, entitled:

An Act providing for the creation of a trade school in cities of the first class; and making an appropriation.

Which was committed to the Committee on Appropriations.

He also read in his place and presented to the Chair Senate Bill No. 142, entitled:

An Act making an appropriation to cities of the first class for the acquisition of lands and for the development and equipment of playgrounds and recreation and civic centers.

Which was committed to the Committee on Appropriations.

Mr. REED read in his place and presented to the Chair Senate Bill No. 143, entitled:

An Act making an appropriation to the Washington Hospital, Washington, Pennsylvania.

Which was committed to the Committee on Appropriations.

He also read in his place and presented to the Chair Senate Bill No. 144, entitled:

An Act making an appropriation to the Charleroi-Monessen Hospital, Charleroi, Pennsylvania.

Which was committed to the Committee on Appropriations.

Mr. STEVENSON read in his place and presented to the Chair Senate Bill No. 145, entitled:

An Act providing the method by which an owner may secure the issue of new or duplicate certificates of stock by corporations to replace stolen certificates of stock.

Which was committed to the Committee on Judiciary General.

MOTION TO POSTPONE

Mr. OWLETT. Mr. President, I move that consideration of the Calendar be postponed until Monday, March 6, 1939

Mr. GELDER. Mr. President, I second the motion.
The motion was agreed to.

RECESS

Mr. OWLETT. Mr. President, I move that the Senate do now take a recess for ten minutes.

Mr. EALY. Mr. President, I second the motion.
The motion was agreed to.

AFTER RECESS

The PRESIDENT. The time of recess having elapsed the Senate will be in order.

REPORTS FROM COMMITTEES

Mr. STIEFEL. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. STIEFEL, from the Committee on Appropriations, reported as amended, Senate Bill No. 40; entitled:

An Act making an appropriation to the Department of Forests and Waters for the use of the Pennsylvania State Park and Harbor Commission of Erie and for the joint use of the Department of War of the United States Government and the Department of Forests and Waters of the Commonwealth of Pennsylvania and the use of the Department of Forests and Waters in cooperation with the Federal Beach Erosion Board

Mr. HALUSKA. Mr. President, I ask unanimous consent to make report from committee at this time

The PRESIDENT. Is there objection? The Chair hears none.

Mr. HALUSKA, from the Committee on Appropriations, reported as amended, Senate Bill No. 110, (House Bill No. 215) entitled:

A Supplement to the act, approved the second day of July, one thousand nine hundred thirty-seven (Appropriation Acts, page seventy-four) entitled "An act to provide for the ordinary expenses of the Executive, Legislative, and Judicial Departments of the Commonwealth, interest on the public debt, and the support of the public schools for two years beginning June first, one thousand nine hundred and thirty-seven; and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending May thirty-first, one thousand nine hundred and thirty-seven", providing for deficiencies in certain appropriations to the Lieutenant-Governor, the Department of Justice and the Department of State for the fiscal biennium ending May thirty-first, one thousand nine hundred thirty-nine.

BILL INTRODUCED

Mr. REED. Mr. President, I ask unanimous consent to introduce a bill at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. REED read in place and presented to the Chair Senate Bill No. 146, entitled:

An Act authorizing banks, trust companies or other banking institutions to pay to the surviving spouse, children, father or mother, brother or sister, or preferred creditors of a deceased depositor when such checking account, savings account or certificate of deposit does not exceed the sum of one hundred fifty dollars (\$150.00).

Which was committed to the Committee on Banking.

MOTION TO READ BILLS THE FIRST TIME

Mr. OWLETT. Mr. President, I move that the Senate do now proceed to the first reading of all bills reported from committees for the first time at today's session

Mr. HEYBURN. Mr. President, I second the motion.
The motion was agreed to.

BILLS ON FIRST READING

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 16, entitled:

An Act to amend section one as amended of the act approved the third day of June, one thousand nine hundred and nineteen (P. L. 370), entitled "An act to fix the number and salaries of assistant district attorneys in counties of this Commonwealth having over one million five hundred thousand inhabitants, and prescribing the powers and duties of said assistant district attorneys" by increasing the number and fixing the salaries of the assistant district attorneys thereof

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 40, entitled:

An Act making an appropriation to the Department of Forests and Waters for the use of the Pennsylvania State Park and Harbor Commission of Erie and for the joint use of the Department of War of the United States Government and the Department of Forests and Waters of the Commonwealth of Pennsylvania and the use of the Department of Forests and Waters in cooperation with the Federal Beach Erosion Board.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 110, (House Bill No. 215), entitled:

A Supplement to the act approved the second day of July one thousand nine hundred thirty-seven (Appropriations Acts page seventy-four) entitled "An act to provide for the ordinary expenses of the Executive, Legislative and Judicial Departments of the Commonwealth, interest on the public debt and the support of the public schools for two years beginning June first, one thousand nine hundred and thirty-seven and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending May thirty-first, one thousand nine hundred and thirty-seven," providing for deficiencies in certain appropriations to the Lieutenant-Governor, the Department of Justice and the Department of State for the fiscal biennium ending May thirty-first, one thousand nine hundred thirty-nine.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

ADJOURNMENT

Mr. OWLETT. Mr. President, I move that the Senate do not adjourn until Monday, March 6, 1939, at nine o'clock, p. m.

Mr. GELDER. Mr. President, I second the motion.

The motion was agreed to

The Senate adjourned at 1:25 o'clock, p. m. until Monday, March 6, 1939, at nine o'clock, p. m.

HOUSE OF REPRESENTATIVES

WEDNESDAY, March 1, 1939.

The House met at 1 p. m.

The SPEAKER (Ellwood J. Turner) in the Chair.

PRAYER

The Chaplain, Rev. Walter Evans Deibler, offered the following prayer:

In the midst of so much selfishness, unrighteousness and godlessness, when so many groups with their subversive and un-American practices seek to gain foothold in our land, when men "have exchanged the truth of God for a lie, and worshipped and served the creature rather than the Creator," we would learn again that "righteousness exalteth a nation but sin is a reproach to any people." Often we need to be reassured that we are doing Thy will, Help us to know, Oh God, yea, make us willing to know and to follow Thy thoughts and Thy ways. Thou hast declared "For my thoughts are not your thoughts, neither are your ways my ways, sayeth Jehovah. For as the Heavens are higher than the earth, so are my ways higher than your ways, and my thoughts than your thoughts." We thank Thee, Oh God, for the faith that so many members of this House have expressed in Thee. We thank Thee for the faith of the dean of the Sacred College now in conclave who has asked that prayer be offered, "That the Lord would give the Church a man who would know how to guide with a wise hand the mystic ship of Peter, especially in these grave times." We join our prayer in this request. We pray for Thy continued guidance for us now and always through Jesus Christ, Our Lord. Amen.

JOURNAL APPROVED

The SPEAKER. The Clerk will read the Journal of yesterday.

The Clerk proceeded to read the Journal of yesterday, when, on motion of Mr. FISHER, the further reading was dispensed with and the Journal approved.

BILL INTRODUCED AND REFERRED

By Mr. FALKENSTEIN. HOUSE BILL No. 320.

An Act providing for the creation and administration of a state fund for motor vehicle operators licenses fees for the insurance of motor vehicle operators licensed in Pennsylvania against public liability and property damage, within certain limits; providing for the creation of a board to administer said fund; and empowering said board to fix license fees for motor vehicle operators and carry out the provisions of this act.

Referred to the Committee on Motor Vehicles.

By Mr. McVAY. HOUSE BILL No. 321.

An Act to amend section three of the act, approved the twentieth day of April, one thousand nine hundred and twenty-seven (P. L. 322) entitled "An act to amend, revise, consolidate, and change the laws relating to bonus, and providing for the imposition, computation, and collection of bonus for State purposes on the capital stock, stated capital, or capital of domestic corporations, banks and trust companies, and certain partnerships," as amended, by providing that foreign corporations becoming domestic corporations shall be entitled to a credit on the bonus to which it is liable equal to the amount of bonus theretofore paid by such foreign corporation.

Referred to the Committee on Ways and Means.

By Mr. KLINE. HOUSE BILL No. 322.

An Act to repeal the act, approved the second day of June, one thousand nine hundred and thirty-seven (P. L. 1193), entitled "An act to protect the public against fraud and deception; regulating the business of selling liquid fuels by requiring persons engaged in the sale or distribution of liquid fuels to secure a permit or permits for pumps or outlet; used therein; prescribing the method and manner of obtaining such permit or permits and prescribing the fees for the issuance thereof; conferring powers and

imposing duties on the Department of Revenue and prescribing penalties."

Referred to the Committee on Ways and Means.

By Messrs. HABBYSHAW and WOODSIDE.

HOUSE BILL No. 323.

An Act authorizing and directing the Department of Highways to erect and construct a bridge over the Susquehanna River between a point in or near the Borough of Middletown, Dauphin County and a point in York County; and to provide the necessary approaches and connections with State highways; providing for the acceptance of Federal aid; empowering counties to pay certain damages; providing for the collection of tolls on such bridge and making an appropriation.

Referred to the Committee on Highways.

By Messrs. WOODSIDE and HABBYSHAW.

HOUSE BILL No. 324.

An Act authorizing and directing the Department of Highways to erect and construct a bridge over the Susquehanna River between a point in or near the Borough of Millersburg, Dauphin County and a point in Perry County; and to provide the necessary approaches and connections with State highways; providing for the acceptance of Federal aid; empowering counties to pay certain damages; providing for the collection of tolls on such bridge and making an appropriation.

Referred to the Committee on Highways.

By Mr. ROSENFELD.

HOUSE BILL No. 325.

An Act providing for the establishment of an institution of higher education to be known as Philadelphia State College; creating a board of trustees for the management and control thereof as a departmental administrative board in the Department of Public Instruction; authorizing the purchase of lands, the erection of buildings and the purchase of equipment for such college, and making an appropriation.

Referred to the Committee on Education.

By Mr. McKINNEY.

HOUSE BILL No. 326.

An Act to repeal the act, approved the fifth day of June, one thousand nine hundred and thirty-seven (P. L. 1688), entitled "An act relating to the dissemination of information pertaining to affairs of the Commonwealth, including information pertaining to civil rights and constitutional guarantees; and conferring powers and duties with respect thereto upon the Department of State," and lapsing the unobligated balance of the appropriation made thereby.

Referred to the Committee on Appropriations.

By Mr. McKINNEY.

HOUSE BILL No. 327.

An Act to repeal the act, approved the second day of July, one thousand nine hundred and thirty-seven (P. L. 2723), entitled "An act authorizing the Water and Power Resources Board to make a survey and investigation to determine to what extent the beds of rivers, lakes, and streams, title to which is in the Commonwealth, have been and are occupied or encroached upon; and making an appropriation," and lapsing the unobligated balance of the appropriation made thereby.

Referred to the Committee on Appropriations.

By Messrs. SCHROPE and WAGNER.

HOUSE BILL No. 328.

An Act making an appropriation to the Board of Finance and Revenue for the payment of certain moral claims against the Commonwealth.

Referred to the Committee on Appropriations.

By Mr. O'NEILL.

HOUSE BILL No. 329.

An Act to amend section eleven of the act, approved the first day of July, one thousand nine hundred and thirty-seven (P. L. 2532), entitled "An act to establish funds to provide security for the payment of benefits in events of the insolvency of insurance carrier authorized to write workmen's compensation insurance in this Commonwealth; and to provide for the administration thereof," by eliminating the right of the commissioner to recover liabilities of an insolvent carrier from the employer.

Referred to the Committee on Workmen's Compensation.

By Mr. BALLIET.

HOUSE BILL No. 330.

An Act to further amend subsection A of section one thousand six of the act, approved the fifteenth day of May, one thousand nine hundred thirty-three (P. L. 624), entitled "An act relating to the business of banking, and to the exercise of fiduciary powers by corporations; providing for the organization of corporations with fiduciary powers, and of banking corporations, with or without fiduciary powers, including the conversion of National banks into State banks, and for the licensing of private bankers; defining the rights, powers, duties, liabilities, and immunities of such corporations; of existing corporations authorized to engage in a banking business, with or without fiduciary powers, of private bankers, and of the officers, directors, trustees, shareholders, attorneys, and other employees of all such corporations or private bankers, or of affiliated corporations, associations, or persons; restricting the exercise of banking powers by any other corporation, association, or person, and of fiduciary powers by any other corporation; conferring powers and imposing duties upon the courts, prothonotaries, recorders of deeds, and certain State departments, commissions, and officers; imposing penalties; and repealing certain acts and parts of acts," by providing further with regard to limitations upon loans to one corporation or person.

Referred to the Committee on Banking.

By Mr. MARR.

HOUSE BILL No. 331.

An Act defining and prohibiting unfair sales, providing remedies for violations thereof, and establishing penalties therefor.

Referred to the Committee on Judiciary General.

By Mr. ROSENFELD.

HOUSE BILL No. 332.

An Act to amend section four hundred and eleven of the act approved the twenty-ninth day of November, one thousand nine hundred thirty-three (P. L. 15-1933-34), entitled as amended "An act to regulate and restrain the sale, manufacture, possession, transportation, importation, traffic in, and use of alcohol, and alcoholic and malt or brewed beverages; conferring powers and imposing duties upon the Pennsylvania Liquor Control Board and its agents, the Department of Public Instruction, other officers of the State government, courts, and district attorneys; authorizing the establishment and operation of State stores for the sale of such beverage not for consumption on the premises, and the granting of licenses, subject to local option, to sell such beverages for consumption on and off the premises; forbidding importation or bringing of such beverages into the State except as herein provided; prohibiting certain sales or practices in, connection with, and transactions in such beverages by licensees and others; providing for the forfeiture of certain property; making disposition of the receipts from State stores and of fees; and imposing penalties," as reenacted and amended, by eliminating all restrictions as to the hours club licensees may sell liquor and malt or brewed beverages.

Referred to the Committee on Liquor Control.

By Mr. McVAY.

HOUSE BILL No. 333.

A Joint Resolution proposing an amendment to section eight, article five, of the Constitution of the Commonwealth of Pennsylvania.

Referred to the Committee on Constitutional Amendments.

By Mr. McVAY.

HOUSE BILL No. 334.

An Act to amend section two of the act, approved the twenty-first day of June, one thousand nine hundred and thirty-five (P. L. 397), entitled "An act making it unlawful to tattoo a minor without the consent of the parents or guardian," by making the violation of the act a misdemeanor, and increasing the penalty.

Referred to the Committee on Judicial Special.

By Mr. KEENAN.

HOUSE BILL No. 335.

An Act making an appropriation to the Trustees of the University of Pittsburgh for the general maintenance of, and the purchase of apparatus and equipment for, the University of Pittsburgh, and for the maintenance of teaching facilities in hospitals for students in the School of Medicine.

Referred to the Committee on Appropriations.

By Messrs. AUKER and HESS. HOUSE BILL No. 336.

An Act relating to judgments and instruments, documents and papers having the effect of judgments; providing that the exact time of day they are delivered to the prothonotary shall be the official time of entry, and determine their priority to other liens subsequently entered or recorded.

Referred to the Committee on Judiciary General.

By Mr. EWING.

HOUSE BILL No. 337.

An Act to authorize cities, boroughs, incorporated towns, townships, and school districts to file suggestions of non-payment and averments of default, or to sue out writs of scire facias on certain tax or municipal claims, and to revive judgments where the lien of such claims or the judgments thereon have been lost; and providing for the reinstatement of the liens of such claims and judgments.

Referred to the Committee on Judiciary General.

By Mr. TAHL.

HOUSE BILL No. 338.

An Act to amend Article One, Section Two, Subsection Ten and Article Three, Section Three Hundred One of an Act approved the twenty-seventh day of May, one thousand nine hundred and thirty-seven, Pamphlet Laws one thousand and fifty-three, known as the "Public Utility Law" by excluding from the definition of "Facilities" as used therein property owned by municipal corporations of the Commonwealth of Pennsylvania when the said act became effective and providing that the Pennsylvania Public Utility Commission shall have power to regulate and fix the rates for service furnished by public utilities owned by municipal corporations of the Commonwealth of Pennsylvania only when the public service being furnished or rendered by any municipal corporations shall be beyond its corporate limits and extending such freedom from regulation and control by the Commission to public utility service furnished or rendered by an operating agency of any such municipal corporation.

Referred to the Committee on Public Utilities.

By Mr. BARDES.

HOUSE BILL No. 339.

An Act to amend section eleven of the act, approved the twenty-eighth day of June, one thousand nine hundred and thirty-five (P. L. 452), entitled "An act to promote the welfare of the people of the Commonwealth; creating a

General State Authority as a body corporate and politic with power to contract, improve, and operate projects, and to lease the same, to fix and collect fees, rentals, and charges for the use thereof; authorizing and regulating the issuance of bonds by said authority, and providing for the payment of such bonds, and the rights of the holders thereof; and to enter into agreements with the Government of the United States or any Federal agency; and authorizing the Department of Property and Supplies to grant, assign, convey, or lease to the authority lands of the Commonwealth and interest therein, and to acquire lands therefor; granting the right of eminent domain; and providing that no debt of the Commonwealth shall be incurred in the exercise of any of the powers granted by this act," by providing that no person shall be employed on any project as a skilled workmen unless he is a bona fide resident of Pennsylvania.

Referred to the Committee on Labor.

By Mr. FURMAN.

HOUSE BILL No. 340.

An Act to prescribe certain conditions relative to the execution of instruments entitled to be recorded in the office of the recorder of deeds, or to be filed or recorded in the office of the prothonotary.

Referred to the Committee on Judiciary General.

By Mr. YEAKEL.

HOUSE BILL No. 341.

An Act making an appropriation to the National Farm School, at Doylestown, Pennsylvania.

Referred to the Committee on Appropriations.

By Mr. KANE.

HOUSE BILL No. 342.

An Act to further amend section one thousand thirteen of, and add section one thousand eleven and one-tenth to, the act, approved the fifth day of May, one thousand nine hundred and thirty-three (P. L. 364), entitled "An act relating to business corporations; defining and providing for the organization, merger, consolidation, reorganization, winding up and dissolution of such corporations; conferring certain rights, powers, duties and immunities upon them and their officers and shareholders; prescribing the conditions on which such corporations may exercise their powers; providing for the inclusion of certain existing corporations of the second class within the provisions of this act; prescribing the terms and conditions upon which foreign business corporations may be admitted, or may continue to do business within the Commonwealth; conferring powers and imposing duties on the courts of common pleas, and certain State departments, commissions, and officers; authorizing certain State departments, boards, commissions, or officers to collect fees for services required to be rendered by this act; imposing penalties; and repealing certain acts and parts of acts relating to corporations," authorizing the issuance of subpoenas with clause of duces tecum upon foreign corporations registered to do business within the Commonwealth of Pennsylvania and providing a method of service thereon upon such corporations and its proper officers, agents and employees and providing a penalty for non-compliance therewith.

Referred to the Committee on Judiciary General.

By Mr. KANE.

HOUSE BILL No. 343.

An Act to amend section one of the act, approved the twenty-second day of May, one thousand nine hundred and thirty-three (P. L. 851), entitled "An act fixing the pay and mileage of jurors and witnesses," by authorizing the court to direct additional compensation for jurors in certain cases.

Referred to the Committee on Judiciary General.

By Mr. KANE.

HOUSE BILL No. 344.

An Act to amend section seventy-seven of the act, approved the thirty-first day of March, one thousand eight hundred and sixty (P. L. 427), entitled "An act to consolidate, revise and amend the laws of this Commonwealth relating to penal proceedings and pleadings," by permitting indictments against public officers and employees and their accomplices and confederates to be brought, or exhibited, within two years after such officer or employee shall have ceased to occupy such office or employment.

Referred to the Committee on Judiciary Special.

By Mr. ACHTERMAN.

HOUSE BILL No. 345.

An Act to validate and quiet the title to real estate in this Commonwealth held by a foreign corporation unauthorized to hold the same, and heretofore conveyed to a citizen of the United States or a corporation authorized to hold such real estate.

Referred to the Committee on Judiciary General.

By Mr. ACHTERMAN.

HOUSE BILL No. 346.

An Act to validate mortgages on real estate in this Commonwealth given by a foreign corporation unauthorized to hold title to the said real estate, said real estate having been heretofore conveyed to a citizen of the United States or a corporation authorized to hold such real estate.

Referred to the Committee on Judiciary General.

By Mr. DALRYMPLE.

HOUSE BILL No. 347.

An Act making an appropriation to the Department of Property and Supplies for the purpose of reconstruction and restoration of certain historic battleships.

Referred to the Committee on Appropriations.

By Mr. SARRAF.

HOUSE BILL No. 348.

An Act providing for the protection of the public safety; by prohibiting the manufacture, the sale, the offering for sale, or exposing for sale of any air-rifle, B-B gun, or similar toy which has become a dangerous instrumentality; and providing penalties.

Referred to the Committee on Judiciary Special.

By Mr. MATTHEWS.

HOUSE BILL No. 349.

An Act to amend section two hundred fifty-six of the act, approved the second day of May, one thousand nine hundred and twenty-nine (P. L. 1278), entitled "An act relating to counties of the second, third, fourth, fifth, sixth, seventh and eighth classes; and, revising, amending, and consolidating the law relating thereto," by providing for the appointment and compensation of assistant district attorneys in counties of the sixth class where there are two or more judges of the court of common pleas.

Referred to the Committee on Counties.

By Mr. BAKER.

HOUSE BILL No. 350.

An Act to provide revenue by imposing a license tax on the owners of all places where radio or bingo games are played for purpose of profit; providing for the collection of said tax and imposing certain duties upon mercantile appraisers, county treasurers and the Department of Revenue; and appropriating the proceeds from such tax to the Department of Welfare.

Referred to the Committee on Ways and Means.

SENATE MESSAGE

RESOLUTION FOR CONCURRENCE

The Clerk of the Senate being introduced, presented the

following extract from the Journal of the Senate, which was read as follows, viz:

In the Senate, February 7, 1939.

Whereas, Milk Control has been the subject of much controversy, and

Whereas, The production and distribution of milk is a subject of such vital importance to the citizens of the Commonwealth; therefore be it

Resolved (if the House of Representatives concur), That the President Pro Tempore shall appoint three members of the Senate, one of whom shall be designated as Chairman, and the Speaker of the House of Representatives shall appoint four Members of the House, who, together shall constitute a joint legislative committee and whose duty it shall be to investigate and study, (a) all regulations, records and activities of each department, severally and jointly, and to take the testimony of such witnesses as may be deemed necessary to ascertain full facts which will be useful and helpful in formulating future remedial and regulatory legislation;

Resolved, That said committee shall have power to issue subpoenas under the hand and seal of its Chairman, requiring and commanding any person to appear before it and answer such questions touching matters properly being inquired into by the committee, and to produce such books, papers, records and documents as the committee may deem necessary. Such subpoenas may be served upon any person and shall have the same force and effect as subpoenas issued out of the courts of this Commonwealth. Each member of the committee shall have power to administer oaths and affirmations to witnesses appearing before it. Any person who shall wilfully neglect or refuse to appear and testify for said committee, or to produce any books, papers, records and documents shall be subject to the penalties provided by the laws of this Commonwealth in such cases.

Ordered, That the Clerk present the same to the House of Representatives for its concurrence.

Referred to the Committee on Rules.

LEAVE OF ABSENCE

Mr. Royer asked and obtained leave of absence for Mr. TROUT for to-day's session.

REPORTS FROM COMMITTEES

Mr. O'CONNOR from the Committee on Judiciary General reported as committed, House Bill No. 80, entitled:

An Act to amend sections one and two of the act, approved the twenty-first day of June, one thousand nine hundred and thirty-seven (P. L. 1982), entitled "An act authorizing the Supreme Court of Pennsylvania to prescribe rules of practice and procedure in civil actions at law and in equity in certain courts of this Commonwealth, to prescribe rules and regulations for the conduct of any general business, either civil or criminal, by judges of any court of record; authorizing the courts of common pleas to prescribe and adopt local rules, not inconsistent with such general rules of the Supreme Court of Pennsylvania; authorizing the Supreme Court of Pennsylvania to appoint a Procedural Rules Committee, and to fix and define its powers and duties; imposing duties on judges and other officers of every court of record," by including the municipal court of Philadelphia.

Mr. O'CONNOR from the Committee on Counties reported as committed, House Bill No. 225, entitled:

An Act providing for the adjournment and readjustment of county treasurers' sales of seated and unseated lands that were to have been held in the years one thousand nine hundred thirty-seven or one thousand nine hundred thirty-eight for nonpayment of taxes in counties, except those of the first and second class, and preserving the lien of all taxes on such lands.

Mr. HAINES from the Committee on Forestry reported as committed, House Bill No. 196, entitled:

An Act to amend the act approved the seventh day of August, one thousand nine hundred and thirty-six, (P. L. 117), entitled "An act making an appropriation to the Department of Forests and Waters for the purpose of building and constructing new dikes, levees, and river bank protections along the Delaware River at Morrisville Borough, Bucks County," by fixing the elevations of the said dikes, levees and river bank protections.

Mr. WILKINSON from the Committee on Counties reported as committed, House Bill No. 211, entitled:

An Act to amend section one of the act, approved the twelfth day of June, one thousand nine hundred nineteen (P. L. 450), entitled "An act permitting counties of the Commonwealth of Pennsylvania to appropriate and expend moneys, and to incur indebtedness and issue bonds and other obligations, for the improvement and maintenance of State highways and State-aid highways or any public highway in any county of the Commonwealth, and providing the method for applying for said moneys, and for the approval thereof by the State Highway Department in certain cases," as amended by extending the provisions thereof to include the improvement and maintenance of public highways in towns.

Mr. VOORHEES from the Committee on Federal Relations reported as committed, House Resolution No. 14.

Mr. TAYLOR from the Committee on Military Affairs reported as amended, House Resolution No. 6.

BILL ON FIRST READING

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 115, entitled:

An Act to amend section ten of the act approved the thirty-first day of March one thousand eight hundred and sixty (Pamphlet Laws four hundred twenty-seven) entitled "An act to consolidate revise and amend the laws of the Commonwealth relating to penal proceedings and pleadings" by providing further for the administration of oaths and affirmations to witnesses appearing before grand juries

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 194, entitled:

An Act providing for the validation and amendment of defective tax liens and municipal claims heretofore or hereafter entered of record

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 191, entitled:

An Act to amend the title and section six of the act approved the twenty-ninth day of May one thousand nine hundred thirty-one (Pamphlet Laws two hundred eighty) entitled "An act relating to delinquent taxes on seated lands and prescribing interest charges on nonpayment thereof requiring the receivers and collectors of county borough town township school district and poor district taxes to make a return to the county commissioners of

such unpaid taxes and providing for the lien thereof authorizing the county treasurers to collect such taxes and to sell seated lands at public sale for taxes heretofore or hereafter returned as unpaid and authorizing the county commissioners to purchase such lands and resell the same under certain circumstances" by providing that tax collectors and receivers shall be paid a commission on all delinquent taxes collected

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

RESOLUTIONS

CONGRATULATIONS

Mr. CHECK offered a resolution and asked and obtained unanimous consent for its immediate consideration.

The resolution was twice read, considered and adopted as follows:

In the House of Representatives, March 1, 1939.

We have just received the glad news of the marriage of our member from Westmoreland County, the Hon. David H. Weiss to Thelma Mae Brody at Alexander, Virginia, on Friday, February 17, 1939.

Wedding bells rang again but we heard them not.

This marriage business is becoming tedious and something must be done about it if the work of the House is to be calmly, intelligently and unemotionally carried on.

We are in the midst of a marrying epidemic, the germs are thick about us and there is talk of establishing a strict quarantine or of inoculating the remaining single members of the House against the danger of infection, so be it

Resolved, That this House heartily congratulates the said David H. Weiss, our latest victim of connubiality upon this unexpected accomplishment, upon the manner in which he guarded the secret of his wedding and wishes him a long and happy life with the woman of his choice and to her, who has linked her life with his, we extend our hope for a future filled with joy and gladness.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. On Tuesday evening next the biennial reception given by the Governor to the members of the Legislature and their wives will be held. The members have received invitations to attend, and I would remind them to bring their wives.

On Tuesday afternoon it will be the pleasure of Mrs. Turner to have the wives of the members and the lady members of the House at tea. We have tried to take care of not only the wives of the members but also the widows of members. If there should be any single members who are in the position that Mr. Alspach from Lancaster is in and they have what they hope to be their better halves with them, I would suggest that you leave word at the Speaker's Office so that they may also be properly invited.

PUBLIC HEARING

A public hearing on Anthracite freight rates will be held in the House Caucus Room at 2 p. m., Wednesday, March 1, 1939. All members of the committee are invited to attend.

ADJOURNMENT

Mr. HOCKE. Mr. Speaker, I move that this House do now adjourn until Monday, March 6th, 1939, at 3 p. m.

The motion was agreed to, and (at 1:31 p. m.) the House adjourned until Monday, March 6th, 1939 at 3 p. m.

Legislative Journal

Session 1939.

133d of the General Assembly.

Vol. 23.

HARRISBURG, PA., MONDAY, MARCH 6, 1939.

No. 19.

SENATE

MONDAY, March 6, 1939.

The Senate met at 9:00 o'clock, p. m.

The PRESIDENT (Lieutenant-Governor Samuel S. Lewis) in the Chair.

PRAYER

The Chaplain, Rev. BURLEIGH A. PETERS offered the following prayer:

Ever Blessed God, Our Heavenly Father, we are so thankful to Thee for Thy divine guidance of our nation over these one hundred fifty years of our national existence under the present form of representative government. Phenomenal has been our growth and constant has been our development.

We have safely met every national emergency and given freely of our noblest sons for the preservation of our national integrity. We have developed a deep love for our country and grown fond of her cultural and institutional life. We sing:

"My Country, 'tis of thee,
Sweet land of liberty,
Of thee I sing;
Land where my fathers died,
Land of the pilgrim's pride,
From every mountain side
Let freedom ring."

Help us, O Father of us all, to uphold, preserve and defend the Constitution of the United States, the greatest instrument of government, vouchsafing the rights of the sovereign states, ever penned by the hand of man.

May we ever seek to defend the integrity of the courts of our land and live at peace with ourselves and the nations of the earth.

Let every true American evermore be convinced that we have the best, the safest, the wisest and the most honorable government on the whole earth, even though it is but one hundred fifty years old. May we have faith in America and attest that faith by honest, upright, God-fearing citizenship. For Jesus' sake, Amen.

JOURNAL APPROVED

The PRESIDENT. A quorum of the Senate being present the Clerk will read the Journal of the preceding session.

The Clerk proceeded to read the Journal of the preceding session, when, on motion of Mr. OWLETT and Mr. HEYBURN, the further reading was dispensed with, and the Journal was approved.

LEAVE OF ABSENCE

Mr. HEYBURN asked and obtained leave of absence for

the Senator from Bucks, Mr. JAMES, for the balance of the week, on account of illness.

COMMUNICATION FROM THE LIEUTENANT-GOVERNOR TO THE ATTORNEY GENERAL REQUESTING INFORMATION AS TO PRESENT STATUS OF SENATOR P. J. HENNEY, AND REPLY THERETO.

The PRESIDENT. At this time I am going to ask the Clerk to read copy of a letter I wrote to the Attorney General, as well as, his reply thereto:

The communications were read as follows:

February 20, 1939.

Hon. Claude T. Reno,
Attorney General,
Harrisburg, Penna.

My Dear General Reno:

I am writing for the purpose of requesting you to advise me as to the present status of Senator P. J. Henney, of the Forty-fifth Senatorial District, of Allegheny County, as well as of my duties as presiding officer of the Senate in reference thereto.

I am herewith transmitting for your information, copy of letter from George F. Holmes, Secretary of the Senate, wherewith he presented to the Senate the resignation of Senator Henney, copy of which is also herewith attached, together with the extract of the Legislative Journal of February 6th, 1939.

Yours very truly,

S. S. LEWIS.

SSL:g
Encl.

DEPARTMENT OF JUSTICE

Harrisburg, Pa., March 3, 1939.

FORMAL OPINION NO. 276.

Honorable Samuel S. Lewis,
Lieutenant-Governor,
Harrisburg, Pennsylvania.

Sir:

We have your request to be advised as to the present status of Senator P. J. Henney, of the Forty-fifth Senatorial District of Allegheny County, and also as to your duties as President of the Senate in reference thereto.

You have also submitted for our consideration an extract from the Legislative Journal of February 6, 1939, page 274, in which the formal resignation of Senator Henney was set forth as follows:

In The

SUPREME COURT OF PENNSYLVANIA

THE COMMONWEALTH
OF PENNSYLVANIA EX
RELATIONE ANNA P.
ELKINS
v.
P. J. HENNEY

Miscellaneous Docket
No. 1026

TO: THE SENATE OF PENNSYLVANIA:

HONORABLE THOMAS KENNEDY, LIEUTENANT-GOVERNOR; AND HONORABLE JOHN MORLOCK, SECRETARY OF THE SENATE.

I, Patrick J. Henney hereby resign as a Senator representing the Forty-fifth Senatorial District, effective immediately.

December 24, 1938

PATRICK J. HENNEY
P. J. HENNEY

Witness:

Frederick G. Van Denbergh, Jr.

It further appears from the Legislative Journal that this resignation had previously been received and placed in the official files of the Secretary of the Senate.

It has likewise been called to our attention that Senator Henney has been absent from his post in the Senate since the date of his resignation. We also can take official notice that the resignation contains as its caption the case pending before the Supreme Court of Pennsylvania, wherein the right of Senator Henney to hold office was being challenged in quo warranto proceedings.

An almost identical set of facts was passed upon by former Attorney General Carson in an opinion dated November 16, 1905, and reported in Official Opinions of the Attorney General (1905-06) page 376; and also reported in 14 Pa. Dist. 832; 31 Pa. Co. Ct. 601; 8 Dauph. 216. The Attorney General there advised the Speaker of the House of Representatives that a resignation of a member of the House, directed to the Speaker and received by him, was effective, and that the Speaker should issue a special writ for the filling of the vacancy in the district previously represented by the resigned member.

While we do not necessarily affirm all of the reasoning in Attorney General Carson's opinion, nevertheless, the advice contained in that opinion is sound and should be followed by you in the present situation. We cannot agree with the former Attorney General that in Pennsylvania we should follow the rule that a resignation of a public officer is not effective until accepted by the proper authorities, since there is eminent authority for the reverse of this proposition. In the absence of a ruling by our Supreme Court on this question, we are of the opinion that public officers in Pennsylvania may resign effectively without the necessity of having such resignation accepted.

Nevertheless, the former Attorney General correctly points out that, even if acceptance of the resignation was required, the receipt of this resignation by the Speaker of the House and the subsequent action of the resigned member resulted in the resignation having been properly accepted. In the case now before us for consideration, we are of the opinion that the receipt of Senator Henney's resignation by former Lieutenant-Governor Kennedy and former Secretary of the Senate Morlock is sufficient acceptance of the resignation.

The fact that Senator Henney may have resigned under the allegedly mistaken belief that he had been required to do so by the Supreme Court is of little moment for the purposes of this opinion. In *STATE v. DART*, 57 Minn., 261, it was held that an officer may resign pending removal proceedings, and in *COMMONWEALTH ex rel. v. DONOGHUE*, 31 D. & C. 105, the court decided that a resignation made under a mistake of law was nevertheless valid and binding.

In 46 C. J. 980, Section 134, the rule as to the acceptance of resignations is stated thus:

"Where no particular mode of accepting a resignation is specifically provided by constitution or statute, no formal mode of acceptance is necessary, and it may be by parol, or it may be shown by performance of an official act which could not legally be performed unless the resignation was accepted. Thus the acceptance may be manifested by the election or appointment of a successor by the office or body authorized to fill vacancies, or by calling an election for that purpose." (Underscoring ours.)

In view of all these circumstances, you are advised that you may regard the resignation which Senator Henney submitted to your predecessor in office as terminating and

vacating his office as Senator of the Forty-fifth Senatorial District, whereupon it becomes your duty under Article II, Section 2 of the Constitution of Pennsylvania to issue a formal writ of election by reason of such vacancy.

Very truly yours,

DEPARTMENT OF JUSTICE.

CLAUDE T. RENO,
Attorney General.

SENATOR P. J. HENNEY'S NAME STRICKEN FROM THE ROSTER, AND SPECIAL ELECTION IN FORTY-FIFTH SENATORIAL DISTRICT PROVIDED FOR.

The PRESIDENT. In view of the opinion of the Attorney-General, I direct the clerk to strike off the name of Senator Henney from the roster, and I declare a vacancy in the Forty-fifth Senatorial District. For the information of the Senate and of the public, I will, in accordance with the election laws, issue a writ for a special election.

PETITION OF HERBERT S. LEVIN FROM DECISION OF JUDGE THOMAS D. FINLETTER, IN THE MATTER OF CONTESTED ELECTION OF HERBERT S. LEVIN IN THE SECOND SENATORIAL DISTRICT OF PENNSYLVANIA.

The PRESIDENT. The Clerk will read the following petition:

IN RE: APPEAL OF HERBERT S. LEVIN APPEAL FROM THE DECISION OF JUDGE THOMAS D. FINLETTER, IN THE MATTER OF THE CONTESTED ELECTION OF HERBERT S. LEVIN TO THE OFFICE OF SENATOR IN THE GENERAL ASSEMBLY FROM SECOND SENATORIAL DISTRICT OF PENNSYLVANIA IN THE COURT OF COMMON PLEAS NO. 4 OF PHILADELPHIA COUNTY (SITTING AS THE ELECTION COURT), AS OF SEPTEMBER TERM, 1938, NO. 5126

PETITION OF HERBERT S. LEVIN

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

The Petition of Herbert S. Levin respectfully represents:

1. Your petitioner feels aggrieved by the decision of the Court of Common Pleas No. 4 of Philadelphia County, wherein he was declared defeated by Samuel W. Salus by one vote, both as to the computation of votes and as to the finding by the court that your petitioner was guilty of bribery.

2. Your petitioner appeared before the aforesaid court and testified, denying the accusations made, and submitted himself to lengthy cross examination. He testified then and again avers that he at no time committed any unlawful or improper acts in the conduct of his election campaign; and that he at no time offered or gave to any voter any promise or money or other thing of value to induce such voter to cast his vote for your petitioner.

3. Your petitioner submits that he was duly and legally elected as the Senator for the Second Senatorial District of Pennsylvania; and he further submits that he was duly seated as the Senator for the Second Senatorial District and that he has since that time, exercised all the rights and prerogatives of the Senator for the Second Senatorial District, with the consent and approval of the Senate.

4. Your petitioner, as the duly elected and duly seated Senator for the Second Senatorial District of Pennsylvania reserves unto himself all his rights under the Constitution and laws of the Commonwealth of Pennsylvania and the rules of the Senate of Pennsylvania.

5. Your petitioner files this petition to comply with the technical requirements of the election code and to obtain for himself complete vindication and exoneration and to remove from his reputation the blot which has been placed upon it by the court's decision, with which he respect-

fully disagrees and which he believes to be in error. He repeats, as he has already informed your honorable body, that his reputation and standing in the community are now more important to him than the honor and prerogatives of his seat, great though the latter be.

6. Your petitioner avers that the pertinent facts in this appeal are as follows:

a. He was the candidate for the Democratic party for the office of Senator in the General Assembly for the Second Senatorial District at the general election held on November 8, 1938.

b. The only other candidate for said office was Samuel W. Salus, candidate for the Republican party.

c. The final and official returns of said election were: Herbert S. Levin—23,487; Samuel Salus—23,440.

d. Thereafter, on November 28, 1938, a petition for contest of said election was filed on behalf of the said Samuel W. Salus, in the Court of Common Pleas No. 4 of Philadelphia County, setting forth various charges concerning alleged illegal votes cast for Herbert S. Levin.

e. That Herbert S. Levin thereupon files his answer to said petition, denying the charges therein contained, and adding to said denials allegations of illegal votes cast on behalf of Samuel W. Salus.

f. That the said contest was heard before Judge Thomas D. Finletter, who filed his opinion rejecting 68 votes cast for Herbert S. Levin and 20 votes cast for Samuel W. Salus, holding that the correct legal result of the aforesaid election was as follows: Herbert S. Levin—23,419; Samuel W. Salus—23,420.

Wherefore, Your petitioner files this petition without prejudice to his rights, to confirm his election and vindicate his reputation and prays that his appeal herein be heard and that thereafter he be declared once again to have been legally and properly elected and to have at no time employed any illegal or improper methods to obtain his election.

HERBERT S. LEVIN.

STATE OF PENNSYLVANIA }
COUNTY OF PHILADELPHIA } ss

HERBERT S. LEVIN, being duly sworn according to law, deposes and says that he is the petitioner named in the foregoing petition; that he believes that he was duly elected to the seat of Senator in the General Assembly for the Second Senatorial District, and that the statements set forth in his petition are just and true, to the best of his knowledge and belief.

HERBERT S. LEVIN.

Sworn to and Subscribed }
before me this 4th day }
of March A. D. 1939 }

HAROLD J. ELKMAN

Notary Public

My Commission expires Dec. 2, 1940.

The PRESIDENT. The petition will be referred to the Committee on Elections.

COMMUNICATION FROM THE BIG FOUR FATHERS OF PHILADELPHIA, URGING FURTHER FINANCIAL SUPPORT OF PHILADELPHIA PUBLIC SCHOOLS.

THE BIG FOUR FATHERS ASSOCIATION
PENNSYLVANIA, PENNA.

Subject: Resolution supporting financial needs of the Philadelphia Public Schools

My Dear Mr. Lewis:

For your information and attention, we are attaching hereto cc. of resolution adopted by our association in public meeting at the Olney Sr. High School, Philadelphia, during January, 1939.

We believe, from the deep and constructive interest that our citizens take in the public schools of our city, that there is need for further financial support from our State. This being a state institution administered by our

local representatives, merits your constructive interest. We trust therefore, at the proper time, you will give of your support.

It is needless to call your attention to the greater support granted by other States, as pointed out in the resolution attached, and of our belief in the fine educational system of Philadelphia, administered by an able group of men from all walks of life.

Thanking you in advance, we remain,

Respectfully yours,

GEORGE COOK, JR.

President.

HURBERT E. REIMEL

Chairman—Schools Committee.

Resolution adopted in public meeting of the Big Four Fathers Association of Philadelphia, January, 1939.

Whereas, There is reliable information given to our Association of a serious financial deficit to operate the school system of Philadelphia, which may force the closing of our schools, in the entire area of our City, for the month of December, 1939, and

Whereas, We the parents and citizens who have the reasoning to understand the chaos, such closing of schools would incur, as well as the precedent this would set, and

Whereas, We have the confidence in the administration affairs of our Board of Public Education, knowing it is comprising in membership of men from all walks of life, who have the foresight and intelligence essential to administer the school system, as has been proven for this and many years past, and

Whereas, The school system of Philadelphia, we believe is receiving insufficient financial support from our State, and basing this reasoning upon the support given by other States of a larger grant per pupil, as illustrating one instance, the State of New York,

Resolved therefore, That the Schools Committee and Officers of The Big Four Fathers Association, be instructed to take active interest with our Governor of the State, as well as the State Senate and House of Representatives, to enlist their aid, by the grant of the additional financial support essential for a full year operation of the school system for this, and other years in the future,

Be it further resolved, That a copy of this resolution be forwarded to all State officials who have jurisdiction in educational affairs, as well as the Board of Public Education of our City, for their information to sense the feelings of our citizenry, who take a deep interest in the public school system of our State.

Which was referred to the Committee on Education.

PETITION FROM PUBLIC CHARITIES ASSOCIATION OF PENNSYLVANIA RECOMMENDING FAVORABLE ACTION ON PHILADELPHIA'S PROPOSED NEW CHARTER BILL

PUBLIC CHARITIES ASSOCIATION OF PENNSYLVANIA

Philadelphia, Pa. February 2, 1939

The President of the Senate,
Capitol Building,
Harrisburg, Pa.

Dear Mr. President:

The attached communication addressed to the members of the Senate and the House of Representatives of the Commonwealth of Pennsylvania by the Public Charities Association, asking for favorable action on Philadelphia's proposed new charter legislation, is being sent to you with an identical copy also going to the Speaker of the House of Representatives.

Sincerely yours,

EARL G. HARRISON

President.

PUBLIC CHARITIES ASSOCIATION OF PENNSYLVANIA Philadelphia, Pa.

To the Honorable, the members of the Senate and the House of Representatives of the Commonwealth of Pennsylvania:

At a meeting of the Central Executive Committee of the Public Charities Association held on January 19, 1939, in Philadelphia, it was resolved that this Association memorialize the General Assembly of Pennsylvania to allow the people of Philadelphia to decide the method by which our city shall be governed.

Such action on your part would be in harmony with the amendment of the State Constitution of 1933 permitting cities to decide on their own form of government and would also place responsibilities regarding the form of government Philadelphia should have on those most directly affected by it.

In order that this desirable end be brought about, we respectfully urge your honorable bodies to aid in this by passing an act in accordance with the report of the Philadelphia Charter Commission which will permit the citizens of Philadelphia to vote on the proposed new charter, which provides a council-manager form of government for the city.

Respectfully submitted,

EARL G. HARRISON
President

Attest:
ALVIN R. GUNGLER
Secretary

Which was referred to the Committee on Municipal Government.

NOMINATIONS BY THE GOVERNOR

The Secretary to the Governor, being introduced, presented communications in writing from His Excellency, the Governor of the Commonwealth, which were read as follows, and referred to the Committee on Executive Nominations.

JUDGE OF THE SUPERIOR COURT OF PENNSYLVANIA

Commonwealth of Pennsylvania.
Governor's Office, Harrisburg, March 6, 1939.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor to nominate for the advice and consent of the Senate the following:

Honorable William E. Hirt, 2004 South Shore Drive, Erie, Erie County, for appointment as Judge of the Superior Court of Pennsylvania, until the first Monday in January, 1940.

ARTHUR H. JAMES.

MEMBERS OF THE STATE BOARD OF PUBLIC ASSISTANCE.

Commonwealth of Pennsylvania.
Governor's Office, Harrisburg, March 6, 1939.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor to nominate for the advice and consent of the Senate the following persons for appointment as members of the State Board of Public Assistance:

Howard L. Russell, Upper Darby, Delaware County, for a term of six years and until his successor shall have been appointed and qualified.

John Schropp, Lebanon, Lebanon County, for a term of six years, and until his successor shall have been appointed and qualified.

John Stevenson, Bryn Mawr, Montgomery County, until the third Tuesday of January, 1942, and until his suc-

cessor shall have been appointed and qualified.

Mrs. Harriet B. Phillips, Pittsburgh, Allegheny County, until the third Tuesday of January, 1941, and until her successor shall have been appointed and qualified.

John W. Howell, Scranton, Lackawanna County, until the third Tuesday of January, 1941, and until his successor shall have been appointed and qualified.

James J. Know, Philadelphia, Philadelphia County, until the third Tuesday of January, 1940, and until his successor shall have been appointed and qualified.

Frank A. Robbins, Jr., Steelton, Dauphin County, until the third Tuesday of January, 1940, and until his successor shall have been appointed and qualified.

ARTHUR H. JAMES.

NOTARIES PUBLIC

He also presented in writing from His Excellency, the Governor of the Commonwealth, nominations for appointment as Notaries Public, which were laid on the table.

CERTIFICATES OF CONSTITUTIONAL AMENDMENTS TO BE VOTED ON IN FALL ELECTION.

The Chair has ten certificates of constitutional amendments to be voted on in the coming Fall election, which have been entered in full in the House Legislative Journal, noted in the Senate Legislative Journal, and entered in full in the Senate Journal.

HOUSE MESSAGE

RESOLUTION RELATIVE TO VETERANS HOSPITALS IN PENNSYLVANIA

The Clerk of the House of Representatives, being introduced, presented an extract from the Journal of the House of Representatives which was twice read as follows and referred to the Committee on Military Affairs:

PRESIDENT AND UNITED STATES VETERAN'S ADMINISTRATION MEMORIALIZED TO CONSTRUCT AND EQUIP A MEDICAL WAR VETERAN HOSPITAL IN PENNSYLVANIA

In the House of Representatives, January 24, 1939.

Whereas, Nearly four hundred thousand sons of the Commonwealth of Pennsylvania wore the uniform of our Nation during the World War; and

Whereas, Many other Pennsylvanians have served honorably in the Army, Navy, or Marine Corps in every war and military expedition authorized by the United States Government prior and subsequent to the World War; and

Whereas, Although Pennsylvania contributed more men and money to the Federal Government during the World War than any other State in the Union (excepting the State of New York) the Federal Government has not recognized this fact by erecting a proportionate number of United States Veterans' hospitals within the Commonwealth; and

Whereas, To date the Federal Government has constructed only two hospitals in Pennsylvania, one at Coatesville and the other at Aspinwall; and

Whereas, As many as five hospitals have been erected in other States; and

Whereas, At present the hospitals at Coatesville and Aspinwall are filled to capacity and there is a waiting list of disabled veterans seeking admittance; therefore be it

Resolved (if the Senate concur), That the General Assembly of the Commonwealth of Pennsylvania, memorialize the President of the United States and the United States Veterans Administration to construct and equip immediately a large general medical war veteran hospital in Pennsylvania, in order to provide hospitalization for thousands of disabled Pennsylvania war veterans who are in need of hospital attention, but who are unable to receive the same because of present inadequate facilities.

ANNOUNCEMENT

REPORT OF DELAWARE RIVER JOINT COMMISSION

The Chair has a report of the Delaware River Joint Commission for 1938, which will be noted in the Senate Legislative Journal.

BILLS INTRODUCED

Mr. FARRELL read in his place and presented to the Chair Senate Bill No. 147, entitled:

A further Supplement to an act approved the twenty-first day of July, one thousand nine hundred and thirteen. (P. L. 863), entitled "A supplement to an act approved the eleventh day of June, one thousand eight hundred seventy-nine, entitled 'An act to authorize Cities of the first class to levy and fix a tax rate, to fix the time of opening and closing the tax duplicates, to regulate the appropriations and expenditures of said cities, and prescribing penalties for the violation of the provisions of this act,' by providing that the same shall not apply to the books of personal property taxes, and to extend the time for the opening of the books, and the payment of personal property taxes.

Which was committed to the Committee on Municipal Government.

He also read in his place and presented to the Chair Senate Bill No. 148, entitled:

An Act to further amend, change and modify Section 1. of an act approved the twenty-first day of April one thousand nine hundred thirty-three (P. L. 54), entitled "An act to amend Section 1 of the act approved the seventeenth day of June, one thousand nine hundred and thirteen (P. L. 507), entitled 'An act to provide revenue for State and county purposes, and in cities coextensive with counties for city and county purposes; imposing taxes upon certain classes of personal property; providing for the assessment and collection of the same; providing for the duties and compensation of prothonotaries and recorders in connection therewith; and modifying existing legislation which provided for raising revenue for State purposes,' as amended, by excluding interest bearing accounts in any bank or banking institution, savings institution, or trust company from the provisions thereof," and to include therein taxation on loans, shares of stock or other securities held by bankers or brokers solely for trading purposes, and to accounts or debit balances owing by customers of bankers or brokers in the usual course of business.

Which was committed to the Committee on Finance.

He also read in his place and presented to the Chair Senate Bill No. 149, entitled:

An Act to further amend and change Section 1, of an act approved the twenty-first day of April, one thousand nine hundred thirty-three, (P. L. 54) entitled "An act to amend Section 1, of the act approved the seventeenth day of June, one thousand nine hundred and thirteen, (P. L. 507), entitled 'An act to provide revenue for State and county purposes, and in cities coextensive with counties for city and county purposes; imposing taxes upon certain classes of personal property; providing for the assessment and collection of the same; providing for the duties and compensation of prothonotaries and recorders in connection therewith; and modifying existing legislation which provided for raising revenue for State purposes,' as amended, by excluding interest bearing accounts in any bank or banking institution, savings institution, or trust company from the provisions thereof," to provide for the taxation of the shares of stock of corporations which may be relieved from the payment of a tax on its shares or capital stock for state purposes.

Which was committed to the Committee on Finance.

He also read in his place and presented to the Chair Senate Bill No. 150, entitled:

An Act to further amend, change and modify Section 1, of the act approved the twenty-first day of April, one thousand nine hundred thirty-three (P. L. 54), entitled "An act to amend Section 1, of the act approved the seventeenth day of June, one thousand nine hundred and thirteen (P. L. 507), entitled 'An act to provide revenue for State and county purposes, and in cities coextensive with counties for city and county purposes; imposing taxes upon certain classes of personal property; providing for the assessment and collection of the same; providing for the duties and compensation of prothonotaries and recorders in connection therewith; and modifying existing legislation which provided for raising revenue for state purposes,' as amended, by excluding interest bearing accounts in any bank or banking institution, savings institution, or trust company from the provisions thereof," and to include therein taxation on the principal value of all annuities.

Which was committed to the Committee on Finance.

Mr. WOODWARD read in his place and presented to the Chair Senate Bill No. 151, entitled:

An Act relating to sentences for criminal offenses; defining the powers of courts in imposing sentences; regulating the exercise thereof and appeals therefrom; and for other purposes.

Which was committed to the Committee on Judiciary General.

He also read in his place and presented to the Chair Senate Bill No. 152, entitled:

An Act to create a uniform and exclusive system for the administration of probation and parole in this Commonwealth; establishing the "Pennsylvania Board of Probation and Parole"; conferring and defining its jurisdiction, duties, powers and functions; providing for the method of appointment of its members; regulating the appointment, removal and discharge of its officers, clerks and employees; dividing the Commonwealth into administrative districts for purposes of probation and parole; fixing the salaries of members of the Board and of certain other officers and employees thereof; making violations of certain provisions of this act misdemeanors and providing penalties therefor; and for the other cognate purposes.

Which was committed to the Committee on Judiciary General.

He also read in his place and presented to the Chair Senate Bill No. 153, entitled:

An Act making an appropriation of moneys out of the Motor License Fund to certain agencies of the Commonwealth for the two fiscal years beginning June first, one thousand nine hundred and thirty-nine.

Which was committed to the Committee on Appropriations.

Mr. CAVALCANTE read in his place and presented to the Chair Senate Bill No. 154, entitled:

An Act to amend section thirteen and clause (b) of section thirty of the act, approved the third day of May, one thousand nine hundred and thirty-three (P. L. 252), entitled as amended "An act to regulate and restrain the traffic in malt and brewed beverages, as herein defined; providing for the licensing of the manufacture, transportation, sale and distribution of such beverages; imposing license and permit fees, and providing for collection and distribution thereof; restricting ownership and interest in licensed places; permitting municipalities and townships, by vote of the electors, to prevent the licensing therein of places where such beverages may be sold

for consumption on the premises and regulating elections for this purpose; imposing duties upon the Pennsylvania Liquor Control Board, quarter sessions courts, district attorneys, the Department of Justice, proper authorities of political subdivisions of the State, and election officers; providing penalties; and repealing existing acts," as reenacted and amended, providing that no licensee shall have his license suspended or revoked for any alleged violation for which a prosecution has been brought before a court of competent jurisdiction but no conviction had.

Which was committed to the Committee on Law and Order.

Mr. GILSON read in his place and presented to the Chair, by request Senate Bill No. 155, entitled:

An Act making an appropriation to the Department of Property and Supplies for the enlargement and modernization of the Pennsylvania Soldiers' and Sailors' Home at Erie, Pennsylvania.

Which was committed to the Committee on Appropriations.

Mr. CROWE read in his place and presented to the Chair Senate Bill No. 156, entitled:

An Act to repeal the act, approved the twelfth day of June, one thousand nine hundred and seven (P. L. 527), entitled "An act establishing precautionary regulations to prevent forest fires on lands in which oil-wells and gas-wells are situated, and diminish danger therefrom; making certain violations thereof misdemeanors, and prescribing punishment for the same, and in other cases affixing penalties and declaring liability for damages."

Which was committed to the Committee on Forestry, Game and Fish.

He also read in his place and presented to the Chair Senate Bill No. 157, entitled:

An Act to amend paragraphs three and four of clause (b) of section nine hundred and thirteen of the act, approved the third day of June, one thousand nine hundred and thirty-seven (P. L. 1333), entitled "An act concerning elections, including general, municipal, special and primary elections, the nomination of candidates, primary and election expenses and election contests; creating and defining membership of county boards of elections; imposing duties upon the Secretary of the Commonwealth, courts, county boards of elections, county commissioners; imposing penalties for violation of the act, and codifying, revising and consolidating the laws relating thereto; and repealing certain acts and parts of acts relating to elections," changing certain fees required for filing nomination petitions.

Which was committed to the Committee on Elections.

He also read in his place and presented to the Chair Senate Bill No. 158, entitled:

An Act to amend section one thousand two hundred six of, and to add section one thousand two hundred six and one-tenth to the act, approved the third day of June, one thousand nine hundred and thirty-seven (P. L. 1333), entitled "An act concerning elections, including general, municipal, special and primary elections, the nomination of candidates, primary and election expenses and election contests; creating and defining membership of county boards of elections; imposing duties upon the Secretary of the Commonwealth, courts, county boards of elections, county commissioners; imposing penalties for violation of the act, and codifying, revising and consolidating the laws relating thereto; and repealing certain acts and parts of acts relating to elections," by changing the provisions relating to the judges of the courts of common pleas being in continuous session at the court house on the day of

each primary and election; and imposing additional duties upon the counsels for the county boards of elections.

Which was committed to the Committee on Elections.

He also read in his place and presented to the Chair Senate Bill No. 159, entitled:

An Act to amend section one thousand two hundred seven of the act, approved the third day of June, one thousand nine hundred and thirty-seven (P. L. 1333), entitled "An act concerning elections, including general, municipal, special and primary elections, the nomination of candidates, primary and election expenses and election contests; creating and defining membership of county boards of elections; imposing duties upon the Secretary of the Commonwealth, courts, county boards of elections, county commissioners; imposing penalties for violation of the act, and codifying, revising and consolidating the laws relating thereto; and repealing certain acts and parts of acts relating to elections," by providing for compensation for services rendered by constables and their deputies.

Which was committed to the Committee on Elections.

He also read in his place and presented to the Chair Senate Bill No. 160, entitled:

An Act to amend the act, approved the second day of May, one thousand nine hundred and twenty-five (P. L. 448), entitled "An act relating to fish; and amending, revising, consolidating, and changing the law relating to fish in the inland waters and the boundary lakes and boundary rivers of the Commonwealth," as amended, further regulating the taking of fish from inland waters and the possession thereof; changing the fee for securing a duplicate fishing license upon loss of the original, and the requirements as to giving notice of closing waters to fishing by the board; providing additional penalties; and authorizing and regulating the acquisition, use, control, leasing, sale and exchange of property by the Board of Fish Commissioners, and of rights in or relative to, and the products of such property.

Which was committed to the Committee on Forestry, Game and Fish.

Mr. McGINNIS read in his place and presented to the Chair Senate Bill No. 161, entitled:

An Act making an appropriation to the Allegheny General Hospital, Pittsburgh, Pennsylvania.

Which was committed to the Committee on Appropriations.

Mr. REED read in his place and presented to the Chair Senate Bill No. 162, entitled:

An Act making an appropriation to the Canonsburg General Hospital, Pennsylvania.

Which was committed to the Committee on Appropriations.

He also read in his place and presented to the Chair Senate Bill No. 163, entitled:

An Act making an appropriation to the Memorial Hospital Association, Monongahela City, Pennsylvania.

Which was committed to the Committee on Appropriations.

Mr. JASPAN read in his place and presented to the Chair Senate Bill No. 164, entitled:

An Act making an appropriation to the Northern Liberties Hospital, Philadelphia, Pennsylvania.

Which was committed to the Committee on Appropriations.

Mr. OWLETT read in his place and presented to the Chair Senate Bill No. 165, entitled:

An Act to further amend the act, approved the twenty-second day of June, one thousand nine hundred and thirty-one (P. L. 594), entitled "An act establishing certain township roads as State highways; authorizing their construction, maintenance, and improvement under certain conditions and restrictions; limiting the obligation of the Commonwealth in the construction of certain structures located on such highways; conferring certain powers upon the Department of Highways and local authorities, persons, associations and corporations for sharing the cost of the maintenance and construction of such highways; and making an appropriation to carry out the provisions of said act," by changing Route Number 58098.

Which was committed to the Committee on Highways.

Mr. WOLFENDEN read in his place and presented to the Chair by request, Senate Bill No. 166, entitled:

An Act to authorize cities, boroughs, incorporated towns, townships, and school districts to file suggestions of non-payment and averments of default, or to sue out writs of scire facias on certain tax or municipal claims, and to revive judgments where the lien of such claims or the judgments thereon have been lost; and providing for the reinstatement of the liens of such claims and judgments.

Which was committed to the Committee on Judiciary General.

Mr. CAVALCANTE read in his place and presented to the Chair Senate Bill No. 167, entitled:

An Act to amend section four hundred and ten of the act, approved the twenty-ninth day of November, one thousand nine hundred and thirty-three (1933-34—P. L. 15), entitled as amended "An act to regulate and restrain the sale, manufacture, possession, transportation, importation, traffic in, and use of alcohol, and alcoholic and malt or brewed beverages; conferring powers and imposing duties upon the Pennsylvania Liquor Control Board and its agents, the Department of Public Instruction, other officers of the State government, courts, and district attorneys; authorizing the establishment and operation of State stores for the sale of such beverages not for consumption on the premises, and the granting of licenses, subject to local option, to sell such beverages for consumption on and off the premises; forbidding importation or bringing of such beverages into the State except as herein provided; prohibiting certain sales or practices in, connection with, and transactions in such beverages by licensees and others; providing for the forfeiture of certain property; making disposition of the receipts from State stores and of fees; and imposing penalties," as reenacted and amended, providing that no licensee shall have his license suspended or revoked for any violation for which a prosecution has been brought before a court of competent jurisdiction, but no conviction had.

Which was committed to the Committee on Law and Order.

Mr. THOMAS read in his place and presented to the Chair Senate Bill No. 168, entitled:

An Act to amend paragraph six of section two, and paragraph four of section five of the act, approved the twenty-ninth day of April, one thousand nine hundred thirty-seven (P. L. 551), entitled "An act prohibiting the employment of miners, as herein defined, in the bituminous coal mines, unless certificated by a miners' examining board; provid-

ing for the appointment of such boards, and defining their powers and duties; providing penalties; and making an appropriation by providing for the suspension of examinations and certifications by the Secretary of Mines and for the issuance of new certificates to replace lost certificates.

Which was committed to the Committee on Mines and Mining.

He also read in his place and presented to the Chair Senate Bill No. 169, entitled:

An Act relating to parks, farms, glens, or picnic grounds owned and operated by charitable associations for the use of the public without charge; authorizing the adoption of rules and regulations pertaining to such property; providing for the appointment of park policemen for their enforcement; imposing penalties for violations thereof; and extending the jurisdiction of aldermen and justices of the peace thereto.

Which was committed to the Committee on Forestry, Game and Fish.

RESOLUTION TO AMEND SENATE RULE NO. 23

Mr. GELDER offered the following resolution, which was twice read as follows:

In the Senate, March 6, 1939.

Resolved, That so much of Rule 23 of the Standing Rules of the Senate as relates to the membership of the Committees of the Senate shall be amended so as to read as follows: "The several above committees shall consist of the following:

"Aeronautics, Agriculture, County Government, Education, Finance, Labor and Industry, Law and Order, and State Government, fifteen (15) Senators each; Appropriations, Judiciary General, twenty-one (21) Senators each; Banking and Mines and Mining, fourteen (14) Senators each; Corporations and Municipal Government, thirteen (13) Senators each; Elections, eleven (11) Senators; [and] Executive Nominations, seven (7) Senators [each]; Federal Relations, ten (10) Senators; Forestry, Game, and Fish and Welfare, Public Assistance and Pensions, sixteen (16) Senators each; Highways, eighteen (18) Senators; Insurance, Military Affairs and Public Utilities, twelve (12) Senators each; Judiciary Special, nine (9) Senators; Public Health, eleven (11) Senators; Rules, six (6) Senators."

Mr. GELDER. Mr. President, I ask unanimous consent that Rule 39, which requires resolutions be referred to an appropriate committee, be suspended and the Senate do now proceed to the consideration of the resolution just read.

The PRESIDENT. Is there objection?

The Chair hears none.

On the question,

Will the Senate agree to the resolution?

Mr. SHAPIRO. Mr. President, I desire to interrogate the Senator from Susquehanna, Mr. Gelder.

The PRESIDENT. Will the Senator from Susquehanna, Mr. Gelder, permit himself to be interrogated?

Mr. GELDER. Mr. President, I will.

Mr. SHAPIRO. Mr. President, as I read the resolution I take it that the only change is in increasing the membership of the Committee on Elections from nine to eleven. Is that correct?

Mr. GELDER. Mr. President, that is correct—for the purpose of adding two additional Democratic members to the committee.

Mr. SHAPIRO. Mr. President, if this resolution were to increase the number of members of the committee just a little more, so as to make it a more reasonable committee, I would be very glad to join in the amendment to the rule; but it does not make any difference, according to the way

things are done today, whether the majority consists of one or seven; so that, these gentlemen who have now a majority of nine members to two on that committee do not make the situation any better by making it seven to four. It would not make any difference if it were seven to five, and I think they have got themselves into the kind of a hole with the public that they better get themselves out of by themselves, and not by a Democratic vote. I ask my colleagues to vote this resolution down, and I ask for a roll call.

Mr. GELDER. Mr. President, I would like to explain to my colleagues that the responsibility will still remain with the Republicans, as there will still be a Republican majority on the committee. Inadvertently, however, there was not the same ratio of Republicans to Democrats on that committee that there was on other committees in the Senate, with the exception of the Committee on Rules, and this resolution will make it more nearly in proportion.

I would like to assure the Senator from Philadelphia, Mr. Shapiro, that the Republicans are in no way trying to evade their responsibility.

Mr. SHAPIRO. Mr. President, I just want to say that as I looked over the list of committees, and the proportions, I do not think that this was an inadvertent disproportion; I think it follows right down the line, and I think it was not done so inadvertently as it is made to appear.

And the question recurring.

Will the Senate agree to the resolution?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS--26

Bartlett,	Eroe.	Mallery,	Stevenson,
Chapman,	Farrell	Miller,	Tallman,
Crowe,	Gelder,	Owlett,	Thomas,
Dando,	Geltz,	Pierson,	Walker,
Detrick,	Heyburn,	Scarlett,	Wolfenden,
Ealy,	Homsher,	Snowden,	Woodward,
Edmonds,	Letzler,		

NAYS--20

Cavalcante,	Haluska.	Lanius,	Rice,
Dent,	Jacobs,	McCreesh,	Ruth,
DiSilvestro,	Jaspan,	McGinnis,	Shapiro,
Frey,	Kilgallen,	Mundy,	Sipe,
Gilson,	Kunkel,	Reed,	Stiefel,

Less than two-thirds of all the Senators having voted "aye," the question was determined in the negative.

RESOLUTION TO EXPAND THE SCOPE OF INVESTIGATION OF THE MILK PROBLEM

Mr. REED. Mr. President, last week a resolution introduced by Senators Scarlett and Heyburn, dealing with a certain phase of the milk problem, was adopted in this Senate. Since that time I have received quite a few inquiries from farmers in my district, in which they say that while that resolution is good it is not broad enough, that there is another phase of the milk problem that ought to be investigated at the same time as the phase mentioned and provided for in that resolution. They mentioned the milk trust, the milk lobbyists and milk attorneys. They claim that the milk trust have their tentacles running all through the Commonwealth of Pennsylvania, Mr. President, and that these matters ought to be investigated also.

Senator Sipe, my colleague, and, I think, other Senators have received the same kind of requests and infor-

mation from their districts, and I believe there will be no objection to the passage of a resolution asking that this phase of the problem be also investigated at the same time that the other phase is being investigated; and by the same committee; and for that purpose, Mr. President, I wish to offer this short resolution, and ask that it be adopted immediately.

Mr. REED, on behalf of Mr. Sipe and himself, offered the following resolution, which was twice read as follows:

Whereas, on February 7, 1939, a Resolution was introduced in this Senate by Messrs. Scarlett and Heyburn setting forth that the production and distribution of milk constitute a subject of very vital importance to the citizens of the Commonwealth of Pennsylvania, and asking for a joint committee from the Senate and House "to investigate and study, (a) all regulations, records and activities of each department, severally and jointly, and to take the testimony of such witnesses as may be deemed necessary to ascertain full facts which will be useful and helpful in formulating future remedial and regulatory legislation," and

Whereas, said Resolution was passed and adopted by the Senate on February 28, 1939, with but one dissenting vote, indicating that the subject of milk production and distribution was of general importance to people of Pennsylvania; and

Whereas, in the discussion of this Resolution on the floor of the Senate it appeared that a very significant phase of the subject, interesting to the producer and consumer, and vital to a proper and thorough investigation of the problem, embracing milk trusts, milk lobbyists and milk attorneys, was omitted from the said Resolution;

Now, Therefore, Be It Resolved:

That in order to make its investigation full and complete, the said joint committee is hereby authorized and directed to include in its said inquiry and investigation, milk Companies, milk Trusts, Milk Lobbyists, and milk Attorneys, their interests and activities, with full power given the said joint committee to issue subpoenas under the hand and seal of its Chairman, requiring and commanding any person to appear before it and answer such questions touching matters properly being inquired into by the Committee, and to produce such books, papers, records and documents as the Committee may deem necessary. Such subpoenas may be served upon any person, firm, partnership or corporation and shall have the same force and effect as subpoenas issued out of the Courts of the Commonwealth. Any person who shall wilfully neglect or refuse to appear and testify for said Committee, or to produce any books, papers, records, and documents, shall be subject to the penalties provided by the laws of this Commonwealth in such cases.

Mr. REED. Mr. President, I ask unanimous consent that Rule 39, which requires resolutions be referred to an appropriate committee, be suspended and the Senate do now proceed to the consideration of the resolution just read.

The PRESIDENT. Is there objection.

The Chair hears none.

On the question,

Will the Senate agree to the resolution,

It was agreed to.

RESOLUTION CALLING UPON EACH MEMBER OF THE GENERAL ASSEMBLY TO MAKE KNOWN ANY INTEREST HE OR SHE HAS IN THE PRODUCTION, DISTRIBUTION AND CONTROL OF MILK IN THE COMMONWEALTH.

Mr. CAVALCANTE. Mr. President, on previous occa-

sions my audacity has urged me to plead for intellectual honesty by this body in considering the many public matters that come before us. I am enthused that my urge along this line has become a mote in the eye of my friend, columnist, philosopher and scholarly Mr. Cummings of the Philadelphia Inquirer.

It has also been my delight and joy to plead for parliamentary dignity unadulterated by partisan spirit or expediency. This, too, has become a mote in Mr. Cummings' other eye. My colleague from Armstrong, Mr. Sipe, is urged to be merciful lest his pleas upon the same subjects become a myriad of moths that will make a leopard skin of Mr. Cummings' eyes and bring on total blindness.

The efficacy of the free press to promote the public welfare is contingent upon the presence of intellectual honesty and journalistic propriety. When these attributes are lacking the press is just another weapon for unscrupulous men to assassinate honesty and bury truth in a pit as deep and dark as hell!

Journalists are mortals, and, as such, are subject to the fallibilities of mortals. A journalist as a politician may have a long and itching palm. He, too, may eat the same bread and sleep the same sleep that other mortals do. Such being the case, it little behooves the journalist to place himself on a pedestal higher than other mortals.

It is deplorable that so much of the free press in our Commonwealth has become the prototype of the common bawd, and sells its body to the higher bidder. This despicable condition is directly attributable to the owners of the press, who act as panderers, and not to the employees who toil and write to earn a daily crust of bread.

Mr. President, tonight my colleague from Armstrong, Mr. Sipe, and myself are undaunted by the jibes of the press. Our discipleship to intellectual honesty and parliamentary dignity still commands our desires. Consistent, therefore, with this desire, Mr. President, we read in place the following Resolution and demand its immediate adoption:

Mr. CAVALCANTE, on behalf of Mr. Sipe and himself, offered the following resolution which was twice read as follows:

Whereas, On February 7, 1939, a concurrent resolution was offered in this Senate by Messrs. Scarlett and Heyburn touching the investigation of the production, distribution and control of milk in this Commonwealth, and

Whereas, The production, distribution and control of milk is vital to the health of every man, woman and child in this Commonwealth, as manifested by the adoption of said resolution in this Senate on February 28, 1939, with but one dissenting vote, and

Whereas, The records of this General Assembly, the Public Press and the voice of the milk-producing farmers of this Commonwealth all indicate that milk trusts, milk lobbyists, milk attorneys, milk legislators and milk interests have intentionally or unintentionally projected themselves into the activities of the Milk Control Board as well as into the passage of milk legislation, and

Whereas, The sponsors of said resolution desire and the vital public interest requires that the investigation of this subject be conducted impartially, nonpartisanly and justly by disinterested members of this General Assembly, and

Whereas, Candor, integrity and human experience all dictate that an impartial, non-partisan and just investigation of any given subject is more apt to be accomplished by men disinterested in the subject under investigation, either directly or indirectly, and

Whereas, The Constitutional fathers of our government, in order to perpetuate this fundamental principle, incorporated in Article 3, Section 33, of our Constitution the following provision:

"A member who has a personal or private interest in any measure or bill proposed or pending before the General Assembly shall disclose the fact to the House of which he is a member, and shall not vote thereon."

Now Be It Resolved (if the House of Representatives concur), That each member of this General Assembly do immediately upon the passage of this resolution make known in writing to the Clerk of the House of which he or she is a member any interest, personal or private, directly or indirectly, that such member has in the production, distribution and control of Milk in this Commonwealth and whether such member is a stockholder, attorney, or official in any milk interest.

Mr. CAVALCANTE. Mr. President, I ask unanimous consent that Rule 39, which requires resolutions be referred to an appropriate committee, be suspended and the Senate do now proceed to the consideration of the resolution just read.

The PRESIDENT. Is there objection.

Mr. OWLETT. Mr. President, I object.

The PRESIDENT. The Chair hears objection.

MOTION TO SUSPEND RULE 39

Mr. CAVALCANTE. Mr. President, I move that Rule 39, which requires resolutions be referred to an appropriate committee, be suspended, and the Senate do now proceed to the consideration of the resolution just read.

Mr. DENT. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

Mr. SIPE. Mr. President, I want to say that in their investigation of the milk producing and milk distributing business in Pennsylvania, provided for in the resolution offered by Senators Heyburn and Scarlett, there was left out provision for the investigation of the lawyers and lobbyists of the milk monopoly that camp here in Harrisburg and that have been camping here ever since so-called "milk control" started in Pennsylvania; and without such a provision the investigation will be incomplete.

The resolution Mr. Cavalcante and I are offering simply broadens the scope of the resolution of Senators Heyburn and Scarlett in order to subject to investigation those groups which have played so prominent a part in milk legislation—and also, I think it will be found, in influencing the conduct of the Milk Control Board to the great injury of the milk-producing farmer, to the injury of the consumer and to the enrichment of the big dealer. I do not see how any Senator who voted for the resolution of Senators Heyburn and Scarlett could refuse to vote for this resolution.

Any investigation that leaves out such organizations in the milk producing industry that pose as producer organizations but are in reality retailers' organizations is also incomplete. Sad to say, it was an organization within the milk industry, an organization holding itself out as a producers' organization but in reality a retailers' organization, that took a very prominent part in bringing about the recent order of the Milk Control Board that gave such a wallop to the farmers of western Pennsylvania as to drive many of them out of the business. A week or two ago I did say a few words in regard to that wallop that the milk producing farmers in western Pennsylvania have received; I did call attention to the fact that in round numbers, as nearly as can be conservatively esti-

mated, that outrageous order takes out of the farmers' income, in the Pittsburgh district, at least \$500,000 a month.

About a week ago there was an immense mass meeting of farmers in the Court House of Butler County, a mass meeting that almost bulged the walls, in which men well conversant with the milk industry in Butler County asserted that that order would take out the profits of the milk producing farmers in Butler County between six and seven thousand dollars a month.

Of course, I am aware that some representatives of the milk monopoly and some old-line politicians in both political parties in Butler County are spreading the bunk that what I am sore about is the fact that the consumer has gotten a little relief under this order. It is true that the consumer gets relief to the extent of two cents a quart, but one and one-half cents of that relief comes off the farmer. So I am sorry—sorry because the consumer has gotten a little relief, but what I am sore about is this: that the farmer has taken so big a cut and the milk dealer so little a cut; that is what I am sore about; and we will not get anywhere, I feel, in obtaining for our Pennsylvania farmers a modification or revocation of this order unless we speak very plainly.

We will have to speak plainly, we will have to forget the Democratic politicians that are trying to excuse the members of the Milk Control Board for this atrocious order, and we will have to pay no attention to those Republican politicians who are endeavoring to excuse the Governor for approving this outrageous order.

I might say at this point that the milk lobbyists and the milk attorneys have a great advantage over the farmer, the milk producing farmer. You see, the farmer has to work from early morn until night, he has to milk his cows, he has to plow, to sow, to reap in order to keep his farm going and his head above water; he has no time to come down here and camp at Harrisburg, making his side of the case known to the Milk Control Board and to the Governor—none at all.

Now, I say we must not excuse the Governor. I hold no brief, as I say, for the Milk Control Board; it is a Democratic board, but it should not have made such an outrageous order. I am glad, however, that one member found the order too raw for him to sign. But the order was not too raw for the Governor of Pennsylvania to sign and he signed it—or approved it, rather, in spite of the promises that he had made in rosy and glowing terms to all the farmers of Pennsylvania—as well, by the way, as making the same kind of promises to every other group in Pennsylvania. So he bids fair to go down in the history of the great Keystone State as having reached the maximum in promises and the minimum in fulfillment thereof.

Yes, the farmers in my district, the farmers of western Pennsylvania, listened to the voice, the radio voice, of the Governor when he was making these promises, listened how he promised them almost the earth with a fence around it—mixing with his ballyhoo and bunk, as I said before on the floor of this Senate, a great many Bible quotations. The farmers listened, and I have no doubt that many of them thought he was conducting a religious campaign, when they heard so many Bible quotations.

Mr. President and members of the Pennsylvania Senate, in a sense the Governor was conducting a religious campaign—in a sense it was a religious campaign, because it was anointed—anoointed by the oil of Pew.

The Governor, you know, likes to call himself a breaker-

boy. Well, some folks in Pennsylvania, during the campaign at least, denied that he had ever been a breaker-boy. I say to you that he is a breaker-boy, because he and the Milk Control Board are breaking the backs of the farmers in western Pennsylvania.

POINT OF ORDER

Mr. OWLETT. Mr. President, I rise to a point of order. The PRESIDENT. The Senator from Tioga, Mr. Owlett, will state his point of order.

Mr. OWLETT. Mr. President, the Senator from Armstrong, Mr. Sipe, is not talking on the resolution.

The PRESIDENT. The point of order of the Senator from Tioga is well taken.

Mr. SIPE. Mr. President, very well. Let me say this on the resolution, by way of boiling down what I said in the first place: we will never get anywhere on milk control in Pennsylvania—a control that is just to the milk producing farmer and just to the milk consuming person—never gets anywhere unless we conduct such an investigation as will include the lawyers and lobbyists of the milk trust. Is that on the point?

Let me tell a little bit about one milk lobbyist from my part of the State. I have known him for twenty-five years. I have seen him camping around Harrisburg a great deal since the inauguration, and he is not unacquainted at Harrisburg ever since so-called milk control started in Pennsylvania. You will recall, Mr. President and gentlemen of the Senate, that the resolution of my colleagues, Senator Heyburn and Senator Scarlett, was adopted by this body on the 28th of February. That night I worked pretty late here in the Senate Chamber, and near the strange and mystic hour of midnight, when the veil between the frail and fleeting present and the eternal future grows thin, into this holy chamber came this milk lobbyist, hunting a copy of the resolution of Senators Heyburn and Scarlett. Since then he has been working like a beaver to see that this resolution of my colleagues does not go through the House. He is offering the argument that under said resolution every State department in Pennsylvania could be investigated—a ridiculous argument intended to mislead and deceive; and I am reliably informed that he is making the boast that he can see to it that the resolution will be pickled in a committee in the House.

This gentleman, coming, as he does, from the western part of the State, being born and reared in one of the greatest milk producing counties in western Pennsylvania, namely, Crawford County, should have a little more sympathy for the farmer group from which he sprang.

Mr. DENT. Mr. President and members of the Senate, I rise to support my colleagues in asking that you vote for this resolution. Saturday I had at my home a neighbor who told me that this milk order was costing him thirteen dollars a day. That makes a total of \$4,745 a year. This farmer has a herd of one hundred forty-six cattle. It is impossible for him, under any circumstances, to continue in the farming and dairy business as long as this order remains on the books. He gave me some pertinent facts I think you ought to hear.

He said under the rulings of the Milk Control Board they must deliver to the so-called milk retailer milk containing 4% butter-fat, and yet that same retailer is allowed to sell, to the consumer in Pennsylvania, that milk, under the label of Grade A, containing only 3.6% butter-fat—meaning that this man buys a hundred-weight of milk,

gets about forty-six and a half quarts of 4% butter-fat milk out of it, turns around and adds whatever he wants to add, water or skim milk, and delivers to the consumers approximately fifty-two quarts of milk.

When the original Milk Board went into office the farmer produced 3.6% milk. It was found, out through western Pennsylvania—because a majority of the farmers had Jersey and Guernsey cows—that a good deal of the milk ran over 3.6% butter-fat; but they received no more for it, and some of the farmers became a little more shrewd and mixed their herds up and brought in a few more Holstein cows, which produced more milk but not as great in butter-fat. The milk trust did not let them get very far; they got wised up to it and put an order through the Milk Control Board that said the farmer must produce milk of 4.4% butter-fat.

Another discrepancy in the distribution of milk is the order that says the farmer must charge 11¢ a quart for milk, the same as the city retailer does, who pasteurizes his milk. Now, there is no sense in forcing the farmer to charge 11¢ for milk, and make him put it into containers, the same as the retailer in town who has to pasteurize his milk. But that is the point—that the so-called retailer in town has the argument that the so-called pasteurized milk is naturally the healthiest. And forcing the farmer to sell at the same price as the retailer in town soon destroys the market the farmer-dealer might otherwise have.

It is important that we do investigate the milk problem from top to bottom. I understand that the greatest amount of money spent in Pennsylvania for any commodity is for milk. The poor people buy more of it than anybody else. We must do something. Whether this resolution is going to be the vehicle upon which we can investigate this entire question, or not, I am not sure; but I will vote for any resolution that will expedite matters, that will soon wipe from the books this one order that is costing, as Senator Sipe has told you, a half million dollars a month to the western Pennsylvania milk producers. Gentlemen, you cannot vote "no" on this resolution, you must vote "aye" if you are sincerely interested in the farmers of Pennsylvania and in the consumers.

QUESTION OF PARLIAMENTARY INQUIRY

Mr. SHAPIRO. Mr. President, I rise to a point of parliamentary inquiry.

The PRESIDENT. The Senator from Philadelphia, Mr. Shapiro, will state his question of parliamentary inquiry.

Mr. SHAPIRO. Mr. President, when this subject was discussed last week, I was somewhat concerned by it, because I own two cows, but they tell me that this only relates to Senators from Western Pennsylvania, so my two cows are put in their barns at night, if the March winds do not blow the mortgage down on this house; but tonight this resolution deals with all of Pennsylvania and everybody is to be investigated.

While I own two cows, I sell all the milk to my wife, in order to comply with the regulations of the Federal Government with regard to taking losses in the operation of a farm. I sell the milk at the same price as champagne, because it costs me just the same.

If there is a reduction in the price—my cows are contented cows, but my wife is not—and if there is to be a reduction in price, I have a particular interest in the investigation. The point of my inquiry is whether I am one of the Senators who might have to get up on the floor and

announce whether I have an interest in this bill and if I have whether my interest comes under that heading; because if you do not pass the resolution, I am all right; but if you do pass the resolution, I come under it, and I submit to the orderly process of your inquiry on the question—which I hope will detain you long enough to allow us to pass this resolution.

Mr. WOODWARD. Mr. President, this seems to be a free-for-all. I would like to say that for many years, I have been a director in a milk company that produces the finest milk in the city, the Walker-Gordon Milk Company, and I would like to instruct the Senator from Westmoreland, Mr. Dent, when he was belittling the fat content of 3.6 per cent, that, as a result of many years of experience, four per cent is the ideal percentage of fat in any milk, for children and for adults, and I do not mind passing that information on to my friend, the Senator from Westmoreland, Mr. Dent, that four per cent is the ideal percentage.

Mr. DENT. Mr. President, I want to assure the Senator from Philadelphia, Mr. Woodward, that I agree with him, but it seems that the farmer has to produce four percent, but the retailer only has to sell 3.6 percent. The people who are supposed to get the benefit from the four percent do not get it at all, because the retailer skims off the four percent and keeps it for himself.

Mr. OWLETT. Mr. President, there is now before the Senate, as I understand it, a motion to suspend a rule, in order that this resolution may be immediately considered. This Senate passed last week a resolution setting up a committee to investigate the milk industry; then today Senator Reed introduced a resolution, and we all unanimously suspended the rule and passed it unanimously—bringing in milk trusts and the lobbyists and milk attorneys and everyone else.

There is no one more interested in the problem of the milk producers than myself, representing as I do one of the largest dairy counties of this state. I submit, Mr. President, that a resolution conceived in hate and offered with malice and accompanied by political speeches—and the resolution itself is a political speech—it at least should go to a committee, under the rules of the Senate, to study it, and I therefore ask the Senate to vote down the motion for immediate consideration, that a regular committee in a regular way may study this resolution, in view of the fact that we have already passed two resolutions regulating the milk industry.

And the question recurring,

Will the Senate agree to the motion?

The yeas and nays were required by Mr. CAVALCANTE and Mr. DENT, and were as follows, viz:

YEAS—24.

Cavalcante,	Frey,	Kilgallen,	Reed,
Coleman,	Gilson,	Kunkel,	Rice,
Dando,	Haluska,	Lanius,	Ruth,
Dent,	Heyburn,	McCreesh,	Shapiro,
DiSilvestro,	Jacobs,	McGinnis,	Sipe,
Eroe,	Jaspan,	Mundy,	Stiefel.

NAYS—23.

Bartlett,	Farrell,	Miller,	Tallman,
Chapman,	Gelder,	Owlett,	Thomas,
Crowe,	Geltz,	Pierson,	Walker,
Deitrick,	Homsher,	Scarlett,	Wolfenden,
Ealy,	Letzler,	Snowden,	Woodward,
Edmonds,	Mallery,	Stevenson,	

Less than two-thirds of all the Senators having voted "aye," the question was determined in the negative.

The PRESIDENT. The resolution will be referred to the Committee on Agriculture.

RESOLUTION TO INVESTIGATE WPA IN
CAMBRIA COUNTY

Mr. HALUSKA. Mr. President, I wish to offer a joint resolution, but before I offer this resolution I wish briefly to speak on it. I am going to offer, within a few minutes, a joint resolution asking for an investigation of four governmental agencies functioning in the County of Cambria, namely, the Department of Highways, the Department of WPA, the Department of Unemployment Compensation, and the Department of Public Assistance.

Throughout the last four or five months people from my county have come to me with allegations that graft, bribery, incompetent personnel, political coercion, and what not, exist throughout these four departments. I have, I believe, sufficient proof, but I cannot exercise my duty unless I am authorized to do so. I am going to ask this body tonight to give me, or to place in the proper committee for investigation, the proper authority to investigate this condition in my county. I am aware that I should be possibly the last man to ask for any such investigation in my county. As all of you know, I am a Democrat, and most of these offices are held by Democratic job holders; but I care not for party affiliations; it is my duty to do my duty and to do it honestly.

I have warned, on a number of occasions, a number of the job holders in my county that unless they straightened this up I was going to ask this Senate for an investigation. I am suspicious that the allegations made are true; in fact, I have sufficient proof now, I believe, to enter prosecution. It is not my intention to prosecute or persecute any person that is innocent of any of these charges, but certainly it is my duty to prosecute, or have the court prosecute, any person, whether he be Democrat or Republican, if these charges are true.

Now, since I spoke last week of this intended, proposed, resolution, a number of persons have told me that we cannot properly, legally, investigate the so-called WPA. It is my contention that we can. In my county of Cambria, eighty-five percent of the projects employing persons today on WPA, are sponsored by the Highway Department, are spending Highway funds, and using Highway material. If that be true, which it is, I see no good reason why we cannot investigate this Department.

Therefore, Mr. President, I offer the following resolution and ask that it be read:

Mr. HALUSKA offered the following resolution, which was twice read as follows:

Whereas, Charges have been made that in Cambria County, there has been an improper use of funds by the State Highway Department, the Work Progress Administration, the Department of Public Assistance, and the Unemployment Compensation Division of the Department of Labor and Industry of this Commonwealth; and

Whereas, The charges made are not only confined to the improper use of funds by these departments and agencies, but also as to the existence of many highly irregular practices, incompetent personnel, political coercion, graft, bribery, and macing; and

Whereas, From time to time, these charges have been repeated; however, up until the present, the charges have never been proved or disproved; and

Whereas, The agencies of government of this Commonwealth and of the government of the United States, acting

through our own state agencies or independently, must not be conducted in such a manner as to subject their activities in any way to charges directed to the honesty and integrity of those persons having the administration of such agencies; and

Whereas, Only through the investigation of these charges, and a full disclosure of the facts in relation thereto, can the truth be learned, therefore be it

Resolved, (if the House of Representatives concur), That the President Pro Tempore shall appoint three members of the Senate, one of whom shall be designated as chairman, and the Speaker of the House of Representatives shall appoint two members of the House, who, together shall constitute a joint legislative committee, and whose duty it shall be to make a thorough and impartial investigation of the various charges made relative to the several departments and agencies of this Commonwealth and of the Federal agencies operating and acting through the several departments and agencies of the Commonwealth, with particular attention to the commission of any offenses under the provisions of law of this Commonwealth; and be it further

Resolved, That said committee shall have power to issue subpoenas under the hand and seal of its chairman, requiring and commanding any person to appear before it and answer such questions touching matters properly being inquired into by the committee, and to produce such books, papers, records and documents as the committee may deem necessary. Such subpoenas may be served upon any person, and shall have the same force and effect as subpoenas issued out of the courts of this Commonwealth. Each member of the committee shall have power to administer oaths and affirmations to witnesses appearing before it. Any person who shall wilfully neglect or refuse to appear and testify for said committee, or to produce any books, papers, records and documents, shall be subject to the penalties provided by the laws of this Commonwealth in such cases; and be it further

Resolved, That if the commission is unable to complete its investigation during the current session of the General Assembly, it shall have power to sit and continue its investigations after the adjournment of the current session, and it shall then make its report and recommendations to the Governor, or to the next Session of the General Assembly.

Mr. HALUSKA. Mr. President, I ask unanimous consent that Rule 39, which requires resolutions be referred to an appropriate committee, be suspended and the Senate do now proceed to the consideration of the resolution just read.

The PRESIDENT. Is there objection?

The Chair hears none.

On the question,

Will the Senate agree to the resolution,

Mr. SHAPIRO. Mr. President, I think it was way back in 1935 that the Senator from Tioga attempted an investigation of the WPA and I think he met with some resistance, and subsequently discovered, through the aid of the courts, that the law which was then cited by the Senator from Tioga was not correct; that the Senator from Tioga could not investigate the WPA.

This resolution combines an investigation of the WPA with several other departments. There may be a question as to whether or not even the Unemployment Compensation Bureau can be investigated, by virtue of its tie-up with Federal funds. Certainly, to the extent to which administration funds might be furnished by Washington there might be some question about the right to investigate that.

I would suggest that the Senator amend the resolution or alter the resolution or refer the resolution to a proper committee, so that that question may be looked into. I do not want anybody to accept my law on the subject,

but once before I convinced one of the members of the Senate that my law was right, back in 1935.

Mr. HALUSKA. Mr. President, I have some recollection of the resolution introduced by Senator Owlett, and if I understand it correctly, it was the purpose of that investigation to investigate the WPA as a whole, throughout the State. My resolution pertains to one county only, and I have sufficient proof—I cannot disclose this proof in an open meeting of this type, in an open hearing, because it would hamper my investigation, if it should go through, but I would be glad to give my findings upon some of the allegations made to a committee, to prove to them without any doubt that this body has a perfect right to investigate, because the Department of Highways sponsors at least seventy-five per cent of the projects working out of Cambria County, and the Department of Highways of this Commonwealth is expending funds and using materials on those projects, and I see no good reason why we cannot investigate that end of it.

Mr. OWLETT. Mr. President, well do I remember the corps of attorneys that were hastily brought to Harrisburg by the New Deal when we tried to uncover the graft and corruption in WPA a few years ago. They took it into the Federal Court and succeeded in getting a judge to hold that the State of Pennsylvania could not investigate WPA, but I would like to call attention of the Senate to the fact that there is, it seems to me, a distinction between an investigation of WPA as such, and an investigation of projects which are partly financed by the State, and it would be interesting indeed to find out if the New Deal administration at Washington would try to cover up the corruption that has been rampant through this State for the last year, under cover of the claim that we cannot investigate Federal matters.

I never heard of this resolution until this evening, when the Senator from Cambria, Mr. Haluska, told me a short time ago he planned to introduce it, but it seems to me it is a good resolution, and the more of this that can be uncovered the better the State of Pennsylvania is and the better the nation is.

Personally, I am going to vote for that resolution.

Mr. WOODWARD. Mr. President, I am in favor of the resolution. I just happened to find a very interesting newspaper clipping from the New York Times in my pocket. It is a very brief statement, and it reads as follows:

"One prominent Washington person who obviously has not read the election returns is Aubrey Williams, Assistant WPA Administrator under Harry Hopkins, (I understand he has been kicked upstairs now). Speaking at Birmingham, he said that the equitable distribution of wealth in the nation cannot be achieved with our present industrial system. Mr. Williams was kind enough to say that we need not change our form of government, but he insisted on fundamental changes in the industrial order.

"Mr. Williams is also reported to have said: 'I am not sure that class warfare is not all right.' This sounds a bit like keeping an open mind on slight cases of murder, but as long as he is not altogether sure, perhaps comment would be premature. The fundamental change in the industrial system, however, seems to be a firm conviction in Mr. Williams' mind, though the election returns were quite emphatic the other way."

Mr. CAVALCANTE. Mr. President, my colleague from

Tioga county, Senator Owlett, is very amusing. He seems to be very sensitive as to whose wrist is being grasped, or whose bull is being gored, as to whether or not the action to be taken is appropriate or not. A little while ago he was moved to accuse the Senator from Armstrong and myself as being politically motivated and propounding political speeches as a preface to my resolution aimed at exposing the corruption that prevails within the Halls of the General Assembly. The Senator from Tioga, Mr. Owlett can see the mote in the eyes of the New Deal, but he does not see the mote in his own eye.

Mr. FREY. Mr. President, I think the Senator from Fayette, Mr. Cavalcante means beam.

Mr. CAVALCANTE. Mr. President, it is not beam, because that is light. I just want to make these few observations, because, we are trying our best to seek for some intellectual honesty, in dealing with these matters, and if there is any beam anywhere I do not see it in the eyes of the Senator from Tioga, but I do wish that he could clear his vision sufficiently enough to forget partisan spirit and expediency for a little while, and see the beam of intellectual honesty and parliamentary dignity, and see if he can pursue that for a little while.

Mr. OWLETT. Mr. President, I am still going to vote in favor of the resolution.

Mr. SHAPIRO. Mr. President, I have on the record a statement that I would like to call attention to the members of this Senate. I did not make it for the purpose of securing a vote against this resolution. If the Senator from Tioga insists on using this as a political vehicle I shall be unwilling to drive my car into the ruts which he has proposed to place in front of me.

I am in favor of investigating anything that is crooked, and if we are going to start now, I do not know where we will finish, but it will be a good beginning.

I merely want to call attention to the fact that he would not want to so force this resolution, because the gentleman referred to the issuance of subpoenas which might have no effect in the case of the Federal Government.

In plain English everybody knew what it meant, it was a resolution to make each man declare his interest in a bill that was referred to committee, because that would hurt, but when a resolution is offered here that might prove that WPA, the great bugaboo of political parties on both sides—I suppose when the Republicans get control of it the Democrats will then be talking about graft in WPA—that interests me very much.

It looks like when a Republican judge decides that a Senator has resigned, or if a Senator's position is inconsistent with the holding of office in the Senate, why, that is a decision of the court, but when a judge decides that WPA cannot be investigated, that is a decision of some judge who was gotten around to make that decision. Nobody is fooled by that, any nobody is fooled by what is doing on with this resolution. I think it is a good idea to investigate wherever you can, any department that is supposed to be covered with graft, but I do not think it should be used for political purposes, because it has some dynamite in it.

Some of these fellows who are so anxious to get in it now may find a few of their fingers may be crippled if they play politics, and prevent them from playing real politics.

I will vote in favor of the resolution and I will ask all of my Democratic colleagues to vote in favor of it, because the record will show we are not objecting to the resolution, but we are objecting to the form of the resolution; and if unanimous consent is given to this I will be surprised, because I think this is bad politics. I will go along with it, but the next time a resolution comes up which is obvious and my friends on the other side ask that it go to a pickling committee, as was done with the resolution just submitted by my friend Senator Cavalcante and his colleague Senator Sipe, I will call attention to the fact that politics are not only played outside, but also inside the halls of the Senate.

And the question recurring,

Will the Senate agree to the resolution?

It was agreed to.

QUESTION OF PERSONAL PRIVILEGE

MR. DEITRICK. Mr. President, I rise to a question of personal privilege.

MR. PRESIDENT. The Senator from Northumberland. Mr. Deitrick, will state his question of personal privilege.

MR. DEITRICK. Mr. President, I noticed on Friday, March 3, 1939, an item in a Sunbury daily newspaper. I read the article, which was captioned in this way: "Six Republicans Nominated To County Board."

Mr. President, this caption prompted me with a desire to put my views on record, as the Chairman of the Welfare Public Assistance Compensation Board of the Senate and as Chairman of the Joint Welfare Committee of the Senate and House investigating the administration of Public Assistance, hence the following:

It is often said that a blind hog will, at times, find an acorn and that a blind mute, even though he cannot see or hear, will find something with which to find fault, and at the same time will find some way to express himself so that he will let it be known that he is not pleased and has reason to file an objection.

I have sat in many sessions of this learned body and have listened to many comments and speeches by the members and I must say that I enjoyed some of them and saw much of wisdom and truth in the words spoken, but at the same time there were quite a few words spoken here that seemed meaningless and worthless. We all have a right to our opinions and, although my opinion may differ from yours, nevertheless it is only right and just that we can form our own conclusions and that we have the right to express them on the floor of this house.

Two years ago I heard the Republicans of this Senate flayed, mercilessly at times, by the at that time so-called majority party. It was hard to sit still and hear the things that the Republican party was accused of doing in the days when it was in power. Inwardly, I objected, but being a new member, I felt that, if we had any defense, it should be made by the older members of our party, for they had more ability and more experience than I and knew better whether the things said were true, partly true, or false. Sometimes a very able defense was made by one or more of the able Republican orators, but most of the time I felt that, like the old adage, "Where there is smoke there is fire," there might be and undoubtedly was some truth in some of the statements made by the speakers of the Democratic senators of this learned Assembly.

Many times I sat back thinking of the various accusations that were being made and felt that though all the things that were said could not be true; yet I felt certain that although they were spoken by our opposition, there must be some truth in some of the things that were said, for were not, in some cases, the accusers men who at one time were prominent in Republican politics?

They certainly would be able to find the flaws in the party, for they knew the party and were well schooled in the workings of the Grand Old Party. They were free to say that the reasons they changed their party affiliations were that they felt the Republican party was doing things which were not in accord with the will of the people and were not sincere in trying to better the state—to make it possible for the people to live better and more happily than before.

They openly accused the Republican party of putting party before people. Now after the election of last November I feel that the Democrats themselves became too selfish and put the well-being of their party before the welfare of the people. We all know what happened, for Thank God the people of our country still want a government for the people instead of people for a government. They do not want to be told what to do, nor how, and when to do it. They want to, and do think for themselves.

I hoped all through the last regular session of this Legislature that the Republicans would win and all the while I felt certain that should they come back into power they would not only profit by the mistakes in their own party, but would also sense the more recent ones in the Democratic party as well, and would try to carry out some of the ideals of the middle man and the so-called non-partisan voter who carries the balance of power that wins or loses elections. I felt that my party would respect the wishes of the man who does not particularly care whether the Democrats or Republicans win but who is vitally interested in the success of the party that will try to carry out what the present minority party was, two years ago, want to refer to as the mandates of the people.

The Senate has recently been accused of not having any dignity. It does have some dignity, but I am truthful when I say that it is not as much as I think it should have, although it certainly is on a par in that respect with that of any session, regular or extraordinary, that has been held since I became a member.

It is unfortunate that the highest law-making body in the best State in the Union should apparently become the best law-breaking body in the whole United States. This does not, in my opinion, reflect upon one of the two major political parties more than on the other. No wonder that most of the spectators gasped when they heard the rulings of the chair. To my way of thinking, Hitler, Mussolini or Stalin would be humiliated were they to see the actions as carried out by this body within the last ten weeks, for, although they are called dictators, I don't think they could be classed as statesmen.

I was appointed chairman of the Welfare, Public Assistance and Pension Committee of this Senate. I have been working with a joint committee of the House of Representatives since the recess began several weeks ago. Again and again we have been assured that politics were to be kept out of relief. This and that authority was bound, bent and determined that politics would not play any part in the administration of relief. We had enough

experience with the way relief was handled by the Democrats. We were assured that certain very needy cases were given nothing by the Public Assistance Boards of certain counties because these needy people were registered as Republicans and would not change their party affiliations. This irregularity was over now, we were told, and we could rest assured that men and women would be picked for our county boards who would act in a fair and non-partisan manner in the administration of relief.

These men and women were to represent the various public interests and charity organizations in their respective districts. They were not to be politicians but persons who would not represent any party—who would think only of the person needing care. Ah, yes, we were told that we could feel assured that the unfortunate would be taken care of whether of Democratic, Republican, Socialist or any other political persuasion. Need was to be the deciding factor and any one who benefited by receiving relief was not to be placed in the position of feeling indebted to any party.

BUT—What did we get?

I can best speak of my own county of Northumberland.

Every member of our board was asked to resign. Not one, whether he or she was Democrat or Republican, was retained.

When our present board was appointed the Secretary of our Medical Society was asked by the Pennsylvania State Medical Society to suggest two names for membership. The Secretary is my assistant at the Mary M. Packer hospital in Sunbury. We talked the matter over and submitted the names of two reputable Democratic physicians. Neither one held either an appointive or elective office and the Governor then in power appointed both of them. Our present regime has seen fit to depose every member of our present board including these two reputable physicians. One of these physicians was a very active member of the American Legion. I understand that this year the State Medical Society wrote a letter to our Secretary asking our Society to suggest two names for the Public Assistance Board. When that letter was read to the Society one of its members advised the Secretary to throw the letter in the waste basket, as the appointments had been made. The Doctor who gave this timely advice also informed the members that he was to be the County Medical Director. This Doctor is a business associate and also a member of the Committee that gave the dinner to our County Chairman and the Committee Chairman of the James for Governor of Pennsylvania Committee. He certainly should be in a position to know, for wasn't he an aide to the dispenser of patronage of Northumberland County?

Now before we get to the personnel as published in the county newspapers, I want to go on record as not being actively opposed to any member as named, but I do want it understood that I am opposed to politicians having control of any board, whether it is my own or some other county in the State of Pennsylvania. I was opposed to it when the Board was controlled by the Democrats and I am just as much against it now that the Republicans have the naming of the Board. As individuals I have nothing whatever to say about their qualifications, but collectively I charge that they cannot as efficiently carry out our suggested relief program as a board that would be free or at least uncontrolled by any one person or by any one group of politicians. I am for relief for the needy and

unfortunate, but I want it administered in such a way that they feel obligated to no one individual or party.

Now let's look over the names as submitted according to published accounts for the positions on the Public Assistance Board of Northumberland County.

B. B. Cannon, of Milton—has been very active in Republican politics; reputed to be one of the Pinchot leaders in our County. Ardent prohibitionist. Said to have either been the candidate or the runner-up to the active candidate on the Prohibition Ticket for the Presidency of the United States. He is so opposed to liquor that candidates are warned not to drink any beer for fear that he might smell it on their breath and thereby they might lose the support of a loyal Republican worker.

Frank A. Neff, one of my best friends. He and his family were patients of mine, when I was normally engaged in the practice of medicine, but nevertheless a politician. He was at one time on our School Board in Sunbury, but resigned before his term of office was over, because he was transferred by the Bell Telephone Company, by whom he was employed. Two years ago he was picked by us Republicans to defeat the incumbent Democratic Mayor. We thought he was a good enough politician to win, but he wasn't.

These two men were the only ones suggested for appointment from the western end of our County. They well represent the citizens of our County from Shamokin to the Lycoming County line on the north and the Dauphin County line on the south. The past administration was good enough to let us have three and one of them is a Republican.

In the Borough of Mount Carmel, which is at the extreme end of our county, two people have been supposedly appointed.

Mrs. Ida Butts Morse, a woman whom I have known since I was a boy. As a leader of the women in politics, she has no superior and few equals. She is classed as a stormy petrel by the people I consulted and was elected to the School Board in Mount Carmel after one of the bitterest political fights ever held in that borough. You know this district is the one where a new influence in an old school board threw out without cause 32 to 35 school teachers. The members themselves freely admitted that there were no complaints against the dismissed teachers, but they had to make room for that many of their own friends. This Board was Democratic, but that act was so odious that with similar actions which happened about that time it was responsible for a Democratic Legislature passing the present Teachers Tenure Act. Anyway, Mrs. Morse was a good enough Republican to win out in a subsequent election.

Joseph G. Zecoskie is the other one from Mount Carmel. He is a good fellow, but unfortunately he is a squire. He is about to come up for re-election. As to whether or not squires in the coal region are politicians I will leave that up to your imagination, or, better still, if you are in doubt, ask some of the Senators who come from the hard coal region or write to your friends, who happen to live in that particular region.

Now we come to Shamokin. Shamokin was given three out of the seven. Let's look them over and see how non-partisan they are.

Francis Reid, the one man on the Board that really has a business of his own, he is in the milk and ice cream business. He, perhaps, more than any other member of

the Board, would be interested in trying to administer relief judicially, impartially and equitably. He realizes that taxes have to be paid, and that relief has to be administered. The thing cannot run itself. He may be everything that is required, but we must know that he was at one time our delegate to the Republican National Convention.

Now we have but two more left—one Republican and one reputed Democrat.

Let's take the Republican first, Mr. John U. Schroyer. He was the Chairman of the Committee that gave the dinner to the then Republican County Chairman, who is now the Insurance Commissioner of the State of Pennsylvania, and his colleague, who was the manager of the James for Governor campaign in our County and who is at present our County Chairman. If these positions are to be given out for loyalty to the leaders of the Republican Party he should get the job. He gave a big party in the American Legion Banquet Hall in Shamokin. Most of us paid to get there, but I have been informed quite a few didn't.

I don't begrudge the two dollars and fifty cents I paid for my dinner, for my only regret is that I was too far away from the Speakers table to see the beaming countenance of our "fearless and peerless leader" who had been so sobriqueted by the Chairman of that Banquet Committee, who I am informed aspires to the Senatorial Seat of the Twenty-seventh District. I hope he is determined to seek that office and I sincerely wish that his position on the Public Assistance Board of our County will aid him to get votes, instead of acting as a boomerang for I can assure you that, no matter who is going to be his opponent, Mr. Schroyer is going to have a hard job, for there are lots of things that catch up to you once you get into politics. All of us, I believe, have reason to know that.

Now we come to the one and only Democrat. In other words, John J. Dusick, or the "Lone Wolf." He is, at present, a squire and like I said of Squire Zecoskie of Mount Carmel, you can judge for yourself whether or not a squire in the hard coal regions of Pennsylvania is or is not a politician. He is very active, I have been told, in the affairs of the United Mine Workers of America. This organization should have a Representative on our Public Assistance Board, but I contend that a Justice of the Peace should be barred from serving on that Board for, although as a member of that Board, he may have every intention of doing everything right, human nature is so constituted that every one today to a certain extent looks after himself, for if he doesn't it appears to me he will be left high and dry. Now can you imagine that any one will not use any means within their power to pile up votes when they are up for re-election? Don't forget that these squire jobs in the coal region are full-time jobs, and according to all reports, they are very good paying ones at that. I spoke to a good Democrat in our County about Squire Dusick, for I wanted to get his good points, for I do contend that we should have at least two members of the minority party on every Board to keep the Board functioning smoothly and to keep the citizens of both parties better satisfied. He spoke of Dusick as a radical and told me that he, Dusick, ran for the Legislature this last election and was defeated at the primaries by his own party. He said that Dusick immediately changed his Democratic attitude and supported

the whole Republican ticket. Perhaps he had in mind a certain reward that he would like to receive should the Republican Party come back into power. Now that the Republicans have been successful, is he or is he not reaping his reward?

In closing, I want it understood that I have nothing personal against any of these selected individuals, but I do feel that we have heard so much about keeping politics out of Relief that it should be an incentive to each one of us to do our bit to eliminate all those individuals and agencies that have a tendency to commercialize on the unfortunate individuals who are unable to support themselves and their families by obtaining employment through the usual and normal channels.

TIME OF NEXT MEETING

Mr. SCARLETT offered the following resolution which was twice read, considered, and agreed to:

In the Senate, March 6, 1939.

Resolved (if the House of Representatives concur), That when the Senate adjourns this week it reconvene on Monday evening, March 13, at nine o'clock; and when the House of Representatives adjourns this week it reconvene on Monday evening, March 13, at eight o'clock.

Ordered, That the Clerk present the same to the House of Representatives for concurrence.

BILL ON THIRD READING

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 34, entitled:

An Act to further amend section five hundred eight of the act, approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309), entitled: "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special, or local, or any parts thereof, that are or may be inconsistent therewith," by further regulating the incurring of temporary indebtedness and the repayment thereof in school districts other than school districts of the first class.

RECONSIDERATION OF SENATE BILL NO. 34

Mr. MALLERY. Mr. President, I move that the Senate do now reconsider the vote by which the bill passed second reading.

The PRESIDENT. How did the Senator vote?

Mr. MALLERY. Mr. President, I voted "aye".

Mr. HEYBURN. Mr. President, I second the motion.

The PRESIDENT. How did the Senator vote?

Mr. HEYBURN. Mr. President, I voted "aye".

The motion was agreed to.

And the question recurring,

Will the Senate agree to the bill on second reading?

Mr. MALLERY. Mr. President, I move that the Senate do now reconsider the vote by which the title was agreed to.

Mr. HEYBURN. Mr. President, I second the motion.

The motion was agreed to.

And the question, recurring,

Will the Senate agree to the title?

Mr. MALLERY. Mr. President, I move that the Senate

do now reconsider the vote by which the first section was agreed to.

Mr. HEYBURN. Mr. President, I second the motion.

The motion was agreed to.

And the question recurring,

Will the Senate agree to the first section?

Mr. MALLERY. Mr. President, I move to amend sec. 1 (Sec. 508), page 3, line 15, by inserting after the part-word "tricts" the following: "S other than school districts."

Mr. HEYBURN. Mr. President, I second the motion.

The motion was agreed to.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

The title of the bill was read as follows and agreed to:

An Act to further amend section five hundred eight of the act, approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue, and repealing all laws, general, special, or local, or any parts thereof, that are or may be inconsistent therewith," by further regulating the incurring of temporary indebtedness and the repayment thereof in school districts other than school districts of the first class.

And said bill as amended having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILL ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 80, (House Bill No. 143), entitled:

An Act to amend clause (b) of section four, article two of the act approved the twenty-fifth day of June, one thousand nine hundred and nineteen (Pamphlet Laws 581) entitled, "An act for the better government of cities of the first class of this Commonwealth," as amended by providing a succession of officers of such cities to act as mayor in case of a vacancy or disability of the mayor to act."

And said bill having been read at length the third time, and agree to,

On the question,

Shall the bill pass finally?

Mr. JASPAN. Mr. President, my colleague from Philadelphia need not be concerned about passage of a bad law. This is the year of our Lord 1939 A. D. The legislature is now more or less Republican in politics and I am quite confident it will change its tone from that of 1937 and 1938.

Mr. President, I realize that this bill has been politically inspired and if it becomes a law it will tend to serve the best interests of the Republican party. I cannot complain on that score excepting as it affects Philadelphia.

What does concern me, however, is the fact that if and when this bill becomes a law and it becomes necessary to invoke its provisions, and there is great danger of it

at the present time, the city will have as its acting Mayor, the present President of City Council, George Connell—George Connell in my mind knows little and understands less of city management and finances.

George Connell has been a member of the present City Council since 1920 and has both actively or passively lent himself to an orgy of extravagance and waste unprecedented in the history of Philadelphia, which has resulted in the city's present bankrupt condition. Make no mistake about it, the city of Philadelphia is in a state of virtual bankruptcy. Payrolls are not met promptly. Its bills are not paid on time. George Connell has stood by for years without making any attempt to improve its financial stake. The fact is he does not know how. I personally do not expect much of him.

I did, however, cherish illusions as to Mayor Wilson, but I am frank to say that I have been very much disillusioned. His words and acts have contradicted each other time and again. One must not forget that Mayor Wilson lays claims to clairvoyant powers. He is more or less of a mesmerist and magician. He can pull a card out of one pocket and give Philadelphia fifty cent gas and out of another pocket a card giving you five cent fares. He forgot that he had to reckon with the utilities and other interests, but as time went on they learned to reckon with him. The report of the Grand Jury brings it out very clearly.

Today in Philadelphia vice and crime are rampant and what makes it worse and more dangerous is the fact that it is highly organized. The Mayor and President of City Council have done nothing to curb the activities of the mob and to suppress crime generally. Think of it, Philadelphia, the third largest city in the United States, the Cradle of Liberty, bankrupt and crime infested. It certainly is a sad commentary on the pages of Philadelphia history.

Notwithstanding, we are now ready to vote for a bill which might result in putting a man into the Mayor's chair who is absolutely incompetent and unfit for the position. Today, this same man stands ready to further embarrass the city by hocking one of its most valuable assets, the gas works. The blood of the gas works has already been sucked long enough by the U. G. I., and it is being settled at the expense of the tax-payer. Mr. Connell is willing and ready to add to the woes of the city as to the status of the Gas Works. Further, Mr. Connell has done the bidding of the big interests. He along with many others have been marionettes long enough to the prejudice of the welfare and interests of the people of Philadelphia.

Be assured that I am not motivated by politics in pressing for the defeat of this bill. I am a citizen of Philadelphia. I have lived there for many moons. I feel I understand their needs and wants. I have felt their pulse and I can say without fear of contradiction that if there be any need for any change in the Mayor's chair, let us have a man who has courage, ability, intelligence, knowledge and ability rather than a tool or puppet. Rather than have you pass this bill, I would give Philadelphia back to the Indians; they would make a better job of it.

Mr. OWLETT. Mr. President, I just wish to offer some explanation on this bill. This act provides that in the case of disability or a vacancy in the office of Mayor

in the city of Philadelphia that the President of Council shall succeed to that office. That is the way the act provided, prior to 1937. In line with the modern trend of thought and in line with all the other acts in this Commonwealth, in line with the provisions of the City Charter, the new City Charter, an act introduced by my friend from Philadelphia, the Council or a member of Council is selected as Mayor in case of vacancy. That is all this act provides, and this is putting the act back in the form in which it should be in line with modern thought.

Mr. WOODWARD. Mr. President, my esteemed colleague from Philadelphia, Mr. Jaspan, remarked that he had lived in Philadelphia for many moons. He has therefore viewed the iniquities of the city of Philadelphia only by moonlight, I would like to remind him this is not a moonlight bill but a plain daylight bill, to prevent the Mayor of Philadelphia from being a Democrat.

It is a daylight bill.

Mr. SHAPIRO. Mr. President, I hope that I can keep the Senator from Tioga to his promise that when the City Charter Bill comes up he will agree its provisions are good not only in that one respect but they will be good for Philadelphia in every respect, and I shall try to keep him to that—what he said here tonight. The City Charter Act provides that City Council elect a Mayor; and that, of course, is in line with progressive procedure. As a matter of fact, this bill is unnecessary, because this bill also provides that City Council shall elect a Mayor in the last year. This is the last year of the present Mayor's term, and this bill can only be considered to be sponsored by some person particularly interested in making sure that the gentleman who is now the president of Council, or my good friend, the Chairman of the Committee of Finance, Mr. Samuels, shall become the Mayor; because if you gentlemen do not do anything to the bill, and leave it as it is, and what they—shall I say “think”, I hesitate to say “hope” will happen, does happen to the Mayor of Philadelphia, as provided in the Charter, and select a Mayor, but unfortunately that does not seem to suit certain people.

I do not care whether this bill passes or not; I am going to vote against it because I do not believe in it, because it is particularly aimed at a particular situation, and just as haste causes the making of bad laws, so certain situations tend to make bad legislation.

I am surprised though that the administration should lend its assistance to this unnecessary piece of legislation at this time, at a time when there are important matters such as have been spoken of and referred to by the Senator from Northumberland, and I want to pay a compliment to the spirit which moved him to get up and state these things.

I think it would be good for all of us to get up and state these situations now when it would help, because these are troublous times, and we must establish the Government on a firm foundation.

It is time we stopped playing politics, trying to get twenty-six votes to pass this bill or twenty-seven votes to pass that bill, to suit a certain situation. There is no necessity for it. It is pure and simple politics, on the part of both Democratic and Republican Senators, at a time when they could be devoting their time to better purposes. Leave the laws alone, and you will find that the

person who will be appointed Mayor there will be elected by a Republican council.

Today pass this bill and it will be found you cannot appoint anybody else but the President of the Council and then if he cannot serve the Chairman of the Finance Committee.

It is purely political and it is silly.

Mr. EDMONDS. Mr. President, I am not a resident of Philadelphia, but I was born in the city of Philadelphia and lived there for fifty years, and I am interested in its welfare. The picture which the Senator from the other side, Senator Jaspan, has presented is one in which I am particularly interested, in that he represents the district in which I was born.

Now, there is politics in this, and what is it? It is undoing the politics of two years ago, and I am here simply for the purpose of saying that I am proposing to vote for this bill, and I shall vote for it, because the executive and the auditing powers of the City Controller should not be interchangeable in the way that it was proposed two years ago. It is as silly as it would be in the event the Governor was sick to say the Auditor General should succeed him.

An executive is selected for the purpose of performing administrative functions, and a controller ought to be absolutely independent, and while I am a Republican, I say with a great deal of pleasure that I voted for many Democrats for Controller when the organization was Republican, on the ground there should be added check of that kind. I have no quarrel with the fact that the present Controller is a Democrat; he is doing an admirable piece of work.

But, when two years ago they made the Controller the successor to the Mayor they joined together two functions that are entirely opposed. Of course, he will give up the office of City Controller when he becomes Mayor, but the qualities that make him a good Controller may not necessarily make him a good Mayor. There are different kinds of qualities required for the two jobs, and for that reason I shall vote for this bill on the ground that we are doing a wrong that was done two years ago.

Mr. CAVALCANTE. Mr. President, I would like to interrogate the Senator from Montgomery, Mr. Edmonds.

The PRESIDENT. Will the Senator from Montgomery, Mr. Edmonds, permit himself to be interrogated?

Mr. EDMONDS. Mr. President, gladly.

Mr. CAVALCANTE. Mr. President, does not the same argument apply to the President of Council?

Mr. EDMONDS. Mr. President, I did not quite understand that.

Mr. CAVALCANTE. Mr. President, does not the same objection apply to the President of Council as applies to the Controller?

Mr. EDMONDS. Mr. President, he was the President of City Council two years ago when this thing was messed up, and it seems to me the proper step is to take it back to where it was.

Mr. GILSON. Mr. President, I think we ought to forget politics and thank the Senator from Montgomery, Mr. Edmonds, for having moved out of Senator Jaspan's ward in the city of Philadelphia.

Mr. SHAPIRO. Mr. President, the records will show the fact that when this bill came up I voted against the bill, although at the time I was a Democrat, and it was

a Democratic measure. I voted against it for the reason suggested by the Senator from Montgomery, Mr. Edmonds. Mine was the only dissenting vote, so apparently it was not much of a political issue, because it was adopted by a vote of forty-nine to one, but my reason for voting against is just what the Senator from Montgomery, Mr. Edmonds, has said.

But the Senator from Montgomery, Mr. Edmonds, must not forget that the changes were made politically three years before that, 1933—two years before that—when the director of Public Safety, who was a Republican, was the next successor in line, in case of accident to the Mayor, and the Republican Party feared that the Public Safety Director might become Mayor and they did not like that; and they took out his succession and changed it; so if you count up the politics it is two to one in favor of the Republicans; but I am not interested in that except to say that the Senator from Montgomery, Mr. Edmonds, does not answer the question by merely saying the Controller is not a proper man. If you leave it just as it is the Controller will not succeed, and therefore the argument falls, because this year, under the existing law the man to succeed is appointed by Council and he may be a Councilman or anybody else.

I would like to see this bill so amended that Council would be put in the position of being obliged to pick a Mayor, and let them pick somebody who will have intelligence and ability to do something constructive for the city of Philadelphia.

Mr. MILLER. Mr. President, I would like to interrogate the Senator from Philadelphia, Mr. Jaspán.

The PRESIDENT. Will the Senator from Philadelphia, Mr. Jaspán, permit himself to be interrogated?

Mr. JASPÁN. Mr. President, with pleasure.

Mr. MILLER. Mr. President, not being privileged to represent Philadelphia, or any section in or about Philadelphia, I would like to be enlightened before casting my vote and ask if the Senator from Philadelphia would desire to relate to this Senate an obituary in respect to the present Controller, such as he has recited in reference to the President of City Council?

Mr. JASPÁN. Mr. President, I am not so foolish as to answer ridiculous questions.

Mr. EDMONDS. Mr. President, the Senator from Philadelphia, Mr. Shapiro, has been a Senator for some time, and when he cast his vote of four or five or six years ago, when he was a Republican, he voted against this issue. My own feeling is this: Let us say we got off on the wrong track, four or five or six years ago; I do not know when the time was, but let us get back on the right track now.

Mr. WOODWARD. Mr. President, I hope this bill is entirely unnecessary. I am sincerely hoping Mayor Wilson will recover. I feel Philadelphia will not be the same place without Mayor Wilson. I do not think we should take it for granted this bill is at all needed.

And the question recurring,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution.

Mr. SHAPIRO. Mr. President, I desire to be recorded as voting "no."

The PRESIDENT. It will be so noted.

The yeas and nays were as follows:

YEAS—26

Bartlett,
Chapman,
Crowe,
Dando,
Deltrick,
Ealy,
Edmonds,

Eroe,
Farrell,
Gelder,
Geltz,
Heyburn,
Homsher,
Letzler,

Mallery,
Miller,
Owlett,
Pierson,
Scarlett,
Snowden,

Stevenson,
Tallman,
Thomas,
Walker,
Wolfenden,
Woodward,

NAYS—19

Cavalcante,
DiSilvestro,
Frey,
Gilson,
Haluska,

Jacobs,
Jaspan,
Kilgallen,
Kunkel,
Lanius,

McCreesh,
McGinnis,
Mundy,
Reed,
Rice,

Ruth,
Shapiro,
Sipe,
Stiefel,

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with the information that the Senate has passed the same without amendments.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 16, entitled:

An Act to amend section one as amended of the act approved the third day of June one thousand nine hundred and nineteen (P. L. 370) entitled "An act to fix the number and salaries of assistant district attorneys in counties of this Commonwealth having over one million five hundred thousand inhabitants and prescribing the powers and duties of said assistant district attorneys" by increasing the number and fixing the salaries of the assistant district attorneys thereof.

The first section of the bill was read as follows:

Section 1 The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows That section one of the act approved the third day of June one thousand nine hundred and nineteen (Pamphlet Laws three hundred seventy) entitled "An act to fix the number and salaries of assistant district attorneys in counties of this Commonwealth having over one million five hundred thousand inhabitants and prescribing the powers and duties of said assistant district attorneys" as amended by the act approved the twenty-ninth day of April one thousand nine hundred and twenty-five (Pamphlet Laws three hundred and fifty one Act Number 204) is hereby amended to read as follows

Section 1 Be it enacted et cetera That in every county of this Commonwealth having over one million five hundred thousand inhabitants the district attorney shall have the power to appoint one or more assistants learned in the law not exceeding twenty thirty in number to assist him in the discharge of his duties One of said assistant district attorneys shall receive a salary of seven thousand five hundred dollars per annum one of said assistant district attorneys shall receive a salary of six thousand five hundred dollars per annum three of said assistant district attorneys shall receive salaries of six thousand dollars per annum each eight of said assistant district attorneys shall receive salaries of five thousand dollars per annum each four of said assistant district attorneys shall receive salaries of four thousand dollars per annum each and three thirteen of said assistant district attorneys shall receive salaries of three thousand dollars per annum each In the event of the appointment of a less number of assistants than twenty thirty the district attorney shall have the power to determine in which class as to salaries the appointee or appointees shall be placed Said salaries shall be paid out of the county treasury

On the question,

Will the Senate agree to the section?

Mr. FARRELL. Mr. President, I move to amend sec. 1 (Sec. 1), page 2, line 11, by striking out with light-faced brackets the word S "twenty"

Amend sec. 1 (Sec. 1), page 2, line 21, by striking out with light-faced brackets the word S "three"

Amend sec. 1 (Sec. 1), page 2, line 24, by striking out with light-faced brackets the word S "twenty"

Mr. MALLERY. Mr. President, I second the motion.

On the question.

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

The second section of the bill was read as follows and agreed to:

Section 2. This act shall become effective immediately upon its final enactment.

The title of the bill was read as follows and agreed to:

An Act to amend section one as amended of the act approved the third day of June, one thousand nine hundred and nineteen (P. L. 370) entitled "An act to fix the number and salaries of assistant district attorneys in counties of this Commonwealth having over one million five hundred thousand inhabitants, and prescribing the powers and duties of said assistant district attorneys" by increasing the number and fixing the salaries of the assistant district attorneys thereof.

And said bill as amended having been read at length the second time, and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 40, as follows:

An Act making an appropriation to the Department of Forests and Waters for the use of the Pennsylvania State Park and Harbor Commission of Erie and for the joint use of the Department of War of the United States Government and the Department of Forests and Waters of the Commonwealth of Pennsylvania and the use of the Department of Forests and Waters in cooperation with the Federal Beach Erosion Board

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The sum of forty-five thousand (\$45,000) or so much thereof as may be necessary is hereby specifically appropriated to the Department of Forests and Waters for the protection of the State Park and State Highway on Presque Isle Peninsula at Erie by the construction of and repair to steel bulkheads and interlocking piles and the necessary jetties with such materials and design as determined or approved by engineers under the jurisdiction of the Department of Forests and Waters and for a cooperative study between the Department of Forests and Waters of the Commonwealth of Pennsylvania and the Beach Erosion Board of the United States Government of the entire Erosion problem at Presque Isle Peninsula

Section 2 The said sum of forty-five thousand dollars (\$45,000) appropriated in section one hereof shall be expended for the purposes and in the amounts as follows

Thirty-three thousand dollars (\$33,000) or so much thereof as may be necessary to defray one-half of the cost of constructing a bulkhead along the second Beach of Presque Isle Peninsula the other one-half of the cost of constructing such bulkhead to be defrayed by the United States Government

Eight thousand dollars (\$8,000) or so much thereof as

may be necessary to defray the cost of repairs to jetties one two three four and five on Presque Isle Peninsula

Fifteen hundred dollars (\$1,500) or so much thereof as may be necessary to defray the cost of backfilling the several bulkheads on said Peninsula

Twenty-five hundred dollars (\$2,500) or so much thereof as may be necessary to defray the cost of a cooperative study between the Department of Forests and Waters of the Commonwealth of Pennsylvania and the Federal Beach Erosion Board of the entire Erosion problem at Presque Isle Peninsula

Section 3 The sum of thirty-three thousand dollars (\$33,000) appropriated herein or so much thereof as may be necessary for the purposes stated in section two hereof shall be paid to the Department of War of the United States Government or its proper agency at such time as the Congress of the United States shall appropriate an equal amount for said purpose and at the time and in the manner that funds of the Commonwealth are by law and custom placed at the disposal of Federal agencies for the construction of joint projects and shall be expended by said agency of the United States Government in accordance with the laws rules and regulations governing the execution of joint enterprises by the United States Government and the Commonwealth of Pennsylvania

The sums of eight thousand and fifteen hundred dollars (\$8,000) (\$1,500) or so much of any said funds as is necessary for the purposes stated in section two hereof shall be expended by the Department of Forests and Waters of the Commonwealth of Pennsylvania in the manner and by the agency provided by law for the expenditure of funds for the protection of Presque Isle Peninsula and Erie Harbor

The sum of twenty-five hundred dollars (\$2,500) or so much thereof as is necessary for the purpose stated in section two hereof shall be expended by the Department of Forests and Waters of the Commonwealth of Pennsylvania or by such agency thereof as said Department may lawfully designate

Section 4 This act shall become effective immediately upon final enactment

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order.

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 110, (House Bill No. 215), entitled:

A Supplement to the act approved the second day of July one thousand nine hundred thirty-seven (Appropriation Acts page seventy-four) entitled "An act to provide for the ordinary expenses of the Executive Legislative and Judicial Departments of the Commonwealth interest on the public debt and the support of the public schools for two years beginning June first one thousand nine hundred and thirty-seven and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending May thirty-first one thousand nine hundred and thirty-seven" providing for deficiencies in certain appropriations to the Lieutenant Governor the Department of Justice and the Department of State for the fiscal biennium ending May thirty-first one thousand nine hundred thirty-nine

The first section of the bill was read as follows:

Section 1 The following sums or as much thereof as may be necessary for deficiencies in certain appropriations made to the Lieutenant Governor, the Department of Justice, and the Department of State by the act to which this is a supplement are hereby specifically appropriated to such official and departments as follows:

TO THE LIEUTENANT GOVERNOR

For the payment of the deficiency in the appropriation for the payment of all necessary expenses including post-

age telegraphs, telephone toll charges and traveling clerical stenographic, and discretionary expenses and for the care and maintenance of an automobile and mileage charges to the Department of Property and Supplies for the use of automobiles, the sum of two thousand dollars (\$2,000.00).

TO THE DEPARTMENT OF JUSTICE

For the payment of the deficiency in the appropriation for the payment of salaries wages or other compensation of deputy attorneys general special deputy attorneys general assistant deputy attorneys general special attorneys law clerks and other employes for the payment of compensation of attorneys employed by the several departments boards and commissions with the approval of the Attorney General for handling litigation or making collections or appointed to represent the Commonwealth or any department board or commission thereof in special work or in particular cases for the payment of costs and witness fees for the purchase of law books for the law library of the department and for the payment of general expenses supplies printing and equipment necessary for the proper conduct of the work of the department and for the prosecution and defense of litigation to which the Commonwealth is a party or in which the Commonwealth is interested the sum of thirty thousand dollars (\$30,000.00).

For the payment of the deficiency in the appropriation for the payment of salaries wages or other compensation of such special deputy attorneys general assistant deputy attorneys general and attorneys as may be assigned by the Attorney General to other departments boards or commissions except the counsel and assistant counsel of the Public Utility Commission of the Commonwealth of Pennsylvania and except departments boards or commissions the work of which is supported mainly out of moneys in funds other than the General Fund for the payment of the salaries wages or other compensation of special deputy attorneys general assistant deputy attorneys general and attorneys appointed to represent the Commonwealth and the several departments boards and commissions thereof in legal matters arising or to be handled in cities counties or districts outside the State Capital or appointed to represent the Commonwealth or any department board or commission thereof in special work or in particular cases for traveling and other incidental expenses incurred by the special deputy attorneys general assistant deputy attorneys general or attorneys whose compensation is payable out of this appropriation for the payment of mileage charges to the Department of Property and Supplies for the use of automobiles for any such special deputy attorneys general assistant deputy attorneys general or attorneys and for any contingent expenses incident to their work the sum of forty-three thousand five hundred twenty-two (\$43,522.00).

For the payment of the deficiency in the appropriation for the payment of salaries wages and other compensation of the Supervisor of Paroles chief field agents field agents and other employes for the payment of general expenses supplies printing and equipment necessary for the proper conduct of the work of the Board of Pardons in supervising prisoners released on parole from the State penitentiaries and the Pennsylvania Industrial School and for other parole work of the board the sum of fifteen thousand dollars (\$15,000.00).

TO THE DEPARTMENT OF STATE

For the payment of the deficiency in the appropriation for the payment of salaries, wages or other compensation of a deputy secretary and other employes for the payment of general expenses, supplies, printing and equipment necessary for the proper conduct of the work of the department and for proof-reading the Pamphlet Laws, the sum of ten thousand four hundred fifty-four dollars and seventy-nine cents (\$10,454.79).

On the question,

Will the Senate agree to the section?

Mr. EALY. Mr. President, I move to amend Section 1, page 3, line 5, by striking out the words "library" and inserting in lieu thereof; library.

Mr. MALLERY. Mr. President, I second the motion.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

The second section of the bill was read as follows and agreed to:

Section 2. This act shall become effective immediately upon its final enactment.

The title of the bill was read as follows and agreed to:

A Supplement to the act, approved the second day of July, one thousand nine hundred thirty-seven (Appropriation Acts, page seventy-four), entitled "An act to provide for the ordinary expenses of the Executive, Legislative, and Judicial Departments of the Commonwealth, interest on the public debt, and the support of the public schools for two years beginning June first, one thousand nine hundred and thirty-seven; and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending May thirty-first, one thousand nine hundred and thirty-seven," providing for deficiencies in certain appropriations to the Lieutenant Governor the Department of Justice and the Department of State for the fiscal biennium ending May thirty-first, one thousand nine hundred thirty-nine.

And said bill as amended having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

ANNOUNCEMENT BY THE SECRETARY

The Chairman of Municipal Government Committee of the Senate, Senator Stevenson, makes this announcement:

On Thursday, March 9, 1939, there will be a hearing of the Education Forum in Philadelphia upon the proposed Charter for the City of Philadelphia. A cordial invitation is issued by the Committee on Municipal Government to all interested Senators to be present at the hearing. All Senators, especially members of the Committee, who intend to attend the hearing, will please leave their names at the office of the Secretary.

CONSIDERATION OF EXECUTIVE NOMINATIONS

Mr. EALY. Mr. President, I move that the Senate do now proceed to the consideration of nominations for appointment as Notaries Public, sent to the Senate, today, March 6, 1939, by His Excellency, the Governor of the Commonwealth, which were laid on the table.

Mr. EDMONDS. Mr. President, I second the motion.

The motion was agreed to,

The nominations were read as follows:

NOTARIES PUBLIC

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, March 6, 1939.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointment as Notaries Public, for terms of four years to compute from the date of confirmation:

ALLEGHENY COUNTY

Miss Eva McBride, Pittsburgh, 409 Union Tr. Bldg.
Myer Rubenstein, Pittsburgh, 328 N. Highland Ave.
H. Elmer Whitmyre, Pittsburgh, Oliver Bldg.

CAMBRIA COUNTY

Miss Evelyn Taylor, Johnstown.

CHESTER COUNTY

Miss Ruth F. Woodward, Malvern.

DAUPHIN COUNTY

Mrs. Sue K. Parsons, Harrisburg.

ERIE COUNTY

Gerald W. Richardson, Erie.

GREENE COUNTY

Mrs. Myrtle Yoders, Waynesburg.

LEBANON COUNTY

Ernest A. Brightbill, Lebanon.

Mrs. Edith V. Walter, Lebanon.

LUZERNE COUNTY

Lewis Perna, Hazleton.

PHILADELPHIA COUNTY

George A. Gehring, Philadelphia, 4529 Wilde St.

Frank A. Hauffer, Philadelphia, 5431 N. 5th St.

Ralph A. Hey, Philadelphia, 31st & Thompson Sts.

Mrs. Edith B. Lahrochar, Philadelphia, 421 Walnut St.

James W. McCully, Philadelphia, 2515 Girard Ave.

Harry J. J. O'Neill, Philadelphia, 807 Franklin Tr. Bldg.

Edward F. Stanton, Philadelphia, 1819 N. Park Ave.

Charles H. Ulery, Philadelphia, Broad & Chestnut Sts., 908 Real Estate Tr. Bldg.

Mrs. Anna G. Welker, Philadelphia, Room 1636 Phila. Saving Fund Bldg., 12 S. 12th St.

WASHINGTON COUNTY

Miss Olive P. McCloskey, Washington.

ARTHUR H. JAMES.

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, March 6, 1939.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law; I have the honor hereby to nominate for the advice and consent of the Senate the following persons for reappointment as Notaries Public, for terms of four years to compute from the date set opposite their names:

ALLEGHENY COUNTY

Paul H. Grunow, Pittsburgh, 1000 Duquesne Bldg., March 7, 1939.

BLAIR COUNTY

Carl M. Johnston, Altoona, March 7, 1939.

DELAWARE COUNTY

William H. Given, Jr., Ridley Park, March 7, 1939.

PHILADELPHIA COUNTY

G. E. Letchworth, Jr., Phila., 1500 Walnut St., March 7, 1939.

Arno E. Roeder, Phila., 500 Walnut St., March 7, 1939.

ALLEGHENY COUNTY

Mrs. Anna N. Bitzer, Harmer Twp., Cheswick, March 9, 1939.

Mrs. Gertrude M. Cornelius, Pittsburgh, 506 S. Main St., March 9, 1939.

L. J. Dean, East Pittsburgh, March 9, 1939.

Harry L. Horton, Carnegie, March 9, 1939.

Miss Mary Spargo, Pittsburgh, 2015 Union Bank Bldg., March 9, 1939.

BEDFORD COUNTY

Mrs. Marie Earnest Dively, Bedford, March 9, 1939.

BLAIR COUNTY

Miss Vera G. Crist, Altoona, March 9, 1939.

CAMBRIA COUNTY

Julius H. Eckel, Johnstown, March 9, 1939.

Mrs. Claire Westerman, Johnstown, March 9, 1939.

DAUPHIN COUNTY

Clyde E. Fisher, Harrisburg, March 9, 1939.

DELAWARE COUNTY

Wm. J. Fluharty, Media, March 9, 1939.

LACKAWANNA COUNTY

Miss Pearl Janet Gardner, Scranton, March 9, 1939.

LEHIGH COUNTY

C. H. Wolf, Allentown, March 9, 1939.

MONTGOMERY COUNTY

Mrs. Eleanor B. Mullin, Lower Merion Twp., 205 E. Lancaster Ave., Ardmore, March 9, 1939.

PHILADELPHIA COUNTY

Michael S. Dowbenko, Phila., 523 S. Front St., March 9, 1939.

Otto L. Draeger, Phila., 2518 N. Broad St., March 9, 1939.

Culbert P. Moore, Phila., 1812 Beverly Rd., March 9, 1939.

Mrs. Catherine Reinhart, Phila., 1119 W. Lehigh Ave., March 9, 1939.

SCHUYLKILL COUNTY

John J. Flynn, Minersville, March 9, 1939.

Herman A. Reber, Pottsville, March 9, 1939.

YORK COUNTY

James F. Lind, York, March 9, 1939.

ALLEGHENY COUNTY

Miss Mary M. Moore, Pittsburgh, Chamber of Commerce Bldg., March 12, 1939.

BERKS COUNTY

Adam L. Gaul, Wernersville, March 12, 1939.

CRAWFORD COUNTY

Charles B. Stegner, Titusville, March 12, 1939.

LEBANON COUNTY

Miss Ruth Reed, Lebanon, March 12, 1939.

PHILADELPHIA COUNTY

Miss Elizabeth Joseph, Phila., Lewis Tower Bldg., March 12, 1939.

Miss Peg O'Hara, Phila., Elverson Bldg., 400 N. Broad St., March 12, 1939.

Benjamin J. Ellis, Phila., 3320 N. Broad St., March 14, 1939.

LUZERNE COUNTY

J. A. Williams, Wilkes-Barre, March 15, 1939.

ALLEGHENY COUNTY

Miss Laura E. Lingenfelter, Pittsburgh, 707 E. Ohio St., March 16, 1939.

BLAIR COUNTY

Miss Catherine R. Lytle, Altoona, March 17, 1939.

ALLEGHENY COUNTY

John A. Tannehill, Pittsburgh, 1315 Federal St., N. S., March 18, 1939.

PHILADELPHIA COUNTY

Mrs. Nellie H. Maloney, Phila., 1021 S. 60th St., March 18, 1939.

Abraham L. Becker, Phila., Widener Bldg., March 19, 1939.

Mrs. Eva Shevell, Phila., Y. M. & Y. W. H. A. Bldg., 401 S. Broad St., March 19, 1939.

MERCER COUNTY

J. R. Dolan, Sharpsville, March 20, 1939.

SCHUYLKILL COUNTY

William M. Marsh, Gordon, March 20, 1939.

NORTHAMPTON COUNTY

Harvey A. Falk, Northampton, March 23, 1939.

ALLEGHENY COUNTY

Wister L. Lynch, Pittsburgh, Union Trust Bldg., March 25, 1939.

LEHIGH COUNTY

Max Dorwarth, Allentown, March 26, 1939.

MONTGOMERY COUNTY

Raymond A. Kline, Red Hill, March 30, 1939.

ALLEGHENY COUNTY

Mrs. Alicia A. Kaufmann, Brentwood, March 31, 1939.
G. M. Wilson, Pittsburgh, 1800 First Nat'l Bank Bldg., March 31, 1939.

ARTHUR H. JAMES.

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, March 6, 1939.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointment as Notaries Public, for terms of four years to compute from the date of confirmation:

ALLEGHENY COUNTY

Mrs. Eleanor M. Bramwell, Pittsburgh, 413 Fourth Ave.
Arthur Colussy, Bridgeville.
Adolph Demme, Pittsburgh, 407 Climax
Miss Shirley E. Hapeman, Pittsburgh, 12
Ralph L. C. Jeffery, Mt. Lebanon Twp.,
Pittsburgh.

Frank J. Markey, Pittsburgh, 609 Plaza
J. J. Meisel, Pittsburgh, 133 Amabell St.
Philip F. Miller, Pittsburgh, 205 Park Bldg.
John A. Walsh, Pittsburgh, 634 Smithfield St.

ARMSTRONG COUNTY

Ray E. Hoyt, West Franklin Twp., Worthington.

BLAIR COUNTY

Miss Annie K. Miller, Altoona.

COLUMBIA COUNTY

Frank D. Croop, Berwick.

CRAWFORD COUNTY

Miss Margaret Mottilo, Meadville.

DAUPHIN COUNTY

Miss Buelah S. Hoverter, Harrisburg.
Mrs. Mary B. Rhoads, Harrisburg.
Miss Mary Ellen Ritter, Harrisburg.

DELAWARE COUNTY

Joseph J. Carlin, Clifton Heights.
Edward L. Donnelly, Lansdowne.
Miss Bessie Traub, Chester.

FRANKLIN COUNTY

Miss Gertrude Pheil, Chambersburg.

LACKAWANNA COUNTY

Miss Mary C. Munley, Archbald.
Miss Sadie E. Phillips, Scranton.

LANCASTER COUNTY

Jerome S. Long, Manheim.
John B. Rengier, Lancaster.
Wilbur P. Wade, Lancaster.

LEBANON COUNTY

Eugene Hoaster, Lebanon.
Mrs. S. H. Mussina, West Cornwall Twp., Box 67, Mt. Gretna.

LUZERNE COUNTY

John M. Snopkowski, Avoca.

MERCER COUNTY

A. M. Cole, Greenville.
Miss Grace M. Royal, Sharon.

MONTGOMERY COUNTY

Mrs. Grace H. Calabrese, Pottstown.

NORTHAMPTON COUNTY

Miss Arlene M. Carney, Easton.
Miss Lillian J. Garis, Easton.
R. W. Greenzweig, Wind Gap.
Miss Esther S. Peters, Northampton.

NORTHUMBERLAND COUNTY

Willard K. Burd, Shamokin.

PHILADELPHIA COUNTY

J. Collins Allen, Philadelphia, 352 S. 4th St.
Clarence E. Blackburn, Phila., 1501 Integrity Bldg., 1529 Walnut St.
Raymond W. Bopp, Phila., 333 Cheltenham Ave.
Charles W. Burtis, Phila., 22nd and Walnut Sts.
Mrs. Lillian A. Cook, Phila., 220 S. 4th St.
Charles L. Dales, Phila., 1926 W. Columbia Ave.
Nathan M. Diamond, Phila., 1201 W. Girard Ave., 2nd Cor.
John A. Dougherty, Phila., 1802 E. Allegheny Ave.
Harry B. Ladner, Phila., 500 Green St.
Jas. H. Livezly, Phila., S. E. Cor. 6th and Dickinson Sts.
Hyman Rabinowitz, Phila., 782 Drexel Bldg.
Miss Helen M. Reilly, Phila., 7940 Oxtord Ave.
Thomas Waltz, Phila., Stephen Girard Bldg., 21 S. 12th St.

SCHUYLKILL COUNTY

Charles R. Deibert, Schuylkill Haven.
Francis E. Moore, Pottsville.
Mrs. Pauline B. Pensock, McAdoo.

UNION COUNTY

Mrs. Helen M. King, Lewisburg.

WASHINGTON COUNTY

Miss Alice C. McKinney, Washington.

ARTHUR H. JAMES.

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, March 6, 1939.
To the Honorable, the Senate of the Commonwealth of
Pennsylvania:

In conformity with law, I have the honor hereby to
nominate for the advice and consent of the Senate the
following persons for reappointment as Notaries Public, for
terms of four years to compute from the date set opposite
their names:

ALLEGHENY COUNTY

Harry Woods Grier, Pittsburgh, 711-723 Forbes St.,
March 7, 1939.

BEAVER COUNTY

Walter S. Cameron, Aliquippa, March 7, 1939.

BLAIR COUNTY

Charles A. Auker, Altoona, March 7, 1939.

ELK COUNTY

Miss May Child, Ridgeway, March 7, 1939.

LACKAWANNA COUNTY

Lawrence J. Farrell, Carbondale Twp., Childs, March
7, 1939.

LANCASTER COUNTY

Warren W. Worrest, Lancaster, March 7, 1939.

McKEAN COUNTY

H. G. Berkhouse, Kane, March 7, 1939.

DELAWARE COUNTY

Charles E. Pennington, Chester, March 8, 1939.

WARREN COUNTY

A. W. Eaton, Warren, March 8, 1939.

ADAMS COUNTY

Edgar A. Moser, Gettysburg, March 9, 1939.

ALLEGHENY COUNTY

M. R. Armstrong, Pittsburgh, 1239 Gulf Bldg., March 9,
1939.

Herbert C. Baum, Pittsburgh, Room 904, Law & Finance
Bldg., March 9, 1939.

A. A. Chira, Pittsburgh, 6024 Penn Ave., March 9, 1939.

H. H. Garver, Pittsburgh, 5000 Baum Blvd., March 9,
1939.

C. M. Gordon, Pittsburgh, 408 P. and L. E. R. R. Term-
inal Bldg., March 9, 1939.

John Haniak, Pittsburgh, 613 Carson St., March 9, 1939.

Arthur R. Kiefer, Pittsburgh, 604 Commonwealth Bldg.,
March 9, 1939.

Carl E. Schwartz, Mt. Lebanon Twp., 242 Cochran Rd.,
Mt. Lebanon, Pittsburgh, March 9, 1939.

James F. Stack, Pittsburgh, 109 W. Montgomery Ave.,
March 9, 1939.

Miss Jane H. Stark, Pittsburgh, School of Dentistry, Uni-
versity of Pittsburgh, March 9, 1939.

W. J. Vandevort, Coraopolis, March 9, 1939.

Miss Hilda M. Wiland, Pittsburgh, 400 5th Ave., March
9, 1939.

Mrs. Elizabeth A. Yellig, Pittsburgh, 601 Renshaw Bldg.,
901 Liberty Ave., March 9, 1939.

ARMSTRONG COUNTY

Oscar W. Rush, Ford City, March 9, 1939.

BUCKS COUNTY

Mrs. Ray G. Stahl, Up. Southampton Twp., 2d St. Pike,
Southampton, March 9, 1939.

BUTLER COUNTY

A. R. Burns, Butler, March 9, 1939.

E. P. Pfeffer, Butler, March 9, 1939.

CAMBRIA COUNTY

Miss Goldie I. Noon, Johnstown, March 9, 1939.

CENTRE COUNTY

Hassel Hurwitz, State College, March 9, 1939.

CHESTER COUNTY

Norman C. Herman, Coatesville, March 9, 1939.

CLARION COUNTY

Harry B. Thomson, Clarion, March 9, 1939.

COLUMBIA COUNTY

Ernest S. Bailey, Berwick, March 9, 1939.

ERIE COUNTY

W. H. Loveland, Corry, March 9, 1939.

FAYETTE COUNTY

Mrs. Hazel M. S. Hansel, Uniontown, March 9, 1939.

FRANKLIN COUNTY

Charles S. Gardner, Jr., Washington Twp., Blue Ridge
Summit, March 9, 1939.

LANCASTER COUNTY

Joseph R. Byars, Lancaster, March 9, 1939.

O. K. Snyder, Mt. Joy Twp., Lock Box #1, Mt. Joy,
March 9, 1939.

LUZERNE COUNTY

Joseph Sherrock, Hazleton, March 9, 1939.

Chas. H. Wolfe, Freeland, March 9, 1939.

McKEAN COUNTY

Dorn McGrath, Bradford, March 9, 1939.

NORTHAMPTON COUNTY

John H. Herring, Easton, March 9, 1939.

Miss Clara A. Strohmeier, Bethlehem, March 9, 1939.

NORTHUMBERLAND COUNTY

Donald I. Berger, Sunbury, March 9, 1939.

PHILADELPHIA COUNTY

Ernest L. Boyer, Phila., Real Estate Tr. Bldg., March 9,
1939.

Walter A. Cook, Phila., 211 S. 12th St., March 9, 1939.

Alvin Dattle, Phila., Integrity Bldg., March 9, 1939.

Miss Anna I. Day, Phila., Packard Bldg., 111 S. 15th St.,
March 9, 1939.

Miss Mary E. Douglass, Phila., 1530 Chestnut St., March
9, 1939.

J. Jos. Finn, Phila., 4424 Lancaster Ave., March 9, 1939.

Maryan Kaminski, Phila., 2364 Orthodox St., March 9,
1939.

T. A. Larkin, Phila., 123 S. Broad St., March 9, 1939.

Joseph J. Nondelblatt, Phila., 1600 Hamilton St., March
9, 1939.

Chas. M. J. Schierse, Phila., Land Title Bldg., 100 S.
Broad St., 2d floor, March 9, 1939.

Edward W. Scheetz, Phila., 311-313 Walnut St., March
9, 1939.

Miss Esther Weiss, Phila., 1712 Ludlow St., March 9,
1939.

SCHUYLKILL COUNTY

John R. Gipe, Schuylkill Haven, March 9, 1939.

Mrs. Mary D. McCord, Pottsville, March 9, 1939.

Miss Minnie E. Schuchart, Tamaqua, March 9, 1939.

SUSQUEHANNA COUNTY

Walter L. Miller, Susquehanna Depot, March 9, 1939.

WASHINGTON COUNTY

E. W. Campbell, East Washington, March 9, 1939.

Mrs. Anne L. O'Lenic, Donora, March 9, 1939.

WESTMORELAND COUNTY

Michael J. Lavrinc, Greensburg, March 9, 1939.

PHILADELPHIA COUNTY

Paschal J. Girard, Phila., 630 Federal St., March 10, 1939.

SCHUYLKILL COUNTY

Mrs. Laura M. Shoener, Orwigsburg, March 10, 1939.

ALLEGHENY COUNTY

Miss Victoria P. Wajert, Pittsburgh, 1807 Sarah St., S. S., March 12, 1939.

DAUPHIN COUNTY

Joseph J. Praialo, Harrisburg, March 12, 1939.

ERIE COUNTY

Miss Agatha M. Grate, Albion, March 12, 1939.

JEFFERSON COUNTY

C. E. Wells, Brockway, March 12, 1939.

LUZERNE COUNTY

Anthony Dobkowski, Nanticoke, March 12, 1939.

PHILADELPHIA COUNTY

Miss Esther K. Gallagher, Phila., 2015 Phila. Saving Fund Bldg., 12 S. 12th St., March 12, 1939.

Marcus Laster, Phila., 214 S. 5th St., March 12, 1939.

O. B. Quinto, Phila., 1010 Liberty Tr. Bldg., Broad & Arch St., March 12, 1939.

John H. Schmidheiser, Phila., 2945 W. Diamond St., March 12, 1939.

Floyd W. Shockley, Phila., 854 N. Broad St., March 12, 1939.

Mrs. Elizabeth K. Weaver, Phila., Lankenau Hospital, Girard & Corinthian Aves., March 12, 1939.

UNION COUNTY

William E. Roth, Lewisburg, March 12, 1939.

WASHINGTON COUNTY

John F. Carmichael, Washington, March 12, 1939.

ALLEGHENY COUNTY

Joseph A. Murphy, Pittsburgh, 14 Wood St., March 12, 1939.

BUTLER COUNTY

Harry L. Graham, Butler, March 14, 1939.

DAUPHIN COUNTY

Miss Mary E. Winn, Harrisburg, March 16, 1939.

NORTHAMPTON COUNTY

M. N. Kressman, Easton, March 16, 1939.

ALLEGHENY COUNTY

Edward G. Nassar, Pittsburgh, 508 Grant St., March 17, 1939.

George Haramic, Pittsburgh, 617 Chestnut St., N. S., March 18, 1939.

FAYETTEE COUNTY

Herbert R. Sisler, Uniontown, March 19, 1939.

PHILADELPHIA COUNTY

Harry E. Berk, Phila., 2331 W. Lehigh Ave., March 19, 1939.

Miss Marie F. Miller, Phila., 245 Master St., March 19, 1939.

BERKS COUNTY

Miss Ella H. Gartlan, Reading, March 20, 1939.

PHILADELPHIA COUNTY

Albert F. Laurence, Phila., 319 N. 32nd St., March 23, 1939.

Miss Elizabeth McShea, Phila., 838 N. 19th St., March 23, 1939.

CRAWFORD COUNTY

Walter J. McClintock, Meadville, March 25, 1939.

DAUPHIN COUNTY

William M. Groff, Williamstown, March 26, 1939.

PHILADELPHIA COUNTY

Mrs. Katherine Flick, Phila., 3043 Chestnut St., March 26, 1939.

LAWRENCE COUNTY

Quincy A. McBride, New Castle, March 30, 1939.

BUCKS COUNTY

Ralph D. Schlichter, Sellersville, March 31, 1939.

WASHINGTON COUNTY

Andrew Zemany, California, March 31, 1939.

ALLEGHENY COUNTY

J. Fred Allen, Pittsburgh, S. 20th & Lidney Sts., April 1, 1939.

Miss Florence E. Davis, North Braddock, April 1, 1939.

A. D. Dresser, Pittsburgh, 1927 Grant Bldg., April 1, 1939.

Miss S. E. Green, Pittsburgh, 806 Arrott Bldg., April 1, 1939.

W. Sheraden Hall, Pittsburgh, 2829 Chartiers Ave., April 1, 1939.

Mrs. Katherine Harney, Pittsburgh, 311 4th Ave., April 1, 1939.

Miss Dawn N. Lewis, Pittsburgh, 816 Berger Bldg., April 1, 1939.

E. B. McNaughton, Pittsburgh, 210 East Park Way, April 1, 1939.

W. L. Morgan, McKeesport, April 1, 1939.

A. B. Wolf, Pittsburgh, 1601 Law & Finance Bldg., April 9, 1939.

BERKS COUNTY

Mrs. Laura M. Roberts, Reading, April 1, 1939.

BRADFORD COUNTY

Arthur H. Baxter, Athens, April 1, 1939.

BUCKS COUNTY

Alvin T. Lippincott, Bensalem Twp., Cornwells Heights, April 1, 1939.

BUTLER COUNTY

J. H. B. Black, Bruin, April 1, 1939.

W. R. Colbert, Butler, April 1, 1939.

DAUPHIN COUNTY

Miss Clara I. Miller, Harrisburg, April 1, 1939.

DELAWARE COUNTY

Miss Matilda M. Culbert, Chester, April 1, 1939.

LACKWANNA COUNTY

W. C. Hessinger, Scranton, April 1, 1939.

Roswell Phillips, Scranton, April 1, 1939.

J. Arlington Rees, Scranton, April 1, 1939.

LUZERNE COUNTY

Mrs. Melanie S. Conant, Pittston, April 1, 1939.
Henry K. Markman, Hazleton, April 1, 1939.

MONTGOMERY COUNTY

Miss Elizabeth A. Widroder, Norristown, April 1, 1939.

NORTHAMPTON COUNTY

Walter A. Smith, Bethlehem, April 1, 1939.

PHILADELPHIA COUNTY

Jesse W. Achey, Jr., Phila., 6444 Germantown Ave., April 1, 1939.

Charles H. Amos, Phila., 1328 N. 31st St., April 1, 1939.

John A. Blankin, Phila., 335 Lyceum Ave., Manayunk, April 1, 1939.

Miss Irene M. Buchanan, Phila., 500 Schaff Bldg., 1505 Race St., April 1, 1939.

Charles H. Krauss, Phila., 528 W. Ruscomb St., April 1, 1939.

Darragh Mackenzie, Phila., 1501 Integrity Bldg., April 1, 1939.

Harvey W. Monks, Phila., 24th & Locust Sts., April 1, 1939.

Lorenzo J. Riley, Phila., Bourse Bldg., April 1, 1939.

WASHINGTON COUNTY

Charles A. Hamilton, Smith Twp., Langeloth, April 1, 1939.

ALLEGHENY COUNTY

Geo. F. Marlier, Pittsburgh, 4779 Liberty Ave., April 2, 1939.

Richard A. Withum, Penn Twp., R. D. 1. No. 232, Verona, April 2, 1939.

CUMBERLAND COUNTY

Mrs. M. J. Mohler, Mechanicsburg, April 2, 1939.

DELAWARE COUNTY

Miss Nellie A. Caballero, Media, April 2, 1939.

PHILADELPHIA COUNTY

George E. Bayer, Phila., 5635 N. 11th St., April 2, 1939.

SCHUYLKILL COUNTY

J. A. Miller, Porter Twp., Reinerton, April 2, 1939.

SOMERSET COUNTY

G. N. Zeigler, Windber, April 2, 1939.

BUTLER COUNTY

D. M. Lord, Butler, April 3, 1939.

LEHIGH COUNTY

Thomas W. Nagle, Allentown, April 4, 1939.

ALLEGHENY COUNTY

Andrew Kvasnak, Clairton, April 5, 1939.

Mrs. Eva Butler Waldbaum, McKeesport, April 6, 1939.

BERKS COUNTY

Mrs. Norma Z. Cannon, Reading, April 8, 1939.

ALLEGHENY COUNTY

Emil B. Ertzman, Pittsburgh, 908 Peoples Bank Bldg., April 9, 1939.

PHILADELPHIA COUNTY

Henry M. Black, Phila., Drexel Bldg., 432 Chestnut St., April 9, 1939.

CLEARFIELD COUNTY

Earle G. Boose, DuBois, April 12, 1939.

PHILADELPHIA COUNTY

Simon Sagle, Phila., 616 Ritner St., April 12, 1939.

NORTHAMPTON COUNTY

Harvey C. Werst, Easton, April 13, 1939.

PHILADELPHIA COUNTY

Miss Mary E. Doyle, Phila., 5736 Master St., April 13, 1939.

ALLEGHENY COUNTY

Miss E. R. Auslander, McKeesport, March 16, 1939.

William A. Barrickman, Clairton, March 16, 1939.

INDIANA COUNTY

Miss Hester A. Donaldson, Indiana, April 22, 1939.

WESTMORELAND COUNTY

Miss Edna Durst, Greensburg, April 22, 1939.

ALLEGHENY COUNTY

James R. Bell, Pittsburgh, 921 Berger Bldg., April 23, 1939.

BLAIR COUNTY

John H. Robertson, Duncansville, April 23, 1939.

ERIE COUNTY

Carl G. Wright, Erie, April 27, 1939.

PHILADELPHIA COUNTY

Miss Mary Mandia, Phila., Commonwealth Bldg., 1201 Chestnut St., April 27, 1939.

LAWRENCE COUNTY

E. F. Connelly, New Castle, April 28, 1939.

WESTMORELAND COUNTY

C. L. Hugus, Greensburg, April 28, 1939.

ARTHUR H. JAMES.

EXECUTIVE SESSION

By unanimous consent,

A motion was made by Mr. EALY and Mr. EDMONDS

That Rule 38 which requires nominations made by the Governor be referred to an appropriate committee be dispensed with, and the Senate do now resolve itself into Executive Session, for the purpose of acting on the foregoing nominations.

Which was agreed to,

Whereupon,

A motion was made by Mr. EALY and Mr. EDMONDS

That the Senate do advise and consent to said nominations.

On the question,

Will the Senate agree to the motion?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—47

Bartlett,	Farrell,	Lanius,	Scarlett,
Cavalcante,	Frey,	Letzler,	Shapiro,
Chapman,	Gelder,	Mallery,	Sipe,
Coleman,	Geltz,	McCreesh,	Snowden,
Crowe,	Gilson,	McGinnis,	Stevenson,
Dando,	Haluska,	Miller,	Stiefel,
Deltrick,	Heyburn,	Mundy,	Tallman,

Dent,
DiSilvestro,
Ealy,
Edmonds,
Eroe,

Homsher,
Jacobs,
Jespan,
Kilgallen,
Kunkel.

Owlett,
Pierson,
Reed,
Rice,
Ruth,

Thomas,
Walker,
Wolfenden,
Woodward,

NAYS—0

Two-thirds of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Governor be informed accordingly.

Mr. FREY. Mr. President, I move that the Executive Session do now rise.

Mr. RICE. Mr. President, I second the motion.

The motion was agreed to.

ADJOURNMENT

Mr. OWLETT. Mr. President, I move that the Senate do now adjourn until Tuesday, March 7, 1939 at 2:00 o'clock, p. m.

Mr. GELDER. Mr. President, I second the motion.

The motion was agreed to.

The Senate adjourned at 11:38 o'clock, p. m., until Tuesday, March 7, 1939, at 2:00 o'clock, p. m.

HOUSE OF REPRESENTATIVES

MONDAY, March 6, 1939.

The House met at 8 p. m.

The SPEAKER (Ellwood J. Turner) in the Chair.

PRAYER

The Chaplain, Rev. Walter Evans Deibler, offered the following prayer:

We thank Thee, Oh God, for our country. Two days ago we celebrated the sesqui-centennial of the first meeting of the Congress of these United States of America. Our hearts are thrilled with the achievements, protection and blessings which Thou hast vouchsafed unto us through this century and a half of history. We thank Thee for the courageous, God-fearing men who played their part well in the formation of our democracy. Help us, Oh God, to have their spirit in this our day. As then so today in the language of Patrick Henry, "there is a just God who presides over the destinies of nations, and who will raise up friends to fight our battles for us." "We are not weak if we make a proper use of those means which the God of Nature has placed in our power." Who is so imbecile of mind as not to be thoughtful of the serious problems confronting us today? Who is so duped with selfishness and un-Americanism as to prefer another system of government? Who is so stunted and distorted in his patriotism as to give but a half loyalty to our democracy? Who is so cruelly frigid emotionally as not to be aroused mentally and stirred in heart at the gracious guidance of Almighty God in the formation of our democratic form of government? We thank Thee, Oh God, for our people who love our flag, who are willing to defend it, and to serve under it.

"God bless the flag and its loyal defenders,
While its broad folds o'er the battlefield wave,
Till the dim star-wreath rekindle its splendors,
Washed from its stains in the blood of the brave!"

God bless the President and the Congress of the United

States. Bless the Governor of our Commonwealth and this General Assembly.

"God bless our native land; firm may she ever stand;
Through storm and night:

When the wild tempests rave; Ruler of wind and wave;

Thou who art strong to save, be Thou her might."

God bless the United States of America. Amen.

JOURNAL APPROVED

The SPEAKER. The Clerk will read the Journal of Wednesday, March 1, 1939.

The Clerk proceeded to read the Journal of Wednesday, March 1, 1939, when, on motion of Mr. Montgomery the further reading was dispensed with and the Journal approved.

BILLS INTRODUCED AND REFERRED

By Mr. McKINNEY.

HOUSE BILL No. 351.

An Act to amend section twenty-two of the act approved the seventh day of June, one thousand nine hundred and seventeen, (P. L. 403), entitled "An act relating to the form, execution, revocation, and interpretation of wills; to nuncupative wills; to the appointment of testamentary guardians; to spendthrift trusts; to forfeiture of devise or legacy in case of murder of testator; to elections to take under or against wills, and to the recording and registering of such elections and of decrees relative thereto, and to the fees therefor," by providing for forfeiture of the right to take property under the will of a murdered testator.

Referred to the Committee on Judiciary General.

By Mr. McKINNEY.

HOUSE BILL No. 352.

An Act to amend section twenty-three of the act approved the seventh day of June, one thousand nine hundred and seventeen, (P. L. 429), entitled "An act relating to the descent and distribution of the real and personal property of persons dying intestate; and to provide for the recording and registering of the decrees of the orphans' court in connection therewith, and the fees therefor," by providing for forfeiture of the right to inherit or to take property of a murdered intestate under the said act.

Referred to the Committee on Judiciary General.

By Mr. McKINNEY.

HOUSE BILL No. 353.

A Joint Resolution proposing an amendment to article one of the Constitution of the Commonwealth of Pennsylvania by adding thereto section six A.

Referred to the Committee on Constitutional Amendments.

By Mr. ATKINS.

HOUSE BILL No. 354.

An Act to amend clause (d) as added to section twenty-one of the act, approved the seventh day of June, one thousand nine hundred seventeen (P. L. 363), entitled "An act relating to the organization, jurisdiction, and procedure of the orphans' courts; the powers and duties of the judges thereof; and appeals therefrom," requiring certification of verdicts and judgments entered in orphans' courts to the prothonotary, and the filing, docketing and indexing the same by him.

Referred to the Committee on Judiciary General.

By Mr. ATKINS.

HOUSE BILL No. 355.

An Act to amend clause (c) of section forty-nine of the act, approved the seventh day of June, one thousand nine hundred seventeen (P. L. 447), entitled as amended "An act relating to the administration and distribution of

the estates of decedents and of minors, and of trust estates; including the appointment, bonds, rights, powers, duties, liabilities, accounts, discharge and removal of executors, administrators, guardians, and trustees, herein designated as fiduciaries; the administration and distribution of the estates of presumed decedents widow's and children's exemptions; debts of decedents, rents of real estate as assets for payment thereof, the lien thereof, sales and mortgages of real estate for the payment thereof, judgments and executions therefor, and the discharge of real estate from the lien thereof, contracts of decedents for the sale or purchase of real estate; legacies, including legacies charged on land; the discharge of residuary estates and of real estate from the lien of legacies and other charges; the appraisal of real estate devised at a valuation; the ascertainment of the curtilage of dwelling houses or other buildings devised; the abatement and survival of actions, and the substitution of executors and administrators therein; the survival of causes of action and suits thereupon by or against fiduciaries; investments by fiduciaries; the organization of corporations to carry on the business of decedents; the audit and review of accounts of fiduciaries; refunding bonds; transcripts to the court of common pleas of balances due by fiduciaries; the rights, powers, and liabilities of nonresident and foreign fiduciaries; the appointment, bonds, rights, powers, duties, and liabilities of trustees durante absentia; the recording and registration of decrees, reports and other proceedings, and the fees therefor; appeals in certain cases; and, also, generally dealing with the jurisdiction, powers, and procedure of the orphans' court in all matters relating to fiduciaries concerned with the estates of decedents," by permitting fiduciaries to dispense with formal accounts where estates do not exceed five hundred dollars; and reducing the time for petitions in such cases from one year to six months from the date of granting of letters.

Referred to the Committee on Judiciary General.

By Mr. ATKINS. HOUSE BILL No. 356.

An Act to make void all gifts for religious or charitable uses to take effect on the death of the donor unless made at least thirty days before such death, and to make unenforceable all promises to give real or personal property for such uses unless made at least thirty days before the death of the promisor.

Referred to the Committee on Judiciary General.

By Mr. AUKER. HOUSE BILL No. 357.

An Act to amend section twenty-one of the act, approved the seventh day of June, one thousand nine hundred seventeen (P. L. 447), entitled as amended "An act relating to the administration and distribution of the estates of decedents and of minors, and of trust estates; including the appointment, bonds, rights, powers, duties, liabilities, accounts, discharge and removal of executors, administrators, guardians, and trustees, herein designated as fiduciaries; the administration and distribution of the estates of presumed decedents; widow's and children's exemptions, debts of decedents, rents of real estate as assets for payment thereof, the lien thereof, sales and mortgages of real estate for the payment thereof, judgments and executions therefor, and the discharge of real estate from the lien thereof; contracts of decedents for the sale or purchase of real estate; legacies, including legacies charged on land; the discharge of residuary estates and of real estate from the lien of legacies and other charges; the appraisal of real estate devised at a valuation; the ascertainment of the curtilage of dwelling houses or other buildings devised; the abatement and survival of actions, and the substitution of executors and administrators therein; the survival of causes of action and suits thereupon by or against fiduciaries; investments by fiduciaries; the organization of corporations to carry on the business of decedents; the audit and review of accounts of fiduciaries; refunding bonds; transcripts to the court of common pleas of balances due by fiduciaries; the rights, powers, and liabilities of nonresident and foreign fiduciaries; the appointment, bonds, rights, powers, duties, and liabilities of trustees durante absentia; the recording and registration of decrees, reports and other proceedings,

and the fees therefor; appeals in certain cases; and, also, generally dealing with the jurisdiction, powers, and procedure of the orphans' courts in all matters relating to fiduciaries concerned with the estates of decedents," by fixing the rate of interest to be paid on pecuniary legacies, and the time from which it shall be paid.

Referred to the Committee on Judiciary General.

By Mr. AUKER. HOUSE BILL No. 358.

An Act to amend section one of the act, approved the seventh day of June, one thousand nine hundred seventeen (P. L. 388), entitled "An act relating to the jurisdiction, powers, and procedure of the orphans' court and the court of common pleas as to sales, mortgages, conveyances on ground-rent, leases, extinguishment of ground-rents, partition, exchange, squaring and adjusting of lines between adjoining owners, consolidation and combination of mining lands and the leasing thereof, the joining by owners of undivided interests in making and taking conveyances in order to change the route or location of any right of way or passage over adjoining or other lands, and the subdivision of premises so as to command the highest price or greatest rents, and, for such purpose, the laying out or dedication of roads, streets, and alleys, or the vacation of such as have not been accepted by the public authorities, where the court shall be of opinion that such decree will be to the interest and advantage of all those interested; and where the legal title is held by minors, lunatics habitual drunkards, or weak-minded persons, a married person whose spouse is a lunatic, or has abandoned him or her for one year or has been absent and unheard of for seven years; by corporations having no capacity to convey or by any unincorporated association, by any religious, beneficial, or charitable society or association, incorporated or unincorporated, and the title is subject to forfeiture if real estate is held in excess of the amount prescribed by its charter or by law; by a corporation, or individual or individuals; and is subject to a trust of any description whatever; by any person as to whom a presumption of death may have arisen, or any interest wherein is held by any person under legal disability to dispose thereof; where the legal title is an estate tail or is subject to the lien of debts of a decedent not of record, contingent remainders, executory devises, or remainders to a class, some or all of whom may not be in being or ascertained; where estates shall have been devised or granted for special or limited purposes, where there is a power of sale but the time may not have arrived for its exercise, any preliminary act may not have been done to bring it into exercise, the time limited for its exercise may have expired, or any one or more persons required to consent or join in its exercise may be non compos mentis, have removed out of the State, have died, refuse to act, unreasonably withhold consent, or be absent and unheard of; where there has been or shall be a defective appointment in any deed or will, and the necessary power is not given to the executor, devisee, or appointee to make sale and conveyance; where a trust has been created, and no power conferred on the trustee to do any of the acts which the court is hereby empowered to authorize or confirm; and to the effects of such decrees," by conferring on the orphans' court concurrent jurisdiction with the court of common pleas in certain cases.

Referred to the Committee on Judiciary General.

By Mr. AUKER. HOUSE BILL No. 359.

An Act to add clause (f) to section twenty-three of the act, approved the seventh day of June, one thousand nine hundred seventeen (P. L. 403), entitled "An act relating to the form, execution, revocation, and interpretation of wills, to nuncupative wills; to the appointment of testamentary guardians to spendthrift trusts; to forfeiture of devise or legacy in case of murder of testator; to elections to take under or against wills, and to the recording and registering of such elections and of decrees relative thereto and to the fees therefor," by empowering the orphans' court, in certain cases, to extend the time for filing of elections by surviving spouses to take under or against wills of decedents.

Referred to the Committee on Judiciary General.

By Mr. JACOB L. MOSER.

HOUSE BILL No. 360.

An Act to amend sections two and three of the act, approved the seventh day of June, one thousand nine hundred seventeen (P. L. 403), entitled "An act relating to the form, execution, revocation, and interpretation of wills; to nuncupative wills; to the appointment of testamentary guardians; to spendthrift trusts; to forfeiture of devise or legacy in case of murder of testator; to elections to take under or against wills, and to the recording and registering of such elections and of decrees relative thereto, and to the fees therefor," prescribing the cases in which wills not signed by the testator shall be valid.

Referred to the Committee on Judiciary General.

By Mr. JACOB L. MOSER.

HOUSE BILL No. 361.

An Act to amend section forty-eight of the act, approved the seventh day of June, one thousand nine hundred seventeen (P. L. 447), entitled as amended "An act relating to the administration and distribution of the estates of decedents and of minors, and of trust estates; including the appointment, bonds, rights, powers, duties, liabilities, accounts, discharge, and removal of executors, administrators, guardians, and trustees, herein designated as fiduciaries; the administration and distribution of the estates of presumed decedents; widow's and children's exemptions; debts of decedents, rents of real estate as assets for payment thereof, the lien thereof, sales and mortgages of real estate for the payment thereof, judgments and executions therefor, and the discharge of real estate from the lien thereof; contracts of decedents for the sale or purchase of real estate; legacies, including legacies charged on land; the discharge of residuary estates and of real estate from the lien of legacies and other charges; the appraisalment of real estate devised at a valuation; the ascertainment of the curtilage of dwelling houses or other buildings devised; the abatement and survival of actions, and the substitutions of executors and administrators therein; the survival of causes of action and suits thereupon by or against fiduciaries; investments by fiduciaries; the organization of corporations to carry on the business of decedents; the audit and review of accounts of fiduciaries; refunding bonds; transcripts to the court of common pleas of balances due by fiduciaries; the rights, powers, and liabilities of nonresident and foreign fiduciaries; the appointment, bonds, rights, powers, duties, and liabilities of trustees durante absentia; the recording and registration of decrees, reports and other proceedings, and the fees therefor; appeals in certain cases; and, also, generally dealing with the jurisdiction, powers, and procedure of the orphans' court in all matters relating to fiduciaries concerned with the estates of decedents," providing the procedure before the auditing judge, master or auditor in cases of petitions for review of the accounts of fiduciaries.

Referred to the Committee on Judiciary General.

By Mr. McKINNEY.

HOUSE BILL No. 362

An Act to amend clause (d) of section fifty-nine of the act, approved the seventh day of June, one thousand nine hundred seventeen (P. L. 447), entitled as amended "An act relating to the administration and distribution of the estates of decedents and of minors, and of trust estates; including the appointment, bonds, rights, powers, duties, liabilities, accounts, discharge and removal of executors, administrators, guardians, and trustees, herein designated as fiduciaries; the administration and distribution of the estates of presumed decedents; widow's and children's exemptions; debts of decedents, rents of real estate as assets for payment thereof, the lien thereof, sales and mortgages of real estate for the payment thereof, judgments and executions therefor, and the discharge of real estate from the lien thereof; contracts of decedents for the sale or purchase of real estate; legacies, including legacies charged on land; the discharge of residuary estates and of real estate from the lien of legacies and other charges; the appraisalment of real estate devised at a valuation; the ascertainment of the curtilage of dwelling houses or other buildings devised; the abatement and survival of actions,

and the substitution of executors and suits thereupon by or against fiduciaries; investments by fiduciaries; the organization of corporations to carry on the business of decedents; the audit and review of accounts of fiduciaries; refunding bonds; transcripts to the court of common pleas of balances due by fiduciaries; the rights, powers, and liabilities of nonresident and foreign fiduciaries; the appointment, bonds, rights, powers, duties, and liabilities of trustees durante absentia; the recording and registration of decrees, reports and other proceedings, and the fees therefor; appeals in certain cases; and, also, generally dealing with the jurisdiction, powers, and procedure of the orphans' court in all matters relating to fiduciaries concerned with the estates of decedents," increasing the amount of estates of minors that may be paid without the appointment of a guardian; and prescribing the conditions of such payments by municipal, state or federal agencies.

Referred to the Committee on Judiciary General.

By Mr. ECKELS.

HOUSE BILL No. 363.

An Act to amend section six of the act approved the twelfth day of May, one thousand nine hundred and twenty-five, (P. L. 603), entitled "An act concerning conditional sales and to make uniform the law relating thereto," by providing that all such contracts heretofore or hereafter filed shall be judicial records and subject to the control of the court.

Referred to the Committee on Judiciary General.

By Mr. ECKELS.

HOUSE BILL No. 364.

An Act making business records competent legal evidence under certain conditions, and making uniform the law with reference thereto.

Referred to the Committee on Judiciary General.

By Mr. ECKELS.

HOUSE BILL No. 365.

An Act for the judicial notice of the laws of other jurisdictions and for proof thereof, and to make uniform the law with reference thereto.

Referred to the Committee on Judiciary General.

By Mr. SWEENEY.

HOUSE BILL No. 366.

An Act making certain written reports or findings of fact made by officers of this Commonwealth competent legal evidence under certain conditions, providing for the cross-examination of certain persons in connection therewith, and making uniform the law with reference thereto.

Referred to the Committee on Judiciary General.

By Mr. SWEENEY.

HOUSE BILL No. 367.

An Act empowering the court to appoint expert witnesses in civil and criminal proceedings; providing for conferences and joint reports of expert witnesses and the compensation of expert witnesses.

Referred to the Committee on Judiciary General.

By Mr. SWEENEY.

HOUSE BILL No. 368.

An Act making certain written reports and findings of fact, prepared by experts, competent legal evidence under certain conditions, providing for the cross-examination of certain persons in connection therewith, and making uniform the law with reference thereto.

Referred to the Committee on Judiciary General.

By Mr. ALSPACH.

HOUSE BILL No. 369.

An Act to further amend section eleven of the act approved the twenty-sixth day of April, one thousand eight hundred and fifty-five, (P. L. 328), entitled "An act relating to corporations and to estates held for corporate, religious and charitable uses," to change the duration of the period within which certain conveyances are void.

Referred to the Committee on Judiciary General.

By Mr. ALSPACH. HOUSE BILL No. 370.

An Act to further amend section six of the act approved the seventh day of June, one thousand nine hundred and seventeen, (P. L. 403), entitled "An act relating to the form, execution, revocation, and interpretation of wills; to nuncupative wills; to the appointment of testamentary guardians; to spendthrift trusts; to forfeiture of devise of legacy in case of murder of testator; to elections to take under or against wills, and to the recording and registering of such elections and of decrees relative thereto, and to the fees therefor," to change the duration of the period within which certain bequests or devises are void.

Referred to the Committee on Judiciary General.

By Mr. ALSPACH. HOUSE BILL No. 371.

An Act to provide for contribution among tortfeasors.

Referred to the Committee on Judiciary General.

By Mr. COOPER. HOUSE BILL No. 372.

An Act concerning the risk of loss after a contract to sell realty and to make uniform the law with reference thereto.

Referred to the Committee on Judiciary General.

By Mr. COOPER. HOUSE BILL No. 373.

An Act declaring valid provisions in wills and trust instruments directing that certain dividends upon and profits realized from corporate stock be treated in whole or in part either as principal or income; and repealing inconsistent legislation.

Referred to the Committee on Judiciary General.

By Mr. COOPER. HOUSE BILL No. 374.

An Act to amend section three of article one, and section forty of article four of the act, approved the twentieth day of June, one thousand nine hundred nineteen (P. L. 521), entitled as amended "An act providing for the imposition and collection of certain taxes upon the transfer of property passing from a decedent who was a resident of this Commonwealth at the time of his death, and of property within this Commonwealth of a decedent who was a nonresident of the Commonwealth at the time of his death; defining and taxing transfers made in contemplation of death; defining as a transfer and taxing the right of survivorship in property as to which such right exists; and making it unlawful for any corporation of this Commonwealth, or national banking association located therein, to transfer the stock of such corporation or banking association, standing in the name of any such decedent, until the tax on the transfer thereof has been paid; and providing penalties; and citing certain acts for repeal," providing for the release of lien of inheritance tax on remainder interests in real estate in certain cases by entry of security therefor; and providing for the repayment of taxes paid in excess of amount due on future estates.

Referred to the Committee on Judiciary General.

By Mr. KRISE. HOUSE BILL No. 375.

An Act to amend paragraph (c) of section fifty-eight of the act, approved the seventh day of June, one thousand nine hundred seventeen (P. L. 447), entitled as amended "An act relating to the administration and distribution of the estates of decedents and of minors, and of trust estates; including the appointment, bonds, rights, powers, duties, liabilities, accounts, discharge and removal of executors, administrators, guardians, and trustees, herein designated as fiduciaries; the administration and distribution of the estates of presumed decedents; widow's and children's exemptions; debts of decedents rents of real estate as assets for payment thereof, the lien thereof, sales and mortgages of real estate for the payment thereof, judgments and executions therefor, and the discharge of real estate from the lien thereof; contracts of decedents for the sale or purchase

of real estate; legacies, including legacies charged on land; the discharge of residuary estates and of real estate from the lien of legacies and other charges; the appraisalment of real estate devised at a valuation; the ascertainment of the curtilage of dwelling houses or other buildings devised; the abatement and survival of actions, and the substitution of executors and administrators therein; the survival of causes of action and suits thereupon by or against fiduciaries; investments by fiduciaries; the organization of corporations to carry on the business of decedents; the audit and review of accounts of fiduciaries; refunding bonds; transcripts to the court of common pleas of balances due by fiduciaries; the rights, powers, and liabilities of nonresident and foreign fiduciaries; the appointment, bonds, rights, powers, duties and liabilities of trustees durante absentia; the recording and registration of decrees, reports and other proceedings, and the fees therefor; appeals in certain cases; and, also, generally dealing with the jurisdiction, powers, and procedure of the orphans' court in all matters relating to fiduciaries concerned with the estates of decedents," as amended by permitting foreign fiduciaries representing the estates of decedents, minors and legal incompetents, to foreclose on mortgages, to enter judgment on mortgage bonds, to sell the property bound thereby, to take title to property so sold, and to resell such property.

Referred to the Committee on Judiciary General.

By Mr. KRISE. HOUSE BILL No. 376.

An Act to add paragraph four to clause (a) of section forty-one of the act, approved the seventh day of June, one thousand nine hundred seventeen (P. L. 447), entitled as amended "An act relating to the administration and distribution of the estates of decedents and of minors, and of trust estates; including the appointment, bonds, rights, powers, duties, liabilities, accounts, discharge and removal of executors, administrators, guardians, and trustees herein designated as fiduciaries; the administration and distribution of the estates of presumed decedents; widow's and children's exemptions; debts of decedents, rents of real estate as assets for payment thereof, the lien thereof, sales and mortgages of real estate for the payment thereof, judgments and executions therefor, and the discharge of real estate from the lien thereof; contracts of decedents for the sale or purchase of real estate; legacies, including legacies charged on land; the discharge of residuary estates and of real estate from the lien of legacies and other charges; the appraisalment of real estate devised at a valuation; the ascertainment of the curtilage of dwelling houses or other buildings devised; the abatement and survival of actions, and the substitution of executors and administrators therein; the survival of causes of action and suits thereupon by or against fiduciaries; investments by fiduciaries; the organization of corporations to carry on the business of decedents; the audit and review of accounts of fiduciaries; refunding bonds; transcripts to the court of common pleas of balances due by fiduciaries; the rights, powers and liabilities of nonresident and foreign fiduciaries; the appointment, bonds, rights, powers, duties, and liabilities of trustees durante absentia; the recording and registration of decrees, reports and other proceedings, and the fees therefor; appeals in certain cases, and, also, generally dealing with the jurisdiction, powers, and procedure of the orphans' court in all matters relating to fiduciaries concerned with the estates of decedents," as amended, by permitting fiduciaries holding mortgages to accept deeds in lieu of foreclosures; and prescribing the effect thereof.

Referred to the Committee on Judiciary General.

By Mr. WILSON. HOUSE BILL No. 377.

An Act relating to the jurisdiction of the orphans' courts over nontestamentary trusts and the trustees thereof; conferring upon the orphans' courts concurrent jurisdiction with the courts of common pleas over certain trusts inter vivos and resulting trusts; and prescribing the powers of the orphans' courts with respect to such trusts.

Referred to the Committee on Judiciary General.

By Mr. WILSON.

HOUSE BILL No. 378.

An Act to amend paragraph (d) of section twenty-eight of the act, approved the seventh day of June, one thousand nine hundred seventeen (P. L. 447), entitled as amended "An act relating to the administration and distribution of the estates of decedents and of minors, and of trust estates; including the appointment, bonds, rights, powers, duties, liabilities, accounts, discharge and removal of executors, administrators, guardians, and trustees, herein designated as fiduciaries; the administration and distribution of the estates of presumed decedents; widow's and children's exemptions; debts of decedents, rents of real estate as assets for payment thereof, the lien thereof, sales and mortgages of real estate for the payment thereof, judgments and executions therefor, and the discharge of real estate from the lien thereof; contracts of decedents for the sale or purchase of real estate; legacies, including legacies charged on land; the discharge of residuary estates and of real estate from the lien of legacies and other charges; the appraisement of real estate devised at a valuation; the ascertainment of the curtilage of dwelling houses or other buildings devised; the abatement and survival of actions, and the substitution of executors and administrators therein; the survival of causes of action and suits thereupon by or against fiduciaries; investments by fiduciaries; the organization of corporations to carry on the business of decedents; the audit and review of accounts of fiduciaries; refunding bonds; transcripts to the court of common pleas of balances due by fiduciaries; the rights, powers, and liabilities of nonresident and foreign fiduciaries; the appointment, bonds, rights, powers, duties, and liabilities of trustees durante absentia; the recording and registration of decrees, reports and other proceedings, and the fees therefor; appeals in certain cases; and, also, generally dealing with the jurisdiction, powers, and procedure of the orphans' court in all matters relating to fiduciaries concerned with the estates of decedents," authorizing surviving, acting or remaining testamentary trustees to act in respect to real estate left to them to be sold or which they are authorized or directed to sell.

Referred to the Committee on Judiciary General.

By Mr. WILSON.

HOUSE BILL No. 379.

An Act to further amend section nine of the act, approved the eighteenth day of April, one thousand eight hundred fifty-three (P. L. 503), entitled "An act relating to the sale and conveyance of real estate," directing accumulations for minors to be added to the principal or corpus of the estate, unless otherwise directed.

Referred to the Committee on Judiciary General.

By Mr. CHECK.

HOUSE BILL No. 380.

An Act imposing a tax upon the emoluments received from any elective public office under the Commonwealth of Pennsylvania, or any municipality or other subdivision thereof, requiring incumbent of such office to file a report and pay tax; providing for the administration and enforcement of the act by the Department of Revenue; imposing penalty and interest upon delinquent payments; and appropriating the revenue derived from said tax.

Referred to the Committee on Ways and Means.

By Mr. HOLLAND.

HOUSE BILL No. 381.

An Act to amend sections seven, nine, eleven and twelve of the act approved the eleventh day of June, one thousand nine hundred and thirty-one, (P. L. 497) entitled, "An act regulating and licensing the sale, transfer, and possession of certain firearms; prescribing penalties, procedure, and rules of evidence; conferring powers and imposing duties on courts of quarter sessions, sheriffs, and heads of police departments; and to make uniform the law with reference thereto," by providing for the granting, refusing and revoking of licenses by the courts of quarter sessions, instead of by sheriffs and heads of police departments.

Referred to the Committee on Judiciary Special.

By Mr. TAYLOR.

HOUSE BILL No. 382.

An Act to further amend section two hundred and two and two hundred and thirteen and to add sections one thousand four hundred and twelve and one thousand four hundred and thirteen to the act, approved the ninth day of April, one thousand nine hundred and twenty-nine (P. L. 177), entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments, boards, commissions, and officers thereof, including the boards of trustees of State Normal Schools, or Teachers Colleges; abolishing, creating, reorganizing or authorizing the reorganization of certain administrative departments, boards, and commissions; defining the powers and duties of the Governor and other executive and administrative officers, and of the several administrative departments, boards, commissions, and officers; fixing the salaries of the Governor, Lieutenant Governor, and certain other executive and administrative officers; providing for the appointment of certain administrative officers, and of all deputies and other assistants and employes in certain departments, boards, and commissions; and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments, boards and commissions shall be determined," by creating a Bureau of War Veteran Affairs; requiring the appointment of two Deputies Adjutant General; and prescribing their duties.

Referred to the Committee on State Government.

By Mr. CORDIER.

HOUSE BILL No. 383.

An Act to amend the title and the act approved the sixteenth day of May, one thousand nine hundred and thirty-five (Pamphlet Laws 176) entitled, "An act requiring cities of the second and third class to allow members of the police departments, twenty-four consecutive hours of rest each week, and fourteen days vacation, each year, except in emergency cases," extending the provisions of said act to cities of the second class A.

Referred to the Committee on Cities—Second Class.

By Mr. ROSENFELD.

HOUSE BILL No. 384.

An Act to amend section twenty-five as amended, and section twenty-seven of the act approved the second day of May, one thousand nine hundred and twenty-nine. (P. L. 1237), entitled "An act affecting marital relations; prescribing grounds and regulating proceedings for divorce and the annulment of bigamous marriages; and amending, revising, and consolidating the law relating thereto," by providing that minors of the age of eighteen years and over may sue or be sued for divorce, without the aid or appearance of, or service on a relative, next friend or guardian.

Referred to the Committee on Judiciary General.

By Mr. RHODES.

HOUSE BILL No. 385.

An Act creating a temporary commission to examine, report upon, and recommend measures to improve the economic, cultural, health and living conditions of the urban colored population of the State, and making an appropriation for the expenses of such commission.

Referred to the Committee on Appropriations.

By Mr. SNYDER.

HOUSE BILL No. 386.

An Act to amend section four hundred and ten of the act, approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith," as amended, providing that boards of school directors may

become members of the State School Directors Association, and bear a proportionate part of the expenses of such association.

Referred to the Committee on Education.

By Mr. TAYLOR. HOUSE BILL No. 387.

An Act authorizing the Department of Property and Supplies to allocate or provide rooms for state headquarters of the United Spanish War Veterans, Veterans of Foreign Wars of the United States, American Legion, and Disabled American Veterans of the World War; and providing that expenses for heat, light, water and janitor services shall be borne by the Commonwealth.

Referred to the Committee on Appropriations.

By Messrs. WATKINS and ACHTERMAN
HOUSE BILL No. 388.

An Act to regulate the sale, storage, offering or exposing for sale of fireworks, defining commercial and display fireworks and providing for licensing and regulation of the manner of using fireworks; and providing license fees and penalties.

Referred to the Committee on Municipal Corporations.

By Messrs. ATKINS and BRUNNER.
HOUSE BILL No. 389.

An Act to consolidate, amend and revise the penal laws of the Commonwealth.

Referred to the Committee on Judiciary Special.

By Mr. BROAD. HOUSE BILL No. 390

An Act to repeal the act approved the second day of June, one thousand nine hundred and thirty-three (P. L. 1417), entitled "An act exempting household furniture and household goods leased, hired or conditionally sold from levy and sale on execution or distress for rent under certain conditions."

Referred to the Committee on Judiciary General.

RESOLUTION INTRODUCED AND REFERRED

By Mr. WATKINS. RESOLUTION NO. 23.

In the House of Representatives, February 28, 1939.

Whereas, numerous taxing authorities in Schuylkill County, and elsewhere throughout the State, are sorely distressed and hampered in their governmental and educational functions by reason of their inability to collect taxes due and payable by certain of their taxpayers; and

Whereas, many large coal companies, and similar concerns, are at present in the process of reorganization under proceedings instituted in our Federal courts in compliance with Section 77 (b) of the Federal Bankruptcy Act, which companies are heavily indebted to municipal authorities; and

Whereas, said municipal taxing authorities would be greatly benefited by the prompt payment of taxes due from such companies now in process of reorganization as aforesaid, our teachers could be paid and our schools kept open; therefore be it

Resolved, by the House of Representatives of the Commonwealth of Pennsylvania that his Excellency the Governor of the Commonwealth of Pennsylvania, be requested to direct the Attorney General of Pennsylvania to intervene in such proceedings for re-organization under Section 77 (b) of the Federal Bankruptcy Act brought by or on behalf of any corporation indebted for taxes to municipal sub-divisions of this Commonwealth, and endeavor to procure the prompt payment of the whole or a substantial portion of the taxes so due and owing; and be it further

Resolved, that a copy of this resolution be immediately transmitted by the Chief Clerk of the House to his Excellency the Governor of the Commonwealth.

Referred to the Committee on Rules.

OFFICE OF THE SECRETARY OF THE COMMONWEALTH OF PENNSYLVANIA

February 27, 1939.

Honorable Ellwood J. Turner, Speaker of the House of Representatives of the General Assembly of Pennsylvania.

Sir:

I do hereby certify that pursuant to constitutional mandate, the Secretary of the Commonwealth caused Joint Resolution No. 4, passed by the General Assembly of the Commonwealth of Pennsylvania in the special session of one thousand nine hundred thirty-six, and received in the Office of the Secretary of the Commonwealth, on the sixth day of August, one thousand nine hundred thirty-six, proposing an amendment to section one, article nine of the Constitution of the Commonwealth of Pennsylvania, a copy of which is attached hereto, to be published three months before the general election held on the eighth day of November, in the year of our Lord, one thousand nine hundred thirty-eight, in at least two newspapers in every county in the Commonwealth of Pennsylvania in which such newspapers were published.

Certified from the records of the Secretary of the Commonwealth of Pennsylvania.

(Signed) S. M. H. O'HARA
Secretary of the Commonwealth

(Seal of the Secretary of the Commonwealth)

1936 SPECIAL SESSION

No. 4.

A JOINT RESOLUTION

Proposing an amendment to section one, article nine of the Constitution of the Commonwealth of Pennsylvania

Section 1. Be it resolved by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met. That the following amendment to the Constitution of the Commonwealth of Pennsylvania be, and the same is hereby, proposed, in accordance with the eighteenth article thereof:—

That article nine, section one of the Constitution of Pennsylvania be amended to read as follows:—

Section 1. All property taxes shall be uniform, upon the same class of subjects, within the territorial limits of the authority levying the tax, and shall be levied and collected under general laws; but the General Assembly may, by general laws, exempt from taxation public property used for public purposes, actual places of religious worship, places of burial not used or held for private or corporate profit, institutions of purely public charity, and real and personal property owned, occupied, and used by any branch, post, or camp of honorably discharged soldiers, sailors and marines.

Income, inheritance, estate and other excise taxes shall be levied and collected under general laws, but such laws may grant exemptions and may impose graded rates. Income taxes and taxes measured by income shall be deemed to be excise taxes, irrespective of the source from which the income is derived.

A true copy of Joint Resolution No. 4.

DAVID L. LAWRENCE
Secretary of the Commonwealth.

OFFICE OF THE SECRETARY OF THE COMMONWEALTH OF PENNSYLVANIA

February 27, 1939.

Honorable Ellwood J. Turner, Speaker of the House of Representatives of the General Assembly of Pennsylvania.

Sir:

I do hereby certify that pursuant to constitutional mandate, the Secretary of the Commonwealth caused Joint Resolution No. 5, passed by the General Assembly of the Commonwealth of Pennsylvania in the special session of one thousand nine hundred thirty-six, and received in the Office of the Secretary of the Commonwealth, on the seventh day of August, one thousand nine hundred thirty-six, proposing an amendment to article nine of the Constitution of the Commonwealth of Pennsylvania by adding thereto section one C, a copy of which is attached hereto, to be published three months before the general election held on the eighth day of November, in the year of our Lord, one thousand nine hundred thirty-eight, in at least two news-

papers in every county in the Commonwealth of Pennsylvania in which such newspapers were published.

Certified from the records of the Secretary of the Commonwealth of Pennsylvania.

(Signed) S. M. H. O'HARA
Secretary of the Commonwealth

(Seal of the Secretary of the Commonwealth)

No. 5.

A JOINT RESOLUTION

Proposing an amendment to article nine of the Constitution of the Commonwealth of Pennsylvania by adding thereto section one C.

Section 1. Be it resolved by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met. That the following amendment to the Constitution of the Commonwealth of Pennsylvania is hereby proposed, in accordance with the eighteenth article thereof:—

That article nine of the Constitution of Pennsylvania is hereby amended by adding thereto the following section:—

Section 1C. Political subdivisions shall annually reduce their respective tax levies on the assessed valuation of real estate, so that the combined rates of all taxes (exclusive of taxes for debt service) for the year one thousand nine hundred and forty-three and any subsequent year on any parcel of real estate shall not exceed a total of ten mills. The General Assembly shall enact legislation fixing the annual reductions to be made by classes of political subdivisions previous to the tax year one thousand nine hundred and forty-three, and the maximum tax millage within said ten mill limitation which may be levied by any class of political subdivisions for the tax year one thousand nine hundred and forty-three and thereafter.

The assessment or valuation of real property for tax purposes made for the year one thousand nine hundred and forty-three and thereafter, shall be made only at the fair marked value.

A true copy of Joint Resolution No. 5.

DAVID L. LAWRENCE.
Secretary of the Commonwealth.

OFFICE OF THE SECRETARY OF THE COMMONWEALTH OF PENNSYLVANIA

February 27, 1939.

Honorable Ellwood J. Turner, Speaker of the House of Representatives of the General Assembly of Pennsylvania.

Sir:

I do hereby certify that pursuant to constitutional mandate the Secretary of the Commonwealth caused Joint Resolution No. 1-B, passed by the General Assembly of the Commonwealth of Pennsylvania in the regular session of one thousand nine hundred thirty-seven, and received in the office of the Secretary of the Commonwealth, on the thirtieth day of March, one thousand nine hundred thirty-seven, proposing an amendment to article eight of the Constitution of the Commonwealth of Pennsylvania by adding thereto section eighteen, a copy of which is attached hereto, to be published three months before the general election held on the eighth day of November, in the year of our Lord, one thousand nine hundred thirty-eight, in at least two newspapers in every County in the Commonwealth of Pennsylvania in which such newspapers were published.

Certified from the records of the Secretary of the Commonwealth of Pennsylvania.

(Signed) S. M. H. O'HARA
Secretary of the Commonwealth

(Seal of the Secretary of the Commonwealth)

1937 SESSION

No. 1-B.

A JOINT RESOLUTION

Proposing an amendment to article eight of the Constitution of the Commonwealth of Pennsylvania by adding thereto section eighteen.

Section 1. Be it resolved by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met. That the following amendment to the Constitution of Pennsylvania be, and the same is hereby, proposed, in accordance with the provisions of the eighteenth article thereof:—

That article eight be amended by adding thereto the following section:—

Section 18. The Legislature may by general law provide a manner in which and the time and place at which qualified voters, who may on the occurrence of any election be unavoidably absent from the State or county of their residence because their duties, occupation or business require them to be elsewhere within the United States or who on the occurrence of any election are unable to attend at their proper polling places because of illness or physical disability may vote and for the return and canvass of their votes in the election district in which they respectively reside.

A true copy of Joint Resolution No. 1-B.

DAVID L. LAWRENCE.
Secretary of the Commonwealth.

OFFICE OF THE SECRETARY OF THE COMMONWEALTH OF PENNSYLVANIA

February 27, 1939.

Honorable Ellwood J. Turner, Speaker of the House of Representatives of the General Assembly of Pennsylvania.

Sir:

I do hereby certify that pursuant to constitutional mandate, the Secretary of the Commonwealth caused Joint Resolution No. 2-B, passed by the General Assembly of the Commonwealth of Pennsylvania in the regular session of one thousand nine hundred thirty-seven, and received in the office of the Secretary of the Commonwealth, on the twenty-seventh day of April, one thousand nine hundred thirty-seven, proposing an amendment to article nine of the Constitution of the Commonwealth of Pennsylvania by adding thereto section four A, a copy of which is attached hereto, to be published three months before the general election held on the eighth day of November, in the year of our Lord, one thousand nine hundred thirty-eight, in at least two newspapers in every county in the Commonwealth of Pennsylvania in which such newspapers were published.

Certified from the records of the Secretary of the Commonwealth of Pennsylvania.

(Signed) S. M. H. O'HARA
Secretary of the Commonwealth

(Seal of the Secretary of the Commonwealth)

No. 2-B.

A JOINT RESOLUTION

Proposing an amendment to article nine of the Constitution of the Commonwealth of Pennsylvania by adding thereto section four A.

Section 1. Be it resolved by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met. That the following amendment to the Constitution of the Commonwealth of Pennsylvania be, and the same is hereby, proposed, in accordance with the eighteenth article thereof:—

That article nine of the Constitution of Pennsylvania is hereby amended by adding thereto the following section:—

Section 4A. Notwithstanding any limitation hereinbefore provided, the General Assembly, irrespective of any debt, may authorize the State to issue bonds to the amount of fifty millions of dollars for the purpose of erecting, constructing, and maintaining flood control works and improvements including the cost of the acquisition of property necessary therefor, and for watershed protection.

A true copy of Joint Resolution No. 2-B.

DAVID L. LAWRENCE.
Secretary of the Commonwealth.

OFFICE OF THE SECRETARY OF THE COMMONWEALTH OF PENNSYLVANIA

February 27, 1939.

Honorable Ellwood J. Turner, Speaker of the House of Representatives of the General Assembly of Pennsylvania.

Sir:

I do hereby certify that pursuant to constitutional mandate, the Secretary of the Commonwealth caused Joint Resolution No. 3-B, passed by the General Assembly of the Commonwealth of Pennsylvania in the regular session of one thousand nine hundred thirty-seven, and received in the Office of the Secretary of the Commonwealth, on the eighteenth day of May, one thousand nine hundred thirty-seven, proposing an amendment to article fourteen of the

Constitution of the Commonwealth of Pennsylvania, a copy of which is attached hereto, to be published three months before the general election held on the eighth day of November, in the year of our Lord, one thousand nine hundred thirty-eight, in at least two newspapers in every county in the Commonwealth of Pennsylvania in which such newspapers were published.

Certified from the records of the Secretary of the Commonwealth of Pennsylvania.

(Signed) S. M. H. O'HARA
Secretary of the Commonwealth

(Seal of the Secretary of the Commonwealth)

No. 3-B.

A JOINT RESOLUTION

Proposing an amendment to article fourteen of the Constitution of the Commonwealth of Pennsylvania.

Section 1. Be it resolved by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, That the following amendment to the Constitution of the Commonwealth of Pennsylvania be, and the same is hereby, proposed, in accordance with the eighteenth article thereof:—

That article fourteen of the Constitution of the Commonwealth of Pennsylvania is hereby amended to read as follows:—

Section 1. A new county shall not be created except by the consolidation of two or more existing counties. An existing county may be abolished and its territory annexed to one or more contiguous counties. The General Assembly shall by law provide for the consolidation and abolition of counties; but no existing county shall be consolidated with another and no county shall be abolished without the consent of the electors thereof.

Section 2. Counties shall be administered under such system of government and by such officers, except as in this article otherwise provided, as the General Assembly may by law provide. Option systems of government may be provided for by the General Assembly, to become effective in a county only when accepted by the electors thereof.

Section 3. Three county commissioners shall be elected in each county in the year one thousand nine hundred and thirty-nine and every fourth year thereafter. In the election of such officers, each elector shall vote for no more than two persons and the three persons receiving the highest number of votes shall be elected. Any vacancy happening in the office of county commissioner shall be filled for the unexpired term by the court of common pleas of the county, by the appointment of an elector of the county who is a member of the same political party as was the person whose place is to be filled. In each county there shall also be elected a controller, a sheriff, and a district attorney. District attorneys, sheriffs, and controllers shall hold their respective offices until their successors are duly elected and qualified. Vacancies in such offices shall be filled as may be provided by law. All other county officers shall be provided for by law, and shall be elected or appointed as the General Assembly may by law provide.

Section 4. The terms of elected county officers shall be four years, commencing on the first Monday of January next after their election.

Section 5. All officers and persons employed in the county government shall be paid by salary or stated compensation. Such officers or persons shall not receive for their own use any fees, commissions or mileage for the performance of any service. All fees, commissions, and mileage, from whatever source derived, received and collected by any county officer, shall be paid into the State or county treasury, as may be provided by law. The provisions of this section shall not be construed, however, to apply to alderman, justices of the peace or constables.

Section 6. The General Assembly shall provide by law for the strict accountability of all county, township, and borough officers, as well for the fees, commissions, and mileage which may be collected by them as for all public or municipal moneys which may be paid to them.

A true copy of Joint Resolution No. 3-B.

DAVID L. LAWRENCE,
Secretary of the Commonwealth.

OFFICE OF THE SECRETARY OF THE COMMONWEALTH OF PENNSYLVANIA

February 27, 1939.

Honorable Ellwood J. Turner, Speaker of the House of Representatives of the General Assembly of Pennsylvania.

Sir:

I do hereby certify that pursuant to constitutional mandate, the Secretary of the Commonwealth caused Joint Re-

solution No. 4-B, passed by the General Assembly of the Commonwealth of Pennsylvania in the regular session of one thousand nine hundred thirty-seven, and received in the Office of the Secretary of the Commonwealth, on the eighteenth day of May, one thousand nine hundred thirty-seven, proposing an amendment to section one, article nine of the Constitution of the Commonwealth of Pennsylvania, a copy of which is attached hereto, to be published three months before the general election held on the eighth day of November, in the year of our Lord, one thousand nine hundred thirty-eight, in at least two newspapers in every county in the Commonwealth of Pennsylvania in which such newspapers were published.

Certified from the records of the Secretary of the Commonwealth of Pennsylvania.

(Signed) S. M. H. O'HARA
Secretary of the Commonwealth

(Seal of the Secretary of the Commonwealth)

No. 4-B.

A JOINT RESOLUTION

Proposing an amendment to section one, article nine, of the Constitution of the Commonwealth of Pennsylvania.

Section 1. Be it resolved by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, That the following amendment to the Constitution of the Commonwealth of Pennsylvania be, and the same is hereby, proposed, in accordance with the eighteenth article thereof:—

That section one, article nine, of the Constitution of the Commonwealth of Pennsylvania is hereby amended to read as follows:—

Section 1. All property taxes shall be uniform upon the same class of subjects within the territorial limits of the authority levying the tax, and shall be levied and collected under general laws; but the General Assembly may, by general laws, exempt from taxation public property used for public purposes, actual places of religious worship, places of burial not used or held for private or corporate profit, institutions of purely public charity and real and personal property owned, occupied, and used by any branch, post or camp of honorably discharged soldiers, sailors, and marines.

Excise taxes shall be levied under general laws, but such laws may grant exemptions and provide for graded or graduated rates. Income taxes or taxes measured by income, irrespective of the source from which the income may be derived, and death duties including estate and succession taxes shall be deemed to be excise taxes.

A true copy of Joint Resolution No. 4-B.

DAVID L. LAWRENCE,
Secretary of the Commonwealth.

OFFICE OF THE SECRETARY OF THE COMMONWEALTH OF PENNSYLVANIA

February 27, 1939.

Honorable Ellwood J. Turner, Speaker of the House of Representatives of the General Assembly of Pennsylvania.

Sir:

I do hereby certify that pursuant to constitutional mandate, the Secretary of the Commonwealth caused Joint Resolution No. 5-B, passed by the General Assembly of the Commonwealth of Pennsylvania in the regular session of one thousand nine hundred thirty-seven, and received in the Office of the Secretary of the Commonwealth, on the third day of June, one thousand nine hundred thirty-seven, proposing an amendment to section eight, article five, of the Constitution of the Commonwealth of Pennsylvania, a copy of which is attached hereto, to be published three months before the general election held on the eighth day of November, in the year of our Lord, one thousand nine hundred thirty-eight, in at least two newspapers in every county in the Commonwealth of Pennsylvania in which such newspapers were published.

Certified from the records of the Secretary of the Commonwealth of Pennsylvania.

(Signed) S. M. H. O'HARA
Secretary of the Commonwealth

(Seal of the Secretary of the Commonwealth)

No. 5-B.

A JOINT RESOLUTION

Proposing an amendment to section eight, article five, of the Constitution of the Commonwealth of Pennsylvania.

Section 1. Be it resolved by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met. That the following amendment to the Constitution of the Commonwealth of Pennsylvania be, and the same is hereby, proposed, in accordance with the eighteenth article thereof:—

That section eight, of article five, of the Constitution of Pennsylvania is hereby amended to read as follows:—

Section 8. The Commonwealth of Pennsylvania, respectively, shall from time to time, in turn, detail one or more of their Judges to hold courts of oyer and terminer and the courts of quarter sessions of the peace of the said counties, in such manner as may be directed by law; but the General Assembly may by law provide for the establishment of separate courts of criminal jurisdiction in counties having the jurisdiction of courts of oyer and terminer and courts of quarter sessions of the peace.

A true copy of Joint Resolution No. 5-B.

DAVID L. LAWRENCE,
Secretary of the Commonwealth.

OFFICE OF THE SECRETARY
OF THE COMMONWEALTH OF PENNSYLVANIA

February 27, 1939.

Honorable Ellwood J. Turner, Speaker of the House of Representatives of the General Assembly of Pennsylvania.

Sir:

I do hereby certify that pursuant to constitutional mandate, the Secretary of the Commonwealth caused Joint Resolution No. 6-B, passed by the General Assembly of the Commonwealth of Pennsylvania in the regular session of one thousand nine hundred thirty-seven, and received in the Office of the Secretary of the Commonwealth, on the fourth day of June, one thousand nine hundred thirty-seven, proposing an amendment to article nine, section eight, of the Constitution of the Commonwealth of Pennsylvania, a copy of which is attached hereto, to be published three months before the general election held on the eight day of November, in the year of our Lord, one thousand nine hundred thirty-eight, in at least two newspapers in every county in the Commonwealth of Pennsylvania in which such newspapers were published.

Certified from the records of the Secretary of the Commonwealth of Pennsylvania.

(Signed) S. M. H. O'HARA
Secretary of the Commonwealth

(Seal of the Secretary of the Commonwealth)

No. 6-B.

A JOINT RESOLUTION

Proposing an amendment to article nine, section eight, of the Constitution of the Commonwealth of Pennsylvania.

Section 1. Be it resolved by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met. That the following amendment to the Constitution of the Commonwealth of Pennsylvania be, and the same is hereby, proposed, in accordance with the eighteenth article thereof:—

That article nine, section eight of the Constitution of Pennsylvania is hereby amended to read as follows:—

Section 8. The debt of any city, borough, township, school district or other municipality or incorporated district, except as provided herein and in section fifteen of this article, shall never exceed seven (7) per centum upon the average assessed value of the taxable realty therein for the nine years immediately preceding the time any debt is incurred or increased; and the debt of any county, other than Philadelphia, shall never exceed ten (10) per centum upon the average annual assessed value of the taxable realty therein for the nine years immediately preceding the time any debt is incurred or increased; and the debt of the City and County of Philadelphia shall never exceed fifteen (15) per centum upon the average annual assessed value of the taxable realty therein for the nine years immediately preceding the time any debt is incurred or increased; nor shall any county, city, borough, township, school district or other municipality or incorporated district incur any new debt or increase its indebtedness to an amount exceeding two (2) per centum upon such average annual assessed valuation of taxable realty for the nine immediately preceding years without the consent of the electors thereof at a public election in such manner as shall be provided by law.

In ascertaining the borrowing capacity of the City and County of Philadelphia at any time, there shall be deducted from such debt so much of the debt of said City and County as shall have been incurred or is about to be incurred and the proceeds thereof expended or about to be expended upon any public improvement or in the construction, purchase or condemnation of any public utility or part thereof or facility thereof, to the extent that such public improvement or public utility or part thereof, whether separately or in connection with any public improvement or public utility or part thereof, may yield or may reasonably be expected to yield revenue in excess of operating expenses sufficient to pay the interest and sinking fund charges thereon.

The method of determining such amount so to be deducted may be prescribed by the General Assembly.

In incurring indebtedness for any purpose, the City and County of Philadelphia may issue its obligations, maturing not later than fifty (50) years from date thereof, with provisions for a sinking fund sufficient to retire said obligations at maturity, the payment to such sinking fund to be in equal or graded annual or other periodical installments. Where any indebtedness shall be or shall have been incurred by said City and County of Philadelphia for the purpose of the construction or improvement of public works or utilities of any character from which income or revenue is to be derived by said City and County or for the reclamation of land to be used in the construction of wharves or docks owned or to be owned by said City and County, such obligations may be in an amount sufficient to provide for and may include the amount of the interest and sinking fund charges accruing and which may accrue thereon throughout the period of construction and until the expiration of one year after the completion of work for which said indebtedness shall have been incurred but not in excess of five years from the time of the incurring of such indebtedness, and said City and County shall not be required to levy a tax to pay said interest and sinking fund charges as required by Section ten, article nine, of the Constitution of Pennsylvania until the expiration of said period of one year after the completion of said work.

Provided, however, that any city, county, borough, township or other municipality or incorporated district may, with the consent of the electors thereof, increase its indebtedness to the extent of three (3) per centum over and beyond any limitation fixed herein, toward the sole purpose of constructing or completing sewage treatment works.

A true copy of Joint Resolution No. 6-B.

DAVID L. LAWRENCE,
Secretary of the Commonwealth.

OFFICE OF THE SECRETARY
OF THE COMMONWEALTH OF PENNSYLVANIA

February 27, 1939.

Honorable Ellwood J. Turner, Speaker of the House of Representatives of the General Assembly of Pennsylvania.

Sir:

I do hereby certify that pursuant to constitutional mandate, the Secretary of the Commonwealth caused Joint Resolution No. 7-B, passed by the General Assembly of the Commonwealth of Pennsylvania in the regular session of one thousand nine hundred thirty-seven, and received in the Office of the Secretary of the Commonwealth, on the fourth day of June, one thousand nine hundred thirty-seven, proposing an amendment to article nine of the Constitution of the Commonwealth of Pennsylvania by adding section eighteen, a copy of which is attached hereto, to be published three months before the general election held on the eighth day of November, in the year of our Lord, one thousand nine hundred thirty-eight, in at least two newspapers in every county in the Commonwealth of Pennsylvania in which such newspapers were published.

Certified from the records of the Secretary of the Commonwealth of Pennsylvania.

(Signed) S. M. H. O'HARA
Secretary of the Commonwealth

(Seal of the Secretary of the Commonwealth)

No. 7-B.

A JOINT RESOLUTION

Proposing an amendment to article nine of the Constitution of the Commonwealth of Pennsylvania by adding section eighteen.

Section 1. Be it resolved by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met. That the following amendment to the Constitution of the Commonwealth of Pennsylvania be, and

the same is hereby, proposed, in accordance with the eighteenth article thereof:—

That article nine of the Constitution of the Commonwealth of Pennsylvania be amended by adding thereto section eighteen to read as follows:—

Section 18. In addition to the purposes stated in article nine, section four, of this Constitution, the State may be authorized to issue bonds to the amount of ten million dollars (\$10,000,000) for the purpose of acquiring land for state forest purposes and for the development of the same.

A true copy of Joint Resolution No. 7-B.

DAVID L. LAWRENCE,
Secretary of the Commonwealth

OFFICE OF THE SECRETARY
OF THE COMMONWEALTH OF PENNSYLVANIA

February 27, 1939.

Honorable Ellwood J. Turner, Speaker of the House of Representatives of the General Assembly of Pennsylvania.

Sir:

I do hereby certify that pursuant to constitutional mandate, the Secretary of the Commonwealth caused Joint Resolution No. 8-B, passed by the General Assembly of the Commonwealth of Pennsylvania in the regular session of one thousand nine hundred thirty-seven, and received in the Office of the Secretary of the Commonwealth, on the fourth day of June, one thousand nine hundred thirty-seven, proposing an amendment to article nine, section fifteen, of the Constitution of the Commonwealth of Pennsylvania, a copy of which is attached hereto, to be published three months before the general election held on the eighth day of November, in the year of our Lord, one thousand nine hundred thirty-eight, in at least two newspapers in every county in the Commonwealth of Pennsylvania in which such newspapers were published.

Certified from the records of the Secretary of the Commonwealth of Pennsylvania.

(Signed) S. M. H. O'HARA
Secretary of the Commonwealth

(Seal of the Secretary of the Commonwealth)

No. 8-B.

A JOINT RESOLUTION

Proposing an amendment to article nine, section fifteen, of the Constitution of the Commonwealth of Pennsylvania.

Section 1. Be it resolved by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, That the following amendment to the Constitution of the Commonwealth of Pennsylvania be, and the same is hereby, proposed, in accordance with the eighteenth article thereof:—

That section fifteen, of article nine, of the Constitution of the Commonwealth of Pennsylvania be amended to read as follows:—

Section 15. No obligations which have heretofore been issued, or which may hereafter be issued, for the purpose of providing funds for the construction, acquisition, extension, enlargement, and improvement of water works, subways, underground railways, street railways or bus lines, or the appurtenances thereof, by any county, municipality or township other than Philadelphia, now or hereafter authorized by law to issue obligations for such purposes, shall be considered a debt of such county, municipality or township within the meaning of section eight, of article nine, of the Constitution of Pennsylvania or of this amendment:—

(a) To the extent to be determined in such manner as may be provided by law, that the net revenue derived from said property or properties averaged over the period of five years immediately preceding the acquisition, extension, enlargement, and improvement of said property or properties, or for a period of five successive years subsequent to the construction, acquisition, extension, enlargement, and improvement of said property or properties, shall have been sufficient to meet the interest and sinking fund charges on such obligations; or

(b) To the extent that such obligations shall be secured solely by a lien or liens on the property or properties to be constructed, acquired, extended, enlarged, and improved, without any further liability being imposed on such county, municipality or township with respect thereto.

No obligations, which may hereafter be issued for the purpose of providing funds for the construction, acquisition, extension, enlargement, and improvement of sewers or sewage treatment works, or both, by any county, municipality or township other than Philadelphia, shall be considered a debt of such county, municipality or township within the meaning of section eight, article nine, of the Constitution of Pennsylvania, or of this amendment, to the extent that such obligations and the interest thereon rest alone for payment on sewer rentals or charges imposed upon users of the improve-

ment without any further liability being imposed on such county, municipality or township with respect thereto.

Where any county, municipality or township shall issue obligations to provide for any improvement as hereinbefore provided, it may also issue obligations to provide for the interest and sinking fund charges accruing thereon until said improvement shall have been completed and in operation for a period of one year, and in the case of obligations issued in accordance with clause (a) of this section, said county, municipality or township shall not be required by law to levy a tax to pay said interest and sinking fund charges until after said properties shall have been operated by said county, municipality or township during said period of one year.

Any county municipality or township, other than Philadelphia, authorized by law to issue obligations, may incur indebtedness for any of the purposes in this amendment set forth in excess of seven per centum and not exceeding ten per centum of the assessed valuation of taxable property therein, if said increase of indebtedness shall have been assented to by three-fifths of the electors voting at a public election in such manner as shall be provided by law.

A true copy of Joint Resolution No. 8-B.

DAVID L. LAWRENCE,
Secretary of the Commonwealth.

LEAVES OF ABSENCE

Mr. Habbyslaw asked and obtained leave of absence for Mr. SARGE for the week on account of illness.

Mr. McClester asked and obtained leave of absence for Mr. IMBRIE for the week.

Mr. Sweeney asked and obtained leave of absence for Mr. RHODES for tonight's session on account of illness.

Mr. Sweeney asked and obtained leave of absence for Mr. VAN BELLE for tonight's session on account of illness.

BILLS ON FIRST READING

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 80, entitled:

An Act to amend sections one and two of the act, approved the twenty-first day of June, one thousand nine hundred and thirty-seven (P. L. 1932), entitled "An act authorizing the Supreme Court of Pennsylvania to prescribe rules of practice and procedure in civil actions at law and in equity in certain courts of this Commonwealth, to prescribe rules and regulations for the conduct of any general business, either civil or criminal, by judges of any court of record; authorizing the courts of common pleas to prescribe and adopt local rules, not inconsistent with such general rules of the Supreme Court of Pennsylvania; authorizing the Supreme Court of Pennsylvania to appoint a Procedural Rules Committee, and to fix and define its powers and duties; imposing duties on judges and other officers of every court of record," by including the municipal court of Philadelphia.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 225, entitled:

An Act providing for the adjournment and readjustment of county treasurers' sales of seated and unseated lands that were to have been held in the years one thousand nine hundred thirty-seven or one thousand nine hundred thirty-eight for nonpayment of taxes in counties, except those of the first and second class, and preserving the lien of all taxes on such lands.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

BILL RECOMMITTED

Mr. WOODSIDE. Mr. Speaker, I move that this bill be recommitted to the Committee on Municipal Corporations for further study and amendments.

The motion was agreed to.

BILLS ON FIRST READING

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 196, entitled:

An Act to amend the act approved the seventh day of August, one thousand nine hundred and thirty-six, (P. L. 117), entitled "An act making an appropriation to the Department of Forests and Waters for the purpose of building and constructing new dikes, levees, and river bank protections along the Delaware River at Morrisville Borough, Bucks County," by fixing the elevations of the said dikes, levees and river bank protections.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 211, entitled:

An Act to amend section one of the act, approved the twelfth day of June, one thousand nine hundred nineteen (P. L. 450), entitled "An act permitting counties of the Commonwealth of Pennsylvania to appropriate and expend moneys, and to incur indebtedness and issue bonds and other obligations, for the improvement and maintenance of State highways and State-aid highways or any public highway in any county of the Commonwealth, and providing the method for applying for said moneys, and for the approval thereof by the State Highway Department in certain cases," as amended by extending the provisions thereof to include the improvement and maintenance of public highways in towns.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 115, as follows:

An Act to amend section ten of the act approved the thirty-first day of March one thousand eight hundred and sixty (Pamphlet Laws 427) entitled "An act to consolidate revise and amend the laws of the Commonwealth relating to penal proceedings and pleadings" by providing further for the administration of oaths and affirmations to witnesses appearing before grand juries

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section ten of the act approved the thirty-first day of March one thousand eight hundred and sixty (Pamphlet Laws 427) entitled "An act to consolidate revise and amend the laws of the Commonwealth relating to penal proceedings and pleadings" is hereby amended to read as follows

Section 10 The foreman of any grand jury or any member thereof is hereby authorized and empowered to administer the requisite oaths or affirmations to any witness (whose name may be marked by the district attorney on the bill of indictment) who appears before it

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 191, as follows:

An Act to amend the title and section six of the act approved the twenty-ninth day of May one thousand nine hundred thirty-one (Pamphlet Laws 280) entitled "An act relating to delinquent taxes on seated lands and prescribing interest charges on nonpayment thereof requiring the receivers and collectors of county city borough town township school district and poor district taxes to make a return to the county commissioners of such unpaid taxes and providing for the lien thereof authorizing the county treasurers to collect such taxes and to sell seated lands at public sale for taxes heretofore or hereafter returned as unpaid and authorizing the county commissioners to purchase such lands and resell the same under certain circumstances" by providing that tax collectors and receivers shall be paid a commission on all delinquent taxes collected

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The title of the act approved the twenty-ninth day of May one thousand nine hundred thirty-one (Pamphlet Laws 280) entitled "An act relating to delinquent taxes on seated lands and prescribing interest charges on nonpayment thereof requiring the receivers and collectors of county city borough town township school district and poor district taxes to make a return to the county commissioners of such unpaid taxes and providing for the lien thereof authorizing the county treasurers to collect such taxes and to sell seated lands at public sale for taxes heretofore or hereafter returned as unpaid and authorizing the county commissioners to purchase such lands and resell the same under certain circumstances" is hereby amended to read as follows

AN ACT

Relating to delinquent taxes on seated lands and prescribing interest charges on nonpayment thereof requiring the receivers and collectors of county city borough town township school district and poor district taxes to make a return to the county commissioners of such unpaid taxes and providing for the lien thereof authorizing the county treasurer to collect such taxes [and] to sell seated lands at public sale for taxes heretofore or hereafter returned as unpaid and to pay certain commissions on all delinquent taxes collected and authorizing the county commissioners to purchase such lands and resell the same under certain circumstances

Section 2 Section six of the said act is hereby amended to read as follows

Section 6 After such return of taxes shall have been made in accordance with the provisions hereof responsibility of the tax collector or receiver of taxes for the collection of the taxes so returned shall cease On making such return the tax collector or receiver of taxes shall be entitled to exoneration from the taxes so returned on the settlement of his accounts On any unpaid taxes returned to the county commissioners the tax collector or receiver of taxes shall be entitled to receive a commission of two per centum (2%) from the taxing district for which such tax is returned when the tax is paid by the county treasurer to the proper taxing district] county treasurer upon the receipt by the county treasurer of all delinquent county city borough town township school district vocational school district and poor or institution district taxes and the county treasurer is hereby authorized and directed to pay to the tax collector or receiver of taxes said commission of two per centum (2%) within thirty days of the collection of all delinquent county city borough town township school district vocational school district and poor or institution district taxes and to deduct the said commission from such taxes provided that where the tax collector is paid on a salary basis he shall not be entitled to receive this commission of two per centum (2%)

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

REPORT FROM COMMITTEE ON RULES

Mr. WOODSIDE. Mr. Speaker, I desire to offer a report from the Committee on Rules.

The report was read by the Clerk as follows:

In the House of Representatives, Monday, March 6th, 1939.

Resolved, That Monday, April 3d, 1939, be fixed as the last day for the introduction of Bills in the House of Representatives during this Regular Session, except Bills for the raising of Revenue and Appropriation Bills.

Signed by the Committee on Rules:

ROBERT E. WOODSIDE, JR.
NORMAN WOOD.
JACOB B. SCHROCK.
WILSON L. YEAKEL.
ROBERT S. HAMILTON.
ELLWOOD J. TURNER.

On the question,

Will the House adopt the report?

Mr. ANDREWS. Is the resolution now before the House, Mr. Speaker?

The SPEAKER. The report of the committee is before the House.

Mr. ANDREWS. Mr. Speaker, I arise to suggest to the Majority Leader the possibility of dovetailing the resolution presented by the Committee on Rules with another interesting and important resolution that it also pending before this House.

I believe, Mr. Speaker, that we will have an opportunity to vote sooner or later upon the resolution inviting two distinguished United States Senators to come before this House and to counsel it concerning the state of the nation and the state of Pennsylvania. I submit to the Majority Leader and to the Speaker that if these two distinguished statesmen having anything worth offering it would be unfair to close the case and not be in a position to take advantage of their, what I do not doubt will be, very excellent advice.

Therefore, Mr. Speaker, I suggest to the Majority Leader that until he has arranged a date for the two distinguished Senators from the State of Pennsylvania, that he hold this resolution in abeyance.

On the question recurring,

Will the House adopt the report?

The SPEAKER declares the ayes appeared to have it,

Whereupon, a division was called for, more than one hundred and five members, a majority of the House, having voted in the affirmative, the question was determined in the affirmative and the report was adopted.

RESOLUTION NO. 6

Mr. TAYLOR. Mr. Speaker, I desire to call up at this time Resolution No. 6, Printer's No. 31.

The resolution was read by the Clerk as follows:

In the House of Representatives, January 23, 1939.

Whereas, Nearly four hundred thousand sons of the Commonwealth of Pennsylvania were the uniform of our Nation during the World War; and

Whereas, Many other Pennsylvanians have served honorably in the Army, Navy, or Marine Corps in every war and military expedition authorized by the United States Government prior and subsequent to the World War; and

Whereas, Although Pennsylvania contributed more men and money to the Federal Government during the World War than any other State in the Union (excepting the State of New York) the Federal Government has not recognized this fact by erecting a proportionate number of United States veterans hospitals within the Commonwealth; and

Whereas, To date the Federal Government has constructed only two hospitals in Pennsylvania, one at Coatesville and the other at Aspinwall; and

Whereas, As many as five hospitals have been erected in other States; and

Whereas, At present the hospitals at Coatesville and Aspinwall are filled to capacity and there is a waiting list of disabled veterans seeking admittance; therefore be it

Resolved, That the House of Representatives of the General Assembly of the Commonwealth of Pennsylvania, memorialize the President of the United States and the United States Veterans Administration to construct and equip immediately a large general medical war veteran hospital in Pennsylvania, in order to provide hospitalization for thousands of disabled Pennsylvania war veterans who are in need of hospital attention, but who are unable to receive the same because of present inadequate facilities.

The Resolution was adopted.

STATEMENT BY MR. HOLLAND.

Mr. HOLLAND asked and obtained unanimous consent to address the House.

To take up the time of this House with already solved problems is wasting taxpayers' money, and if we are to effect the economy of government, as talked about so much in the recent campaign, we certainly should show a little more action and less stalling for time.

March is here, and yet is this House to see the proper functioning of House Committees. Are we going to revert back to the rule of the old reactionaries in Pennsylvania, when Committees functioned in name only? Are those men—who in the old days dictated the policies of government in the hotel rooms of Harrisburg—again performing the works of the Committees as they did before the people of Pennsylvania spoke? To take up the time of this House each week speaking on Flood Control should not be necessary, and I believe that if the Governor of the State of Pennsylvania will go out among the people of Pennsylvania and heed to their voices instead of the voice of a musical comedy colonel, representing the Utilities, he would immediately retract all the statements he has made and compel his Secretary of Forests and Waters to also retract his statements regarding Flood Control Plans.

The Federal Government is about to appropriate large sums for Flood Control. Many States, who have Governors whose foresight is not dimmed by Utilities, will avail themselves of these funds and protect the people of their individual States from future catastrophies caused by floods. However, the Governor of the State of Pennsylvania, trying to get National recognition on a controversial subject of "State's Rights", has injected into the Flood Program an issue that was settled by Federal and State Governments before the Governor was born. The control of rivers has always been a Federal matter, and therefore the control of floods means the control of rivers. It is not a New Deal idea. It's the idea and the plan of his own Republican Party since there has been a Republican Party. I would suggest to the Governor, if he is to be Oil Man Pew's and Mr. Utilities' candidate for President, he will get more votes wiping out future floods than worrying about a few dams that might be used to generate electric power.

If the Governor wants to balance his budget by betting \$111,000,000 dollars on Roosevelt, here is his chance to reduce his Relief Rolls by using Roosevelt's money to put men on relief to work. If this money is to be spent on floods, then Pennsylvania should avail itself of the opportunity of getting every cent that it can get from the Federal Flood Appropriation.

If Governor James wants to be President, he might get the good will of not only the people of Pennsylvania, but

also the people of West Virginia and Ohio who are affected by his stoppage of the entire Flood Control program. I might give him a warning now, that there is a man named Taft in Ohio, who is holding his own to be nominated on the Republican ticket for President, and I think that Mr. Taft could have a very fine issue to stop James' nomination on the Republican ticket.

In the last election many of you men campaigned on the issues that if you were elected you would not be a "rubber stamp", that you would go to Harrisburg and would assert your rights as Legislators and would use all your power in the Legislative branch of the Pennsylvania Government to serve the people and the people only. Here is your chance to demand that the Governor listens to the voice of the People of Pennsylvania instead of a Texas colonel, or a sea-sick admiral, or the Utilities. You Legislators are their voices in these Halls.

In the Committee of Federal Relations, Resolution Number 15, Printer's Number 15, is being held. This Resolution merely expresses and Points out to the Governor the true story on Flood Control. It urges that the Governor of the State of Pennsylvania considers first the lives of the people of Pennsylvania before any other interests. It urges the Governor of the State of Pennsylvania, through your Legislative powers, Members of this House, to carry on and bring to a successful completion the entire Flood Control program which has the backing and was fully approved by the Tri-State Authorities, the Chamber of Commerce, and other informed business interests.

To the Republican members of this House, as well as the Democratic members, I appeal to you to consider this problem on a strictly non-partisan basis and to you new members as well as old members of the Republican Party, here is your opportunity to prove to the people of Pennsylvania that you represent the people of Pennsylvania. Your vote on the discharge of the Committee of Federal Relations for further consideration of Resolution No. 15, Printer's No. 15, will show who are the "rubber stamps" of the Utilities of Pennsylvania.

RESOLUTION

DISCHARGING COMMITTEE

Mr. HOLLAND offered a resolution and asked unanimous consent for immediate consideration.

The SPEAKER. This is a privileged resolution. For the information of the members of the House the Chair will read Rule 40 "When Committees May Be Discharged From Consideration Of Bill: 40. That when a bill or resolution has been ten calendar days in the hands of a committee after having been referred to it, any committee may be discharged from further consideration of the bill or resolution by a vote of a majority of the members elected to the House."

The resolution was read by the clerk as follows:

In the House of Representatives, March 6, 1939.

Resolved, That the Committee on Federal Relations be discharged from further consideration of House of Representatives Resolution No. 15 (Serial No. 31) urging the Governor to complete flood control programs, said resolution having been in the hands of said committee for a period of ten days and more, having been referred on February 7, 1939.

On the question,

Will the House adopt the Resolution?

Resolution No. 15 was read by the clerk for the information of the House.

Mr. TAHL. Mr. Speaker and members of the House, as Chairman of this committee I feel it is my duty to explain to the House why this motion to discharge the Committee should not prevail.

This resolution was introduced on February 8th. I think it was the day when this House adjourned for two weeks and we did not return until the 27th. I was here on the 27th and the gentleman from Allegheny never saw fit to make any request for the consideration of this resolution. In view of that, I feel that the motion should not prevail and the committee should have a chance to immediately consider it.

The yeas and nays were required by Mr. Holland and Mr. Reuben E. Cohen.

Messrs. Holland, Harkins and Russell E. Reese asked for a verification of the roll.

The roll was verified and was as follows:

YEAS—71.

Achterman	DeNote,	McVay,	Rothenberger,
Allen,	Dick,	Mihm,	Scanlon,
Andrews,	Donohoe,	Montgomery,	Schrope,
Baker,	Ewing,	Mooney,	Schwab,
Balthaser,	Flanagan,	Moran,	Self,
Bardes,	Fleming,	Munley,	Shaw,
Bohn,	Furman,	O'Connor,	Skale,
Boles,	Gates,	O'Keefe,	Stank,
Brancato,	Gorski,	O'Neill,	Tarr,
Broad,	Harkins,	Powers,	Thompson, E. F.,
Brown, H. S.,	Hess,	Preston,	Tronzo,
Burriss,	Holland,	Readinger,	Walsh,
Check,	Jirolanio,	Reese, R. E.	Weiss,
Chervenak,	Keenan,	Regan,	Welsh, E. B.,
Christler,	Kenehan,	Reynolds,	Welsh, M. J.,
Cohen, H. B.,	Levy,	Rider,	Westrick,
Cohen, R. E.,	Leydic,	Rooney,	Williams,
Corrigan,	Malloy,	Rosenfel,	

NAYS—110.

Ackermann,	Eckels,	Lee,	Sloan,
Allmond,	Ely,	Lelsey,	Snyder,
Alspach,	Fisher,	Lichtenwalt,	Sollenberger,
Atkins,	Fiss,	Long,	Stambaugh,
Auker,	Foor,	Lyons,	Stewart,
Ballet,	Freed,	Madden,	Stockham,
Bennett,	Gillan,	Marr,	Sweeney,
Boorse,	Gillette,	McClester,	Tahl,
Boose,	Goll,	McGarrity,	Taylor,
Bower,	Habbyshaw,	McKinney,	Terry,
Boyd,	Haines,	McNally,	Thistle,
Bretherick,	Hall,	Moser, F. S.	Thompson, G. R.,
Bronson,	Hamilton,	Moser, J. J.	Tiemann,
Brown, S. W.,	Muir,	Harbeson,	Trout,
Brunner,	Haudenschild,	O'Dare,	Van Allsburg,
Cadwalader,	Peale,	Hewitt,	Voorhees,
Calvin,	Hocke,	Reagan,	Wagner,
Carpenter,	Hoffman, J. N.,	Reese, D. J.	Watkins,
Clark,	Hoyt,	Riley,	Wilkinson,
Clearwater,	Huntley,	Robertson,	Wilson,
Cook,	Irvin,	Rose,	Winnier,
Cooper,	James,	Roseberry,	Wood, H. M.,
Cordier,	Johnston,	Royer,	Wood, L. H.,
Cortese,	Jones,	Schrock,	Wood, N.,
Curran,	Kline,	Serrill,	Woodside,
Dalrymple,	Knoble,	Shearer,	Yeakel,
Denman,	Kowalski,	Simons,	Turner,
Dix,	Krise,		Speaker.

So the question was determined in the negative and the motion was not agreed to.

ANNOUNCEMENT BY SPEAKER

The SPEAKER. The Chair desires to express the pleasure of the House at the presence this evening of so many of the wives of members. The reflection of the light on the rostrum is extremely great and makes it very difficult to

see the printing that is before the Speaker, but that is nothing in comparison to the brilliance that is reflected to the rostrum this evening by the shining faces of the members of the House. We feel it reflects good will, good feeling and good cheer on the part of the members of the House due to the fact that their wives are with them.

COMMITTEE MEETINGS

There will be meetings of the committees on

Education, Tuesday, March 7, 1939, at 11 a. m., in Room 325.

Judiciary General, Tuesday, March 7, 1939, at 11 a. m., in Room B.

Judiciary Special, Tuesday, March 7, 1939, at 11 a. m., in the House Caucus Room.

Public Health and Sanitation, Tuesday, March 7, 1939, at 10 a. m., in Room 323.

Democratic Caucus, Tuesday, March 7, 1939, at 12 noon in the House Caucus Room.

Liquor Control, Tuesday, March 7, 1939, at 10 a. m., in Room 324.

Rules Committee will meet in the Speaker's office immediately after adjournment.

ADJOURNMENT

Mr. RILEY. Mr. Speaker. I move that this House do now adjourn until tomorrow at 1 p. m.

The motion was agreed to, and (at 9:05 p. m.) the House adjourned until Tuesday, March 7, 1939, at 1 p. m.

Legislative Journal.

Session 1939.

133d of the General Assembly.

Vol. 23

HARRISBURG, PA., TUESDAY, MARCH 7, 1939.

No. 20.

SENATE

TUESDAY, March 7, 1939

The Senate met at 2:00 o'clock p. m.

The PRESIDENT (Lieutenant-Governor Samuel S. Lewis) in the Chair.

PRAYER

The Chaplain, Rev. BURLEIGH A. PETERS offered the following prayer:

What mean we by this service, O Gracious God, this convening in these legislative halls from day to day? What part are we playing in Thy Divine economy and the welfare of this great Commonwealth?

From the re-echoing voices of our founding forefathers and the declarers of our independence come the words always synonymous with democracy and liberty and freedom—"Governments are instituted among men, in order to secure certain unalienable rights, deriving their just powers from the consent of the governed." Thus we are here daily wielding the power of legislation by the consent of the governed, the people of our great State. We would be careful and judicious in its use that the highest ends of the governed may be attained.

And in the midst of this signal service and its honorable discharge we would be sure, above all things, that its spirit be attuned to the Infinite One, the earth's greatest Potentate and Ruler of all nations.

Guide us in this highest legislative spirit this day while we labor here. In the Holiest of all names, we humbly pray. Amen.

JOURNAL APPROVED

The PRESIDENT. A quorum of the Senate being present the Clerk will read the Journal of the preceding session.

The Clerk proceeded to read the Journal of the preceding session, when, on motion of Mr. OWLETT and Mr. HEYBURN further reading was dispensed with, and the Journal was approved.

QUESTION OF PERSONAL PRIVILEGE

Mr. SIPE. Mr. President, I wish to rise to a question of personal privilege.

The PRESIDENT. The Senator from Armstrong, Mr. Sipe, will state his question of personal privilege.

Mr. SIPE. Mr. President, I wish to say that one week ago today I protested on the floor of this Senate against the Governor's decision to keep the new tuberculosis sanatorium at Butler closed for the next two years.

I want to say this: that I have received communications from the Pennsylvania Medical Association asking me to be interested in the eradicating of syphilis in Pennsylv-

vania. I want to assure the Pennsylvania Medical Association that I am deeply interested in eradicating syphilis in Pennsylvania, but I want further to say to Pennsylvania Medical Association that I am also interested in eradicating tuberculosis in Pennsylvania, and I therefore appeal to the Pennsylvania Medical Association to give a little help in the effort to cause Governor James, if he will, to change his mind about keeping this new tuberculosis sanatorium in Butler County closed for the next two years—the only State sanatorium of its kind in all western Pennsylvania.

QUESTION OF PERSONAL PRIVILEGE

Mr. STIEFEL. Mr. President, I rise to a question of personal privilege.

The PRESIDENT. The Senator from Philadelphia, Mr. Stiefel, will state his question of personal privilege.

Mr. STIEFEL. Mr. President, I do not wish to take the time of this Senate unnecessarily, but during the last week I have given some thought to the situation we all face here.

Since this Senate convened on January 3rd there has been an enormous amount of political maneuvering in this chamber, but very little legislation. I think a dispassionate observer might well say that from week to week we do not come here to attend to the business of the Commonwealth, but to do our utmost to strengthen the fences of our political parties. You see, I do not utterly absolve my own party from this criticism.

As a Senator and a citizen who looks with reverence upon the traditions and principles of our government, I do not observe with any satisfaction the employment of methods by either side in this Chamber which do violence to those principles and those great and noble traditions. But such bad and dangerous methods have been used.

I feel certain in my mind that more than one Senator seated on the other side has thought as gravely and with as much concern as I have over some of the proceedings with regard to Senator Levin last night a week ago. I am not speaking here now necessarily to attack those proceedings. I only mention them to express my belief that there are Republican Senators who in their inner hearts realize that in them the Constitution, the law and the rules of this Senate were overridden and set aside in order to accomplish a partisan purpose.

Perhaps that might be said also of us in some other matters and I agree with a very important member of the Republican majority that "Two wrongs do not make a right".

And I want to make it clear that in discussing these things I do not seek to assess blame, or weigh it, or avoid it if it applies to me. What I mean is that I do not feel smug about what has been going on here. It is dangerous;

It is wrong and we are sure to find, perhaps when it is too late, that the end does NOT justify the means.

We are already reaping a sorry harvest from a violent and unbridled political campaign; a harvest of hatred and reprisal that may go on—or must go on if we who should all be Americans first persist in being partisans first, last and all the time.

It is fully demonstrated now that His Excellency Governor James made many mistakes in his own campaign; in his speeches. His policies since he assumed office do not give us much assurance that he can or will abandon the course he mapped out for himself.

He made promises impossible to fulfill. His budget message last week completely proved that because he finds himself forced, as a Democratic Governor was forced, to levy taxes to continue relief of human distress, old age pensions, pensions for the blind; aid for mothers with dependent children. Where are the wailing Jeremiahs who were so eloquent in their Jeremiahs about our ruined industry, about high taxes, about the flight of industry from Pennsylvania?

Even since he became Governor he made wild and impossible pledges of so-called "economies" in the State Government which cannot be redeemed.

Here and now I want to say that I do not speak of these things to attack Governor James or to denounce him, but to state a truth that he must face, as much as any of us.

And that is that the Republican Party alone possesses no magic to waft away the problems of the Commonwealth, or the nation, and that no Republican Governor as such holds a wand in his hand whereby, with incantations, he may change stubborn facts.

What we really have to do here is not going to be done by the Republican Party alone. The Republican Party does not need to have complete control of this Senate to put through any real and necessary and worthwhile program of legislation.

As a matter of fact, it is not unfair to say that the bitter and uncompromising battle carried on by the Republican leadership to gain a permanent voting advantage in this Senate can be aimed only in the direction of putting through bills involving party advantage.

The record to date is one of "just politics." I think it was more than a coincidence that on the very day Governor James' budget message, revealing his inability to reduce taxes, was laid before the Legislature, the Dauphin County Grand Jury returned indictments against certain Democrats. The "timing" was too accurate to be accidental. But if it was hoped to draw public attention away from the budget message, the hope was not realized. The man in the street fully understands that the glowing promises of the last political campaign cannot and will not be achieved.

But he sees likewise that the hatreds generated in that political campaign are, apparently, to be maintained and that the only real policy of the James Administration is a purge of its political opponents.

In the long run I am confident that such a movement will not succeed and that the fulminations of Republican district attorneys against prominent Democrats—among them, the beloved Warren VanDyke, who died months ago—will in the fullness of time be shown at their true worth.

It is a commentary that requires no elaboration on my part that political hate has to find its outlet over the

grave of a man who must remain eternally silent. He cannot answer, though these charges may be as false as the first lie.

Now, Mr. President, I will add very little more. The people of Pennsylvania elected Governor James. Many thousands voted against him. But by the rules of Democracy; by our laws and the principles of our government; he is, or should be, OUR Governor; the Governor of all the people. And with that, the Government of the State should be OUR government; the government of all the people.

But still there are men here; there are others in power; there is the Governor himself, who seem to divide our people into groups; who seem by their actions to classify the people of Pennsylvania either as Republicans or Democrats, or in other ways, rather than citizens of a great State having a common share in its problems; a common right in their solution.

The old order has changed. Politicians trained in an old school, when Pennsylvania was always predominantly Republican, may or may not believe it. Neither this Governor nor any to come after him, regardless of party affiliation, can hope to govern wisely and well unless he obtains the support, during his administration, of most of the people.

He cannot do it by making war upon a part of them. You cannot do it by making war upon us. Because war makes war. It has already created bitter dissension here that has gained our Republican opponents victories they did not need.

Please understand that I speak for myself, and yet I think I say what is in the minds of any Senator on this side when I assert that anyone of us would be willing to forget politics and work for the good of the State if we were given half a chance.

Please understand also that I am not offering an olive branch, particularly where none seems to be wanted. I am offering, as well as I can, a common sense view of our real task in this Chamber.

And that is to join hands, if we can, and to join with the Governor, if he will let us, to pass laws that are needed as promptly as possible and then adjourn this session with confidence that the people of Pennsylvania will say "Well done!"

Mr. President, this is no appeal to the Republicans to abandon or restrain the use of power they may hold in their hands. Let them use it, or misuse it, as they see fit. There are, I have no doubt, Republican Senators here who know as I do that it is a two edged sword, and who remember, as I do, that "they who live by the sword shall perish by the sword".

BILL SIGNED

The PRESIDENT (Lieutenant-Governor Samuel S. Lewis) announced that the Chief Clerk having reported that the following bill had passed both houses of the General Assembly and the same being correct, the title was publicly read as follows:

House Bill No. 143, entitled:

An Act to amend clause (b) of section four, article two of the act, approved the twenty-fifth day of June, one thousand nine hundred and nineteen (P. L. 581), entitled "First Class City Charter Law," as amended, by providing a succession of officers of such cities to act as mayor in case of a vacancy or disability of the mayor to act.

Whereupon,

The PRESIDENT (Lieutenant-Governor Samuel S. Lewis), in the presence of the Senate, signed the same.

QUESTION OF PERSONAL PRIVILEGE

Mr. WOODWARD. Mr. President, I rise to a question of personal privilege.

The PRESIDENT. The Senator from Philadelphia, Mr. Woodward, will state his question of personal privilege.

Mr. WOODWARD. Mr. President, in Washington, in January, was held the Fourth General Assembly of the Council of State Governments, and I hold in my hand the official resolutions adopted at that meeting—which I will not inflict upon the Senate but will ask to be incorporated in the Legislative Journal.

On the other hand, I am particularly interested in the report from the Executive Director, and, as the Legislative Journal is not read by everybody, I would like to have the privilege of reading about three pages of this. I have crossed out certain sections and omitted most of it.

I would like to say that the Senator from Philadelphia, Mr. DiSilvestro, and the Senator from Delaware, Mr. Heyburn, were in more constant attendance at this meeting than I; but, as I am the senior member, I am taking it upon myself to make report to this Senate. This is the report:

It has been well said, recently, that "we are off on a race to make democracy work," and that as never before the American people are "conscious of their inter-relationship and their interdependence."

I know of no better way to preface a report of the activities of the Council of State Governments since your last General Assembly than to state that it has been engaged—assiduously engaged—in the general effort "to make democracy work," and that in its effort to do just this it has definitely promoted the principle and the practice of the inter-relationship and interdependence of states—of all of our areas of government—and of the American people.

One of the early accomplishments in the realm of co-operation between the states was brought about through the activities of the Interstate Commission on Crime. Because of the work of this Commission, twenty-six states have enacted uniform laws which have already resulted in more effective work in this field and have rendered obsolete the old slogan of the underworld—namely, "Get over the state boundary."

The compact device has been used successfully by the New York and New Jersey Commissions to end the impasse which for thirty years has existed with respect to the Palisades Interstate Park. This compact, as finally ratified by the Congress, coordinates the activities of two separate state boards into a single permanent governmental instrumentality similar to the New York Port Authority, and overcomes certain major and minor difficulties which have hindered effective supervision in the past.

During the past year, the Interstate Commission on the Delaware River Basin has brought about an agreement signed by the sanitation and public health officials of the four states in the Basin establishing purity standards for the different sections of the river. More important, a uniform act to promote interstate cooperation for the conservation of water resources in the Delaware River Basin has recently been drafted by a distinguished committee of experts, and will be introduced in all of the legislatures of the states involved.

A major problem of the states in the Delaware Basin, in their relationship with each other, has to do with the conservation of wild life and the policing of boundary areas and particularly of boundary waters. The Cooperation Commissions of these states are making an effort to secure uniform regulations for the taking of wild life, reciprocal licenses, and joint stocking and policing of these areas. These statutes provide for the reciprocal enforce-

ment of violations of fishing laws in boundary water between New York and New Jersey, and New York and Pennsylvania, and the control of the taking of fish, especially from the Hudson River. Particularly has marked progress been made in the restoring of the shad industry in that section.

The same type of legislation has now been introduced in the Assemblies of all of the states bordering on the Great Lakes. Committees appointed by the Cooperation Commissions of these states, after a series of meetings held during the past few months, have endorsed these uniform bills, and their enactment and enforcement should go far toward restoring our lake fisheries.

Uniform and reciprocal statutes of this kind are found in the field of Highway Safety. Here it was possible to secure the enactment in a number of states of laws requiring the reciprocal reporting of motor vehicle accidents and violations; the addition of courses in highway safety in the public schools; the regulation of used-car selling; the compulsory inspection of motor vehicles and the adoption of model house trailer regulations.

Since the repeal of the eighteenth amendment, the regulation, sale, and importation of alcoholic beverages has been thrown back on the states, with a result that we have nearly as many systems of liquor control as we have states. Many states have seemingly established their own distinct systems with little regard for their neighbors. Price wars between states, boundary battles over importation limits, and unregulated marketing of liquor securities of one type or another—as well as the levying of discriminatory taxes on liquor and alcoholic beverages of other states—are only a few of the resulting problems.

Conscious of this situation, the New York and New Jersey Commissions, with the assistance of the District Secretariat of the Council of State Governments, organized a Regional Liquor Control Conference in 1936, and again in November, 1938. Cooperation Commissioners, liquor administrators, and state legislators from Massachusetts, Connecticut, Rhode Island, Pennsylvania, New Hampshire, New Jersey, and New York attended these conferences, and developed cooperative plans to facilitate effective regulation and control of the liquor traffic as between these states.

The Mid-west Regional Assembly, sponsored by the Council of State Governments, which was held last November in Chicago, considered questions arising from interstate conflicts in liquor regulation, and as a result thereof the five states involved—Illinois, Indiana, Kentucky, Michigan and Ohio—have reached an agreement which should result in the very material modification of all interstate discriminatory legislation in the Mid-west.

The uniform and model bills on such subjects as the control of labeling, advertising, warehouse receipts, credit, and discrimination are generally regarded as being in the public interest and should go far to advance the common good.

Other interstate problems, with respect to which progress is being made, include banking, insurance, and domestic relations.

In banking, the Commissions are cooperating with a Committee on Uniform Laws appointed by the National Association of Supervisors of State Banks and by the American Bankers Association—and the Council of State Governments is cooperating with these organizations in an effort to develop reasonably uniform banking practices.

Last December, representatives of five states approved for introduction a uniform medical certification act requiring applicants for marriage licenses to have a blood test for syphilis before the license is issued. This act or legislation similar to it has been approved in at least a third of the states.

For some time there has been increasing concern in many quarters over the enactment of a great variety of state laws which impede or completely block the traditional free flow of commerce among the states of the Union. Although economists have recognized this trend for some time, it was first dramatically brought to the attention of the general public by the timely speech of former Governor James V. Allred of Texas at the annual meeting of the Governors' Conference last September.

This problem is of such vital and immediate importance

to the internal economy of the Nation, and the states have indicated such acute interest in it, that the Council of State Governments—in cooperation with the various state Commissions—has undertaken to encourage a movement to remove such barriers to interstate commerce. This restrictive legislation has developed in many forms, and some of it has been declared constitutional by the Supreme Court.

Such a problem is one which can best be approached through the machinery which has been developed by the Council. No method other than that of cooperative negotiation and compromise seems possible in dealing effectively with this question.

Every effort is being made by the Council of State Governments, in cooperation with the various state Commissions, to curtail discriminatory legislation and to prevent its further spread. This subject will be considered in greater detail during the course of this Assembly.

Important as are the official joint state activities, probably of equal or greater value are the accomplishments indirectly achieved through informal collaboration of state officials. This useful type of interstate action is exemplified by the 25 years of mutual consultation in the Governor's Conference, the National Association of Attorney-Generals, and the National Association of Secretaries of State. Informal consultation is noticeably replacing the stilted and often misunderstood communication on official matters between department heads and even higher state officials. The give and take of the legislative committee room has been extended in the form of attendance of cabinet officers at the meeting of their national associations and informal conferences on regional problems.

Our purpose also has been to improve government and its operation in a practical way through the furnishing of facts and information on specific subjects. In making available the experience of other states and the operation of certain laws and techniques of governmental administration in some of the states to all of the states, it is apparent that the Council is performing a useful service. The Council of State Governments is making such information available through its cooperation commissions, its close contacts with legislative reference bureaus, and through the clearing house and secretarial functions which it performs for such organizations of public officials as the American Legislators Association, the Governors' Conference, and the National Associations of Attorney-Generals and Secretaries of State.

This inquiry and informational service established for the use of state legislators, administrative officials, and legislative reference bureaus has been increasingly busy. During 1938 requests for information were received from forty-four states and several foreign countries. An analysis of the subject matter of these inquiries shows that attention has centered this year around the structure and organization of legislative bodies, problems of inter-governmental cooperation, problems of state administration, administrative control of elections, and the organization of the functions of legislative reference bureaus. An important part of the Council's inquiry and informational service has been "spot" research—that is, finding definite answers which have been submitted.

The relationship of the Council with the seventeen other associations of governmental officials housed in the new building at 1313 East Sixtieth Street in Chicago has been particularly beneficial with respect to its informational service. The library service and the direct day-to-day contact with representatives of so many governmental agencies enables the Council to render far more complete service than otherwise would be possible.

The publications of the Council are also important channels for the dissemination of information on governmental problems.

State Government magazine, the Council's principal publication, has an average monthly circulation of more than 5,000 copies. A large majority of its subscribers are state legislators and officials, but increasing interest on the part of the general public has been apparent. Each month the magazine devotes a section to Governors, Legislators, Secretaries of State, and Attorney-Generals. While the Federal Congress is in session, a section is also devoted

to Washington news. Numerous articles on subjects of current and permanent interest have been contributed by state and federal officials. Considerable space has been devoted to discussions of interstate and federal-state cooperation by authorities in those fields. The activities and the development of the Council and the cooperation commissions of the states have been fully reported.

The Book of the States for 1939-40 will be published within the next few months. The new volume will include much new material of permanent interest and value to those in public service as well as to students of governments.

Each week the Council issues three publications: (1) A Digest of Opinions of Attorney-Generals, (2) the Legislative Sessions Sheet; and (3) a bibliography of "Recent Publications on State Legislative Problems." The Council has also issued a number of research and information bulletins during the year—and six Governors' Bulletins dealing with a variety of subjects have been issued and distributed to the governors of all states. Four bulletins dealing with problems of interest to Secretaries of State have been prepared and distributed to all members of the National Association of Secretaries of State. The research bulletin service was continued during the year and approximately 1500 copies of these studies have been distributed. Legislators, legislative reference bureaus, and legislative councils have found this service particularly useful.

To sum up, it seems to me that the difficulties of achieving success in the field of "interstate government" are almost as well known as the problems. For 150 years these problems have been with us and each year they have become more complicated and some think less resolvable. Their solution would probably be easier if we changed human nature, which seems unlikely. Benjamin Franklin, writing in 1754, described some of the practical difficulties in these words:

"Some Assemblies being before at variance with their governors or councils, and the several branches of the government not on terms of doing business with each other; others taking the opportunity, when their concurrence is wanted, to push for favorite laws, powers, or points, that they think could not at other times be obtained, and so creating disputes and quarrels; one Assembly waiting to see what another will do, being afraid of doing more than its share, or desirous of doing less, or refusing to do anything because another will reap more immediate advantage—etc."

Since Franklin's day we have established agencies which we hope are becoming increasingly proficient in combatting the situation of which he complained.

Commissions on Interstate Cooperation in all almost all of the states are bringing states closer together for work on problems, which, in so many instances, are common problems. And through the close relationship which many of them have with various departments of the federal government, we have an opportunity to demonstrate our competence in handling many important interstate problems—either through interstate cooperation or by supplying the necessary machinery, heretofore lacking, to make effective state-federal action. In this way our States will be better able to handle their problems and to perform those duties and meet those responsibilities which are their part as partners in our cooperative federal-state.

These accomplishments which I have detailed briefly came about under the leadership and direction of Mr. Henry Toll—former Executive Director of the Council of State Governments.

To this idea of "more effective government through interstate cooperation"—he has contributed fifteen years of brilliant effort—and in a very real sense, the Council of State Government—and this meeting—are the results of his work.

At his suggestion—I had the honor some three months ago to succeed him as Executive Director of the Council of State Governments—to take on a part of that job which confronts all of us—the job of "making democracy work"—a job which is going to require all of the co-

operation, intelligence, energy, and statesmanship which we all can muster for many, many years to come.

REPORT OF THE PENNSYLVANIA DELEGATES TO
THE FOURTH GENERAL ASSEMBLY OF THE
COUNCIL OF STATE GOVERNMENTS
HELD IN WASHINGTON, D. C.
JANUARY 17, 18 and 19, 1939.

I.

Resolved that the Fourth General Assembly of the Council of State Governments strongly urge the continued financial support of the Council of State Governments by state legislatures and Commissions on Interstate Cooperation to the end that the services which the Council of State Governments renders to the Commissions on Interstate Cooperation, the Governors' Conference, the National Association of Attorney Generals, the National Association of Secretaries of State, the American Legislators' Association, and all public officers, may be better maintained.

II.

Whereas during the past biennium numerous legislative hearings, regional conferences, and Commission meetings have been held to consider recommendations for the purpose of reducing the confusion and conflict in the laws and administrative practices among the states and between the states and the federal government; And Whereas, definite recommendations have grown out of these hearings and conferences in the form of legislation and interstate compacts;

And Whereas, these legislative proposals have been enacted by the legislature of a number of states as a part of the legislative program of their Commissions on Interstate Cooperation, Now Therefore Be It Resolved by the Fourth General Assembly of the Council of State Governments that these recommendations and legislative proposals set forth in the publication entitled "Legislative Proposals of the Commissions on Interstate Cooperation" be included in the formal reports of the various Cooperation Commissions to their legislatures and officially considered item by item by the Commissions on Interstate Cooperation, and where approved, introduced in the legislatures as a part of their program.

III.

Whereas the conservation of our natural resources is one of the most important problems of the present time and whereas the imminent depletion of our fisheries is of concern to all of the states,

Now Therefore Be It Resolved that the Fourth General Assembly of the Council of State Governments endorse the work of the Great Lakes Fisheries Conference and the Eastern States Conservation Conference in seeking the conservation of these valuable fisheries and that it recommends to other states the adoption of similar cooperative efforts for the conservation of their natural resources.

Be It Further Resolved that the Assembly respectfully directs the attention of the Commission on Interstate Cooperation of the Pacific Coast states and of the Gulf States to the compact method as a means of solving their fisheries problems.

Reciprocal Enforcement

Whereas the proper administration of the fisheries laws of states riparian on common waters necessitates further coordination of the enforcement activities of those states, Therefore Be It Resolved that the Fourth General Assembly of the Council of State Governments urge each state riparian on waters in common with other states to enact legislation giving to the officials of the other riparian states power to enforce fisheries laws against its citizens in the territorial waters of that state when the other states shall reciprocally grant like powers to the enforcement officers of that state, and

Congressional Consent

Resolved that the Fourth General Assembly of the Coun-

cil of State Governments memorialize Congress to pass legislation giving consent in advance to compacts between the states for the conservation of fisheries and wild life resources, and

Be It Further Resolved that Congress, in order to further the conservation policies of the states, be urged to pass legislation prohibiting the shipment in interstate commerce from any state of fish caught in violation of the laws thereof and prohibiting the shipment into any state of fish in violation of the conservation laws thereof.

IV.

Resolved that in accordance with the recommendation of the Midwest Regional Assembly of the Council of State Governments, this Fourth General Assembly of the Council recognizes that trade barriers, under any guise, are detrimental to the economic welfare of the country; That this Assembly recommends complete adherence to the traditional American policy of free trade between the forty-eight states;

That this assembly requests the secretariat of the Council of State Governments to study legislation and policies which tend to create such barriers and to restrict the free flow of commerce; and

That this Assembly call an interstate conference on this subject, to be attended by legislative and administrative delegates designated by the Cooperation Commissions of the various states.

And Be It Further Resolved that the Council of State Governments requests the Congress of the United States to conduct a general investigation of all freight rates and to recommend an equitable freight rate for the entire United States.

V.

Whereas the critical conditions of the past decade have accentuated many of the social and economic problems of the United States, and

Whereas the federal government and the state governments have endeavored, through emergency legislation and policies, to solve these problems, and

Whereas in turn many of these acts have created new problems involving powers of the states, Therefore Be It Resolved by the Fourth General Assembly of the Council of State Governments that we do hereby memorialize the federal government and its various agencies to join with the Council of State Governments in its work of cooperation, in order to solve these problems and to accomplish the desired objectives, and to maintain the clear-cut division between the sovereign powers of states and the delegated powers of the federal government, and to avoid any policies, except by constitutional amendment, which tend to result in the basic alteration of the American system of government.

VI.

Resolved that the Fourth General Assembly of the Council of State Governments go on record as offering a vote of sincerest thanks to the retiring Director of the American Legislators' Association and the Council of State Governments for his year of faithful, generous and almost unbelievably efficient service in building this body from a dream to an accomplished reality. Well and faithfully as others may and will serve it, this body will throughout its existence be a monument to the unfailing service and magnificent ability of Senator Henry W. Toll of Colorado. More words could be used but they would convey no deeper feeling.

VII.

Resolved that the Fourth General Assembly of the Council of State Governments express its appreciation to the National Resources Committee, the United States Department of Agriculture, the Wage and Hour Division of the Department of Labor, the United States Bureau of Fisheries, the Governors' Conference, the American Legislators' Association, the Conference of Governors' Secretaries, the National Association of Attorney Generals, and the National Association of Secretaries of State, for their whole-hearted and sincere cooperation in making the Fourth General Assembly a meeting of inspiration and practical

usefulness to each of the State Governors of the United States.

QUESTION OF PERSONAL PRIVILEGE

Mr. JACOBS. Mr. President, I rise to a question of personal privilege.

The PRESIDENT. The Senator from Cumberland, Mr. Jacobs, will state his question of personal privilege.

Mr. JACOBS. Mr. President, we have heard the more venerable members of the Senate hold forth and view their opinions here for the past two months; but I think it is just about time some of the younger members of the Senate said what they thought about this place down here. You all heard the remarks of the Senator from Westmoreland, Mr. John Dent, last week. They were pithy and to the point—maybe too long, but they were pretty good.

I would like to tell you that I do not think a whole lot of this Senate of Pennsylvania. It has been my privilege to be a Senator for two sessions; this is my second session. Back in 1937 I had to sit here and listen to the Republican members of this Senate filibuster so that the Democrats could not put their program through; and now it is my privilege to sit here and hear the Democratic members filibuster to prevent the Republican members from putting through their program.

(Several Democratic interpolate: "What is their program?")

I do not know what it is, but I imagine they have one. I have a privilege which is not shared by many members of this Senate. Every night when we are through I ride home. I have eighteen miles to go, and I have half an hour to think, on that ride home; and on the ride down here each day I have a chance to cogitate on just what we have accomplished so far this session.

As nearly as I can figure, Mr. Stiefel's remarks about politics were very nearly correct. For over two months we have talked politics down here; I have drawn three pays, and I am honest enough to say that God knows I have not earned them, and I do not believe the rest of the members of this Senate have earned their pays down to date.

We heard a speech last night on intellectual honesty. I believe if we think over our attitude on intellectual honesty it can all be summed up pretty well in the text—and I think it covers the situation pretty well—that ninety-nine out of every hundred of us are liars. We were elected to come down here to do something; what we seem to think we were elected to do is to come down here and determine who should have this job and who should have that job, and determine who shall sit in this Senate from the Second Senatorial District.

I am here to tell you honestly that over in my county, Cumberland, or among the voters of my whole district, neither Herbert Levin nor Sam Salus could be nominated on any majority or minority ticket that might be put up at the primaries. The people of my district are not interested in who sits in that seat, but are interested in what the present Administration accomplishes.

As a Democrat, I do not hope they will accomplish a whole lot—and go down in history as a great Administration; but I do say this, and I mean it honestly—if the Republican Administration will put before us bills we

can vote for, that are good, or, on the other hand, if they will go ahead and repeal bills that are bad—if there are any bad acts on the statute books, I, for one, will give them one hundred per cent help, and I think they will get help from some other members on this side of the Senate.

My main desire is to show the people of the Commonwealth of Pennsylvania that we are here to work in their interests. We want to put over a program that will help them, even if that program will be one which requires the repeal of things that have done them a lot of harm.

In addition, I am trying to practice law back home, and I would like to get back there before the middle of July, so I can attend to my business.

NOMINATIONS BY THE GOVERNOR

NOTARIES PUBLIC

The Secretary to the Governor, being introduced, presented in writing from His Excellency, the Governor of the Commonwealth, nominations for appointment as Notaries Public, which were laid on the table.

BILLS INTRODUCED

Mr. WOODWARD read in his place and presented to the Chair Senate Bill No. 170, entitled

A Joint Resolution proposing an amendment to article nine, section eight of the Constitution of the Commonwealth of Pennsylvania.

Which was committed to the Committee on Judiciary General.

He also read in his place and presented to the Chair Senate Bill No. 171, entitled

An Act declaring incompatible the holding of any office or position of profit under the Commonwealth with membership in a labor union or labor organization.

Which was committed to the Committee on Judiciary General.

Mr. RUTH read in his place and presented to the Chair Senate Bill No. 172, entitled

An Act authorizing the common pleas judges and the county commissioners jointly to create medical clinics for the examination of certain persons convicted of the commission of a crime prior to the sentencing thereof, as a means of decreasing the number of habitual offenders; providing for the creation of joint medical clinics among the several counties and imposing the costs of maintainnig and operating such clinics upon the county or counties creating the same.

Which was committed to the Committee on Judiciary General.

He also read in his place and presented to the Chair Senate Bill No. 173, entitled

An Act to add section seven and one-tenth to the act, approved the eleventh day of June, one thousand nine hundred and thirty-one (P. L. 497), entitled "An act regulating and licensing the sale, transfer, and possession of certain firearms; prescribing penalties, procedure, and rules of evidence; conferring powers and imposing duties on courts of quarter sessions, sheriffs, and heads of police departments; and to make uniform the law with reference thereto," by requiring officers having authority to grant licenses to obtain the finger prints in duplicate of all future applicants and to send a copy of the same to the

Federal Bureau of Investigation to ascertain whether such applicant has been convicted of any crime.

Which was committed to the Committee on Judiciary General.

He also read in his place and presented to the Chair Senate Bill No. 174, entitled

An Act to amend article twenty-three of the act, approved the ninth day of April, one thousand nine hundred and twenty-nine (P. L. 177), entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments, boards, commissions, and officers thereof, including the boards of trustees of State Normal Schools, or Teachers Colleges; abolishing, creating, reorganizing or authorizing the reorganizing of certain administrative departments, boards, and commissions; defining the powers and duties of the Governor and other executive and administrative officers, and of the several administrative departments, boards, commissions, and officers; fixing the salaries of the Governor, Lieutenant Governor, and certain other executives and administrative officers; providing for the appointment of certain administrative officers, and of all deputies and other assistants and employees in certain departments, boards, and commissions; and prescribing the manner in which the number and compensation of the deputies and all other assistants and employees of certain departments, boards, and commissions shall be determined," by imposing upon the Department of Welfare, the duty to investigate the subject of crime prevention and to stimulate, develop and coordinate crime prevention activities in this Commonwealth.

Which was committed to the Committee on State Government.

HOUSE MESSAGE

TIME OF NEXT MEETING.

The Clerk of the House of Representatives, being introduced, informed the Senate that the House returns resolution from the Senate with amendment, in which the concurrence of the Senate is requested.

The Resolution, as amended, was read as follows:

In the Senate, March 6, 1939.

Resolved (if the House of Representatives concur) That when the Senate adjourns this week it reconvenes on Monday evening, March 13, 1939, at nine o'clock; and when the House of Representatives adjourns this week it reconvenes on Monday evening, March 13, 1939, at nine o'clock.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the resolution as amended?

It was agreed to.

Ordered, That the Clerk inform the House of Representatives accordingly.

RESOLUTION REQUESTING DEPARTMENT OF PUBLIC ASSISTANCE FOR INFORMATION AS TO ALIENS RECEIVING STATE ASSISTANCE.

Mr. STEVENSON. Mr. President, in offering this resolution here today it is not made with the idea of giving offense to any race or creed, nor is it to find fault with any existing law, it is simply a fact-finding resolution, intending to get at the bottom of the expenditures in the

matter of relief in the Commonwealth of Pennsylvania; and I would ask for its immediate adoption.

Mr. STEVENSON offered the following resolution, which was twice read as follows:

Whereas, The cost of direct relief and the contributory expenditures of funds for pensions and grants to indigents have assumed such proportions in the Commonwealth of Pennsylvania that the said Commonwealth, with its present income, is not able to meet its obligations to the school districts, to give adequate assistance to the State-owned and State-aided institutions and to relieve industry of its burdensome taxes, and

Whereas, It is known that in the aggregate, large sums of the above expenditures are going to the support of persons whose allegiances are to foreign governments, and

Whereas, It is our responsibility to the tax-payers of this Commonwealth and it is our duty as members of this Senate to secure certain information as a basis for intelligent remedial legislation; therefore be it

Resolved, That the Senate of Pennsylvania requests the Department of Public Assistance to furnish its members with the following information for the months of January and February 1939: (1) the number of aliens in each county to whom direct relief was paid; (2) the number of such persons directly benefited by such grants; (3) the total amount of money paid; (4) the number of aliens in each county to whom pensions are paid and the total amounts of money so paid (a) on account of old age, (b) on account of loss of vision, (c) on account of meeting the requirements for mothers' assistance; and be it further

Resolved, That the Secretary of the Senate shall transmit a copy of this resolution to the Secretary of the Department of Public Assistance.

Mr. STEVENSON. Mr. President, I ask unanimous consent that Rule 39, which requires resolutions be referred to an appropriate committee, be suspended and the Senate do now proceed to the consideration of the resolution just read.

The PRESIDENT. Is there objection,

The Chair hears none.

On the question,

Will the Senate agree to the resolution,

Mr. SHAPIRO. Mr. President, as I heard the resolution read, it appeared to me that it referred to information concerning pensions. I do not think that there are any pensions paid, as such, by the Commonwealth; and I imagine the Senator from Clinton, Mr. Stevenson, means assistance. If that is so, I believe the resolution requires correction at least to that extent, and I suggest that the correction be made before we act upon it.

Mr. STEVENSON. Mr. President, I might say it is intended to care for the grants that are given by the Department of Assistance.

Mr. SHAPIRO. Mr. President, the resolution refers to pensions, and the only pensions payable are pensions to the blind, which are made specifically, under the Act, to anybody, whether an alien or not. So, the only investigation the Senator from Clinton would want is that which would relate to other forms of assistance.

I think the resolution requires correction, by amendment, at least to that extent; and I hope the Senator will not object to that.

Mr. STEVENSON. Mr. President, I do not object to that suggestion; I am glad to receive it.

Mr. SHAPIRO. Mr. President, I move to amend, line two, by striking out the word "pensions" and inserting in lieu thereof the word "assistance;" line twenty-one, by striking out the word "pensions" and inserting in lieu

thereof the word "assistance;" line twenty-three, by striking out the phrase "on account of loss of vision, (c)."

Mr. CAVALCANTE. Mr. President, I second the motion.

The motion was agreed to.

The resolution, as amended, was read as follows:

Whereas, The cost of direct relief and the contributory expenditures of funds for assistance and grants to indigents have assumed such proportions in the Commonwealth of Pennsylvania that the said Commonwealth, with its present income, is not able to meet its obligations to the school districts, to give adequate assistance to the State-owned and State-aided institutions and to relieve industry of its burdensome taxes, and

Whereas, It is known that in the aggregate, large sums of the above expenditures are going to the support of persons whose allegiances are to foreign governments, and

Whereas, It is our responsibility to the tax-payers of this Commonwealth and it is our duty as members of this Senate to secure certain information as a basis for intelligent remedial legislation; therefore be it

Resolved, That the Senate of Pennsylvania requests the Department of Public Assistance to furnish its members with the following information for the months of January and February 1939: (1) the number of aliens in each county to whom direct relief was paid; (2) the number of such persons directly benefited by such grants; (3) the total amount of money paid; (4) the number of aliens in each county to whom assistance is paid and the total amounts of money so paid (a) on account of old age, (b) on account of loss of vision, (c) on account of meeting the requirements for mothers' assistance; and be it further

Resolved, That the Secretary of the Senate shall transmit a copy of this resolution to the Secretary of the Department of Public Assistance.

BILL ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 16, entitled:

An Act to amend section one as amended of the act approved the third day of June, one thousand nine hundred and nineteen (P. L. 370), entitled "An act to fix the number and salaries of assistant district attorneys in counties of this Commonwealth having over one million five hundred thousand inhabitants, and prescribing the powers and duties of said assistant district attorneys" by increasing the number and fixing the salaries of the assistant district attorneys thereof

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Will the Senate agree to the bill on third reading?

Mr. SHAPIRO. Mr. President, I prefer to make what remarks I have about this bill from a written manuscript, because I want to be careful in delivering them; I think we should all be careful in talking about any Judicial or quasi-judicial matters, so that we do not let a slip of the tongue create a wrong impression. For that reason, I am doing what with me is a job, and that is to read what I have to say.

While I am of the opinion that the City of Philadelphia should not be saddled with any additional expenses at this time, I am going to vote in favor of this bill because I believe that no funds should be withheld where the safety and morals of the citizens are involved.

A recent grand jury report has emphasized the fact that

one of the principal law enforcement arms of city government—namely the District Attorney's office in the City of Philadelphia—has not exercised its powers vigorously and courageously.

This is not the time to discuss the reasons for the alleged laxity in the office or to cry over spilled milk. Those are matters for the citizens of Philadelphia to deal with in another way.

Right now we are concerned with supplying the authorities with every facility for fearless and vigorous enforcement of the laws. If they do not then make the best use of such facilities the responsibility is theirs and theirs alone.

Under the last State Administration the Legislature passed the Magistrates' Act which called upon the District Attorney of Philadelphia to assign assistants to criminal cases in magistrates' courts. The District Attorney appointed such assistants. The City Controller took the position that there was no legal authority for their appointment and that he therefore could not pay them. The Courts sustained this view.

The District Attorney maintains that he cannot perform his full duty under the Act without such assistance. I hope that this bill will become a law so that all possible excuse will be removed for any failure on the part of the District Attorney to act promptly and effectively in combating crime.

I call attention to the fact that the Grand Jury disclosures in Philadelphia of participation in crime by councilmen, magistrates and other City officials cannot and should not be ignored by any District Attorney who realizes his duties and his responsibilities.

From considerable experience at the Bar, including service as an Assistant District Attorney, I am convinced that a vigorous, fearless and nonpolitical District Attorney in Philadelphia or any other city does not need the assistance of special grand juries to uncover and punish crime.

With the ten new assistants authorized in this bill; with his regular staff and with the score or more of County Detectives which he has now and has had for many years, I hope the District Attorney of Philadelphia County will now exercise the full powers of his office and by vigorous investigation, indictment, trial and conviction of offenders, high and low, clean up these notoriously disgraceful conditions, that exist in Philadelphia.

And the question recurring,

Will the Senate agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—46

Bartlett.	Farrell,	Lanier,	Scarlett.
Cavalcante.	Frey,	Letzler,	Shapiro,
Chapman.	Gelder,	Mallery,	Sipe.
Coleman.	Geltz,	McCreesh,	Snowden,
Crowe,	Gilson,	McGinnis,	Stevenson,
Dando.	Haluska.	Miller,	Stiefel,
Deltrick,	Heyburn.	Mundy,	Tallman,
Dent,	Romshier.	Owlett,	Thomas,
DISIVESTRO.	Jacobs,	Pierson,	Walker,
Ealy.	Jaspan.	Rice,	Wolfenden,
Edmonds,	Kilgallen.	Ruth	Woodward,
Eroe.	Kunkel.		

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same with amendments, in which concurrence of the House is requested.

BILL ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 34, entitled:

An Act to further amend section five hundred eight of the act approved the eighteenth day of May one thousand nine hundred and eleven (P. L. 309) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" by further regulating the incurring of temporary indebtedness and the repayment thereof in school districts other than school districts of the first class.

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—44

Bartlett,	Eroe,	Kilgallen,	Rice,
Cavalcante,	Farrell,	Lanius,	Ruth,
Chapman,	Frey,	Letzler,	Scarlett,
Coleman,	Gelder,	Mallery,	Sipe,
Crowe,	Geltz,	McCreesh,	Snowden,
Dando,	Gilson,	McGinnis,	Stevenson,
Deltrick,	Haluska,	Miller,	Taliman,
Dent,	Heyburn,	Mundy,	Thomas,
DiSilvestro,	Homsher,	Cwlett,	Walker,
Ealy,	Jacobs,	Pierson,	Wolfenden,
Edmonds,	Jaspan,	Reed,	Woodward,

NAYS—2

Shapiro, Stiefel,

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

QUESTION OF PARLIAMENTARY INQUIRY

Mr. WOODWARD. Mr. President, I rise to a question of parliamentary inquiry.

The PRESIDENT. The Senator from Philadelphia, Mr. Woodward will state his question of parliamentary inquiry.

Mr. WOODWARD. Mr. President, I would like to know whether the Constitution requires that the Clerk say "Mr." before each name when a roll is called? We will save several hours if we will omit the word "Mr."

The PRESIDENT. As there is no objection we will omit the word "Mr."

BILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 40, entitled:

An Act making an appropriation to the Department of Forests and Waters for the use of the Pennsylvania State Park and Harbor Commission of Erie and for the joint use of the Department of War of the United States Government and the Department of Forests and Waters of the Commonwealth of Pennsylvania and the use of the Department of Forests and Waters in cooperation with the Federal Beach Erosion Board.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—46

Bartlett,	Farrell,	Letzler,	Scarlett,
Cavalcante,	Frey,	Mallery,	Shapiro,
Chapman,	Gelder,	McCreesh,	Sipe,
Coleman,	Geltz,	McGinnis,	Snowden,
Crowe,	Gilson,	Miller,	Stevenson,
Dando,	Haluska,	Mundy,	Stiefel,
Deltrick,	Heyburn,	Owlett,	Taliman,
Dent,	Homsher,	Pierson,	Thomas,
DiSilvestro,	Jacobs,	Reed,	Walker,
Ealy,	Jaspan,	Rice,	Wolfenden,
Edmonds,	Kilgallen,	Ruth,	Woodward,
Eroe,	Lanius,		

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 110, (House Bill No. 215), entitled:

A Supplement to the act approved the second day of July one thousand nine hundred thirty-seven (Appropriations Acts page seventy-four) entitled "An act to provide for the ordinary expenses of the Executive, Legislative and Judicial Departments of the Commonwealth, interest on the public debt and the support of the public schools for two years beginning June first, one thousand nine hundred and thirty-seven and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending May thirty-first, one thousand nine hundred and thirty-seven," providing for deficiencies in certain appropriations to the Lieutenant-Governor, the Department of Justice and the Department of State for the fiscal biennium ending May thirty-first, one thousand nine hundred thirty-nine.

And said bill having been read at length the third time, and agreed to and the amendments made thereto having been printed as required by the Constitution,

On the question,

Will the Senate agree to the bill on third reading?

QUESTION OF PERSONAL PRIVILEGE

Mr. SHAPIRO. Mr. President, I should like to interrogate the Senator from Somerset, Mr. Ealy

The PRESIDENT. Will the Senator from Somerset, Mr. Ealy, permit himself to be interrogated.

Mr. EALY. Mr. President, I will.

Mr. SHAPIRO. Mr. President, this bill is a deficiency appropriation to the Department of Justice, and I recall in the last Special Session of the Legislature we received an estimate of deficiencies from the then Attorney General which, I was given to understand covered all the deficiencies necessary for the rest of this biennium. Will the Senator from Somerset, Mr. Ealy, state for the information of the Senate for what purposes the deficiencies in this bill, which I take it amount to \$60,000, are intended?

Mr. EALY. Mr. President, the amount of deficiencies requested are \$88,000 instead of \$60,000.

Mr. SHAPIRO. Mr. President, there may have been an amendment since I last saw the bill.

Mr. EALY. Mr. President, I do not think so.

Mr. SHAPIRO. Mr. President, I take it that the bill has been amended since the last time it appeared.

Mr. EALY. Mr. President, the bill has not been amended since that time. The only change was by an amendment which was made yesterday and that was to correct a typographical error. There has been no change in the substance of the bill since it was reported out of the Committee. The amount of the appropriation asked for the Department of Justice is \$88,000. I think I am more pained at the passage of this bill than the Senator from Philadelphia, Mr. Shapiro.

At a Special Session of the Legislature, representatives of the Department of Justice appeared before our Committee and asked, I believe, for a \$150,000 deficiency appropriation. At that time they were given \$50,000. This bill really has five separate parts to it.

The first part is in relation to a deficiency in the office of the Lieutenant-Governor, of \$2,600.

The second part relates to the Department of Justice and is broken up its three sections. The first section asks for an additional appropriation of \$30,000, to remove deficiencies in the ordinary expenses of the office, and the Department of Justice says this deficiency was occasioned by the payment of salaries and other operating expenses prior to January 17, 1939, beyond the rate which was set in the appropriation. At the end of January there was a balance of \$16,140.51, and in that fund there was approximately \$11,000—I meant to say, Mr. President, that the payroll requires approximately \$11,000 a month.

The second part of the appropriation asks for \$43,522, and it is made up for the most part of the expenses of the Special Grand Jury in Philadelphia. That costs alone \$31,000.

In addition to that there were certain expenses for bills incurred for trials under indictment and other expenditures in connection with the Grand Jury, which were incurred since December 1st, \$7,522. The last part of the appropriation of \$15,000 is for payments of salaries and other operating expenses in the payroll division, prior to January 17, 1939. At the end of January there was a balance of \$34,000 in this fund, and it requires \$14,000, approximately, a month.

The Department has this to say with regard to this payroll supervision: "During the past two years the payroll supervisor has added ten additional personnel to his staff, nine junior payroll agents at a salary of \$2,040 per annum, and one stenographer," and this deficiency is caused by that extra personnel.

The other part of this bill relates to the Department of State and was caused by printing several Constitutional amendments. They had to take funds out of some other part of the appropriation of the Department in order to advance to the newspapers the money with which to pay for these costs.

The expenses for extra costs taken up by the Department as listed in the list which was given to me, amount to \$110,000. Included in this is this third degree investigation in Fayette County, which cost the State for attorney's fees and traveling expenses upward of \$22,000.

I want to say that there is a young lady over in the Department of Justice that can give you two reasons in favor of every bill here for one you can advance against it. She has made it pretty plain to me that this is an expense which has been incurred prior to this time and is something, I suppose, we will have to pay.

I have been trying to impress upon all the heads of these departments that they will have a great deal of trouble two years from now, if I understand the intent of this Senate, in getting a deficiency appropriation through for items of this kind.

Mr. SHAPIRO. Mr. President, when this bill came to me over the week-end it was a bill to appropriate a deficiency to the Department of Justice. When this bill came here from the House it was a bill to provide for a deficiency incurred in the Department of Justice. As I see by the calendar, this bill came over February 28th. On March 1st, I noticed today, it was reported out of Committee as amended, and the amendments put in the Department of State and the Lieutenant-Governor, and in addition increased the item awarded to the Department of Justice, so that there were amendments to this bill other than what the Senator from Somerset, Mr. Ealy, made yesterday.

Mr. EALY. Mr. President, the amendments were made in Committee and prior to the time this bill was reported out.

Mr. SHAPIRO. Mr. President, that is correct.

Mr. EALY. There were two other bills, Mr. President, which came over here from the House, one relating to the Lieutenant-Governor's deficiency and the other bill relating to the Department of State, and these were all three combined in one bill by the Department of Justice.

Mr. SHAPIRO. Mr. President, that is what I wanted to point out. In addition to this bill before us there have been introduced bills covering deficiencies in the Lieutenant-Governor's Department, and the Department of State, and if these are included that is something that has been giving me some concern.

To my mind this bill is an example of the position that people are put in in voting. Here is an appropriation—part of this bill, I believe is to cover the Grand Jury Investigation in Philadelphia. There has been appropriated just \$7,000, which will be sufficient only to pay its bill and allow it to expire.

We are going to be asked to appropriate \$100,000 for the Grand Jury that is engaged in investigating officials in Harrisburg, in Dauphin County.

The Grand Jury, whose functions have expired, presented to the presiding judge an indictment which this Legislature cannot afford to ignore. It was referred to by me a few moments ago. The indictment deals with high public officials. It starts at the root of government in Philadelphia. It connects government officials—officials

who have tax-levying authority, who have a right to the payrolls; who have law enforcement under their control; it directly connects those men, some of them, with the underworld. It seems to me this is as of much concern to the Governor of the Commonwealth of Pennsylvania—that condition shall be ferreted out and exposed, as it is when that involves, as of course it does, Republicans—for the Governor to ferret out conditions which involves Democrats.

I agree with many of the things said here today.

I do not agree that we should show annoyance at statements made by members of this Senate, whether they tax our patience for the time being or not, or whether they take a little more time than we think they should. There has been developed here on the floor of this Senate in the last few years in my opinion, a healthy condition. The younger members of the Senate will recognize it, as they go along, if they have patience. Sometimes some of the things that are said seem to take longer than necessary, but no one can deny the importance of the statements that were made by my colleague, Senator Deitrick, last night, and by Senator Jacobs, this morning, and Senator Stiefel, and others whose names do not come to my mind at the moment. Every one of those things are important and relate to matters which should be brought out, in my opinion, if we are to have good government.

I am pointing out the fact that I would like in some way to put on the record my objection to the limitation of this fund to \$7,000, in Philadelphia, and permitting that Grand Jury to expire and its functions to cease, in the face of statements by responsible, respectable, and able jurists, who contend that that situation, which has not been disclosed fully, but which has been indicated by the report, is so intolerable and so revolting that they strike at the root of this government.

In discussing this bill—I am going to vote for the bill because I cannot accept the responsibility for administering the department—that is the administration's responsibility—our only prerogative can be to criticise what they do after they have asked for the authority and for the money with which to carry out that functions.

I think I have a right to take occasion, when discussing this bill, to point out that the rule to stop playing politics with fundamental principles of government applies as well to the executive department as it does to the legislative. I do not think that in times like this, the Executive, the Governor of the Commonwealth of Pennsylvania, should make fish of one and fowl of the other.

I do not think that any Grand Jury which presents the kind of a presentment that this one in Philadelphia did should be stopped. On the contrary I think it is as much the duty of the Governor, whether he said that in his public statements prior to the election or not, to see to it that law and order exists among Republicans as well as it does among Democrats. The public at large is going to get the impression, from the fact that there has only been asked \$7,000—enough to pay expenses of the Grand Jury in Philadelphia and let it expire and leave it powerless, whereas in Dauphin County there has been asked one hundred thousand dollars—the public is going to get the impression the Governor of the Commonwealth of Pennsylvania is not interested in crime except where it exists among Democrats. I personally do not believe it. I hope it is not true. I think it is the advice he is getting, and I want to protest against that.

We will be asked to give financial aid to Philadelphia. At least, those in control of the government are trying to increase the Board of Revision of Taxes, so that they will have more political jobs and apparently are increasing the number of Assistant District Attorneys, so that they will have even more additional jobs, and continue to ignore what is most important in setting the city on its financial feet, and that is law enforcement.

The City of Philadelphia will not need much help from the Commonwealth of Pennsylvania, and certainly, financially, it cannot get it, if the city officials will enforce the laws and get rid of corrupt and grafting officials who tie up with all kinds of organizations that have no place in a real, decent form of government.

Mr. EALY. Mr. President, I desire to interrogate the Senator from Philadelphia, Mr. Shapiro.

The PRESIDENT. Will the Senator from Philadelphia, Mr. Shapiro, permit himself to be interrogated?

Mr. SHAPIRO. Mr. President, certainly.

Mr. EALY. Mr. President, I desire to ask the Senator from Philadelphia, Mr. Shapiro, whether or not Governor Earle discontinued this Grand Jury investigation as of the first of December.

Mr. SHAPIRO. Mr. President, Governor Earle did not discontinue the Grand Jury investigation; Governor Earle said he would ask the Legislature to give enough money to allow the investigation to continue. He said he had no more money to give, unless it was appropriated, and we not only are apparently not going to appropriate for the Philadelphia Grand Jury, but from what the Senator from Somerset, Mr. Ealy, said, the amount is to go for the Fayette investigation.

I notice we are making, as part of this bill, an appropriation to pay some more for that prosecution, which cost in the neighborhood of \$80,000 for lawyers alone.

Mr. EALY. Mr. President, Governor Earle, as of December 1st, discontinued giving State aid to the Philadelphia Grand Jury, allowing them at that time \$1,000 additional to pay bills that had accrued up to that time.

This bill pays for the Grand Jury investigation \$30,000 plus \$7,522, to which the Senator refers, and \$6,000 additional to pay costs to complete the trials on indictments which have been filed.

Mr. SHAPIRO. Mr. President, the answer to this is obvious. Assume for the sake of argument that Governor Earle did do that which the Senator from Somerset, Mr. Ealy, says he did. This is a new Governor who says he is not going to tolerate the graft which was tolerated by the Democratic Administration. I ask him to take cognizance of the fact that the Grand Jury of Philadelphia has said not only do they consider matters so important that they must make presentments, but they have also organized themselves into a committee to do something as individuals which they cannot do as a Grand Jury, to stop the affiliation of public officials with criminals.

It seems to me if this is a non-political group, this Grand Jury—called by a Republican assistant District Attorney, called at his request to investigate what he said were grafting conditions, this same jury finds that he did not wholeheartedly proceed to find out the graft existing among officials.

I am now saying the Governor of the Commonwealth of Pennsylvania has no right as an official, as a citizen certainly, to ignore these conditions, irrespective of what Governor Earle did.

Mr. EALY. Mr. President, does the Senator think the State should enter the County and conduct an investigation such as the so called third degree case in Fayette County and also the Philadelphia Grand Jury investigation?

Mr. SHAPIRO. Mr. President, I think that each one of those situations should depend on its own facts.

Mr. EALY. Mr. President, does the Senator mean such as they are doing in Luzerne County?

Mr. SHAPIRO. Mr. President, I say this investigation should apply to charges in the Philadelphia situation.

I see them conducting investigations in all cases where Democrats are involved, but I see them running away from any cases where the Republicans might be involved. He does not have any greater privileges or halo or prerogatives than the Democratic Governor did. I am ready and willing to convict anyone, Republican or Democrat, who violates the law; but I want to protest against the conviction of one against the other.

Mr. EALY. The answer to that is this, Mr. President, I call attention to the fact that part of this entire bill, part of which was paid by a special appropriation in the Special Session, included compensation for attorneys and investigators and miscellaneous expenses in the Bruno case and in the case of Senator Clark.

Mr. SHAPIRO. Mr. President, I do not know what the expenses of Senator Clark's case can be, because the Senate even refused to appoint a committee, although motion was made that such a committee be appointed. The only thing that happened in the Senator Clark case, if you are talking about expenses, is that he was tried before a Republican judge by a Republican district attorney—and if there was any expense it was the expense of counsel Senator Clark obtained to get him off so easily, with a fine of but \$1,000. I again call your attention to the fact that that was a Republican Senator tried by a Republican court and prosecuted by a Republican district attorney. Well, that is all right, I suppose.

And the question recurring,

Will the Senate agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—47

Bartlett,	Farrell,	Lanlus,	Scarlett,
Cavalcante,	Frey,	Letzler,	Shapiro,
Chapman,	Gelder,	Mallery,	Sipe
Coleman,	Geltz,	McCreesh,	Snowden,
Crowe,	Gilson,	McGinnis,	Stevenson,
Dando,	Haluska,	Miller,	Stiefel,
Deltrick,	Heyburn,	Mundy,	Tallman,
Dent,	Homsher,	Owlett,	Thomas,
DiSilvestro,	Jacobs,	Pierson,	Walker,
Ealy,	Jaspan,	Reed,	Wolfenden,
Edmonds,	Kilgallen,	Rice,	Woodward,
Eroe,	Kunkel,	Ruth,	

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same with amendments, in which concurrence of the House is requested.

RESOLUTION

Mr. CHAPMAN. Mr. President, I ask unanimous consent to offer a resolution at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. CHAPMAN, offered the following resolution which was twice read, considered and agreed to:

In the Senate, March 7, 1939.

Resolved, That the following persons be elected employees of the Senate as is provided by Act of Assembly:

TRANSCRIBING CLERK

Frank Zola, Plymouth, Pa.

CLERK TO COMMITTEE

Richard S. Oyler, Altoona, Pa.

ASSISTANT SERGEANT AT ARMS

James L. Adams, transferred from proof reader.

ASSISTANT POST MASTER

James Murtha, transferred from paster and folder.

The yeas and nays were required by Mr. Shapiro and were as follows, viz:

YEAS—33

Bartlett,	Farrell,	Letzler,	Ruth,
Chapman,	Gelder,	Mallery,	Scarlett,
Crowe,	Geltz,	Miller,	Stevenson,
Dando,	Haluska,	McGinnis,	Tallman,
Deltrick,	Heyburn,	Owlett,	Thomas,
Dent,	Homsher,	Pierson,	Walker,
Ealy,	Jacobs,	Reed,	Wolfenden,
Edmonds,	Lanlus,	Rice,	Woodward,
Eroe,			

NAYS—11

Cavalcante,	Frey,	Kilgallen,	Shapiro,
Coleman,	Gilson,	Kunkel,	Stiefel,
DiSilvestro,	Jaspan,	Mundy,	

So the question was determined in the affirmative.

BILL INTRODUCED

Mr. MALLERY. Mr. President, I ask unanimous consent to introduce a bill this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. MALLERY read in place and presented to the Chair Senate Bill No. 175, entitled:

An Act to authorize counties to file suggestions for revival of certain tax liens; to revive such liens where more than five years have elapsed since said liens were filed of revived; and providing for the revival and collection of such liens.

Which was committed to the Committee on Judiciary General.

ANNOUNCEMENT BY THE SECRETARY

The Judiciary General Committee will hold a public hearing on the Parole Commission Bill, in the Senate Chamber, on Tuesday, March 21, at 8 o'clock p. m.

The CHAIR directed a correction be made in the Senate Journal of March 6, 1939, striking out reference to House Resolution No. 6.

ADJOURNMENT

Mr. OWLETT. Mr. President, I move that the Senate

do now adjourn until Wednesday, March 8, 1939, at 12:00 o'clock, noon.

Mr. HEYBURN. Mr. President, I second the motion. The motion was agreed to.

The Senate adjourned at 3:30 o'clock, p. m. until Wednesday, March 8, 1939, at 12:00 o'clock, noon.

HOUSE OF REPRESENTATIVES

TUESDAY, March 7, 1939.

The House met at 1 p. m.

The SPEAKER (Ellwood J. Turner) in the Chair.

PRAYER

The Chaplain, Rev. Walter Evans Deibler, offered the following prayer:

While the nations of the world are exhibiting war-like attitudes in one way or another, we thank Thee, O God, for the peace that has prevailed. For a poor peace is better than no peace at all. We renew our petition to Thee in behalf of a lasting peace. Help us to hear and weigh well the words of the Psalmist "I will hear what God the Lord will speak: for He will speak peace unto His people, and to His saints; but let them not turn again to folly." So with Saint Paul may we "mark them which cause divisions and offences contrary to the doctrine which ye have learned." Regretting having ten million unemployed in our country yet O Lord, help us to strive to feed these rather than employ ten million to become cannon fodder. We thank Thee for Thy guidance in the choice of his holiness Pope Pius XII who has dedicated his ministry to the cause of peace. To this end give unto him the constant guidance of Thy Holy Spirit. May it truly be said today as of old that "the church has chalices of wood and prelates of gold." Lay Thy spirit heavily upon all the rulers of the world so that more and more peace may prevail. Give us grace to make our contribution to this cause for the honor of Thy name, O God. Amen.

JOURNAL APPROVED

The SPEAKER. The Clerk will read the Journal of yesterday.

The Clerk proceeded to read the Journal of yesterday, when, on motion of Mr. DICK, the further reading was dispensed with and the Journal approved.

BILLS INTRODUCED AND REFERRED

By Mr. REUBEN E. COHEN. HOUSE BILL No. 391.

An Act regulating the practice of operating bank nights by theatres, motion picture houses and other places of entertainment; requiring a permit therefor from the county treasurer, and imposing a state tax on gifts or prizes; providing for the collection therefor by the county treasurer and the disposition of such moneys; authorizing an additional county employe for the purpose of carrying out the provisions of this act.

Referred to the Committee on Law and Order.

By Mr. BURNS. HOUSE BILL No. 392.

An Act to further amend clauses five, six and seven of section one thousand two hundred ten of the act, approved the eighteenth day of May, one thousand nine

hundred and eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special, or local, or any parts thereof, that are or may be inconsistent therewith," by changing the salaries and increments of certain teachers in districts of the second, third and fourth classes.

Referred to the Committee on Education.

By Mr. TAYLOR. HOUSE BILL No. 393.

An Act authorizing the Armory Board of the State of Pennsylvania to construct and erect in the County of Dauphin, a memorial or monument in memory of the residents of Dauphin County who served in the forces of the United States during the World War; and making an appropriation.

Referred to the Committee on Appropriations.

By Mr. CORDIER. HOUSE BILL No. 394.

An Act to further amend section one of the act, approved the seventh day of June, one thousand nine hundred and one (P. L. 493), entitled "An act providing for the examination, licensure, and registration of persons, firms or corporations engaged or engaging in the business or work of plumbing or house drainage, and prescribing certain rules, regulations, and requirements for the construction of plumbing, house drainage, and cesspools in cities of the second class; and imposing fines, penalties, and forfeitures for violation thereof," by extending the provisions of said act to cities of the second class A.

Referred to the Committee on Cities—Second Class.

By Mr. HOLLAND. HOUSE BILL No. 395.

An Act making an appropriation to the Water and Power Resources Board for payment into the Flood Control Fund for flood control purposes.

Referred to the Committee on Appropriations.

By Mr. FLEMING. HOUSE BILL No. 396.

A Supplement to the act approved the first day of May, one thousand nine hundred and twenty-nine (P. L. 1216), entitled "An act to define real estate brokers and real estate salesmen; and providing for the licensing, regulation, and supervision of resident and nonresident real estate brokers and real estate salesmen and their business," by excluding certain persons from the provisions of said act and exempting certain persons from taking an examination.

Referred to the Committee on Professional Licensure.

By Messrs. DAVID P. REESE and TAYLOR. HOUSE BILL No. 397.

An Act making an appropriation to the several fire companies of the city of Harrisburg, Pennsylvania.

Referred to the Committee on Appropriations.

By Mr. DAVID P. REESE. HOUSE BILL No. 398.

An Act to simplify civil procedure and prevent multiplicity of actions at law or suits in equity by providing for separate verdicts and judgments at law and decrees in equity against individual defendants found liable severally but not jointly, in addition to the verdict and judgment at law or decree in equity against such of the defendants as are found to be liable jointly or jointly and severally.

Referred to the Committee on Judiciary General.

By Mr. DAVID P. REESE. HOUSE BILL No. 399.

An Act making an appropriation to the Department of Military Affairs for the maintenance and education of children of soldiers, sailors, marines, female field clerks, female yeomen and nurses killed in action or who died in service during the World War, or who have died of war service connected disabilities.

Referred to the Committee on Appropriations.

By Mr. DAVID P. REESE. HOUSE BILL No. 400.

An Act to amend the title and the act, approved the nineteenth day of May, one thousand eight hundred and eighty-seven (P. L. 132), entitled "An act to give preference of appointment or employment to honorably discharged soldiers, sailors and marines who fought for the Union cause in the late war of the rebellion," by extending the same preference to veterans and nurses of any war in which the United States has engaged.

Referred to the Committee on State Government.

By Mr. DAVID P. REESE. HOUSE BILL No. 401.

An Act to prohibit the solicitation of retainers or employment to present, settle, prosecute or defend claims or actions.

Referred to the Committee on Judiciary Special.

By Mr. WINNER. HOUSE BILL No. 402.

An Act to provide revenue by imposing a State tax upon the privilege to attend or engage in amusements, including every form of entertainment, diversion, sport, recreation, and pastime; requiring persons, partnerships, associations, or corporations conducting places of amusement to secure permits; imposing duties, and conferring powers upon the Department of Revenue; prescribing the method and manner of collecting the tax, and the use of the proceeds thereof; permitting refunds of the tax in certain instances; providing certain exemptions; and providing penalties.

Referred to the Committee on Ways and Means.

By Mr. READINGER. HOUSE BILL No. 403.

An Act to amend sections ten and fifty-five of the act, approved the second day of May, one thousand nine hundred and twenty-nine (P. L. 1237), entitled "An act affecting marital relations; prescribing grounds and regulating proceedings for divorce and the annulment of bigamous marriages; and amending, revising, and consolidating the law relating thereto," by providing additional grounds for divorce and regulating the proceedings therefor.

Referred to the Committee on Judiciary General.

By Mr. READINGER. HOUSE BILL No. 404.

An Act to amend sections three and five of the act, approved the thirteenth day of May, one thousand nine hundred and twenty-five (P. L. 644), entitled "An act relating to and regulating the solicitation of moneys and property for charitable, religious, benevolent, humane, and patriotic purposes," as amended, by requiring the corporations, copartnerships and associations affected by the provisions of this act to publish certain facts relative to their organization once a year, and to file proof of such publication with the Department of Welfare.

Referred to the Committee on Welfare.

By Mr. HESS. HOUSE BILL No. 405.

An Act requiring every person registering a motor vehicle in the Commonwealth, to furnish proof of financial responsibility with respect to liability for personal injury or death, arising from the ownership, operation or use of such motor vehicle on the highways of the Commonwealth,

by the registrant or by another person with his express or implied consent; providing the nature of public liability policy which may be used as such proof; providing for the regulation of the risk, classifications, underwriting rules, premiums, rates and schedule, or merit rating plans of insurance companies issuing such policies; providing penalties; and repealing all inconsistent acts and parts of acts.

Referred to the Committee on Motor Vehicles.

By Mr. SEIF. (By request.) HOUSE BILL No. 406.

An Act to further amend the act, approved the first day of May, one thousand nine hundred and twenty-nine (P. L. 905), entitled "An act for the protection of the public safety; regulating the use of highways, and the operation of vehicles, tractors, street cars, trackless trolley omnibuses, bicycles, pedestrians, and the riding of animals upon the highways of this Commonwealth; providing for the titling, including liens, encumbrances, and legal claims; registration of certain vehicles and licensing the operators thereof, upon payment of prescribed fees; prescribing and limiting the powers of local authorities to deal with the subject matter of this act; conferring powers and imposing duties upon the Department of Revenue, the Department of Highways, peace officers, mayors, burgesses, magistrates, aldermen, justices of the peace, the courts and the clerks thereof, owners of vehicles, and garage keepers; providing that records re admissible as evidence; imposing upon owners, counties, cities, boroughs, incorporated towns, townships, within the Commonwealth, liability for damages caused by the negligent operation of their motor vehicles; imposing penalties; imposing certain costs upon counties; providing for the disposition of fines, forfeitures, fees, and miscellaneous receipts; making an appropriation and providing for refunds," providing for inspection of motor vehicles by the Commonwealth; fixing the fee therefor, authorizing the appointment of examiners of motor vehicles and the establishment of official inspection stations; defining their powers and duties, and restrictions thereon; and providing additional penalties.

Referred to the Committee on Motor Vehicles.

By Mr. GATES. HOUSE BILL No. 407.

An Act to repeal sections twenty and twenty-one of the act, approved the first day of June, one thousand eight hundred and eighty-nine (P. L. 420), entitled "A further supplement to an act entitled 'An act to provide revenue by taxation,' approved the seventh day of June, Anno Domini one thousand eight hundred and seventy-nine."

Referred to the Committee on Ways and Means.

By Mr. HARBESON. HOUSE BILL No. 408.

An Act to repeal the act, approved the twelfth day of June, one thousand nine hundred seven (P. L. 527), entitled "An act establishing precautionary regulations to prevent forest fires on lands in which oil-wells and gas-wells are situated, and diminish danger therefrom; making certain violations thereof misdemeanors, and prescribing punishment for the same, and in other cases affixing penalties and declaring liability for damages."

Referred to the Committee on Forestry.

By Mr. GATES. HOUSE BILL No. 409.

An Act imposing a tax in relief of financially distressed school districts on the net income of residents of Pennsylvania, including fiduciaries and on net income of non-residents derived from property or business in Pennsylvania; defining taxable income and requiring filing of returns thereof; providing for the assessment, collection and lien of said tax; providing for administration and enforcement of the act by the Department of Revenue; conferring powers and imposing duties on certain persons, partnerships, associations, corporations, State and county officers, employees and departments; providing for the use

of, and appropriating the proceeds of such tax; and imposing penalties.

Referred to the Committee on Ways and Means.

By Mr. SWEENEY.

HOUSE BILL No. 410.

An Act relating to the practice of the occupation or business of opticians and providing for the licensing and registration of opticians and optical technicians, and the registration of optician's apprentices, and for the revocation and suspension of such licenses and registrations, subject to appeal, and for their reinstatement; defining the powers and duties of the State Board of Examiners of Opticians and the Department of Public Instruction; and providing penalties.

Referred to the Committee on Professional Licensure.

By Mr. ROSENFELD.

HOUSE BILL No. 411.

An Act permitting the practice of operating bank nights by theatres, motion picture houses and other places of entertainment; and the awarding of prizes to the winners by lot or chance; and authorizing certain organizations to conduct Bingo games and award prizes to the winners; requiring a permit from the Department of Revenue for such practice and games; and fixing fees therefor.

Referred to the Committee on Law and Order.

By Mr. CLARK.

HOUSE BILL No. 412.

An Act making it lawful for certain organizations, institutions and associations to raise money for charitable, benevolent and patriotic purposes by means of lotteries and games or devices of chance.

Referred to the Committee on Law and Order.

By Mr. JAMES.

HOUSE BILL No. 413.

An Act to amend section five hundred and sixteen of the act, approved the ninth day of April, one thousand nine hundred and twenty-nine (P. L. 177), entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments, boards, commissions, and officers thereof, including the boards of trustees of State Normal Schools, or Teachers Colleges; abolishing, creating, reorganizing or authorizing the reorganization of certain administrative departments, boards, and commissions; defining the powers and duties of the Governor and other executive and administrative officers, and of the several administrative departments, boards, commissions, and officers; fixing the salaries of the Governor, Lieutenant Governor, and certain other executive and administrative officers; providing for the appointment of certain administrative officers, and of all deputies and other assistants and employes in certain departments, boards, and commissions; and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments, boards and commissions shall be determined," by further defining interest in State contracts.

Referred to the Committee on State Government.

By Mr. BRETHERICK.

HOUSE BILL No. 414.

An Act imposing a tax for the use of the Commonwealth on each vending machine which discharges any merchandise or commodity upon the insertion of a coin; imposing duties upon the Department of Revenue; and providing penalties.

Referred to the Committee on Ways and Means.

By Mr. BRETHERICK.

HOUSE BILL No. 415.

An Act imposing a tax for the use of the Commonwealth on all phonographs or machines for reproducing music

from records, which are operated by the insertion of a coin; imposing certain duties on the Department of Revenue; and providing penalties.

Referred to the Committee on Ways and Means.

By Mr. FISHER.

HOUSE BILL No. 416.

An Act to authorize cities, boroughs, incorporated towns, townships, and school districts to file suggestions of nonpayment and averments of default, or to sue out writs of scire facias on certain tax or municipal claims, and to revive judgments where the lien of such claims or the judgments thereon have been lost; and providing for the reinstatement of the liens of such claims and judgments.

Referred to the Committee on Judiciary General.

By Mr. FISHER.

HOUSE BILL No. 417.

An Act to authorize counties to file suggestions for revival of certain tax liens; to revive such liens where more than five years have elapsed since said liens were filed or revived; and providing for the revival and collection of such liens.

Referred to the Committee on Judiciary General.

By Mr. LEYDIC.

HOUSE BILL No. 418.

An Act making an appropriation to the Department of Welfare, to pay for the care, treatment, removal, and maintenance of the indigent insane in the Dixmont Hospital, at Dixmont, Allegheny County.

Referred to the Committee on Appropriations.

By Mr. FINNERTY.

HOUSE BILL No. 419.

An Act to further amend the definition of "peace officer" in section one hundred and two of the act, approved the first day of May, one thousand nine hundred and twenty-nine (P. L. 905), entitled "An act for the protection of the public safety; regulating the use of highways, and the operation of vehicles, tractors, street cars, trackless trolley omnibuses, bicycles, pedestrians, and the riding of animals upon the highways of this Commonwealth; providing for the titling, including liens, encumbrances, and legal claims; registration of certain vehicles and licensing the operators thereof, upon payment of prescribed fees; prescribing and limiting the powers of local authorities to deal with the subject matter of this act; conferring powers and imposing duties upon the Department of Revenue, the Department of Highways, peace officers, mayors, burgesses, magistrates, aldermen, justices of the peace, the courts and the clerks thereof, owners of vehicles, and garage keepers; providing that records are admissible as evidence; imposing upon owners, counties, cities, boroughs, incorporated towns, townships, within the Commonwealth, liability for damages caused by the negligent operation of their motor vehicles; imposing penalties; imposing certain costs upon counties; providing for the disposition of fines, forfeitures, fees, and miscellaneous receipts; making an appropriation and providing for refunds," to include members of the General Assembly and other elected State officers; and vesting them with authority of arrest.

Referred to the Committee on Motor Vehicles.

By Mr. FLEMING.

HOUSE BILL No. 420.

An Act governing instalment sales by bailment lease or otherwise; requiring written statements by the seller or lessor covering certain information; imposing duties on the Secretary of Banking; and making certain claims unenforceable for failure to comply herewith.

Referred to the Committee on Judiciary General.

By Mr. BROAD.

HOUSE BILL No. 421.

An Act providing for the appointment of the Hannastown Historical Commission, for the purpose of acquiring and marking the site of the first Court held west of the Allegheny Mountains, by the erection of a replica of the first court house, and the establishing of a historical museum in connection therewith, and for the further purpose of marking the Forbes and Bouquet Roads between Bedford and Fort Pitt; defining the membership and duties of said Commission; and making an appropriation.

Referred to the Committee on Appropriations.

By Mr. COOPER.

HOUSE BILL No. 422.

A Supplement to the act approved the nineteenth day of April, one thousand nine hundred and one (P. L. 88), entitled "An act relating to replevin, and regulating the practice in cases where the writ of replevin is issued," providing for depositions of adverse parties to obtain information as to the location of chattels and parts thereof, for orders restraining removal or disposition thereof, and for alias and pluries writs and the service thereof in another county.

Referred to the Committee on Judiciary General.

By Mr. COOPER.

HOUSE BILL No. 423.

An Act to amend section five (a) as added to, and section nine as amended, of the act, approved the seventeenth day of May, one thousand nine hundred and seventeen (P. L. 224), entitled "An act preventing the manufacture, sale, or transportation within the Commonwealth of adulterated or misbranded paris greens, lead arsenates, lime-sulphur compounds, and other insecticides and fungicides, and regulating traffic therein; providing for inspection of such materials, and imposing penalties;" by providing for the registration of insecticides and fungicides by manufacturers outside of the Commonwealth; and changing penalties.

Referred to the Committee on Agriculture.

By Mr. CLEARWATER.

HOUSE BILL No. 424.

An Act to authorize cities of the first class of this Commonwealth to provide for the payment of certain deficits and indebtedness as herein defined in equal annual instalments of two million five hundred thousand dollars (\$2,500,000); and to authorize the making of contracts, the drawing of warrants and the approval thereof, without appropriation, for the payment of such deficits and indebtedness, except as provided by this act; and to levy and fix the tax rate, and to make appropriations, and prepare and formulate the financial programs of such cities upon the basis of the discharge of such deficits and indebtedness, in the manner provided by this act; requiring annual provision for payment of mandamus executions; and suspending inconsistent legislation.

Referred to the Committee on Cities—First Class.

By Mr. JOHNSTON.

HOUSE BILL No. 425.

An Act to further amend section seven hundred and two of the act approved the fifth day of May, one thousand nine hundred and thirty-three (P. L. 239), entitled "An act relating to nonprofit corporations; defining and providing for the organization, merger, consolidation, and dissolution of such corporations; conferring certain rights, powers, duties, and immunities upon them and their officers and members; prescribing the conditions on which such corporations may exercise their powers; providing for the inclusion of certain existing corporations of the first class within the provisions of this act; prescribing the terms and conditions upon which foreign nonprofit corporations may be admitted or may continue to do business within the Commonwealth; conferring powers and imposing duties on the courts of common pleas; prothonotaries

of such courts, recorders of deeds, and certain State departments, commissions, and officers; authorizing certain local public officers and State departments to collect fees for services required to be rendered by this act; imposing penalties; and repealing certain acts and parts of acts relating to corporations," changing the procedure in adopting a new name by such corporations.

Referred to the Committee on Corporations and Industry.

By Mr. SEIF. (By request.)

HOUSE BILL No. 426.

An Act to amend section one of the act approved the twenty-fifth day of May, one thousand nine hundred and seven (P. L. 244), entitled "An act to provide revenue by imposing a license-tax on the keepers of all shooting-galleries, shuffle-board-rooms, billiard or pool-rooms, for purpose of profit, or any other place in which any game is played on a table with the use of balls and cues; and bowling-alleys, ninepin-alleys, tenpin-alleys, or other alleys or places in which any game is played with the use of balls or pins, or other objects; providing for the collection of said tax, and imposing certain duties upon mercantile appraisers and county treasurers," by changing the amount of license fees; and abolishing special licenses for summer resorts.

Referred to the Committee on Ways and Means.

By Mr. HOLLAND.

HOUSE BILL No. 427.

An Act to amend sections two hundred and one, and four hundred and two of the act, approved the twenty-second day of May, one thousand nine hundred and thirty-three (P. L. 853), entitled "An act relating to taxation; designating the subjects, property and persons subject to and exempt from taxation for all local purposes; providing for and regulating the assessment and valuations of persons, property and subjects of taxation for county purposes, and for the use of those municipal and quasi-municipal corporations which levy their taxes on county assessments and valuations; amending, revising and consolidating the law relating thereto; and repealing existing laws," substituting institution districts for poor districts as a purpose for taxation; making certain property of public utility companies subject to taxation; relieving local assessors of the duty of assessing such property; and adopting valuations made thereof by the State Utility Tax Commission.

Referred to the Committee on Counties.

By Mr. HOLLAND.

HOUSE BILL No. 428.

An Act relating to the assessment and valuation of property, facilities and franchises of public utility companies; creating a State Utility Tax Commission as a departmental administrative commission in the Department of Revenue; prescribing its powers and duties; imposing duties on the Pennsylvania Public Utility Commission; providing for appeals to courts of common pleas and appellate courts; and prescribing penalties.

Referred to the Committee on Public Utilities.

RESOLUTION INTRODUCED AND REFERRED

By Messrs. CORDIER and DENMAN. (Concurrent.)
RESOLUTION No. 24.

In the House of Representatives, March 6, 1939.

Whereas, The publicity recently given to the amount of money appropriated to the Bureau of Aeronautics, for use during the present biennium, has occasioned much public comment; and

Whereas, An investigation should be made of the activities and expenditures, and also the plans of the Bureau, in order to determine upon its future operations and future appropriations; therefore be it

Resolved, (if the Senate concur) That a joint Legislative Committee is hereby created, consisting of four mem-

bers of the House of Representatives, one of whom shall be a member of the minority party, to be appointed by the Speaker of the House; and three members of the Senate, one of whom shall be a member of the minority party, to be appointed by the President Pro Tempore of the Senate, whose duty it shall be

(a) To organize immediately after its appointment, by the election, from its membership, of a chairman, vice-chairman and a secretary.

(b) To immediately begin a thorough investigation of the operations of and the expenditures made by the Bureau of Aeronautics since its creation, with the end in view of suggesting what policy should be adopted in order to make its work more effective and less expensive.

(c) To decide how far the Bureau should proceed as a separate organization and whether cooperation with the Federal Government or other states would be practicable.

(d) To investigate safety devices and make recommendations in regard to the use thereof.

(e) To inquire into possible abuses of the powers of the Bureau heretofore practiced and to make suggestions for the correction thereof.

The committee hereby created shall have power to issue subpoenas under the hand and seal of its chairman requesting and commanding any person or persons to appear before them and to answer such questions touching matters properly being inquired into by the committee, and to produce such books, papers, records and documents as the committee may deem necessary. Such subpoenas may be served upon any person and shall have the force and effect of subpoenas issued out of the courts of this Commonwealth. Each member of said committee shall have power to administer oaths and affirmations to witnesses appearing before the committee. Any person who shall wilfully neglect or refuse to testify before said committee or to produce any books, papers, records or documents shall be subject to the penalties provided by laws of the Commonwealth in such cases.

The said committee shall report to this General Assembly as soon as possible after its investigation is completed, the results thereof accompanied by such suggestions of legislation to be enacted as to the committee seems necessary.

Referred to the Committee on Rules.

RESOLUTION INTRODUCED AND REFERRED

By Mr. McCLESTER. (Concurrent.)

RESOLUTION No. 25.

In the House of Representatives, March 6, 1939.

Whereas, There have been certain bills introduced into the Seventy-sixth Congress, namely H. R. 188; S. 126; S. 138 and S. 158, which, if passed, would be harmful to labor, agriculture and industry in Pennsylvania; and

Whereas, The primary object of these bills is to compel by legislative action the establishment and maintenance of freight rates from one rate territory to another on the rate per mile that applies within the destination territory which in turn would provide a substantially higher rate in one direction than in another over the same rails and between the same points; and

Whereas, The United States has been naturally divided into several rate territories because of differing costs of transportation caused primarily from the fact of differing volumes of tonnage produced and available for transportation in the various sections of the country; and

Whereas, Pennsylvania is located in what is designated Official Territory, and being that territory lying East of the Mississippi River and North of the Ohio and Potomac Rivers, and recognized as one of the greatest industrial sections, not only of the United States but of the entire world, and because of this fact it provides the greatest number of tons per mile of transportation and consequently the lowest cost of operation for the railroads in that territory of any territory in the United States; and

Whereas, These bills, or any of them, if enacted into law, would require the Interstate Commerce Commission, regardless of the facts, evidence, equity, their better judgment or otherwise, to disregard differing costs which form

the basis for these different rate territories, and arbitrarily make from Official Territory to all other territories rates which would be materially higher than would be charged shippers in these other territories for shipping the same or similar articles, the same or similar distances into Pennsylvania, to the serious disadvantage of, and discrimination against Pennsylvania; and

Whereas, Such a prejudice to Pennsylvania and preference of these other territories would not only seriously restrict the marketing and consequently the production of articles of commerce in Pennsylvania to the substantial and grave loss to its labor, agriculture and industry, but, even more seriously, would induce substantial removal of manufacturing operations from Pennsylvania to these more favored localities to the disadvantage of all its citizens; therefore be it

Resolved, (if the Senate concur), That the General Assembly of the Commonwealth of Pennsylvania hereby urges and requests all Pennsylvania Senators and Representatives in Congress to not only vote against these bills and any other similar bills or amendments to or provisions of bills which have the same purpose, but to also use their efforts to convince their colleagues in both Houses of Congress of the unfairness and impropriety of such legislation; and be it further

Resolved, That copies of this resolution be forwarded to each Member of the Seventy-Sixth Congress from the State of Pennsylvania.

Referred to the Committee on Federal Relations.

RESOLUTION INTRODUCED AND REFERRED

By Mr. MATTHEWS. (Concurrent.)

RESOLUTION No. 26.

In the House of Representatives, March 6, 1939.

Whereas, It is claimed that the persons authorized to conduct civil service examinations for State positions have not properly interpreted the intent of the acts providing for civil service employment and have, therefore, violated the legislative intent of the acts which called for competitive examinations; and

Whereas, The first Liquor Control Act contained a civil service provision calling for examinations and ratings to determine the qualifications of applicants, but it is claimed, on account of the many unreasonable and irrelevant examination questions propounded, many persons, including war veterans, were deprived of employment, though they possessed mature judgment and practical ability to perform duties pertaining to the position for which they applied; and

Whereas, More recently, the Legislature enacted Civil Service Compensation Laws and Civil Service Laws governing employment in the Department of Public Assistance; and again it is alleged, the requirements, standards, and the type of examination questions propounded were such that many persons, including war veterans, were deprived of employment, though they possessed mature judgment and practical ability to perform the duties pertaining to the position for which they applied; and

Whereas, All of the aforementioned Civil Service Acts state that examinations shall be practical in character and relate, so far as possible, to the subject for which the applicant is being examined; and it is claimed that most examinations contained a number of questions having no bearing whatsoever on the work to be performed by the applicant; therefore be it

Resolved, That the General Assembly of the Commonwealth of Pennsylvania conduct an investigation of the examinations given persons who applied for civil service positions in the Department of Industry and the Department of Public Assistance so that if it should be disclosed that any of the examinations were impractical in character, then all such examinations may be declared null and void and new examinations prepared and so that any citizen of this Commonwealth shall have the right and privilege to take the examination for the position he or she is qualified, by reason of experience, ability, and mature judgment.

Referred to the Committee on Rules.

SENATE MESSAGE

HOUSE BILL CONCURRED IN BY SENATE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 143.

An Act to amend clause (b) of section four article two of the act approved the twenty-fifth day of June one thousand nine hundred and nineteen (P. L. 581) entitled "An act for the better government of cities of the first class of this Commonwealth" as amended by providing a succession of officers of such cities to act as mayor in case of a vacancy or disability of the mayor to act

With the information that the Senate has passed the same without amendment.

BILL SIGNED BY SPEAKER

Bill numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the title was publicly read as follows.

HOUSE BILL No. 143.

An Act to amend clause (b) of section four article two of the act approved the twenty-fifth day of June one thousand nine hundred and nineteen (P. L. 581) entitled "An act for the better government of cities of the first class of this Commonwealth" as amended by providing a succession of officers of such cities to act as mayor in case of a vacancy or disability of the mayor to act

Whereupon,

The SPEAKER, in the presence of the House, signed the same.

SENATE MESSAGE

RESOLUTION FOR CONCURRENCE

The Clerk of the Senate being introduced, presented the following extract from the Journal of the Senate, which was read as follows, viz:

In the Senate, March 6, 1939.

Whereas, Charges have been made that in Cambria County, there has been an improper use of funds by the State Highway Department, the Works Progress Administration, the Department of Public Assistance, and the Unemployment Compensation Division of the Department of Labor and Industry of this Commonwealth; and

Whereas, The charges made are not only confined to the improper use of funds by these departments and agencies, but also as to the existence of many highly irregular practices, incompetent personnel, political coercion, graft, bribery, and macing; and

Whereas, From time to time, these charges have been repeated; however, up until the present, the charges have never been proved or disproved; and

Whereas, The agencies of government of this Commonwealth and of the government of the United States, acting through our own state agencies or independently, must not be conducted in such a manner as to subject their activities in any way to charges directed to the honesty and integrity of those persons having the administration of such agencies; and

Whereas only through the investigation of these charges, and a full disclosure of the facts in relation thereto, can the truth be learned, therefore be it

Resolved, (if the House of Representatives concur), That the President Pro Tempore shall appoint three members of the Senate, one of who shall be designated as

chairman, and the Speaker of the House of Representatives shall appoint two members of the House, who, together shall constitute a joint legislative committee, and whose duty it shall be to make a thorough and impartial investigation of the various charges made relative to the several departments and agencies of this Commonwealth and of the Federal agencies operating and acting through the several departments and agencies of the Commonwealth, with particular attention to the commission of any offenses under the provisions of law of this Commonwealth; and be it further

Resolved, That said committee shall have power to issue subpoenas under the hand and seal of its chairman, requiring and commanding any person to appear before it and answer such questions touching matters properly being inquired into by the committee, and to produce such books, papers, records and documents as the committee may deem necessary. Such subpoenas may be served upon any person, and shall have the same force and effect as subpoenas issued out of the courts of this Commonwealth. Each member of the committee shall have power to administer oaths and affirmations to witnesses appearing before it. Any person who shall wilfully neglect or refuse to appear and testify for said committee, or to produce any books, papers, records and documents, shall be subject to the penalties provided by the laws of this Commonwealth in such cases; and be it further

Resolved, That if the commission is unable to complete its investigation during the current session of the General Assembly, it shall have power to sit and continue its investigations after the adjournment of the current session, and it shall then make its report and recommendations to the Governor, or to the next session of the General Assembly.

Ordered, That the Clerk present the same to the House of Representatives for its concurrence.

Referred to the Committee on Rules.

COMMITTEE MEETING

The Committee on Public Utilities will meet during the recess in Room 323.

RECESS

The SPEAKER. If there are no objections the Chair is about to declare a recess until 1:45 p. m. Are there objections? The Chair hears none and declares a recess until 1:45 p. m.

AFTER RECESS

The House reconvened at 1:30 p. m.

The SPEAKER (Ellwood J. Turner) in the Chair.

RECESS

The SPEAKER. If there are no objections the Chair is about to declare a recess until 1:45 p. m.

Are there objections? The Chair hears none and declares a recess until 1:45 p. m.

AFTER RECESS

The House reconvened at 1:45 p. m.

The SPEAKER (Ellwood J. Turner) in the Chair.

SENATE MESSAGE

TIME OF NEXT MEETING

The Clerk of the Senate being introduced presented an extract from the Journal of the Senate, which was read as follows:

In the Senate, March 6, 1939.

Resolved (if the House of Representatives concur), That when the Senate adjourns this week it reconvene on Mon-

day evening, March 13, at nine o'clock; and when the House of Representatives adjourns this week it reconvene on Monday evening, March 13, at eight o'clock.

Ordered, That the Clerk present the same to the House of Representatives for its concurrence.

On the question,

Will the House concur in the resolution of the Senate?

Mr. WOODSIDE. Mr. Speaker, I ask unanimous consent to offer an amendment at this time.

The SPEAKER. The amendment will be read by the Clerk for information.

The Clerk read the amendment as follows:

Amend last line by striking out the word "eight" before the word "O'clock" and insert the word "nine"

The SPEAKER. Will the House give unanimous consent to the insertion of the amendment at this time? Is there objection? The Chair hears none and the amendment will be inserted in accordance with the instructions of the House.

On the question,

Will the House agree to the resolution as amended?

Mr. HERBERT B. COHEN. Mr. Speaker and members of the House, I wish to state that we in the minority are quite in favor of the resolution as it is now amended. Just as you of the majority have been confronted with an exigency that requires a continuation of the meeting of the House from eight o'clock to nine o'clock, we of the minority are confronted with an exigency at every convention of the House. It is within the contemplated action of the minority to caucus some time on Monday evening, and with the early convention of the House, as has been the practice so far during the session, at eight o'clock rather than at nine, the minority has found it impossible to find a suitable time at which to caucus. We feel that this amended resolution now before us, convening our session at nine o'clock instead of eight will more adequately meet our requirements.

We respectfully solicit the Rules Committee to take steps so that in the future the meeting of the House of Representatives shall be at nine o'clock on Monday evening.

On the question recurring,

Will the House concur in the resolution as amended?

It was concurred in.

Ordered, That the Clerk present the same to the Senate with the information that the House has passed the same with amendment in which the concurrence of the Senate is requested.

BILLS ON SECOND READING

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 80, as follows:

An Act to amend sections one and two of the act approved the twenty-first day of June one thousand nine hundred and thirty-seven (Pamphlet Laws 1982) entitled "An act authorizing the Supreme Court of Pennsylvania to prescribe rules of practice and procedure in civil actions at law and in equity in certain courts of this Commonwealth to prescribe rules and regulations for the conduct of any general business either civil or criminal by judges of any court of record authorizing the courts of common pleas to prescribe and

adopt local rules not inconsistent with such general rules of the Supreme Court of Pennsylvania authorizing the Supreme Court of Pennsylvania to appoint a Procedural Rules Committee and to fix and define its powers and duties imposing duties on judges and other officers of every court of record" by including the municipal court of Philadelphia.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Sections one and two of the act approved the twenty-first day of June one thousand nine hundred and thirty-seven (Pamphlet Laws 1982) entitled "An act authorizing the Supreme Court of Pennsylvania to prescribe rules of practice and procedure in civil actions at law and in equity in certain courts of this Commonwealth to prescribe rules and regulations for the conduct of any general business either civil or criminal by judges of any court of record authorizing the courts of common pleas to prescribe and adopt local rules not inconsistent with such general rules of the Supreme Court of Pennsylvania authorizing the Supreme Court of Pennsylvania to appoint a Procedural Rules Committee and to fix and define its powers and duties imposing duties on judges and other officers of every court of record" are hereby amended to read as follows

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That from and after the effective date of this act the Supreme Court of Pennsylvania shall have the power to prescribe by general rule the forms of actions process writs pleadings and motions and the practice and procedure in civil actions at law and in equity for the courts of common pleas of every county for the county court of Allegheny County for the municipal court of Philadelphia and for such other courts having jurisdiction in civil actions as the General Assembly shall hereafter establish Provided That such rules shall be consistent with the Constitution of this Commonwealth and shall neither abridge enlarge nor modify the substantive rights of any litigant nor the jurisdiction of any of the said courts nor affect any statute of limitations The provisions of this section shall not apply to the courts of oyer and terminer courts of quarter sessions and the Orphan' Courts of this Commonwealth and the practice and procedure in said courts shall remain and continue as prescribed by existing law At the time of the adoption promulgation and publication of its general rules the Supreme Court shall fix the effective date thereof which shall not be less than six months from the date of the adoption thereof As soon as promulgated a copy of all rules shall be sent to the prothonotaries or clerks of all courts which may be affected thereby and shall be published by such prothonotaries or clerks in the same manner as local rules adopted by such courts

From and after the effective date of any rule promulgated under this section 1 and so long as said rule shall be operative the operation of any act of Assembly relating to practice or procedure in such courts and inconsistent with such rule shall be suspended in so far as such act may be inconsistent with such rule

Section 2 Each of the courts of common pleas the county court of Allegheny County the municipal court of Philadelphia and other courts established by the General Assembly may adopt additional local rules for the conduct of its business which shall not be inconsistent with or in conflict with said general rules prescribed by the Supreme Court of Pennsylvania

Section 2 This act shall become effective immediately upon final enactment

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 211, as follows:

An Act to amend section one of the act approved the twelfth day of June one thousand nine hundred nineteen (Pamphlet Laws 450) entitled "An act permitting counties of the Commonwealth of Pennsylvania to appropriate and expend moneys and to incur indebtedness and issue bonds and other obligations for the improvement and maintenance of State highways and State-aid highways or any public highway in any county of the Commonwealth and providing the method for applying for said moneys and for the approval thereof by the State Highway Department in certain cases" as amended by extending the provisions thereof to include the improvement and maintenance of public highways in towns

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section one of the act approved the twelfth day of June one thousand nine hundred nineteen (Pamphlet Laws 450) entitled "An act permitting counties of the Commonwealth of Pennsylvania to appropriate and expend moneys and to incur indebtedness and issue bonds and other obligations for the improvement and maintenance of State highways and State-aid highways or any public highway in any county of the Commonwealth and providing the method for applying for said moneys and for the approval thereof by the State Highway Department in certain cases" as last amended by the act approved the twelfth day of July one thousand nine hundred thirty-five (Pamphlet Laws 803) is hereby further amended to read as follows

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That any county of this Commonwealth may appropriate and expend moneys and incur such indebtedness and issue bonds or other obligations therefor as may be necessary to pay all or any portion of the damages to property resulting from any widening or relocation made with the consent of the county or to pay for the improvement and maintenance of any State highway or State-aid highway or any public highway including sidewalk construction within its proper limits Provided however That no improvement can be made to any State highways or State-aid highways until the same has been submitted to and approved by the State Highway Department And provided further That no county shall appropriate and expend any of such moneys for the improvement and maintenance of any public highway other than a State highway or State-aid highway or county road where the highway is to be improved jointly by the township or borough or town or city and county until and unless the supervisors or commissioners of the township or council of the city or borough or town in which the highway proposed to be improved lies shall first petition the county commissioners of the county representing that any highway or section thereof lying within such township or borough or town or city on which it is proposed that said money shall be expended is in need of reconstruction or repair and particularly describing said highway and until and unless the said application has been submitted to and approved by the State Highway Department And provided further That when the improvement and maintenance of any public highway in the county is desired by the county without the intervention of the township or borough or town or city the commissioners of said county may make application for approval direct to the State Highway Department

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 115, entitled:

An Act to amend section ten of the act approved the thirty-first day of March, one thousand eight hundred

and sixty, (P. L. 427), entitled "An act to consolidate, revise and amend the laws of the Commonwealth relating to penal proceedings and pleadings, by providing further for the administration of oaths and affirmations to witnesses appearing before grand juries.

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

Mr. HERBERT B. COHEN. Mr. Speaker, I would like to interrogate the sponsor of this bill.

The SPEAKER. Will the gentleman from Dauphin permit himself to be interrogated?

Mr. DAVID P. REESE. I will, Mr. Speaker.

Mr. HERBERT B. COHEN. Mr. Speaker, I desire to inquire of the gentleman from Dauphin, the sponsor of this bill, whether this bill as it reads gives the foreman of any Grand Jury the right to swear in any witness appearing before it?

Mr. DAVID P. REESE. That is correct, Mr. Speaker.

Mr. HERBERT B. COHEN. Mr. Speaker, may I inquire of the gentleman how the witnesses of an ordinary Grand Jury are called to the attention of the Grand Jury so that they might be called by the Grand Jury?

Mr. DAVID P. REESE. Mr. Speaker, they are called to the attention of the Grand Jury by bringing them into the Grand Jury room and then having them sworn.

Mr. HERBERT B. COHEN. Mr. Speaker, may I inquire of the gentleman from Dauphin whether they can be so sworn by the foreman after being called into the room, although their names do not appear on the indictment?

Mr. DAVID P. REESE. Mr. Speaker, they can.

Mr. HERBERT B. COHEN. Mr. Speaker, then this bill will change the present law so that the Grand Jury might be able to swear in any individual appearing before it even though the name of the individual does not appear upon the indictment?

Mr. DAVID P. REESE. That is correct, Mr. Speaker.

Mr. HERBERT B. COHEN. Mr. Speaker and members of the House, I feel that this bill should be the subject of additional study. I realize that with reference to individuals who appear before the Grand Jury at the present time it is required that their names appear upon the bill of indictment. Now, to allow the Grand Jury to hear witnesses whose names do not appear upon the back of the indictment is going to open up the possibility of a tremendous amount of fraud. The Grand Jury might summon defense witnesses, and individuals who have information that might tend to confuse the Grand Jury might prevail upon individuals in charge of the Grand Jury that they be sworn and testify before the Grand Jury.

Existing law, as I understand it, is a precautionary measure, so that the District Attorney shall have a record of all witnesses who appear before the Grand Jury, and that witnesses who have information or testimony that should be utilized by the defense will not be called before the Grand Jury to give that testimony. One of the tricks in the practice of criminal law has always been to try to have the District Attorney include on the indictment the name of an individual who would give testimony for the defendant. I say if we alter our criminal procedure whereby an individual whose name is not upon the indictment may be taken before the Grand Jury, sworn and give his testimony, we are changing

entirely the functions of the Grand Jury from a group who should look only to the prima facie case involved, and opening up the Grand Jury activities to hearing defense witnesses.

Under those circumstances, Mr. Speaker, I cannot believe that it was the intention of the framers of this bill to indulge in any such tactics. I just had the bill called to my attention. I feel that the integrity of the Grand Jury, as it is now functioning, should be maintained.

MOTION TO POSTPONE

Mr. HERBERT B. COHEN. I would respectfully move, Mr. Speaker, that the bill be placed on the postponed calendar so that an opportunity may be given for further study.

On the question,

Will the House agree to the motion?

Mr. DAVID P. REESE. Mr. Speaker and members of the House, I would like to object to this motion without going into a discussion on the merits of the bill. However, I would like to have the privilege of replying to the gentleman from York, Mr. Cohen, by indicating to him and to the rest of the members of this House, that it was not the intention of the framers of this bill to allow unusual practices to develop. The ordinary procedure allows the Judges to swear in such witnesses, even though their names do not appear upon the indictment, and this is merely to facilitate the work of the Grand Jury in allowing a member of the Grand Jury to swear them in so that they will not take up too much of the Judge's time. That is all there is to the bill.

On the question recurring,

Will the House agree to the motion?

It was not agreed to.

On the question recurring,

Shall the bill pass finally?

Mr. WOODSIDE. Mr. Speaker and members of the House, in order to clarify the meaning and intent of this bill, I would like to say this: under the law as it exists today the District Attorney draws a bill of indictment and takes it before the Grand Jury. On the back of the bill of indictment he may have the names of all the witnesses or only part of them. Those witnesses whose names appear upon the back of the bill of indictment may go before the Grand Jury and be sworn by the foreman, but should the Grand Jury in the course of hearing a bill of indictment decide to call in other persons they would have to call in the Judge in order that they could be sworn. But more important than that, in the conduct of an investigation there are no bills of indictment, and the question has been raised, as the result of the way the law is written, that in an investigation by a Grand Jury it is impossible for the foreman of the Grand Jury to swear in any witnesses, and as a result of that it is impossible for any witnesses to appear before the Grand Jury conducting an investigation and be sworn by the foreman of the Grand Jury, so that it is necessary for the Judge to remain there practically all of the time merely for the purpose of swearing in witnesses. It is a matter of considerable inconvenience and that is the real purpose for this measure.

Mr. HERBERT B. COHEN. Mr. Speaker and members of the House, I feel that this is more or less an academic

situation. As lawyers, who are well acquainted with the criminal law, we should sit down and determine the far reaching effect of this change in our procedure. As the gentleman from Dauphin has ably indicated, the procedure as outlined requires the foreman of the Grand Jury to swear in only those witnesses whose names appear on the back of the bill of indictment, and any other witnesses who appear before the Grand Jury must be sworn in by the court before those witnesses are qualified to testify before the Grand Jury. I say that safeguard was placed in our criminal law to prevent the smuggling of witnesses into the grand jury, who would have testimony that would not be the Commonwealth's testimony. Now, there might be a certain exigency that is created by a grand jury investigation, but I say to the membership of this House that it is not, and it should not be, within the contemplation of the framers of this bill to destroy the procedure that has been existing for some time, namely, that before an individual can be sworn in by the foreman of a Grand Jury his name must appear on the back of the bill of indictment. That is a precautionary measure. That is a measure so that the district attorney who is the prosecutor in this case and presenting the evidence before the grand jury knows that the only witnesses who appear before the grand jury to give testimony are Commonwealth witnesses, otherwise, if you let the bars down, as this act contemplates doing, while it might help the gentlemen of the majority out of a situation now being investigated, you are changing our fundamental law; you are making it possible for a group of criminal lawyers who wish to pervert justice to come in and smuggle into a grand jury room witnesses who are not Commonwealth witnesses, who will confuse the grand jury and who will defeat bringing out a bill of indictment. I say it surely is not within the contemplation of the membership of this House to make that radical change in our fundamental law. We know by experience that the way to safeguard the grand jury against spurious witnesses is to demand that those witnesses have their names placed on the back of the contemplated bill of indictment, placed there by the district attorney, and if you let down the bars you are throwing the grand jury open to the introduction of testimony that in all justice to the Commonwealth should not be there.

Therefore, Mr. Speaker, I made the previous motion and I feel sure that the information given by the gentleman from Dauphin causes such a doubt, at least in my own mind, that it is of sufficient importance to require some further study on the part of the House, and I would ask that some consideration be given whereby action on this bill can be delayed, so that we will not take a step such as this blindly.

BILL POSTPONED

Mr. WOODSIDE. Mr. Speaker and members of the House, I am satisfied in my own mind that the objection which is made by the gentleman from York is not sound, but I feel that in a measure of this kind every consideration should be given to the bill and therefore in response to the request made by the minority, I will move that we place the bill on the postponed calendar for further study.

The motion was agreed to.

BILL ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 191, entitled:

An Act to amend the title and section six of the act approved the twenty-ninth day of May one thousand nine hundred thirty-one (Pamphlet Laws two hundred eighty) entitled "An act relating to delinquent taxes on seated lands and prescribing interest charges on nonpayment thereof requiring the receivers and collectors of county city borough town township school district and poor district taxes to make a return to the county commissioners of such unpaid taxes and providing for the lien thereof authorizing the county treasurers to collect such taxes and to sell seated lands at public sale for taxes heretofore or hereafter returned as unpaid and authorizing the county commissioners to purchase such lands and resell the same under certain circumstances" by providing that tax collectors and receivers shall be paid a commission on all delinquent taxes collected

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—67

Achterman,	Flanagan,	Lichtenwalter,	Rooney,
Allmond,	Furman,	Lovett,	Rothenberger,
Baker,	Gates,	Malloy,	Sarra,
Balthaser,	Gorski,	Malone,	Scanlon,
Boles,	Harkins,	McLane,	Schrope,
Brancato,	Haudenschild,	McVay,	Schwab,
Burns,	Hess,	Mihm,	Skale,
Chervenak,	Hindman,	Mooney,	Stank,
Cohen, R. E.,	Hoffman, S. K.,	Moran,	Tarr,
Cooper,	Holland,	Munley,	Thompson, E. F.,
DeNote,	Jirolanio,	O'Connor,	Tronzo,
Downey,	Keenan,	O'Keefe,	Watkins,
Eckels,	Kenephan,	Omlinsky,	Welsh, E. B.,
Ewing,	Kilroy,	O'Neill,	Westrick,
Falkenstein,	Kilne,	Powers,	Wilkinson,
Fauset,	Kowalski,	Readinger,	Williams,
Finnerty,	Levy,	Rider,	

NAYS—106

Ackermann,	Ely,	Lelsey,	Simons,
Alspach,	Fisher,	Long,	Sloan,
Atkins,	Fiss,	Lyons,	Snyder,
Auker,	Fleming,	Madden,	Sollenberger,
Balliet,	Foor,	Marr,	Stambaugh,
Bardes,	Freed,	McClester,	Stewart,
Boorse,	Fullerton,	McGarrity,	Stockham,
Boose,	Gillan,	McKinney,	Sweeney,
Boyd,	Gillette,	McNally,	Tahl,
Bretherick,	Goll,	Montgomery,	Taylor,
Broad,	Habyshaw,	Muir,	Thistle,
Bronson,	Haines,	O'Dare,	Tiemann,
Brunner,	Hall,	Peacock,	Trout,
Cadwalader,	Hamilton,	Preston,	Van Allsburg,
Calvin,	Harbeson,	Reagan,	Voorhees,
Carpenter,	Henry,	Reese, D. P.,	Wagner,
Check,	Hewitt,	Rhodes,	Webster,
Clark,	Hocke,	Riley,	Wells,
Clearwater,	Hoffman, J. N.,	Robertson,	Winner,
Cohen, H. B.,	Huntley,	Rose,	Wood, H. M.,
Cortese,	Irvin,	Roseberry,	Wood, L. H.,
Curran,	James,	Rosenfeld,	Wood, N.,
Dairymple,	Johnston,	Royer,	Woodside,
Denman,	Jones,	Schrock,	Yeakel,
Dick,	Knoble,	Self,	Turner,
Dix,	Krise,	Serrill,	
Donahue,	Lee,	Shearer,	Speaker.

Less than the majority required by the Constitution having voted in the affirmative, the question was determined in the negative and the bill falls.

RESOLUTION NO. 14

Mr. STOCKHAM. Mr. Speaker, I desire to call up at this time Resolution No. 14, Printer's No. 32.

The resolution was read by the Clerk as follows:

In the House of Representatives, February 7, 1939.

The whole world is distressed and waring and following strange dogmas.

Our own country continues in the grip of the severest economic depression and financial panic in our history.

The federal administration, by its domestic policy, has engendered an unhealthy class consciousness within our borders.

Secret diplomacy, a policy strange to our Republic, threatens to embroil our Nation in the dangerous and viscious disputes of Europe.

The policy of reciprocal trade tariffs seem to build up our unemployment roles rather than spur trade.

The dangerous "isms" of Europe appear to be fostered and encouraged by certain federal bureaus, threatening the overthrow of our government.

The whole New Deal has created the largest debt in our history, makes no effort to balance its budgets and threatens inflation.

The Commonwealth of Pennsylvania has a large interest in these problems and a great stake in the economic affairs of the United States; therefore be it

Resolved, That the Speaker of the House of Representatives be directed to communicate with the two United States Senators, the Honorable Joseph F. Guffey and the Honorable James J. Davis, the Keystone State's ambassadors to the seat of the federal government at Washington, and invite them to appear together, at an agreeable time, before this House and give to its members a report of the state of the Nation, to the end that Pennsylvania may be fully and authentically advised of the things which threaten our people and that this great Commonwealth may be the better guided in the formulation of a legislative policy that shall protect her best interests and the quicker relieve her distress.

On the question,

Will the House adopt the resolution?

Mr. ANDREWS. Mr. Speaker and members of the House, we have arrived at exactly the point where I told the majority they would arrive yesterday when they so blindly rallied to their mistaken leadership.

We have passed a resolution providing that the last day for introducing bills shall be April 3rd. Now we know that we cannot bring the distinguished gentlemen from Washington here by April 3rd, and therefore it would be impossible for us to receive any wisdom that they might shower upon this House at that time.

I submit to the membership of the House that there isn't any reason in bringing the distinguished Democratic Senator Mr. Guffey to this House. If he were asked to advise us, if we were to ask Senator Guffey, "What shall we do?" I know he would say, "Boys, just you reenact all of the Earle emergency tax legislation and you will be sitting pretty." Then we would aptly say, "But, Senator, we have already decided to do that." Then we would say, "Anything else?" and Senator Guffey would say, "I would hate to see your Governor get along with any appropriation one cent less than our Governor had, and I hope you will arrange to see that Governor James has every cent of appropriation that Governor Earle had." Then we would say to Senator Guffey, "Why, Senator, we have already arranged to do that." We would also say, "Anything else, Senator?" He would say, "Well, there is the Department of State, my friend, Dave Lawrence, formerly headed it and he did a pretty good job, and I would hate to see his successor get one cent less of ap-

proprietation than Lawrence got." Then we would say, "That is exactly what we are intending to do; we are going to give the new Secretary of the Commonwealth every penny that her predecessor obtained." Then we would say, "Anything else, Senator?" And Senator Guffey would say, "Well, we hope to get back into power one of these days and we hope you do not tighten up too much on these campaign contributions because we Democrats had that down pretty fine. I hope you will leave the door open." Then we would say, "Senator, we have decided to do all that."

So you see, first of all you cannot bring in these statesmen in time to incorporate their recommendations in the bills. Secondly, all that the distinguished Republican Senator could say is something about reducing the cost of government and cut the taxes and we would have to say, "Down there at Washington we are intent upon reducing the cost of government, we Republicans are all hell-bent on cutting taxes," and you would have to say, "Senator Davis, you see we have a different situation in the state and we decided to follow the Democratic example and keep the taxes where they are and just twaddle along at the same old cost of government."

Mr. STOCKHAM. Mr. Speaker and members of the House, I would not presume what these statesmen from Washington purpose to tell us. I would believe that this invitation would give them the opportunity to give us such information as might be available, and there is still sufficient time. What we must remember is that the Commonwealth of Pennsylvania pays better than ten per cent of all federal income. We must remember that there are problems within this Commonwealth that have to do with unemployment and relief that are exceedingly burdensome, and that are brought in from other parts of the country and from other lands. We are a people that are magnanimous, we are a people with a big heart; we are a people that have our part to do in the affairs, not only of the federal government, but particularly those relating to this great Commonwealth. We are a leader among the states of the Union, and we are affected very seriously by all that transpires, just as I have stated in the preamble to this resolution. Now, we propose to meet all these problems, and we need the advice, help and suggestion as to what is going on at the seat of the federal government. I am sure it will help us.

When the President of the United States said the other day that business should not fear, that was a peculiar statement to come from the President because no other President has ever had to say that. The fear of business, the fear of industry is very pertinent to every person in this Commonwealth, a great industrial state, and also a great agricultural state. The Governor of this state in his inaugural address said that Pennsylvania had reached the limit of its forbearance on the burdens that had been placed upon it. We are cognizant of the fact that other states who are about us are practically free of relief, and that our burdens arise by the transposition of people from other sections of the country to this great, generous state. We would not have them go away, but we must know how we are going to meet the situation. We believe that information from those people who represent us in the United States Senate, should be forthcoming, and we believe they should be given an opportunity at the invitation of you, Sir, to come here and give us information that will be enlightening and helpful to us.

Mr. TRONZO. Mr. Speaker and members of the House, this is one resolution that I would like to be for, but I am going to be against it because it does not go far enough. For example, if these two Ambassadors from the Commonwealth of Pennsylvania should refuse to come here, I think we should recall them. Then we might decide to send a couple of other ambassadors; we might send that well-known carpet-bagger Estes, and then Anti-Flood Control Stewart to Washington. It may be we might do another thing which I believe should also be included in this resolution, and that is we might secede from the Union, which was attempted before by other states and we might try it again. Mr. Speaker, we might also send this resolution back to the Committee on Mines and Mining for proper burial.

Mr. ACHTERMAN. Mr. Speaker, I would like to interrogate the gentleman from Bucks, Mr. Stockham.

The SPEAKER. Will the gentleman from Bucks permit himself to be interrogated?

Mr. STOCKHAM. I will, Mr. Speaker.

Mr. ACHTERMAN. I am wondering whether or not in the event this resolution is passed, the membership of this House will be permitted to interrogate the two Ambassadors from Pennsylvania in Washington, in the event they appear?

Mr. STOCKHAM. Mr. Speaker, I suppose the same question which the gentleman has asked me, whether he will be permitted to interrogate me, should be asked of them.

Mr. ACHTERMAN. Mr. Speaker, I am wondering whether the gentleman would then see to it that the Republican Ambassador, the Honorable James J. Davis, would be prepared to answer the question as to how much his vote to cut WPA threw the budget of Governor James out of whack.

Mr. STOCKHAM. Mr. Speaker, it might be very enlightening.

The SPEAKER. The Chair feels that the question is not as to whether the Ambassadors would permit themselves to be interrogated, as it is who is going to interrogate them.

Mr. ACHTERMAN. Mr. Speaker, do I understand the Chair to mean that he will do his best to protect the Republican Ambassador?

The SPEAKER. The Chair feels that he has no right to protect any ambassador; he is only trying to protect the membership of the House from their foolishness.

Mr. ACHTERMAN. And, perhaps, Mr. Speaker, also to protect the Republican Senator from the wrath of the people of Pennsylvania.

Mr. OMINSKY. Mr. Speaker, I would like to interrogate the gentlemen from Bucks, Mr. Stockham.

The SPEAKER. Will the gentleman from Bucks permit himself to be interrogated?

Mr. STOCKHAM. I will, Mr. Speaker.

Mr. OMINSKY. Mr. Speaker, is it the intention after these two Senators accept the invitation of this House to have them appear here during the session of the House or during a special ceremony of the House, to present their views?

Mr. STOCKHAM. Mr. Speaker, it is entirely within your province, how it is arranged. I would think during a session of the House.

QUESTION OF PARLIAMENTARY INQUIRY

Mr. OMINSKY. Mr. Speaker, I rise to a question of parliamentary inquiry.

The SPEAKER. The gentleman will state his question of parliamentary inquiry.

Mr. OMINSKY. Mr. Speaker, may we know before we vote on this resolution, whether it is the intention of the sponsor or the Speaker to have them appear here during the session of the House or while the session is in recess?

The SPEAKER. The Chair has no option in the matter. That is a question which will have to be submitted to the Rules Committee.

Mr. OMINSKY. Mr. Speaker, is there anyone in this House who knows what the plans will be after this resolution is passed and we have voted in favor of it?

The SPEAKER. The Chair lays before the House the question of the gentleman from Philadelphia, Mr. Ominsky, as to whether any one who knows what the plans will be after the resolution is adopted. Is there any member of the House who desires to answer that question?

Mr. STOCKHAM. Mr. Speaker, I believe upon one occasion there was entertained here a United States Senator, Senator "Ham" Lewis, we called him, and he was received courteously by everyone in the House. I think that answers the question.

Mr. MATTHEW J. WELSH. Mr. Speaker, I would like to interrogate the gentleman from Bucks, Mr. Stockham.

The SPEAKER. Will the gentleman from Bucks permit himself to be interrogated?

Mr. STOCKHAM. I will, Mr. Speaker.

Mr. MATTHEW J. WELSH. Mr. Speaker, I notice that this resolution says: "The dangerous 'isms' of Europe appear to be fostered and encouraged by certain federal bureaus threatening the overthrow of our government." Now then, Mr. Speaker, what are those bureaus and what members of the bureaus did the gentleman get this information from?

Mr. STOCKHAM. Mr. Speaker, that is what we want to find out.

Mr. MATTHEW J. WELSH. Mr. Speaker, the gentleman does not seem to have any real reason for introducing a resolution of this kind at this time.

Mr. STOCKHAM. Mr. Speaker, I do.

Mr. MATTHEW J. WELSH. Then what is the reason, Mr. Speaker?

Mr. STOCKHAM. Mr. Speaker, I have already stated it.

Mr. MATTHEW J. WELSH. Mr. Speaker, I think this resolution is uncalled for—

The SPEAKER. Is the gentleman speaking on the resolution or does he desire to interrogate the Speaker of the House?

Mr. MATTHEW J. WELSH. I do, Mr. Speaker.

The SPEAKER. The Chair desires to advise the gentleman that he is always open to interrogation at any place except the rostrum.

Mr. GATES. Mr. Speaker and members of the House, in keeping with the exigency of the cross-examination, I would respectfully suggest that when the Speaker in-

vites these two Ambassadors that he set the date as the last day of April.

The SPEAKER. The Chair, would advise the gentleman that he has no power to amend the resolution.

Mr. ANDREWS. Mr. Speaker and members of the House, I would like to have the sponsor of this resolution or the Majority Leader inform this House as to whether in their opinion, in the event we invite these two distinguished Ambassadors here to tell us how to run the business of Pennsylvania, whether then it will be in order to appoint two members of this House to journey to Washington to give the people down there some very much needed advice?

Mr. STOCKHAM. Mr. Speaker, it might be possible that we could send such emissaries who would give them very good advice in Washington.

The SPEAKER. The Chair accepts the nomination of the gentleman from Cambria, Mr. Andrews to that post. On the question,

Will the House adopt the resolution?

The SPEAKER declares that noes appeared to have it.

Whereupon, a division was called for, one hundred and fourteen members having voted in the affirmative and thirty-six in the negative, the question was determined in the affirmative and the resolution was adopted.

REPORTS FROM COMMITTEES

Mr. HEWITT from the Committee on Public Utilities reported as amended, House Bill No. 338, entitled:

An Act to amend Article One, Section Two, Subsection Ten and Article Three, Section Three Hundred One of an Act approved the twenty-seventh day of May, one thousand nine hundred and thirty-seven, Pamphlet Laws one thousand and fifty-three, known as the "Public Utility Law" by excluding from the definition of "Facilities" as used therein property owned by municipal corporations of the Commonwealth of Pennsylvania when the said act became effective and providing that the Pennsylvania Public Utility Commission shall have power to regulate and fix the rates for service furnished by public utilities owned by municipal corporations of the Commonwealth of Pennsylvania only when the public service being furnished or rendered by any municipal corporations shall be beyond its corporate limits and extending such freedom from regulation and control by the Commission to public utility service furnished or rendered by an operating agency of any such municipal corporation.

Mr. DENMAN from the Committee on Public Health and Sanitation reported as committed, House Bill No. 28, entitled

An Act to regulate the sale of sulfamidamide and its derivatives in the interest of public health.

STATEMENT BY MR. HINDMAN

Mr. HINDMAN asked and obtained unanimous consent to address the House.

Mr. Speaker and members of the House, during the four years that I have been a member of this House, I cannot recall a single instance where any matter has been of greater import or more far-reaching than that concerning which I am about to speak. Let us view it from an entirely non-partisan view point; let us view it from a view point entirely segregated from and absolutely devoid of political consideration. As you very well know, Mr. Speaker, I am a member of the minority group of this House, but I assure you that my premise on the subject

which I am about to discuss would be the same if I were a member of the majority group.

Permit me to remind you that I began the practice of medicine as a very young man, and ever since that time my life has been very actively devoted to curing the sick, alleviating the suffering and preventing disease and its spread among human beings.

In many instances, my friends, this has been done without consideration for financial reward. I have always believed that God's greatest material gift to man was good health. Regardless of what your station in life may be or your achievements, whether you be prince or pauper, they count for nothing if you do not have at least reasonably good health.

With this background, I am sure you will not wonder that on Monday night when I heard His Excellency, the Governor's message read I was shocked, disappointed, and dismayed when it was stated that "I purpose that the sanatorium at Butler be not occupied during the coming biennium. The entire present waiting list from tuberculosis can be amply accommodated at the present sanatoria. To occupy the Butler institution would be an unjustifiable expense."

Ladies and gentlemen of this House, during the four years that I have been here I experienced no greater pleasure than I did when during the last administration we made it possible to take care of that great army of sufferers in the state of Pennsylvania, that great tuberculosis army, as well as take care of the very unfortunate calls of our citizenship who were mentally deranged and unable to care for themselves, people who had to be placed in institutions. As I was overjoyed when I realized what that meant to these people, so I was dismayed in the present instance when I heard the proposition to take that sanitarium away from us for two years.

Mr. Speaker, I do not wish to question the motive nor the sincerity of the Governor of the Commonwealth. I cannot, however, refrain from challenging him for proof of his statement that the entire present waiting list of sufferers of tuberculosis can be accommodated at the present sanatoria. Certainly we are entitled to know just how this is to be accomplished. I am sure that His Excellency, the Governor does not have a picture of the real facts, and the actual deplorable conditions existing. I believe I am prepared to back up my statements with proof from unimpeachable sources. After his statement, "To occupy the Butler Institution would be an unjustifiable expense," ladies and gentlemen, I cannot visualize any legitimate or reasonable expense which would be too great for so vital a use as when human life is at stake. I cannot visualize any just legitimate expenditure as being unjustifiable. Surely this would be an extreme example of placing property rights over human rights. I am in hearty accord with any sincere and legitimate move for economy. I cannot, however, subscribe to economy at the expense of human life.

I would like to call the members' attention to a letter which I received today from one of the leading authorities on tuberculosis in the western end of the state, Dr. Harry G. Noah, who is a member of the staff of the West Penn Hospital in Pittsburgh, and is also connected with the Tuberculosis League of Pittsburgh. Dr. Noah says:

"It has come to my attention through the press and interested friends that the program for the treatment of

indigent tuberculous in Pennsylvania is to be greatly reduced this year to the extent that the new sanatorium will not be opened for an indefinite time. I am writing you because I know you understand my interests in this state program, having been in charge of Pittsburgh dispensary for several years.

"I feel that it is a great detriment to the community and to the state in general if this sanatorium is not opened. This is especially true during these hard times."

I will not read all of this letter, but I wish you to get this:

"From my own experience I feel that there are in Western Pennsylvania enough cases of needy, active cases to fill this sanatorium within thirty days from the time of its opening. If it is not opened, they will be denied any reasonable kind of treatment."

I also received a letter from Dr. C. Howard Marcy, who is Chief Medical Director of the Tuberculosis League of Pittsburgh, and who too is one of the outstanding authorities on tuberculosis in the western end of the state. Dr. Marcy says:

"At the present time there is a shortage of hundreds of beds for tuberculosis patients. Every tuberculosis hospital in this state has a long waiting list of patients seeking admission," where they are obliged to wait four or five months. "I sincerely hope that you will use your influence to oppose any delay in opening this hospital."

I do not wish to take up too much of the time of this House, but I feel this is so important that I should give you the facts. I would like to quote, ladies and gentlemen, from the best authorities that we have in Pennsylvania and in some instances some of the best authorities that we have in any state in the nation. This is taken from the Pennsylvania Medical Journal of May, 1938, which is a reprint of the Pennsylvania Tuberculosis Society, in which the statement is made:

"An appreciable increase in the number of tuberculosis deaths is sure evidence that the combined forces engaged in the fight against tuberculosis must continue their efforts with increased vigor and determination."

Mr. Dewees pointed out, "that following an increase in tuberculosis mortality in 1936, which broke a downward trend which had continued for a decade, another increase is revealed for 1937." He said:

"Tuberculosis is the leading cause of death in the ages from 15 to 45 and is by far the leading cause of death from communicable diseases between ages 5 and 20."

I wish you to get this, ladies and gentlemen, to show you the importance of this subject. Between the ages of 5 and 20 tuberculosis causes more deaths than the combined total of deaths from the five other greatest causes of death. Between these particular ages, ladies and gentlemen, which is the very flower of youth, young men and young women, boys and girls, budding into manhood and young womanhood, are its chief victims. That, ladies and gentlemen, should make us realize the importance of the problem before us.

Permit me to say that during all these years we haven't had a tuberculosis sanatorium in the western end of the State, the nearest one being Cresson, and that institution is just one hundred miles from Pittsburgh, so that if this Butler sanatorium were open it would serve approximately three million people. I do not believe when I tell you these facts that there will be any question as to

the necessity of the Butler sanatorium. What I would like to do is get the real picture before you to allow you to get the real facts I might say incidentally that during all the years, as far back as eighteen or twenty years ago, ladies and gentlemen, there is a waiting list to be admitted to the sanatoria in this State from three months up to as high as eight or nine months, and at this very moment the waiting list in the state of Pennsylvania requires one to wait about four months for admittance. That is why I say this is such an important question. I wish to say to the members of this House as one who has had a pretty rich experience over a long period of years in the disease, that I would rather have a tuberculosis patient in the first three or four months than I would three or four years afterwards because, my friends, that is the time when the treatment of tuberculosis is most important and most of those cases do not have the proper treatment at that time and are hopeless.

There is another point that affects the western end of the state, as it does some other sections, but particularly the western end of the state, and that is the colored race. Negroes are especially prone to tuberculosis. I further quote from the article in the Pennsylvania Medical Journal as follows:

"Although Negroes comprise only 4.5 per cent of the total population of Pennsylvania, they present an extremely important factor in the tuberculosis problem."

"The Negro tuberculosis death rate was 194 per 100,000 population in 1936 compared with a white rate of 39.3. Negro deaths were 19.2 per cent of the total."

Ladies and Gentlemen, that means that the death rate is between three and five times greater among the colored people than it is among the white people.

The article continues as follows:

"In 8 counties which have Negro populations of 10,000 or more the tuberculosis mortality rate of Negroes is from 3 to more than 5 times that for the white population."

Strange as it might seem, we feel that fact materially strengthens our case. Three of those eight counties that have a Negro population of over 10,000 colored people are in the districts for which I am pleading, namely Fayette, Allegheny and Washington Counties.

The article continues:

"The report set forth that an outstanding development to meet the pressing need for increased tuberculosis hospital facilities was the decision of the state to provide more than 1300 additional beds for tuberculosis patients."

There is one other report I would like to give you and that is from the Tuberculosis Society of the State of Pennsylvania, in which it is started:

"The shortage of beds for the tuberculosis in Pennsylvania was one of the questions which received much consideration at the forty-fifth annual meeting of the Pennsylvania Tuberculosis Society."

They passed resolutions, one of which was:

"Whereas, at the present time Pennsylvania is lacking by not less than 1,000 in the required number of beds to care for tuberculosis patients needing and desiring treatment, and

"Whereas, the lives of citizens of the State af-

flicted with tuberculosis are being lost or jeopardized because of delay in receiving hospital or sanatorium treatment, and

"Whereas, many of these people who are ill with a highly infectious disease are a menace to children and others with whom they come in contact and are spreading tuberculosis in the communities in which they live, therefore be it

"Resolved, that we respectfully urge Governor George H. Earle and Dr. Edith MacBride-Dexter, Secretary of Health, to include in the budget of the State Department of Health for the next biennium provision for building a fourth tuberculosis hospital as a step toward taking care of the pressing need that is felt in all sections of the Commonwealth."

Another article from which I would like to quote is from the address of Dr. Edith MacBride-Dexter before the Tuberculosis Society several months ago in which she said:

"Our 3 sanatoria at present have a capacity of approximately 2400 beds, and we usually have a waiting list of from 700 to 1000 patients. In order to take care of these, we plan to increase our capacity by 1300 or 1400 beds. This will more than absorb our present waiting list and will provide facilities for the treatment of patients discovered by the new case-finding program in which the Department of Health is engaged."

"Our building program under the State Authority includes a new sanatorium in Western Pennsylvania for 500 adult patients and a wing for 50 children suffering from adult type tuberculosis."

Her report goes on and tells us about the extensions at Hamburg and also at Cresson.

Let me say, Ladies and Gentlemen, if this program which was inaugurated during the last administration is carried out, we feel in the future years the death rate in Pennsylvania which runs from 4,000 to something over 5,000 deaths in a year, will be very materially decreased, and in fact it wouldn't surprise me if these long waiting lists are cut down so that the death rate would be at least cut in half.

Now, Ladies and Gentlemen, I hope that you will regard this matter in the proper light. Do not regard it as a matter where dollars and cents alone are concerned, although I do believe that as an economic measure it will pay big financial returns. In support of that theory I might say that during the last several years the death rate of the state of Pennsylvania, for instance in diphtheria, has been reduced from 45 to 50 per cent down to less than 5 per cent. Ladies and Gentlemen, outside of the human end of it, as an economic measure it was one of the most wonderful investments of the state of Pennsylvania because it made possible a reduction in the toll of diphtheria cases, by reason of the fact that the Department of Health furnished free anti-toxin and assisted in every way possible to do that.

I feel that the members of this House have a great responsibility in this matter, particularly the members from the western end of the state, where this particular sanatorium is to be located.

A few weeks ago, through the courtesy of Temple University, each member of this House was presented with a copy of Russell Conwell's lecture, "The Angel's Lily." If any member of this House has failed to read it will you not do so at once? Without any attempt to be facetious, I would also commend it to His Excellency, the Governor,

Can it be that the spirit of the immortal Conwell has returned to Pennsylvania, the scene of his marvelous unprecedented activities and achievements to direct an influence on the destiny of the thousands of tuberculosis victims within its borders?

Mr. Speaker and members of this House, may we all in our journey of deliberation stop at the "Angel's Lily?"

STATEMENT BY MR. MORAN

Mr. MORAN asked and obtained unanimous consent to address the House.

Mr. Speaker and members of the House, I assure you that this is going to be brief. I am not going to start out by saying, "just one more word and I will conclude," and then keep on talking for an hour and a half. I am not going to do that.

After lagging behind almost all other states in the Union, the Commonwealth of Pennsylvania finally modernized its compensation laws. 1937-1938 Liberal as this law may be, it will be hopelessly inadequate if its administration be handled by a Workmen's Compensation Board and Referees who are not equally liberal. The gains that have been made in the legislation may be entirely eliminated by the reactionary administration of the Act.

Labor should not be deceived into believing that its rights are protected merely by having a statute on our books. The effectiveness of the Workmen's Compensation Act for the relief of suffering to injured employees and their dependents may be destroyed by the fact finding Workmen's Compensation authorities. Under our law the Referees and the Board find the facts of the case and apply the statute to those facts. Once these facts are found they are more or less binding and if found against an injured claimant or his dependents he will be without a remedy.

It is now a matter of common discussion that compensation agents of certain large corporations and representatives of certain large insurance companies are seeking appointments as Workmen's Compensation Referees and members of the Board. It is my view that if a man has spent many years representing large corporate interests in an effort to avoid the payment of compensation he would carry into office instincts in favor of employers and against the workingman and would resolve all doubts on question of fact against the workingman. It will be

physically impossible for such a person to administer the Act liberally. Organized labor should therefore scrutinize the personnel of the compensation authorities and investigate prior connections of every person seeking such appointments and should be quick to condemn them to the appointing authorities. In this way labor will serve itself and preserve liberal compensation laws for the worker.

As a former member of the Superior Court, Governor James is fully aware of the truth of what I am saying to you and you can help him by expressing to him your views on persons who seek such appointments. I am sure he will welcome your co-operation.

COMMITTEE MEETINGS

There will be meetings of the committees on

Cities—First Class, Thursday, March 9, 1939, at 10 a. m., Public Hearing in Forum of Educational Building.

Cities—Third Class, Wednesday, March 8, 1939, at 10.30 a. m., in Room 326.

Counties, Tuesday, March 7, 1939, immediately after adjournment in Room 323.

Highways, Wednesday, March 8, 1939, at 11 a. m., in Room 324.

Townships, Wednesday, March 8, 1939, at 11 a. m., in Room 325.

March 7, 1939.

Hon. Robert Hamilton, Chairman, Committee on First Class Cities, House of Representatives, Harrisburg, Pa.

For your information and for the information of the Committee on First Class Cities in the House of Representatives, beg to advise that there will be a public hearing upon the proposed charter for the city of Philadelphia at 10 A. M. on Thursday, March 9 at the Bureau of Education Forum. The Senate committee on Municipal Government desires to extend a cordial invitation to the members of the committee on first class cities and other interested members of the House of Representatives to attend this public hearing.

(Signed) GEORGE B. STEVENSON,

Chairman, Senate Committee on Municipal Government.

ADJOURNMENT

Mr. SCHROPE. Mr. Speaker, I move that this House do now adjourn until tomorrow at 12 o'clock noon.

The motion was agreed to, and (at 3:08 p. m.) the House adjourned until Wednesday, March 8, 1939, at 12 o'clock noon.

Legislative Journal.

Session 1939.

133d of the General Assembly.

Vol. 23

HARRISBURG, PA., WEDNESDAY, MARCH 8, 1939.

No. 21.

SENATE

WEDNESDAY, March 8, 1939.

The Senate met at 2:00 o'clock p. m.

The PRESIDENT (Lieutenant-Governor Samuel S. Lewis) in the Chair.

PRAYER

The Chaplain, Rev. BURLEIGH A. PETERS, offered the following prayer:

"He that dwelleth in the secret place of the Most High shall abide under shadow of the Almighty."

As the psalmist was thoroughly convinced of the truth and beauty of these words in his day, no less are we in our day, O Almighty God. They breathe peace of spirit to all honest searchers for it, and, conversely, run up the red danger signal of discontent, eternal detour and ultimate defeat unto all who care not to seek or to know the protecting power of Thine Almighty Shadow, in the conquest of this life.

May the taproot of our faith reach deeply into the subsoil of Thy unfathomable love, that from that hidden source, that secret place, the nourishing flow of spiritual nutriment may build more stately the mansions for our souls. O Lord, help us through our own convictions and determinations of life, to "lay up for ourselves treasures in heaven where neither moth nor rust doth corrupt and where thieves cannot break through and steal."

Guide us this day in thought and act by Thy inspirational presence. For Thy Name's sake. Amen.

JOURNAL APPROVED

The PRESIDENT. A quorum of the Senate being present, the Clerk will read the Journal of the preceding session.

The Clerk proceeded to read the Journal of the preceding session, when, on motion of Mr. GELDER and Mr. HEYBURN, the further reading was dispensed with, and the Journal was approved.

QUESTION OF PERSONAL PRIVILEGE

Mr. SHAPIRO. Mr. President, I rise to a question of personal privilege.

The PRESIDENT. The Senator from Philadelphia, Mr. Shapiro, will state his question of personal privilege.

Mr. SHAPIRO. Mr. President, some time ago I suggested that by cooperation between both sides of the house some idea might be evolved which would insure a saving and be of benefit to the Commonwealth. I read in the papers last week that the Governor had arrived at an agreement

with the mine workers and miners that their work should be reduced to three days a week.

I should like to say this as an illustration of the proposition to which I was referring. I made an investigation and I found that in 1936 there was collected in Pennsylvania \$23,000,000 of dollars, in round figures, on unemployment compensation; in 1937, about \$48,000,000; and in 1938 there will be approximately \$78,000,000 which will be collected; and that means that on unemployment compensation last year there was approximately \$80,000,000 spent. There is today a balance in the unemployment compensation fund of \$82,000,000, which is an accumulation of principal, plus interest at three per cent, in the fund.

Now, Mr. President, the unemployment compensation law provides that there is no compensation, unemployment compensation, for partial employment; so that, if a person works three days a week for fifty-two weeks in a year, he gets no unemployment compensation, but if a person were unemployed for seven consecutive days and then goes to work the next week for seven days and then skips a week, he will be entitled to thirteen weeks' compensation during that year; he will be entitled to the full limit of compensation for those periods. I think the thirty-dollar-a-week man gets \$15 a week, which is the maximum.

If, instead of reducing the employment of these miners to three days a week a plan had been evolved staggering employment, so that they worked a full week and then did not work the next week, each and every one of those miners would be entitled to compensation in the sum of \$15 for every week of the thirteen weeks that they were out of employment.

It seems to me that that matter certainly should have been considered by the miners themselves, who are paying out three per cent of their wages every year into this particular fund; and I make the suggestion now that I think this is of sufficient importance to have it investigated, so that that condition may be changed.

I do not profess to know the solution of the coal problem, but I do think this is one of the things which should have been taken into consideration; it is of sufficient importance. I have arrived at a figure of somewhere in the neighborhood of \$15,000,000 which might be diverted from this fund and spent for legitimate purposes, if they would stagger the employment, instead of reducing everybody to three days.

HOUSE MESSAGE

HOUSE CONCURS IN AMENDMENTS TO HOUSE BILL NO. 215

The Clerk of the House of Representatives, being introduced, presented communication from the House of Rep-

representatives informing the Senate that the House has concurred in amendments made by the Senate to House Bill No. 215, entitled:

A Supplement to the act approved the second day of July one thousand nine hundred thirty-seven (Appropriations Acts page seventy-four) entitled "An act to provide for the ordinary expenses of the Executive Legislative and Judicial Departments of the Commonwealth interest on the public debt and the support of the public schools for two years beginning June first one thousand nine hundred and thirty-seven and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending May thirty-first one thousand nine hundred and thirty-seven" providing for deficiencies in certain appropriations to the Lieutenant Governor the Department of Justice and the Department of State for the fiscal binnium ending May thirty-first one thousand nine hundred thirty-nine

BILL SIGNED

The PRESIDENT (Lieutenant-Governor Samuel S. Lewis) announced that the Chief Clerk having reported that the following bills had passed both houses of the General Assembly and the same being correct, the titles were publicly read as follows:

House Bill No. 215, entitled:

A Supplement to the act approved the second day of July one thousand nine hundred thirty-seven (Appropriations Acts page seventy-four) entitled "An act to provide for the ordinary expenses of the Executive Legislative and Judicial Departments of the Commonwealth interest on the public debt and the support of the public schools for two years beginning June first one thousand nine hundred and thirty-seven and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending May thirty-first one thousand nine hundred and thirty-seven" providing for deficiencies in certain appropriations to the Lieutenant Governor the Department of Justice and the Department of State for the fiscal binnium ending May thirty-first one thousand nine hundred thirty-nine

Whereupon,

The PRESIDENT (Lieutenant-Governor Samuel S. Lewis) in the presence of the Senate signed the same.

QUESTION OF PERSONAL PRIVILEGE

Mr. HEYBURN. Mr. President, I rise to a question of personal privilege.

The PRESIDENT. The Senator from Delaware, Mr. Heyburn, will state his question of personal privilege.

Mr. HEYBURN. Mr. President, as a matter of information to my distinguished colleague from Philadelphia, Mr. Shapiro, I would like to tell him that the Department of Labor and Industry has drafted amendments to permit workers to receive compensation for partial unemployment. The workers that the Senator from Philadelphia speaks of are known as partially unemployed and will receive compensation if the amendments are passed by the Legislature.

Mr. SHAPIRO. Mr. President, the question of partial unemployment compensation is not a new one to me. It is a matter of fact that when this bill was drawn in 1936, at Special Session, I had something to do with the preparation of that bill, and I think I conferred with actuaries from about ten States on the question of unemployment compensation for partial employees.

The real question raised there was that you might bankrupt the fund in no time if you extended partial unemployment compensation to all employees. It in-

volves the question of seasonal employment also. There are certain industries working only four or five months out of the year, and when you give partial unemployment compensation you will have to include those seasonal workers, and by doing that you might in the beginning very easily bankrupt the fund.

The procedure to follow is to allow accumulation of the fund so that when there is plenty of employment there is less compensation paid out, the fund accumulates; so that, the interest on that fund is larger, and allows expansion of the Act as time goes on.

Any attempt to include partial employment now in unemployment compensation without considering the effect on the fund might be disastrous.

For instance, I said before, and I do not know how many of you noticed the significance of the figures, but when there is \$75,000,000 paid in and \$72,000,000 paid out in one year, you see how little opportunity there is for accumulation, and to include in the compensation at the present time partial employment would create a deficit within the first year; so that is not the solution but the proper way to take care of a procedure of this kind, without affecting it State-wide, would be, as I say, to stagger employment and bring it within the existing terms of the Act. It does not require amendments to the Act to correct that condition.

QUESTION OF PERSONAL PRIVILEGE

Mr. SIPE. Mr. President, I rise to a question of personal privilege.

The PRESIDENT. The Senator from Armstrong, Mr. Sipe, will state his question of personal privilege.

Mr. SIPE. Mr. President, whenever I am duped, hornswoggled, and fooled by any person, I am perfectly willing, when I find it out, to admit it, both to myself and to a breathlessly waiting world. Therefore, I want to read into the record for today the following statement which I inserted in the newspapers of my district shortly after last fall's election:

"I want to say that when I voted for the Earle bills. I did so because I feared that the District Attorney of Dauphin County, with Charles J. Margiotti as his mentor, would pursue the same course in the grand jury investigation as Mr. Margiotti pursued; that is, drag the investigation along until after the election, with a lot of damaging charges against Governor Earle and other high officials in his administration going out to the public without their having a chance to defend themselves until too late—until after election.

"I did not want to see Governor Earle and other high officials ruined without their having a chance to defend themselves until too late."

"I bona-fidely thought at the time that if the bills were passed, the legislative investigating committee would act with dispatch and get both the charges against the governor and other officials and their defense out before the public before the election.

"But such a course as I contemplated was not pursued by the legislative investigating committee. The governor and other officials were not called before the committee until after the election.

"Therefore I claim that I was sold down the river by

somebody pretty powerful in the Earle Administration. I don't think it was Governor Earle."

Now, Mr. President, having made this literary contribution to the record for today, I wish to take the time of the Senate for just a few more remarks that have been formulated in contemplation of what my good friend from Cumberland County said yesterday when he lamented, deplored, bewailed, and bemoaned the fact that we have been fighting here in the Senate for nine weeks and not getting any work done.

I am sure that the Senator from Cumberland County realized who brought the fight on. I think he and the rest of us realize that the fight started when the Republicans tried to remove Senator Henney elected by the people, overwhelmingly, from his district. That brought that fight to us Democrats, and, of course, Democrats are not noted for running from fights; so the fight has been going on ever since.

Democrats, as I say, are not running from fights; they are not noted for that. Why, they even kicked up good healthy fights among themselves; and I think that the Senator from Cumberland, as well as the rest of the citizens of this goodly Commonwealth, have noted that in this respect—in respect to kicking up a fight among themselves—the Republicans are turning Democratic because they have a good healthy fight among themselves. So I yearn for the approaching, for the bringing forth, of this much-heralded Governor James' program; I yearn for it just as much as the Senator from Cumberland or any other Senator, so that we can quit fighting and get to work. Here we have gone along for nine weeks fighting because there was nothing else to do than fight and make speeches. Even here today there is no calendar, so I call on my Republican friends to bring out the program. Those things that I believe are for the best interests of the public, of the people of this Commonwealth I will support just as anxiously and as ardently as any Republican, and those things that my conscience or what little intelligence I have tell me are not for the best interests of the state I will oppose.

In other words, where Governor James is right I will endorse him; where he is wrong I will reject him. I will not look upon him as a sort of demagogue, or Demi-god, I mean, a Demi-god before whom we should bow and scrape, but I would like to look upon him as I am sure we all could, as a servant of the people.

So, bring out the program, I would like to take a look at it; I would like to see the color of its hair; I would like to see whether it is an old-line Republican program; I would like to see whether it is an Earle Democratic program with a few false whiskers on it, or whether it is a southern Democratic program.

At any rate, bring it here into the Senate. March it in in grand array, with flags flying and drums beating, even if you have to march it all the way across the plains and over the mountains, from the sage brush and the oil fields of Texas. Bring it.

REPORT FROM COMMITTEES

Mr. EALY. Mr. President, I am directed by the Committee on Executive Nominations to report with favorable recommendation the following nominations by His Excellency the Governor of the Commonwealth:

JUDGE OF SUPERIOR COURT OF PENNSYLVANIA

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, March 6, 1939.
To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor to nominate for the advice and consent of the Senate the following:

Honorable William E. Hirt, 2004 South Shore Drive, Erie, Erie County, for appointment as Judge of the Superior Court of Pennsylvania, until the first Monday in January, 1940.

ARTHUR H. JAMES.

JUDGE OF MUNICIPAL COURT OF THE FIRST JUDICIAL DISTRICT OF PENNSYLVANIA

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, February 27, 1939.
To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor to nominate for the advice and consent of the Senate the following:

John Roberts Jones, Esq., Philadelphia, Philadelphia County, for appointment as Judge of the Municipal Court of the First Judicial District of Pennsylvania, until the first Monday in January, 1940, vice William M. Lewis, deceased.

ARTHUR H. JAMES.

MEMBERS OF STATE ATHLETIC COMMISSION

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, February 9, 1939.
To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor to nominate for the advice and consent of the Senate the following members of the State Athletic Commission, for terms of two years and until their successors are appointed and qualified:

George J. Jones, Jr., Williamsport, Lycoming County vice Eddie McCloskey, whose term expired.

Havey J. Boyle, 3 Wynoka Street, Pittsburgh, Allegheny County, vice Doctor William D. McClelland, whose term expired.

Leon L. Rains, Rittenhouse Plaza, Philadelphia, Philadelphia County, vice Jules E. Aronson, resigned.

ARTHUR H. JAMES.

CONSIDERATION OF EXECUTIVE NOMINATIONS

Mr. EDMONDS. Mr. President, I move that the Senate do now proceed to the consideration of nominations for appointment as Notaries Public, sent to the Senate, March 7th and 8th, 1939, by his Excellency, the Governor of the Commonwealth, together with the nominations just reported from Committee.

Mr. SCARLETT. Mr. President, I second the motion. On the question,

Will the Senate agree to the motion?

Mr. SHAPIRO. Mr. President, for the purpose of the record, I desire to read the following statement in connection with the nominations.

"The adoption of a sweeping general policy dealing with executive nominations is unwise and fraught with danger of injustice to individuals. It might also unnecessarily interfere with the proper administration of governmental functions.

"While the arbitrary conduct of the Republican majority fully justifies resentment it should not be permitted to

rise to the point where it would result in 'government by hatred' or prejudice.

"This was the consensus of opinion of the Democratic Senators gathered in caucus this afternoon. In the discussion several governing principles became obvious. First it was clear to us that under no circumstances should judicial nominations be thrown into the arena of partisan politics, and that unless there was tenable objection to the qualifications and character of individual nominees, consent to judicial appointments should be given promptly.

"While the caucus felt that the Governor might have been more judicious if he had stayed clear of the taint of the Pennsylvania Manufacturers Association and its Grundy affiliations, nevertheless the caucus had the sincere assurance of Senator Gilson that the reputation, ability and judicial conduct of Judge Hirt in Erie county warranted the confirmation.

"With respect to John Robert Jones, named for appointment as Judge of the Municipal Court of Philadelphia, in line with the above attitude the Democratic Senators will join in this confirmation also.

"Secondly, it was the consensus of opinion that in principle where a vacancy exists by voluntary resignation or death in an office or a term has expired confirmation should follow unless there is valid objection to the nominee.

"Third, the caucus was opposed in principle to the wholesale removal of members of various boards, commissions, etc., merely because of the political complexion of the members and would not put their stamp of approval on such action by voting for confirmation."

That leaves us in the position of voting for the confirmation of Judge Hirt and Judge Jones and the members of the Boxing Commission, whose terms expire as to two cases and a resignation exists as to the third.

QUESTION OF INFORMATION

Mr. REED. Mr. President, I rise to a question of information.

The PRESIDENT. The Senator from Washington, Mr. Reed, will state his question of information.

Mr. REED. Mr. President, if the Senate confirms these appointees we want to be sure that they are legally confirmed, and the question that concerns me arises out of Section 8 of the Constitution, as found on page 44 of the Manual, and particularly this part: "In acting on Executive nominations the Senate shall sit with open doors," and so forth in confirming or rejecting the nominations of the Governor.

Now, the question occurs to me, are the doors of the Senate open at the present time? I notice that the door at the back has a gentleman at it, and the doors over here have men on them, and this a legal question I would like to present at this time.

Mr. OWLETT. Mr. President, I suggest that the galleries are open and free for the admission of anyone, who can hear the entire proceeding, and that complies with the provision of the Constitution.

Certainly it is not necessary to open up the floor of this Senate for the public to come in when we are on Executive nominations.

Mr. REED. Mr. President, I do not want to get into an argument with the Senator from Tioga but the section of the Constitution that I read does not limit the construction

to any particular doors, it says "doors," which, I would say, means all doors.

The PRESIDENT. In order to facilitate matters we will declare the doors open.

Mr. CAVALCANTE. Mr. President, I trust that the declaration made by the President will be carried out physically so that the doors will be opened, so that there will be compliance with the proper section of the Constitution.

...Mr. President, on the matter of these confirmations, and specifically having in mind the statement made by the Senator from Philadelphia, Mr. Shapiro, I wish to call attention to that part of the statement which makes reference to the fact that the functions of Government might be interfered with if executive confirmations are held up.

I remember very distinctly, and the Legislative Journal will confirm my belief and remembrance, that the same argument was advanced when the confirmation of Mr. Hamilton was before the Senate that unless he was confirmed the Department of Revenue, an important agency of this Government, would meet with difficulty and stymie the entire Governmental structure.

Now, we also remember this, that shortly after the confirmation of Mr. Hamilton he put on a Paul Revere act from Harrisburg to Philadelphia to prevent the taking over of his office under the Constitution and the laws by the Coroner of that County; and, Mr. President, to this very moment I understand that Mr. Hamilton has not yet taken his oath of office and assumed the discharge of the duties of that office. The communications that I have received from that department to this very date, and the motor vehicle operator licenses that are issued by that department, are still signed by Mr. Kress, a deputy Secretary of Revenue.

So, I cannot help, Mr. President, when the same statement is made here today that these confirmations must be made or the orderly business of the Government will be interfered with, I just can not take much stock in those statements, and I do not, as a member of the Democratic party of this Senate, concur with that portion of the statement made by the Senator from Philadelphia, Mr. Shapiro. I do not know why that argument is advanced, as it was advanced in the case of Mr. Hamilton. The only reason I see why Mr. Hamilton has not assumed the duties of his office is because there might be some serious doubts in his mind as to which office might be the more lucrative to him, or whether he wishes to hold on to both offices.

Now, I make these remarks because in the nominations before us for confirmation today there are men who are holding lucrative positions and their confirmation for positions on the Athletic Commission here will mean another salary for them, when the Governor has repeatedly warned that he will not make appointments to men who already hold a job. If the members of this Senate will inquire and investigate they will find we are called upon to confirm today men who are holding lucrative positions, and that these positions to which they will be confirmed today will be a pyramiding of salaries. They could well be given to other worthy citizens of this State who might need them and, therefore, help to solve the main problem, the problem of unemployment, in our Commonwealth.

Mr. SHAPIRO. Mr. President, in order that there may be no misunderstanding here, I should like to read again,

for the edification of the Senator from Westmoreland, the statement which I made concerning interference with Governmental functions. I think when it is read everybody will agree I did not say that failure to appoint would interfere with Governmental functions. What I said was, and now repeat is:

"The adoption of a sweeping general policy dealing with executive nominations is unwise and fraught with danger, of injustice to individuals. It might also unnecessarily interfere with the proper administration of Governmental functions."

In other words, if we take the position that we are not going to confirm anybody, simply because we do not like the attitude or the actions of the Republican Senators, I think such a general move might very well interfere with Governmental functions.

I also agree that any reasonable person, whether he be Democrat or Republican will admit that this would be unwise and foolish, just as unwise as it would be for us to refrain from voting favorably on the nomination of Judge Hirt, who, as we have been advised, is performing his duty well and faithfully, because Mr. Hamilton has not taken his oath of office, because we resented it. As a matter of fact, I might say for the enlightenment of the Senator from Westmoreland that the Governmental functions of that department are being carried out, and they are being carried out by Mr. Hamilton, who is appearing every day and taking charge of his office. The only people who have a right to complain about that are the citizens of the City of Philadelphia, who are paying him a handsome salary for the time he is spending up here, and not in Philadelphia.

Just because that condition exists is no reason we should take it out on Judge Hirt or somebody else. I say that is a matter for which the administration will have to answer, a matter which the people of Philadelphia will give great concern to, because at the present time they are in a position where they have not an extra dollar with which to pay the help.

Everybody from five dollars a day or three dollars a day and up has been deprived of his money for a number of months, but Mr. Hamilton is retaining the position, getting his salary, and is working up here. That has nothing to do with the nomination and can be taken care of at the present time.

Before I sit down. I would like to have this understood. I think the Chair inadvertently stated that in order to settle the argument the doors will be declared open. I think it would be much better—because the Senator from Washington, Mr. Reed, I think is right. All doors should be open, and I think it would be much better if the Chair shall declare they shall be open, instead of merely making a decision which in itself is without authority. I imagine the use of the word was inadvertent.

And the question recurring,

Will the Senate agree to the motion?

The motion was agreed to.

The nominations were read as follows:

NOTARIES PUBLIC

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, March 7, 1939.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointment as Notaries Public, for terms of four years to compute from the date of confirmation:

CHESTER COUNTY

George L. Anderson, West Chester.

DELAWARE COUNTY

Miss Mary A. Hanrahan, Upper Darby.

FAYETTE COUNTY

Miss Ruth C. LaBarrere, Uniontown.

MONTGOMERY COUNTY

John F. Burke, Norristown.

U. G. Funk, Upper Dublin Twp., Fort Washington.

PHILADELPHIA COUNTY

Mrs. Nathalie B. Ferguson, Phila., Packard Bldg.

Mrs. Anna L. B. McCormick, Phila., 1429 Walnut St.

Geo. H. Schellinger, Phila., 1803-5 E. Allegheny Avenue.

Samuel B. Wainer, Phila., 214 S. 45th St.

Miss Florence W. Warner, Phila., 5715 Germantown Ave.

SCHUYLKILL COUNTY

Mrs. Mary C. Roberts, Shenandoah.

ARTHUR H. JAMES.

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, March 7, 1939.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointment as Notaries Public, for terms of four years to compute from the date of confirmation:

BEAVER COUNTY

Henry Miksch, Monaca, March 9, 1939.

BLAIR COUNTY

Angelo A. Santella, Altoona, March 9, 1939.

BUCKS COUNTY

Miss Kate Buckman, Wrightstown Twp., Rushland.
March 9, 1939.

CENTRE COUNTY

Thomas Byron, Philipsburg, March 9, 1939.

LUZERNE COUNTY

Mrs. Rebecca L. Brenner, Hazleton, March 9, 1939.

Andrew Garber, Wilkes-Barre, March 9, 1939.

F. W. Root, Wilkes-Barre, March 9, 1939.

MONTGOMERY COUNTY

Miss Alice M. Caffrey, Lo. Merion Twp., 108 W. Lancaster Ave., Ardmore, March 9, 1939.

PHILADELPHIA COUNTY

Mrs. Anna T. Diringier, Phila., Rising Sun Ave. and Cottman St., March 9, 1939.

Thomas G. Gordon, Phila., 410 Morris Bldg., 1421 Chestnut St., March 9, 1939.

John L. Graham, Jr., Phila., 1520 Spruce St., March 9, 1939.

Raymond W. Hazlitt, Phila., 875 City Hall, March 9, 1939.

Thomas A. Nolan, Phila., 1500 Walnut St., Bldg., March 9, 1939.

Miss M. N. Probst, Phila., 113 W. Dauphin St., March 9, 1939.

SCHUYLKILL COUNTY

John J. Lawlor, Shenandoah, March 9, 1939.

TIOGA COUNTY

Robert B. Bailey, Wellsboro, March 9, 1939.

ALLEGHENY COUNTY

James H. Rose, Braddock, March 12, 1939.

CHESTER COUNTY

Mrs. Harriet E. Huggler, Tredyffrin Twp., N. Valley Rd., P. O. Box 592, Paoli, March 12, 1939.

CRAWFORD COUNTY

Mrs. Rosanna G. Bodamer, Titusville, March 12, 1939.

MONTGOMERY COUNTY

Geo. H. Weidner, Jenkintown, March 12, 1939.

PHILADELPHIA COUNTY

Mrs. Anna O'Drain Bradley, Phila., Victory Bldg., 1011 Chestnut St., March 12, 1939.

Miss Marie C. Chambers, Phila., 2066 E. Allegheny Ave., March 12, 1939.

MONTGOMERY COUNTY

Clyde L. Freece, Oaks, Up. Providence Twp., March 16, 1939.

ALLEGHENY COUNTY

M. R. Baldwin, Coraopolis, March 19, 1939.
C. D. Delphey, Jr., Pittsburgh, 623 Highland Bldg., March 19, 1939.

CLARION COUNTY

Miss Irene B. Baker, Foxburg, March 19, 1939.

LAWRENCE COUNTY

James E. Chambers, New Castle, March 19, 1939.

PHILADELPHIA COUNTY

Thos. J. Mallon, Phila., 823 W. Erie Ave., March 23, 1939.

MONTGOMERY COUNTY

Mrs. Elizabeth Hance, Lo. Merion Twp., 273 Montgomery Ave., Bala Cynwd, March 26, 1939.

DAUPHIN COUNTY

Miss Lottie H. Dockey, Uniontown, March 30, 1939.

LUZERNE COUNTY

Bert F. Huey, Kingston, March 31, 1939.

ARTHUR H. JAMES.

QUESTION OF INFORMATION

Mr. CAVALCANTE. Mr. President, I rise to a question of information.

The PRESIDENT. The Senator from Fayette, Mr. Cavalcante, will state his question of information.

Mr. CALVALCANTE. Mr. President, can any one from the other side of the House inform us whether some of these appointments here, specifically on the Boxing Commission—whether those gentlemen appointed on that Commission, who held lucrative public positions, will surrender those lucrative private positions and devote all their time to the Boxing Commission, or will they, like Mr. Hamilton, try to fill both positions?

EXECUTIVE SESSION

By unanimous consent,

A motion was made by Mr. EDMONDS and Mr. SCARLETT.

That Rule 38 which requires nominations made by the Governor be referred to an appropriate committee be dispensed with, and the Senate do now resolve itself into Executive Session, for the purpose of acting on the foregoing nominations.

Which was agreed to.

Whereupon,

A motion was made by Mr. EDMONDS and Mr. SCARLETT,

That the Senate do advise and consent to said nominations.

On the question,

Will the Senate agree to the motion?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—45

Bartlett,	Farrell,	Letzler,	Scarlett,
Cavalcante,	Frey,	Mallery,	Shapiro,
Chapman,	Gelder,	McCreesh,	Sipe,
Coleman,	Geltz,	McGinnis,	Snowden,
Crowe,	Gilson,	Miller,	Stevenson,
Dando,	Haluska,	Mundy,	Stiefel,
Detrick,	Heyburn,	Owlett,	Tallman,
Dent,	Homsher,	Pierson,	Thomas,
DiSilvestro,	Jacobs,	Reed,	Walker,
Ealy,	Kilgallen,	Rice,	Wolfenden,
Edmonds,	Kunkel,	Ruth,	Woodward,
Eroe,			

NAYS—0

Two thirds of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Governor be informed accordingly.

Mr. EDMONDS. Mr. President, I move that the Executive Session do now rise.

Mr. MILLER. Mr. President, I second the motion.

The motion was agreed to.

BILLS INTRODUCED

Mr. SHAPIRO. Mr. President, I have been asked to present and I now read in place a bill making an appropriation to the Moore Institute of Art, Science and Industry, formerly the Philadelphia School of Design for Women, in Philadelphia.

Mr. SHAPIRO read in his place and presented to the Chair Senate Bill No. 176, entitled:

An Act making an appropriation to the Moore Institute of Art, Science and Industry, formerly Philadelphia School of Design for Women at Philadelphia, Pennsylvania.

Which was committed to the Committee on Appropriations.

Mr. MALLERY read in place and presented to the Chair Senate Bill No. 177, entitled:

An Act making an appropriation to the Mercy Hospital, Altoona, Pennsylvania.

Which was committed to the Committee on Appropriations.

He also read in his place and presented to the Chair Senate Bill No. 178, entitled:

An Act making an appropriation to the Altoona Hospital, Altoona, Pennsylvania.

Which was committed to the Committee on Appropriations.

He also read in his place and presented to the Chair Senate Bill No. 179, entitled:

An Act making an appropriation to the Nason Hospital Association, Roaring Springs, Pennsylvania.

Which was committed to the Committee on Appropriations.

Mr. WOODWARD read in his place and presented to the Chair Senate Bill No. 180, entitled:

An Act restricting the granting of licenses to marry to divorced persons.

Which was committed to the Committee on Judiciary General.

Mr. GILSON read in his place and presented to the Chair Senate Bill No. 181, entitled:

An Act to amend sections four thousand three hundred forty and four thousand three hundred forty-one of the act, approved the twenty-third day of June, one thousand nine hundred thirty-one (P. L. 932), entitled "An act relating to cities of the third class; and amending, revising, and consolidating the law relating thereto," by making mandatory the establishment of pension funds and pension boards for employes other than members of the police force or fire department.

Which was committed to the Committee on Municipal Government.

Mr. CHAPMAN read in his place and presented to the Chair Senate Bill No. 182, entitled:

A Joint Resolution proposing an amendment to article nine of the Constitution of the Commonwealth of Pennsylvania, by adding thereto section twenty.

Which was committed to the Committee on Judiciary General.

Mr. McCREESH read in his place and presented to the Chair Senate Bill No. 183, entitled:

An Act making an appropriation to the Mercy Hospital of Philadelphia, Pennsylvania.

Which was committed to the Committee on Appropriations.

He also read in his place and presented to the Chair Senate Bill No. 184, entitled:

An Act making an appropriation to the Home for Discharged Prisoners, Philadelphia County, Pennsylvania.

Which was committed to the Committee on Appropriations.

Mr. MILLER read in his place and presented to the Chair Senate Bill No. 185, entitled:

An Act to amend or further amend sections one hundred two, four hundred thirteen, six hundred thirteen, six hundred twenty, eight hundred eight, eight hundred twelve, one thousand one, subsections (c) and (f) of section one thousand two, sections one thousand twenty-three, and one thousand two hundred one of the act, approved the first day of May, one thousand nine hundred and twenty-nine (P. L. 905), entitled "An act for the protection of the public safety; regulating the use of highways, and the operation of vehicles, tractors, street cars, trackless omnibuses, bicycles, pedestrians, and the riding of animals upon the highways of this Commonwealth; providing for the titling, including liens, encumbrances, and legal claims; registration of certain vehicles and licensing the operators thereof, upon payment of prescribed fees;

prescribing and limiting the powers of local authorities to deal with the subject matter of this act; conferring powers and imposing duties upon the Department of Revenue, the Department of Highways, peace officers, mayors, burgesses, magistrates, aldermen, justices of the peace, the courts and the clerks thereof, owners of vehicles, and garage keepers; providing that records are admissible as evidence; imposing upon owners, counties, cities, boroughs, incorporated towns, townships, within the Commonwealth, liability for damages caused by the negligent operation of their motor vehicles; imposing penalties; imposing certain costs upon counties providing for the disposition of fines, forfeitures, fees, and miscellaneous receipts; making an appropriation; and providing for refunds," by changing the time of expiration of registrations and operators' licenses, the time allowed persons to adjust and equip unlawful lamps and brakes, changing and providing additional penalties, defining resident, and further defining reckless driving, increasing certain lawful speed limits, removing certain exemptions heretofore given to fire department and fire patrol vehicles and ambulances, and authorizing prosecutions for violations of said act before any magistrate in the county wherein such alleged violation occurs.

Which was committed to the Committee on Highways.

Mr. CROWE read in his place and presented to the Chair Senate Bill No. 186, entitled:

An Act to amend subsection twelve of section seven hundred and two of the act approved the first day of May, one thousand nine hundred and thirty-three (P. L. 103), entitled "An act concerning townships of the second class; and amending, revising, consolidating, and changing the law relating thereto," by empowering townships of the second class to prohibit the storage of abandoned and junked automobiles.

Which was committed to the Committee on County Government.

He also read in his place and presented to the Chair Senate Bill No. 187, entitled:

An Act to establish as State highways certain sections of public roads in the Counties of Clinton, Lycoming, Franklin, Adams, Cumberland, Fulton, Mifflin, Huntingdon, Centre, Cameron and Sullivan, and providing for its construction and maintenance at the expense of the Commonwealth.

Which was committed to the Committee on Highways.

RECESS.

Mr. MALLERY. Mr. President, I move that the Senate do now take a recess for a half an hour.

Mr. GELTZ. Mr. President, I second the motion.

The motion was agreed to.

AFTER RECESS

The PRESIDENT. The time of recess having elapsed the Senate will be in order.

HOUSE MESSAGE

HOUSE BILLS FOR CONCURRENCE

The Clerk of the House of Representatives being introduced presented for concurrence bills of the House, as follows:

House Bill No. 80, (Senate Bill No. 188), entitled:

An Act to amend sections one and two of the act, approved the twenty-first day of June, one thousand nine hundred and thirty-seven (P. L. 1982), entitled "An act authorizing the Supreme Court of Pennsylvania to prescribe rules of practice and procedure in civil actions at law and in equity in certain courts of this Commonwealth, to prescribe rules and regulations for the conduct of any

general business, either civil or criminal, by judges of any court of record; authorizing the courts of common pleas to prescribe and adopt local rules, not inconsistent with such general rules of the Supreme Court of Pennsylvania; authorizing the Supreme Court of Pennsylvania to appoint a Procedural Rules Committee, and to fix and define its powers and duties; imposing duties on judges and other officers of every court of record," by including the municipal court of Philadelphia.

Which was committed to the Committee on Judiciary General.

House Bill No. 211, (Senate Bill No. 189), entitled:

An Act to amend section one of the act, approved the twelfth day of June, one thousand nine hundred nineteen (P. L. 450), entitled "An act permitting counties of the Commonwealth of Pennsylvania to appropriate and expend moneys, and to incur indebtedness and issue bonds and other obligations, for the improvement and maintenance of State highways and State-aid highways or any public highway in any county of the Commonwealth, and providing the method for applying for said moneys, and for the approval thereof by the State Highway Department in certain cases," as amended by extending the provisions thereof to include the improvement and maintenance of public highways in towns.

Which was committed to the Committee on County Government.

HOUSE MESSAGE

RESOLUTION EXTENDING SYMPATHY TO GOVERNOR JAMES ON DEATH OF HIS MOTHER-IN-LAW

He also presented extract from the Journal of the House, which was twice read as follows:

In the House of Representatives, March 8, 1939.

Saddening word of the death early this morning in the General Hospital at Wilkes-Barre of Mrs. Grace Morris, the mother-in-law of our Governor, has but recently reached this General Assembly.

As a new day dawned, she passed into the everlasting lull, the immortal, uncommunicable dream.

Mrs. Morris had for several years made her home with the Governor and his family at Plymouth, and recently at the Executive Mansion.

The bond between them was close and we realize the depth of sorrow that its severance means to our Governor at this time; therefore be it

Resolved, (if the Senate concur), That we, the members of this General Assembly, extend to His Excellency, the Governor, our most profound sympathy during this, his time of grief, but knowing full well that no words of ours can assuage his sense of loss we feel that in the following verse from the works of Aldrich he may find some measure of comfort:

"But when the sun in all his state
Illumed the eastern skies
She passed through glory's morning gate
And walked in Paradise."

Mr. OWLETT. Mr. President, I move that the Senate do now concur in the Resolution just adopted by the House of Representatives.

Mr. GELDER. Mr. President, I second the motion.
The motion was agreed to.

BILL INTRODUCED

Mr. STIEFEL. Mr. President, I ask unanimous consent to introduce a bill this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. STIEFEL read in place and presented to the Chair Senate Bill No. 190, entitled:

An Act to amend section two of the act, approved the twenty-fourth day of June, one thousand eight hundred and ninety-five (P. L. 236) entitled "An act providing that the right of action for injury wrongfully done to the person shall survive against the personal representative of the wrongdoer, and limiting the time within which suit for such injury must be brought," by reducing the time in which suit must be brought.

Which was committed to the Committee on Judiciary General.

REPORT FROM COMMITTEE.

Mr. EDMONDS from the Committee on Judiciary General to which was referred resolution offered by Mr. Shapiro on February 8, 1939, reported the same with amendment as follows:

In the Senate, February 8, 1939.

Whereas, It is important that all persons rightfully entitled to relief should receive adequate and prompt relief, and

Whereas, The cost of relief has mounted to tremendous sums and is increasing to unprecedented extents, and

Whereas, The extent of relief is affected vitally by other State and Federal governmental agencies, and

Whereas, In Pennsylvania, the Unemployment Compensation laws have contributed greatly to the reduction of the relief expenses, and

Whereas, the problem of proper relief unemployment compensation and federal grants are inter-related, and an understanding of the effect of one upon the other is necessary and will be helpful in an effort to solve the relief problem, now therefore be it

Resolved, That a special committee of six members of the Senate, three from the majority and three from the minority parties be appointed, whose duty it would be to study the operations, expenditures, and effect, of the various agencies including among others, Federal grants and unemployment compensation upon relief. The Committee should further study expenditures for administration, supplemental aid, and general relief grants by the Department of Public Assistance, and furnish information concerning all these matters from time to time to the members of the Senate, for use by members of the Senate and the House for their guidance in dealing with the whole relief problem, and be it further

Resolved, That the Department of Public Assistance and the Unemployment Compensation Division of the Department of Labor and Industry and all other agencies, shall furnish to the said Committee such information and assistance as they may request.

A motion was made by Mr. EDMONDS.

That rule 39, which requires resolutions reported from committee to lie over for one day be dispensed with and the Senate proceed to the consideration of the foregoing resolution.

Which was agreed to.

On the question.

Will the Senate agree to the resolution?

It was agreed to.

Ordered, That the Clerk present the same to the House of Representatives for concurrence.

APPOINTMENT OF COMMITTEE

The President Pro Tempore announced the following Committee, provided for in the Resolution just adopted: the Senator from Montgomery, Mr. Edmonds; the Senator from Somerset, Mr. Ealy; the Senator from Northampton, Mr. Bartlett; the Senator from Philadelphia, Mr. Shapiro; the Senator from Adams, Mr. Rice; and the Senator from Allegheny, Mr. Frey.

REPORTS FROM COMMITTEES

Mr. EALY. Mr. President I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. EALY from the Committee on Judiciary General reported as amended, Senate Bill No. 166, entitled:

An Act to authorize cities, boroughs, incorporated towns, townships, and school districts to file suggestions of nonpayment and averments of default, or to sue out writs of scire facias on certain tax or municipal claims, and to revive judgments where the lien of such claims or the judgments thereon have been lost; and providing for the reinstatement of the liens of such claims and judgments.

Mr. EALY. Mr. President, the amendment is to correct a typographical error.

Mr. WALKER. Mr. President I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. WALKER from the Committee on Judiciary General reported as committed, Senate Bill No. 114, (House Bill No. 129), entitled:

An Act to repeal the act, approved the thirtieth day of July, one thousand nine hundred and thirty-eight (P. L. 15), entitled "An act defining the procedure for, and regulating, the investigation by the House of Representatives and its committees of charges of, or involving, misdemeanor in office on the part of civil officers liable to impeachment; authorizing the Speaker of the House to appoint a special committee for any such investigation; authorizing the presentation of evidence by the Attorney General and other counsel and the officers investigated; providing for the summoning of witnesses and for the punishment of persons refusing to appear, produce evidence, or testify; and authorizing the employment and compensation of counsel and other assistants."

Mr. TALLMAN. Mr. President I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. TALLMAN from the Committee on Judiciary General reported as amended, Senate Bill No. 79, entitled:

An Act permitting the county treasurer, with the consent of the county commissioners or the approval of the court, to adjourn county treasurers' sales of seated and unseated lands for non-payment of taxes in all counties, except counties of the first class, and preserving the lien of all taxes on such lands.

Mr. STEVENSON. Mr. President I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. STEVENSON from the Committee on Judiciary General reported as committed, Senate Bill No. 116, (House Bill No. 132), entitled:

An Act to repeal the act, approved the thirtieth day of July, one thousand nine hundred and thirty-eight (P. L. 18), entitled "An act suspending, retroactively as well as prospectively, any other pending investigation, legislative, executive or judicial, of charges of, or involving, misdemeanor in office on the part of civil officers liable to impeachment, which the House of Representatives undertakes to investigate, and providing under what circumstances the suspended investigation may be resumed."

Mr. OWLETT. Mr. President I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. OWLETT from the Committee on Judiciary General reported as amended, Senate Bill No. 132, entitled:

An Act to amend sections one, two and four of the act, approved the sixteenth day of May, one thousand nine hundred nineteen (P. L. 180), entitled "An act providing a method of establishing title to land acquired at a sale for unpaid taxes or municipal claims," extending the provisions of said act to include land acquired at county treasurer's sales for unpaid taxes.

Mr. CAVALCANTE. Mr. President I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. CAVALCANTE from the Committee on Judiciary General reported as committed, Senate Bill No. 113, (House Bill No. 128), entitled:

An Act to repeal the act, approved the thirtieth day of July, one thousand nine hundred and thirty-eight (P. L. 17), entitled "An act defining the relative powers of the Attorney General and of district attorneys in investigations or proceedings in the criminal courts; authorizing the judges thereof to appoint, subject to appeal to the Supreme Court, special prosecutors in certain cases, and providing for their compensation by the county."

He also from the Committee on Judiciary General reported as committed, Senate Bill No. 115, (House Bill No. 131), entitled:

An Act to repeal the act, approved the thirtieth day of July, one thousand nine hundred and thirty-eight (P. L. 13), entitled "An act relating to the investigation of charges of, or involving, misdemeanor in office made against civil officers subject to impeachment; providing that the jurisdiction of the House of Representatives to make such investigations shall have precedence over the jurisdiction of grand juries; and limiting the circumstances under which courts of oyer and terminer and general jail delivery or courts of quarter sessions, or judges of such courts, may authorize grand juries to make such investigations."

MOTION TO READ BILLS THE FIRST TIME

Mr. OWLETT. Mr. President, I move that the Senate do now proceed to the first reading of all bills reported from committees for the first time at today's session.

Mr. HOMSHER. Mr. President, I second the motion. The motion was agreed to.

BILLS ON FIRST READING

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 79, entitled:

An Act permitting the county treasurer, with the consent of the county commissioners or the approval of the court, to adjourn county treasurers' sales of seated and unseated lands for non-payment of taxes in all counties, except counties of the first class, and preserving the lien of all taxes on such lands.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 113, (House Bill No. 128), entitled:

An Act to repeal the act approved the thirtieth day of July one thousand nine hundred and thirty-eight (Pamphlet laws seventeen) entitled "An act defining the relative powers of the Attorney General and of district attorneys in investigations or proceedings in the criminal courts authorizing the judges thereof to appoint subject to appeal to the Supreme Court special prosecutors in certain cases and providing for their compensation by the county."

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 114, (House Bill No. 129), entitled:

An Act to repeal the act approved the thirtieth day of July one thousand nine hundred and thirty-eight (Pamphlet Laws fifteen) entitled "An act defining the procedure for and regulating the investigation by the House of Representatives and its committees of charges of or involving misdemeanor in office on the part of civil officers liable to impeachment authorizing the Speaker of the House to appoint a special committee for any such investigation authorizing the presentation of evidence by the Attorney General and other counsel and the officers investigated providing for the summoning of witnesses and for the punishment of persons refusing to appear produce evidence or testify and authorizing the employment and compensation of counsel and other assistants."

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 115, (House Bill No. 131), entitled:

An Act to repeal the act approved the thirtieth day of July one thousand nine hundred and thirty-eight (Pamphlet Laws thirteen) entitled "An act relating to the investigation of charges of or involving misdemeanor in office made against civil officers subject to impeachment providing that the jurisdiction of the House of Representatives to make such investigation shall have precedence over the jurisdiction of grand juries and limiting the circumstances under which courts of oyer and terminer and general jail delivery or courts of quarter sessions or judges of such courts may authorize grand juries to make such investigations."

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 116, (House Bill No. 132), entitled:

An Act to repeal the act, approved the thirtieth day of July, one thousand nine hundred and thirty-eight (P. L. 18), entitled "An act suspending, retroactively as well as prospectively, any other pending investigation, legislative, executive or judicial, of charges of, or involving, misdemeanor in office on the part of civil officers liable to impeachment, which the House of Representatives undertakes to investigate, and providing under what circumstances the suspended investigation may be resumed."

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 132, entitled:

An Act to amend sections one, two and four of the act, approved the sixteenth day of May, one thousand nine hundred nineteen (P. L. 180), entitled "An act providing a method of establishing title to land acquired at a sale for unpaid taxes or municipal claims," extending the provisions of said act to include land acquired at county treasurer's sales for unpaid taxes.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 166, entitled:

An Act to authorize cities, boroughs, incorporated towns, townships, and school districts to file suggestions of nonpayment and averments of default, or to sue out writs of scire facias on certain tax or municipal claims, and to revive judgments where the lien of such claims or the judgments thereon have been lost; and providing for the reinstatement of the liens of such claims and judgments.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

QUESTION OF PERSONAL PRIVILEGE

Mr. CAVALCANTE. Mr. President, I rise to a question of personal privilege.

The PRESIDENT. The Senator from Fayette, Mr. Cavalcante, will state his question of personal privilege.

Mr. CAVALCANTE. Mr. President, I wish to read into the record a little item found in the Capitol newspaper called "Capitol Affair"—printed here somewhere in Harrisburg, concerning the affairs that are transpiring on Capitol Hill. The paper is dated March 7, 1939, and on page four we see a very beautiful picture of our present presiding officer Mr. Sam Lewis, on the one side, and His Excellency Governor Arthur H. James on the other, and a short distance from those two pictures I find the following item:

"Until Sheriff William J. Hamilton, Philadelphia, takes the oath as Secretary of Revenue, two past State American Legion commanders, Walter J. Kress, Johnstown attorney, and Otto Messner, former deputy auditor general, of Lancaster, are in command there as deputies."

Those two gentlemen are excellent men; they are capable and efficient in the performance of the duties they are now performing. I wish either one of these gentlemen could have been confirmed by this Senate as Secretary of Revenue.

On pages 268 and 269 of the Legislative Journal of February 6, 1939, we will find the proceedings of this Senate for confirming the nomination of Mr. Hamilton. The day is March 8, more than a month after the confirmation of Mr. Hamilton, and Mr. Hamilton has not as yet assumed his office. As a member of this Senate, who is charged by the Constitution with some responsibility in the confirmation of Executive Nominations, I publicly demand that His Excellency Governor James, inform this Senate the reason why Mr. Hamilton is not now in his position, and whether or not he is receiving a salary for not being in his position?

QUESTION OF PERSONAL PRIVILEGE

Mr. STIEFEL. Mr. President, I rise to a question of personal privilege.

Mr. PRESIDENT. The Senator from Philadelphia, Mr. Stiefel, will state his question of personal privilege.

Mr. STIEFEL. Mr. President, I want to pay my compliments to the President Pro Tempore for appointing to the committee on the supplemental study of relief gentlemen of great learning and experience. I hope that as the result of their labors we will have a comprehensive and monumental contribution to the knowledge and study of our State government.

I am envious of the State of New York, where publications of studies similar to the one proposed now are made thoroughly, with legal annotations and a careful study of legal precedents. I am sorry to state that up to the present the reports published in Pennsylvania cannot rank with those of other States, some have been very shallow. Let us hope that the erudition and experience of the gentlemen appointed on this committee to study our relief system will bring forth a valuable contribution to the knowledge of our State government.

ADJOURNMENT

Mr. OWLETT. Mr. President, I move that the Senate do now adjourn until Monday, March 13, 1939 at 9:00 o'clock, p. m.

Mr. CROWE. Mr. President, I second the motion.

The motion was agreed to.

The Senate adjourned at 2:45 o'clock, p. m. until Monday, March 13, 1939, at 9:00 o'clock, p. m.

HOUSE OF REPRESENTATIVES

WEDNESDAY, March 8, 1939

The House met at 12 noon.

The SPEAKER (Ellwood J. Turner) in the Chair.

PRAYER

The Chaplain, Rev. Walter Evans Deibler, offered the following prayer:

In this season of repentance, confession and contrition, O God, in the midst of many duties help us not to be unmindful of the allegiance we owe to Thee. Recognizing our human frailties teach us individually to see ourselves as Thou dost see us. Though assembled here from all parts of this state to unite our hearts and minds to do what is considered best for our people teach us that we cannot give more nor be more than we ourselves have or are. With the Psalmist we pray "Create in me a clean heart, O God; and renew a right spirit within me." If it is true that "a politician thinks of the next election; a statesman, of the next generation," then make of these Thy servants statesmen in the highest sense of the term. Deliver us from being imbued with the spirit of political chicanery. In the language of the poet may we

"Be strong!

We are not here to play, to dream, to drift;

We have hard work to do, and loads to lift;

Shun not the struggle—face it; 'tis God's gift."

This we pray through Jesus Christ our Lord. Amen.

JOURNAL APPROVED

The SPEAKER. The Clerk will read the Journal of yesterday.

The Clerk proceeded to read the Journal of yesterday,

when, on motion of Mr. MONTGOMERY, the further reading was dispensed with and the Journal approved.

BILLS INTRODUCED AND REFERRED

By Messrs. MATTHEWS and FALKENSTEIN.

HOUSE BILL No. 429.

An Act abolishing capital punishment and providing for the substitution of a life sentence in lieu thereof, repealing inconsistent legislation, and providing that this act shall not apply to any case in which it shall appear that the said crime was committed prior to the date of the approval of this act.

Referred to the Committee on Judiciary Special.

By Mr. LLOYD H. WOOD.

HOUSE BILL No. 430.

An Act to amend section one of the act, approved the seventeenth day of March, one thousand nine hundred and twenty-one (P. L. 32), entitled "An act fixing the salaries of court criers and tipstaves in counties of the third class," by increasing the salary of court criers.

Referred to the Committee on Counties.

By Messrs. EDWIN F. THOMPSON and SARRAF.

HOUSE BILL No. 431.

An Act to protect the people from tuberculosis; to provide for the care, treatment, isolation and hospitalization of persons afflicted therewith; to provide for the commitment of certain persons afflicted with tuberculosis; to provide for their care, custody and discharge; and to prescribe penalties for the violation of this act.

Referred to the Committee on Public Health and Sanitation.

By Messrs. ALSPACH and ROYER.

HOUSE BILL No. 432.

An Act making an appropriation to the Trustees of the Thaddeus Stevens Industrial School of Pennsylvania at Lancaster, Lancaster County, Pennsylvania.

Referred to the Committee on Appropriations.

By Mr. MUIR.

HOUSE BILL No. 433.

An Act making an appropriation for the purpose of maintaining the public roads and improving and replacing bridges thereon, through the Cornplanter Indian Reservation in Elk Township, Warren County, Pennsylvania.

Referred to the Committee on Appropriations.

By Mr. IRVIN.

HOUSE BILL No. 434.

An Act making an appropriation to the Jefferson Medical College, of Philadelphia, Pennsylvania, for medical education.

Referred to the Committee on Appropriations.

By Mr. TAYLOR.

HOUSE BILL No. 435.

An Act to further amend section seven of the act approved the fifth day of January, one thousand nine hundred and thirty-three (P. L. 223, 1933-1934), entitled "An act providing compensation to certain persons who served in the military or naval forces of the United States during the World War, the war between the United States and Spain, the China Relief Expedition, or in the Philippines or Guam; providing the method of making payment to representatives of persons who, because of death or incapacity, cannot personally receive compensation; imposing certain duties on the Adjutant General; making an appropriation; and repealing inconsistent legislation; and providing penalties," extending the time during which application may be filed for veterans' compensation.

Referred to the Committee on Military Affairs.

By Mr. CALVIN.

HOUSE BILL No. 436.

An Act relating to, and providing for, the promotion and development of business, industry and commerce in the Commonwealth; conferring powers and duties upon the Department of Commerce and other agencies of the Commonwealth; abolishing the Pennsylvania State Publicity Commission, terminating the terms of its members and conferring its powers upon, and transferring and appropriating the balance of its current appropriation to, the Department of Commerce; and repealing certain laws.

Referred to the Committee on State Government.

By Mr. ACKERMANN.

HOUSE BILL No. 437.

An Act to amend the act, approved the ninth day of April, one thousand nine hundred twenty-nine (P. L. 177), entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments, boards, commissions, and officers thereof, including the boards of trustees of State Normal Schools, or Teachers Colleges; abolishing, creating, reorganizing or authorizing the reorganization of certain administrative departments, boards, and commissions; defining the powers and duties of the Governor and other executive and administrative officers, and of the several administrative departments, boards, commissions, and officers; fixing the salaries of the Governor, Lieutenant Governor, and certain other executive and administrative officers, providing for the appointment of certain administrative officers, and of all deputies and other assistants and employes in certain departments, boards, and commissions; and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments, boards and commissions shall be determined," as amended, by establishing a Department of Commerce and defining its powers and duties; placing the State Planning Board within the department as a departmental administrative board, making certain changes in its membership and defining its power and duties; making available to the department for the use of the board the current appropriation to the board; and repealing inconsistent acts or parts of acts.

Referred to the Committee on State Government.

By Mr. WAGNER.

HOUSE BILL No. 438.

An Act making an appropriation to the Department of Commerce.

Referred to the Committee on Appropriations.

By Mr. ROSE.

HOUSE BILL No. 439.

An Act to amend section one of the act approved the fourth day of April, one thousand nine hundred and twenty-five (P. L. 127), entitled "An act relating to adoption," as amended, by authorizing nonresidents to adopt persons within the Commonwealth, and validating certain adoption proceedings heretofore decreed.

Referred to the Committee on State Government.

By Mr. SARRAF.

HOUSE BILL No. 440.

An Act to amend section two of the act, approved the second day of July, one thousand nine hundred and thirty-seven (P. L. 2714), entitled "A supplement to the act, approved the second day of June, one thousand nine hundred fifteen (Pamphlet Laws, seven hundred thirty-six), entitled as amended 'An act defining the liability of an employer to pay damages for injuries received by an employe in the course of employment; establishing a system and schedule of compensation; providing procedure for the determination of liability, and compensation thereunder; and prescribing penalties,' as amended and reenacted, providing for the inclusion of occupational diseases within the scope thereof, and providing definitions, provisions, and procedure related to such diseases; and

making an appropriation," by including any contagious disease contracted by any person employed in or about any hospital where persons having contagious diseases are admitted for treatment.

Referred to the Committee on Workmen's Compensation.

By Mr. HOMER S. BROWN.

HOUSE BILL No. 441.

An Act to further amend clause (c) of section two of an act, approved the seventh day of June, one thousand nine hundred and seventeen (P. L. 4447), entitled as amended "An act relating to the administration and distribution of the estates of decedents and of minors, and of trust estates; including the appointment, bonds, rights, powers, duties, liabilities, accounts, discharge and removal of executors, administrators, guardians, and trustees, herein designated as fiduciaries; the administration and distribution of the estates of presumed decedents; widow's and children exemptions; debts of decedents, rents of real estate as assets for payment thereof, the lien thereof, sales and mortgages of real estate for the payment thereof, judgments and executions therefor, and the discharge of real estate from the lien thereof; contracts of decedents for the sale or purchase of real estate; legacies, including legacies charged on land; the discharge of residuary estates and of real estate from the lien of legacies and other charges; the appraisal of real estate devised at a valuation; the ascertainment of the curtilage of dwelling houses or other buildings devised; the abatement and survival of actions, and the substitution of executors and administrators therein; the survival of causes of action and suits thereupon by or against fiduciaries; investments by fiduciaries; the organization of corporations to carry on the business of decedents; the audit and review of accounts of fiduciaries; refunding bonds; transcripts to the court of common pleas of balances due by fiduciaries; the rights, powers and liabilities of nonresident and foreign fiduciaries; the appointment, bonds, rights, powers, duties, and liabilities of trustees durante absentia; the recording and registration of decrees, reports and other proceedings, and the fees therefor; appeals in certain cases; and, also, generally dealing with the jurisdiction, powers, and procedure of the orphans' court in all matters relating to fiduciaries concerned with the estates of decedents," by providing for the distribution of the orphans' court of certain estates of persons dying intestate.

Referred to the Committee on Judiciary General.

By Messrs. GILLETTE and FISS.

HOUSE BILL No. 442.

An Act making an appropriation out of the Motor License Fund to the Department of Highways for allocation to an expenditure in the second class townships of the Commonwealth for maintenance, construction, reconstruction, resurfacing, or improvement of township roads and bridges during the calendar years one thousand nine hundred forty and one thousand nine hundred forty-one; permitting the use of the funds for maintenance and repair of township roads and bridges under certain conditions; and providing for the method of payment to townships.

Referred to the Committee on Highways.

By Messrs. GILLETTE and FISS.

HOUSE BILL No. 443.

An Act to amend the appropriation act, approved the fifth day of June, one thousand nine hundred thirty-seven (Appropriation Act No. 51-A), entitled "An act making an appropriation out of the Motor License Fund to the Department of Highways for expenditure in the various second-class townships of the Commonwealth for the maintenance of township roads and bridges during the calendar years one thousand nine hundred thirty-eight and one thousand nine hundred thirty-nine; apportioning the funds to the several counties on the basis of the maintenance costs for the year one thousand nine hundred

thirty-two; permitting the use of any surplus funds for construction and reconstruction and resurfacing of township roads and bridges; requiring townships to exclude provision for maintenance of roads and bridges from their annual budget and tax levy for road and street purposes for said years; authorizing the Department of Highways to rent road building machinery and equipment belonging to such townships in carrying out the provisions of this act; and lapsing the unexpended or unencumbered balance of the appropriation remaining on January first, one thousand nine hundred forty," by providing that the unexpended and unencumbered balance of such appropriation at the time this act becomes effective shall be allocated to and apportioned among the various second-class townships on the basis of the amount of road mileage in such townships; authorizing the township supervisors to expend the moneys allocated to the township for the purpose prescribed under the approval and supervision of the Department of Highways; and excluding the provision for expenditure by the Department of Highways of such balances, the taxing and budgeting limitations on townships of the second class, and the right of the Department of Highways to rent road-building machinery and equipment belonging to such townships.

Referred to the Committee on Highways.

By Messrs. MALONE and SCHROCK.

HOUSE BILL No. 444.

An Act to amend section nine of the act approved the twenty-fifth day of May, one thousand nine hundred and thirty-three, (P. L. 1050), entitled "An act creating and establishing a fund for the care, maintenance, and relief of aged, retired and disabled employees of the bureau of fire in cities of the second class; creating a board for the management thereof; providing the mode and manner of payment to beneficiaries, and for the care and disposition of its funds; and providing for the transfer and payment of all moneys and securities in existing funds in similar boards superseded by the fund and board herein created," by changing the amount and method of contributions for, and payment of, death benefits.

Referred to the Committee on Cities—Second Class.

By Mr. DAVID P. REESE.

HOUSE BILL No. 445.

An Act to amend section six hundred two of the act, approved the ninth day of April, one thousand nine hundred twenty-nine (P. L. 177), entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments, boards, commissions, and officers thereof, including the board of trustees of State Normal Schools, or Teachers Colleges; abolishing, creating, reorganizing or authorizing the reorganization of certain administrative departments, boards, and commissions; defining the powers and duties of the Governor and other executive and administrative officers, and of the several administrative departments, boards, commissions, and officers; fixing the salaries of the Governor, Lieutenant Governor, and certain other executive and administrative officers; providing for the appointment of certain administrative officers, and of all deputies and other assistants and employees in certain departments, boards, and commissions; and prescribing the manner in which the number and compensation of the deputies and all other assistants and employees of certain departments, boards and commissions shall be determined," by making a change in the time of submission of the State budget.

Referred to the Committee on State Government.

By Mr. O'NEILL.

HOUSE BILL No. 446.

An Act making an appropriation to the Department of Public Instruction for the use of the Pennsylvania State Oral School for the Deaf at Scranton.

Referred to the Committee on Appropriations.

By Mr. GILLETTE.

HOUSE BILL No. 447.

An Act to amend section seven of the act, approved the thirtieth day of April, one thousand nine hundred and twenty-nine (P. L. 885), entitled "An act to provide for the incorporation and regulation of cooperative agricultural associations having capital stock; and defining agriculture so as to include persons engaged in agriculture, dairying, livestock raising, poultry raising, floriculture, mushroom growing, beekeeping, horticulture, and other allied occupations; and providing penalties," by providing that voting by proxy shall be permitted in associations having more than two hundred and fifty common stockholders.

Referred to the Committee on Agriculture.

By Mr. RUSSELL E. REESE.

HOUSE BILL No. 448.

An Act to amend section eight hundred and fourteen of the act, approved the first day of May, one thousand nine hundred and twenty-nine (P. L. 905), entitled "An act for the protection of the public safety; regulating the use of highways, and the operation of vehicles, tractors, street cars, trackless trolley omnibuses, bicycles, pedestrians, and the riding of animals upon the highways of this Commonwealth; providing for the titling, including liens, encumbrances, and legal claims; registration of certain vehicles and licensing the operators thereof, upon payment of prescribed fees; prescribing and limiting the powers of local authorities to deal with the subject matter of this act; conferring powers and imposing duties upon the Department of Revenue, the Department of Highways, peace officers, mayors, burgesses, magistrates, aldermen, justices of the peace, the courts and the clerks thereof, owners of vehicles, and garage keepers; providing that records are admissible as evidence; imposing upon owners, counties, cities, boroughs, incorporated towns, townships, within the Commonwealth, liability for damages caused by the negligent operation of their motor vehicles; imposing penalties; imposing certain costs upon counties; providing for the disposition of fines, forfeitures, fees, and miscellaneous receipts; making an appropriation and providing for refunds," by authorizing volunteer firemen to use sirens or whistles on vehicles when making emergency fire calls.

Referred to the Committee on Motor Vehicles.

By Messrs. STOCKHAM and ALSPACH.

HOUSE BILL No. 449.

An Act to amend clause (a) of section one and section four of the act approved the thirty-first day of March, one thousand nine hundred and thirty-seven (P. L. 160) entitled "An act creating a commission to be known as the Pennsylvania Public Utility Commission; defining in part the powers and duties of such commission; abolishing The Public Service Commission of the Commonwealth of Pennsylvania, terminating the terms of the members thereof, and transferring to the Pennsylvania Public Utility Commission the records, employes, property, and equipment of The Public Service Commission of the Commonwealth of Pennsylvania; authorizing the Pennsylvania Public Utility Commission to appear in and complete all pending proceedings, legal or otherwise, instituted before, by or against The Public Service Commission of the Commonwealth of Pennsylvania; providing that all certificates of public convenience, contracts, orders, and rules and regulations of the latter commission shall remain effective until repealed, changed or modified by the Pennsylvania Public Utility Commission, and transferring and appropriating to the Pennsylvania Public Utility Commission any unexpended balance of any existing appropriation to The Public Service Commission of the Commonwealth of Pennsylvania," by changing method of appointing and removing members of the Commission and making political activity a grounds for their removal.

Referred to the Committee on Public Utilities.

By Mr. SKALE.

HOUSE BILL No. 450.

An Act to amend sections four hundred and one and four hundred and two of the act approved the fifth day of December, one thousand nine hundred and thirty-six, (1937, P. L. 2897), entitled "An act establishing a system of unemployment compensation to be administered by the Department of Labor and Industry and its existing and newly created agencies with personnel (with certain exceptions) selected on a civil service basis; requiring employers to keep records and make reports, and certain employers to pay contributions based on payrolls to provide moneys for the payment of compensation to certain unemployed persons; providing procedure and administrative details for the determination, payment and collection of such contributions and the payment of such compensation; providing for cooperation with the Federal Government and its agencies; creating certain special funds in the custody of the State Treasurer; and prescribing penalties," extending the provisions of said act to certain persons who are unemployed by reason of sickness or physical disability.

Referred to the Committee on Labor.

By Messrs. BROAD and LOVETT.

HOUSE BILL No. 451.

An Act limiting the amount that water companies may charge boroughs for fire protection and imposing duties on the Public Utility Commission or its successor.

Referred to the Committee on Public Utilities.

By Mr. LOVETT.

HOUSE BILL No. 452.

An Act to amend the first paragraph and subsection (b) of section nine, of the act approved the twenty-fourth day of June, one thousand nine hundred and thirty-seven (P. L. 2051), entitled "An act relating to public assistance; providing for and regulating assistance to certain classes of persons designated and defined as dependent children, aged persons, blind persons and other persons requiring relief; providing for the administration of this act by the Department of Public Assistance and county boards of assistance hereby created for this purpose; authorizing the Department of Public Assistance to cooperate with, and to accept and disburse moneys received from, the United States Government for assistance to such persons; providing for the liquidation of the State Emergency Relief Board, Boards of Trustees of the Mothers' Assistance Fund, and Boards of Trustees of Pension Fund for the Blind; and repealing laws relating to mothers' assistance, pensions for the blind, old age assistance, and the State Emergency Relief Board," prohibiting the requiring of aged persons to convey or encumber property to the Commonwealth as a prerequisite to receiving assistance.

Referred to the Committee on Welfare.

By Mr. REYNOLDS.

HOUSE BILL No. 453.

An Act to further amend section eight of the act approved the tenth day of June, one thousand nine hundred and thirty-one (P. L. 485), entitled "An act to provide for the better protection of life and health of the citizens of this Commonwealth by requiring and regulating the examination, licensure and registration of persons and registration of corporations engaging in the care, preparation and disposition of the bodies of deceased persons and providing penalties," by providing additional grounds for refusing, suspending or revoking licenses.

Referred to the Committee on Professional Licensure.

By Mr. ROSENFELD.

HOUSE BILL No. 454.

An Act to amend sections six hundred seven and six hundred thirteen, and section seven hundred thirteen as amended, of the act, approved the first day of May, one thousand nine hundred and twenty-nine (P. L. 905), entitled "An act for the protection of the public safety;

regulating the use of highways, and the operation of vehicles, tractors, street cars, trackless trolley omnibuses, bicycles, pedestrians, and the riding of animals upon the highways of this Commonwealth; providing for the titling, including liens, encumbrances, and legal claims; registration of certain vehicles and licensing the operators thereof, upon payment of prescribed fees; prescribing and limiting the powers of local authorities to deal with the subject matter of this act; conferring powers and imposing duties upon the Department of Revenue, the Department of Highways, peace officers, mayors, burgesses, magistrates, aldermen, justices of the peace, the courts and the clerks thereof, owners of vehicles, and garage keepers; providing that records are admissible as evidence; imposing upon owners, counties, cities, boroughs, incorporated towns, townships, within the Commonwealth, liability for damages caused by the negligent operation of their motor vehicles; imposing penalties; imposing certain costs upon counties; providing for the disposition of fines, forfeitures, fees, and miscellaneous receipts; making an appropriation and providing for refunds," changing the operator's license period to two years and increasing the fee therefor.

Referred to the Committee on Motor Vehicles.

RESOLUTIONS INTRODUCED AND REFERRED

By Mr. REAGAN.

RESOLUTION No. 27.

In the House of Representatives, March 7, 1939.

The American farmer, upon whose prosperity depends the prosperity of the Nation, is being deprived of his opportunity to earn a living by means of not being able to compete with the cheap imports from other countries.

Crops can be grown and cattle raised abroad at much lower cost than can be done here where the standard of living to which the American farmer is accustomed demands a larger compensation for labor.

The importation of cheaply grown grains, foodstuffs, cattle and meat products from abroad has done much to deny to our farmers the prosperity their efforts deserve, therefore be it

Resolved, That it is the opinion of this House of Representatives of the General Assembly of the Commonwealth of Pennsylvania that action should be taken by the Federal Government to prevent the importation of such grains and foodstuffs, cattle and meat products, the sale of which in the American markets contributes so largely to the economic plight of the American farmer, either by the imposition of a high tariff on such importation or the closing of our ports of entry to such articles, and be it further

Resolved, That a copy of this resolution be immediately transmitted by the Chief Clerk of this House to the officers of the Congress of the United States and to the members of the Senate and House of Representatives in that Congress from the Commonwealth of Pennsylvania.

Referred to the Committee on Federal Relations.

By Mr. DALRYMPLE. (Concurrent)

RESOLUTION No. 28.

In the House of Representatives, March 8, 1939.

Whereas, the President of the United States has publicly indicated a desire to have the Senate of the United States ratify a pending Treaty between the United States and the Dominion of Canada whereby the Great Lakes—St. Lawrence Deep Waterways would be constructed; and

Whereas, the ratification of such a Treaty would seriously and dangerously affect the economic, industrial, agricultural, commercial and shipping interests of the Commonwealth of Pennsylvania by reason of a disruption in the manufacturing, mining and agricultural production of the Commonwealth, the transportation facilities of common carriers which traverse this Commonwealth and the port facilities of Erie and Philadelphia; and

Whereas, such Treaty if ratified would furthermore ma-

terially reduce the exportation of the combined manufacturing, mining and agricultural products of this Commonwealth and would encourage the importation of products manufactured in European countries under living conditions far below the standard maintained in the Commonwealth of Pennsylvania and below the wage standard paid by the industrial, mining and agricultural transportation and shipping interests of this Commonwealth and would result in heavy loss of employment and revenue and would prove to be a contributing factor to increased taxation; therefore be it

Resolved, (if the Senate concur) that the General Assembly of Pennsylvania goes on record as opposed to ratification of the Treaty by the Senate of the United States and the opening of the Great Lakes—St. Lawrence Deep Waterways and requests the United States Senators to use their influence and vote against the ratification of the Treaty and the furtherance of this project; and be it further

Resolved, that the Senior United States Senator from Pennsylvania so record in the Congressional Record this body's opposition to ratification; and be it further

Resolved, that the Chief Clerk of this House immediately transmit a copy of this Resolution to each of the United States Senators from Pennsylvania.

Referred to the Committee on Federal Relations.

By Mr. HERFERD M. WOOD. (Concurrent.)

RESOLUTION No. 29.

In the House of Representatives, March 6, 1939.

Whereas, The whole world, rent asunder by strife and contention, violence and intolerance, is today in a state of turmoil and uncertainty, marked by a titanic struggle between Democracy and Autocracy, while in this Country anti-American forces are striving to discredit and destroy the ideals and institutions symbolized by the American Flag, and social, political and economic forces are combating one another; and

Whereas, Never before in the history of the Nation has there been greater need among our people for the unity, cooperation and tolerance for which our Country's Flag stands; and

Whereas, With the Stars and Stripes as its emblem, The United States Flag Association, a non-profit non-partisan and non-sectarian organization incorporated under Federal law and headed by the President of the United States as Honorary President General is, with the cooperation of various groups, organizations and fields of activity in our National life, conducting a National Patriotic Revival, culminating in FLAG WEEK, June eighth to fourteenth next, for the two-fold purpose (1) of awakening our people to the dangers threatening our National life, thereby causing them to resolve as never before to uphold and preserve our Country's ideals and institutions, and (2) of promoting National Unity, Patriotic Cooperation and Racial and Religious Tolerance; therefore, be it

Resolved, (if the Senate concur) That the General Assembly of the Commonwealth of Pennsylvania hereby heartily indorses the plan for a great National Patriotic Revival, and that the Governor is hereby authorized and requested, first, to direct the Superintendent of Public Instruction to arrange for the suitable observance of FLAG WEEK in all the public schools, and secondly, to issue a proclamation calling upon the State officials to display the United States Flag on all State buildings during FLAG WEEK, and inviting the people of the State to fly the Flag at their homes and other suitable places as well as on their cars, and that in every community they hold special exercises at which means shall be taken to given significant expression to our thoughtful love of America, our pride in its glorious history, our faith in its destiny, our devotion to its ideals and institutions and our determination to uphold and preserve them now and forever.

Referred to the Committee on Education.

By Mr. HARKINS. (Concurrent) RESOLUTION No. 30.

In the House of Representatives, March 7, 1939.

Whereas, The Philadelphia Company is a corporation formed under the laws of the Commonwealth of Pennsylvania; and

Whereas, The Philadelphia Company is the holder and principal owner of the utility operating companies of the Pittsburgh district in the Commonwealth of Pennsylvania; and

Whereas, As a holding company, the said Philadelphia Company has been for years manipulating its holdings in such a manner that a great portion of the profits of the utilities owned and controlled by the said company have been diverted to the private use of the Philadelphia Company by reason of the formation of various underlying companies which are not required to report to the Public Utility Commission; and

Whereas, the Philadelphia Company has almost secured a monopoly in the Pittsburgh district for its underlying companies in serving the said district with gas, electricity, steam, street car and motor bus transportation; and

Whereas, The Public Utility Commission has been unable to regulate the affairs of the Philadelphia Company and its subsidiaries in the supplying of the utility products above mentioned; and

Whereas, The Pittsburgh district is being over-charged millions of dollars annually by reason of the failure of the proper regulation of these utilities; and

Whereas, It is the duty of the Legislature to relieve the consumers of this over-charge and to enact laws sufficient to regulate the action of these utilities; therefore be it

Resolved (if the Senate concur), That the Speaker of the House is hereby directed to appoint five members of the House of Representatives, and the President of the Senate is directed to appoint three members of the Senate who together shall constitute a legislative committee, and whose duty it shall be forthwith to fully and impartially investigate the corporate structure and the operations of the Philadelphia Company and all its subsidiaries and the charges made for public utility services by said company and its subsidiaries, and be it further

Resolved, That the said committee shall organize by a selection of a chairman and secretary, shall have power to issue subpoenas signed by the chairman and to be served by the sergeant-at-arms of the House or any of his assistants commanding any person to appear and testify and to produce such books, papers, documents and records as may be called for by the committee, shall examine said witnesses and hear their testimony and shall make preliminary report to the General Assembly now in session at a reasonable time prior to adjournment sine die, which report shall contain recommendations for such action or the enactment of such legislation as the committee, after hearing the facts, deems advisable. Any person who refuses to appear or to testify in obedience to any such subpoena shall be subject to the penalties now provided by law in such cases. Each member of the committee shall have power to administer oaths; and be it further

Resolved, That said committee shall have power to employ and fix the compensation of such attorneys, stenographers, clerks and investigators as it deems necessary to accomplish the purposes of this resolution, such compensation to be paid from an appropriation made for such purposes; and be it further

Resolved, That said committee, upon its organization, shall report to the General Assembly the amount of appropriation it deems necessary to carry out the intent of this resolution in order that the same may be provided by separate bill.

Referred to the Committee on Rules.

By Messrs. HINDMAN and SARRAF.

RESOLUTION No. 31.

In the House of Representatives, March 8, 1939.

Whereas, The Commonwealth of Pennsylvania has for

years carried on a broad program for the eradication of tuberculosis; and

Whereas, the Commonwealth of Pennsylvania has from time to time established institutions for the care and treatment of persons suffering from tuberculosis; and

Whereas, the disease continues to spread, principally because of the ease of contagion and also because of the difficulty and length of treatment necessary to properly curb and combat it, and accordingly the question has arisen as to whether the Commonwealth of Pennsylvania is providing a sufficient number of such institutions for the proper hospitalization of tuberculosis patients; therefore be it

Resolved, That the Department of Health of the Commonwealth of Pennsylvania report to the House of Representatives the following information:

(1) The number of tuberculosis patients who, during the last twelve months, have made application for admission to state tuberculosis institutions and who continue to await admission thereto.

(2) The number of beds in state institutions now occupied by tuberculosis patients.

(3) The number of vacant beds now available in such institutions.

Referred to the Committee on Public Health and Sanitation.

SENATE MESSAGE

AMENDED SENATE RESOLUTION CONCURRED IN BY SENATE

The Clerk of the Senate being introduced informed that the Senate has concurred in the amendments made by the House of Representatives to Senate Resolution as follows:

March 6, 1939.

Resolved (if the House or Representatives concur). That when the Senate adjourns this week it reconvene on Monday evening, March 13, at nine o'clock; and when the House of Representatives adjourns this week it reconvene on Monday evening, March 13, at [eight o'clock] nine o'clock.

COMMUNICATION FROM THE GOVERNOR

The Secretary to the Governor being introduced, presented a communication in writing from His Excellency the Governor, which was read as follows:

APPROVAL OF HOUSE BILL No. 143.

Commonwealth of Pennsylvania.

Governor's Office, Harrisburg, March 7, 1939.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed House Bill No. 143. Printer's No. 9, entitled "An Act to amend clause (b) of section four article two of the act approved the twenty-fifth day of June one thousand nine hundred and nineteen (Pamphlet Laws 581) entitled 'An act for the better government of cities of the first class of this Commonwealth' as amended by providing a succession of officers of such cities to act as mayor in case of a vacancy or disability of the mayor to act."

ARTHUR H. JAMES.

STATEMENT BY MR. OMINSKY

Mr. OMINSKY asked and obtained unanimous consent to address the House.

Mr. Speaker and Ladies and Gentlemen of the House, tomorrow—Thursday, March 9, the joint legislative hearing on the proposed new City Charter for Philadelphia will be held at the Board of Education Building on the Parkway in that city.

This bill is now pending in the Senate. In the nature of things it cannot come before this House for some days or weeks at the earliest.

I hope that as many members of the House as possible who live in or near Philadelphia will attend the hearing. But I realize that many others cannot do so and I take this opportunity to urge a suggestion I have in mind upon them.

The entire measure is embodied in three Senate bills—Nos. 1, 2 and 3, now in print and available to all members of the House. I earnestly urge every member of the House of Representatives to obtain these copies at once and acquaint themselves with at least the principal features they embody.

Mr. Speaker and members of the House, you may have read in newspapers yesterday that the Supreme Court has just issued orders permitting payment of salaries and wages due policemen, firemen and thousands of other City and county employes as of February 28 and March 15, although no budget for 1939 has yet been adopted by City Council.

This and similar incidents in the recent past are symptoms of a serious financial crisis in Philadelphia. For many years bad financial practices and bad governmental methods have accumulated under the present Charter until they have reached such a point that a deficit of millions of dollars has been created and the processes of government have been drastically restricted or hamstrung. Conditions have reached such a stage that the Council is engaged in negotiations to borrow \$40,000,000 or \$50,000,000 for a long term of years on the revenue of the City owned gas works. Such a loan to pay current expense items is without precedent and may prove to be in violation of the law and the Constitution. But it is being attempted as a desperate remedy for a desperate situation. In any event it does not provide a permanent cure.

The City Charter act which seeks to avert such crises in future years, is the result of careful and thoughtful study by a nonpartisan group of public spirited citizens and I can say without reservation that it is a real plan for permanent good government in Philadelphia without a single political implication.

Members living outside of Philadelphia may ask why their intensive interest and understanding of the measure is desirable. There are many general reasons why the progress and prosperity of Philadelphia are of immense importance to the State as a whole. I might, for one reason of present importance, cite the fact that although Philadelphia's population is about one-fifth of the entire State, recent relief figures show that approximately two-fifths of all State funds allotted for relief and other forms of public assistance have to be sent into Philadelphia.

Because of its financial situation the municipality is totally unable to do anything at this time to lessen that overload. But it is a demonstrable fact that if Philadelphia could provide between \$8,000,000 and \$10,000,000 for cooperation with Federal work relief programs during the next two years the State budget could be saved as high as \$25,000,000 during the next biennium. I mention this to drive home the fact that all of us here, whether we live in Philadelphia or outside of it, have a definite interest in its welfare and in the establishment of a stable and effective system of government in the historic third largest City of the United States.

Please understand that I do not approach this subject from any political angle. I hope that the Charter will be

dealt with on a nonpolitical basis. It is a good Charter. But the Legislature will not be called upon to say the final word upon it. Our task will be to pass it in the most satisfactory form that careful study and honest consideration will permit and then to submit it to the people of Philadelphia at a special election for them to make the final decision on its adoption or rejection.

But time is passing swiftly. Naturally the proposed Charter is complicated. It requires thoughtful study and I do not want to see so much time go by that it cannot be given careful consideration. And particularly I do not want to see a situation arise weeks hence when opposition to its passage may arise on the ground that members have not had sufficient time to acquaint themselves with these bills.

So I repeat my appeal to all members of the House to obtain copies of the Senate printing and study them and call upon any of us who are sincerely interested in adopting the Charter to explain features of it they may not understand or on first examination may not like.

If this is done the bills will come to our desks for action later on and we can take such action then as our judgment and consciences dictate.

SENATE MESSAGE

AMENDED HOUSE BILL RETURNED
FOR CONCURRENCE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 215.

A Supplement to the act approved the second day of July one thousand nine hundred and thirty-seven (Appropriation Acts page seventy-four) entitled "An act to provide for the ordinary expenses of the Executive Legislative and Judicial Departments of the Commonwealth interest on the public debt and the support of the public schools for two years beginning June first one thousand nine hundred and thirty-seven and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending May thirty-first one thousand nine hundred and thirty-seven" providing for deficiencies in certain appropriations to the Department of Justice for the fiscal biennium ending May thirty-first one thousand nine hundred and thirty-nine.

With the information that the Senate has passed the same with amendments, in which the concurrence of the House of Representatives, is requested.

Th SPEAKER. The Clerk will read the amendments.

The Clerk read the amendments as follows:

Amend the title, page 1, line 12, by inserting after the word "to" and before the word "the" the words "the Lieutenant Governor;" also at the end of same line by inserting after the word "Justice" the words "and the Department of State."

Amend Section 1, page 2, line 3, by inserting after the word "to" and before the word "the" the words "the Lieutenant Governor;" also same line by inserting after the word "Justice" the words "and the Department of State;" also line 5, by striking out the words "that department" and inserting in lieu thereof the words "such official and departments;" also by inserting between lines 5 and 6 the following:

“TO THE LIEUTENANT GOVERNOR

For the payment of the deficiency in the appropriation for the payment of all necessary expenses including postage telegrams telephone toll charges and traveling clerical stenographic and discretionary expenses and for the care

and maintenance of an automobile and mileage charges to the Department of Property and Supplies for the use of automobiles the sum of two thousand dollars (\$2,000.00)

TO THE DEPARTMENT OF JUSTICE”

also same page, line 17, by striking out "library" and inserting in lieu thereof the word "library;" also page 3, line 22, by striking out the words and figures "thirty thousand dollars (\$30,000.00)" and inserting in lieu thereof the words and figures "forty-three thousand five hundred twenty-two dollars (\$43,522.00);" also page 4, by inserting between lines 3 and 4 the following:

“TO THE DEPARTMENT OF STATE

For the payment of the deficiency in the appropriation for the payment of salaries wages or other compensation of a deputy secretary and other employees for the payment of general expenses supplies printing and equipment necessary for the proper conduct of the work of the department and for proof-reading the Pamphlet Laws the sum of ten thousand four hundred fifty-four dollars and seventy-nine cents (\$10,454.79)"

On the question,

Will the House concur in the amendments made by the Senate?

YEAS—204

Achterman,	Donohoe,	Levy,	Royer,
Ackermann,	Downey,	Leydic,	Sarge,
Allen,	Eckels,	Lichtenwalter,	Sarra,
Allmond,	Ely,	Long,	Scanlon,
Alspach,	Ewing,	Lovett,	Schrock,
Andrews,	Falkenstein,	Lyons,	Schrope,
Atkins,	Fauset,	Madden,	Schwab,
Auker,	Finnerty,	Malloy,	Self,
Baker,	Fisher,	Malone,	Serrill,
Balliet,	Fliss,	Marr,	Shaw,
Balthaser,	Flanagan,	Matthews,	Shearer,
Bardes,	Fleming,	McClester,	Simon,
Bennett,	Foor,	McGarrity,	Skale,
Bohn,	Freed,	McKinney,	Sloan,
Bols,	Fullerton,	McLane,	Snyder,
Boney,	Furman,	McNally,	Sollenberger,
Boorse,	Gates,	McVay,	Stambaugh,
Boose,	Gillan,	Melchiorre,	Stank,
Bower,	Gillette,	Mihm,	Stewart,
Boyd,	Goll,	Montgomery,	Stockham,
Brancato,	Gorski,	Mooney,	Sweeney,
Bretherick,	Habbyshaw,	Moran,	Tahl,
Broad,	Haines,	Moser, F. S.,	Tarr,
Bronson,	Hall,	Moser, J. L.,	Taylor,
Brown, H. S.,	Hamilton,	Muir,	Terry,
Brown, S. W.,	Harbeson,	Munley,	Thistle,
Brunner,	Harkins,	O'Brien,	Thompson, E. F.,
Burns,	Haudensfield,	O'Connor,	Thompson, G. R.,
Burriss,	Henry,	O'Dare,	Tlemann,
Cadwalader,	Hess,	O'Keefe,	Tronzo,
Calvin,	Hewitt,	Ominsky,	Trout,
Carpenter,	Hindman,	O'Neill,	VanAllsburg,
Check,	Hocke,	Peacock,	Voorhees,
Chervenak,	Hoffman, J. N.,	Peale,	Wagner,
Christler,	Hoffman, S. K.,	Powers,	Walsh,
Clark,	Holland,	Preston,	Watkins,
Clearwater,	Hoyt,	Readinger,	Webster,
Cohen, H. B.,	Huntley,	Reagan,	Weiss,
Cohen, R. E.,	Irvin,	Reese, D. P.,	Welsh, E. B.,
Cook,	James,	Reese, R. E.,	Welsh, M. J.,
Cooper,	Johnston,	Regan,	Westrick,
Cordier,	Jones,	Reynolds,	Wilkinson,
Corrigan,	Keenan,	Rhodes,	Williams,
Cortese,	Kenehan,	Rider,	Wilson,
Curran,	Kilroy,	Riley,	Winner,
Dalrymple,	Kline,	Robertson,	Wood, H. M.,
Denman,	Knoble,	Rooney,	Wood, L. H.,
DeNote,	Kowalski,	Rose,	Wood, N.,
Dick,	Krise,	Roseberry,	Woodside,
Dix,	Lee,	Rosenfeld,	Yeakel,
Donahue,	Lelsey,	Rothenberger,	Turner,

Speaker.

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendments were concurred in.

Ordered, That the Clerk inform the Senate accordingly.

LEAVE OF ABSENCE

Mr. Readinger asked and obtained leave of absence for Mr. JIROLANIO for today's session.

BILL SIGNED BY SPEAKER

Bill numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the title was publicly read as follows:

HOUSE BILL No. 215.

A Supplement to the act approved the second day of July one thousand nine hundred thirty-seven (Appropriation Acts page seventy-four) entitled "An act to provide for the ordinary expenses of the Executive Legislative and Judicial Departments of the Commonwealth interest on the public debt and the support of the public schools for two years beginning June first one thousand nine hundred and thirty-seven and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending May thirty-first one thousand nine hundred and thirty-seven" providing for deficiencies in certain appropriations to the Lieutenant Governor the Department of Justice and the Department of State for the fiscal biennium ending May thirty-first one thousand nine hundred thirty-nine

Whereupon,

The SPEAKER, in the presence of the House, signed the same.

REPORTS FROM COMMITTEES

Mr. DAVID P. REESE from the Committee on Judiciary Special reported as committed, House Bill No. 344, entitled

An Act to amend section seventy-seven of the act, approved the thirty-first day of March, one thousand eight hundred and sixty (P. L. 427), entitled "An act to consolidate, revise and amend the laws of this Commonwealth relating to penal proceedings and pleadings," by permitting indictments against public officers and employees and their accomplices and confederates to be brought, or exhibited, within two years after such officer or employee shall have ceased to occupy such office or employment.

Mr. CHRISTLER from the Committee on Judiciary Special reported as committed, House Bill No. 221, entitled

An Act declaring prosecutions against defendants finally ended and terminated where the Grand Jury has returned bills of indictment ignoramus, unless a re-submission is authorized by the court for certain reasons; and providing the procedure and for appeals in such cases.

Mr. EWING from the Committee on Townships reported as amended, House Bill No. 259, entitled

An Act to amend section one thousand eight hundred and two of the act, approved the twenty-fourth day of June, one thousand nine hundred and thirty-one (P. L. 1206), entitled "An Act concerning townships of the first class; amending, revising, consolidating, and changing the law relating thereto," as amended, by abolishing the right of taxpayers to prevent the letting of certain contracts, and eliminating certain general regulations in the making of insurance contracts by townships.

Mr. MADDEN from the Committee on Counties reported as committed, House Bill No. 239, entitled

An Act authorizing county commissioners in counties of the third class to transfer surplus county moneys to the institution district, and providing for the expenditure of the moneys so transferred for institution district purposes.

BILLS ON FIRST READING

Agreeably to order.

The House proceeded to the first reading and consideration of House Bill No. 338, entitled

An Act to amend Section Three hundred one of an Act approved the Twenty-seventh day of May one thousand nine hundred and thirty-seven (Pamphlet Laws one thousand and fifty-three) known as the "Public Utility Law" by excluding from the definition of "Facilities" as used therein property owned by municipal corporations of the Commonwealth of Pennsylvania when the said act became effective and providing that the Pennsylvania Public Utility Commission shall have power to regulate and fix the rates for service furnished by public utilities owned by municipal corporations of the Commonwealth of Pennsylvania only when the public service being furnished is rendered by any municipal corporations shall be beyond its corporate limits and extending such freedom from regulation and control by the Commission to public utility service furnished or rendered by an operating agency of any such municipal corporation.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 28, entitled

An Act to regulate the sale of sulfanilamide and its derivatives in the interest of public health.

And said bill having been read at length the first time

Ordered, To be laid aside for second reading.

BILL ON SECOND READING

Agreeably to order.

The House proceeded to the second reading and consideration of House Bill No. 196, as follows:

An Act to amend the act approved the seventh day August one thousand nine hundred and thirty-six (Paraphlet Laws 117) entitled "An act making an appropriation to the Department of Forests and Waters for the purpose of building and constructing new dikes levees and river bank protections along the Delaware River Morrisville Borough Bucks County" by fixing the elevations of the said dikes levees and river bank protection. The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The act approved the seventh day of August one thousand nine hundred and thirty-six (Pamphlet Law 117) entitled "An act making an appropriation to the Department of Forests and Waters for the purpose of building and constructing new dikes levees and river bank protections along the Delaware River at Morrisville Borough, Bucks County" is hereby amended to read as follows:

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the sum of one hundred ten thousand dollars (\$110,000) or so much thereof as may be required is hereby specifically appropriated to the Department of Forests and Waters for the purpose of building and constructing a new dike levee of river bank protection along the Delaware River at Morrisville Borough between the bridges at Bridge Street and Trenton Avenue (Calhoun Street) for a distance of about three thousand (3,000) feet for protection against flood and freshets to the abutment thickly populated lowland area the elevations of the said dike levee or river bank protection to be fixed as follows That the over-all height thereof at the abutment of the Trenton Avenue bridge be 30.00 feet above the Sag Harbor New Jersey datum and continue in a regular and continuous descending grade to an elevation of 27.00 feet above the said datum at the abutment of the Bridge Street Bridge

The sum appropriated by this act shall be available for use by the Department of Forests and Waters upon the dike levee or river bank protection provided for herein shall be built and constructed

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 80, entitled:

An Act to amend sections one and two of the act approved the twenty-first day of June one thousand nine hundred and thirty-seven (Pamphlet Laws 1937) entitled "An act authorizing the Supreme Court of Pennsylvania to prescribe rules of practice and procedure in civil actions at law and in equity in certain courts of this Commonwealth to prescribe rules and regulations for the conduct of any general business either civil or criminal by judges of any court of record authorizing the courts of common pleas to prescribe and adopt local rules not inconsistent with such general rules of the Supreme Court of Pennsylvania authorizing the Supreme Court of Pennsylvania to appoint a Procedural Rules Committee and to fix and define its powers and duties imposing duties on judges and other officers of every court of record" by including the municipal court of Philadelphia

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—203

Achterman	Donohoe,	Levy,	Royer,
Ackermann.	Downey,	Leydic,	Sarra,
Allen,	Eckels,	Lichtenwalter,	Scanlon,
Allmond,	Ely,	Long,	Schrock,
Alspach,	Ewing,	Lovett,	Schrope,
Andrews,	Falkenstein,	Lyons,	Schwab,
Atkins,	Fauset,	Madden,	Self,
Auker,	Finnerty,	Malloy,	Serrill,
Baker,	Fisher,	Malone,	Shaw,
Balliet,	Fiss,	Marr,	Shearer,
Balthaser	Flanagan,	Matthews,	Simon,
Bardes,	Fleming,	McClister,	Skale,
Bennett,	Foor,	McGarrity,	Sloan,
Bohn,	Freed,	McKinney,	Snyder,
Boies,	Fullerton,	McLane,	Sollenberger,
Boney,	Furman,	McNally,	Stambaugh,
Boorse,	Gates,	McVay,	Stank,
Boose,	Gillan,	Melchiorre,	Stewart,
Bower,	Gillette,	Mihm,	Stockham,
Boyd,	Goll,	Montgomery,	Sweeney,
Brancato	Gorski,	Mooney,	Tahl,
Bretherick,	Habbyshaw,	Moran,	Tarr,
Broad,	Haines,	Moser, F. S.,	Taylor,
Bronson,	Hall,	Moser, J. L.,	Terry,
Brown, H. S.	Hamilton,	Muir,	Thistle,
Brown, S. W.	Harbeson,	Munley,	Thompson, E. F.,
Brunner,	Harkins,	O'Brien,	Thompson, G. R.,
Burns,	Haudenschild,	O'Connor,	Tiemann,
Burriss,	Henry,	O'Dare,	Tronzo,
Cadwalader	Hess,	O'Keefe,	Trout,
Calvin,	Hewitt,	Opinsky,	VanAllsburg,
Carpenter,	Hindman,	O'Neill,	Voorhees,
Check,	Hocke,	Peacock,	Wagner,
Chervenak	Hoffman, J. N.,	Peale,	Walsh,
Christler,	Hoffman, S. K.,	Powers,	Watkins,
Clark,	Holland,	Preston,	Webster,
Clearwater,	Hoyt,	Readinger,	Weiss,
Cohen, H. B.	Huntley,	Reagan,	Welsh, E. B.
Cphen, R. E.	Irvin,	Reese, D. P.,	Welsh, M. J.,
Cook,	James,	Reese, R. E.,	Westrick,
Cooper,	Johnston,	Regan,	Wilkinson,
Cordier,	Jones,	Reynolds,	Williams,
Corrigan,	Keenan,	Rhodes,	Wilson,
Cortese,	Kenehan,	Rider,	Winner,
Curran,	Kilroy,	Riley,	Wood, H. M.,
Dalrymple,	Kline,	Robertson,	Wood, L. H.,
Denman,	Knoble,	Rooney,	Wood, N.,
DeNote,	Kowalski,	Rose,	Woodside,
Dick,	Krise,	Roseberry,	Yeakel,
Dix,	Lee,	Rosenfeld,	Turner,
Donahue,	Lelsey,	Rothenberg,	Speaker.

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 211, entitled:

An Act to amend section one of the act approved the twelfth day of June one thousand nine hundred nineteen (Pamphlet Laws 450) entitled "An act permitting counties of the Commonwealth of Pennsylvania to appropriate and expend moneys and to incur indebtedness and issue bonds and other obligations for the improvement and maintenance of State highways and State-aid highways or any public highway in any county of the Commonwealth and providing the method of applying for said moneys and for the approval thereof by the State Highway Department in certain cases" as amended by extending the provisions thereof to include the improvement and maintenance of public highways in towns

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

Mr. HOYT. Mr. Speaker and ladies and gentlemen of the House, inquiries from several of the members indicate that the intent and purpose of this bill is not apparent on its face, so I ask your indulgence while I explain it to you.

The Act in its original form calls for appropriations for various cities under certain conditions. In my district lies the only unincorporated town in the state, the beautiful cultured city of Bloomsburg, which has long been denied the benefits accruing under this Act, because of the strict interpretation of it, so I am asking that the words "or town" be inserted in this bill so that they can get the benefits. I ask your support in correcting this discrimination. Thank you.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—203

Achterman.	Donohoe,	Levy,	Royer,
Ackermann,	Downey,	Leydic,	Sarra,
Allen,	Eckels,	Lichtenwalter,	Scanlon,
Allmond,	Ely,	Long,	Schrock,
Alspach,	Ewing,	Lovett,	Schrope,
Andrews,	Falkenstein,	Lyons,	Schwab,
Atkins,	Fauset,	Madden,	Self,
Auker,	Finnerty,	Malloy,	Serrill,
Baker,	Fisher,	Malone,	Shaw,
Balliet,	Fiss,	Marr,	Shearer,
Balthaser	Flanagan,	Matthews,	Simons,
Bardes,	Fleming,	McClister,	Skale,
Bennett,	Foor,	McGarrity,	Sloan,
Bohn,	Freed,	McKinney,	Snyder,
Boies,	Fullerton,	McLane,	Sollenberger,
Boney,	Furman,	McNally,	Stambaugh,
Boorse,	Gates,	McVay,	Stank,
Boose,	Gillan,	Melchiorre,	Stewart,
Bower,	Gillette,	Mihm,	Stockham,
Boyd,	Goll,	Montgomery,	Sweeney,
Brancato,	Gorski,	Mooney,	Tahl,
Bretherick,	Habbyshaw,	Moran,	Tarr,
Broad,	Haines,	Moser, F. S.,	Taylor,
Bronson,	Hall,	Moser, J. L.,	Terry,
Brown, H. S.,	Hamilton,	Muir,	Thistle,
Brown, S. W.,	Harbeson,	Munley,	Thompson, E. F.,
Brunner,	Harkins,	O'Brien,	Thompson, G. R.,

Burns,	Haudenschild,	O'Connor,	Tiemann,
Burris,	Henry,	O'Dare,	Tronzo,
Cadwalader,	Hess,	O'Keefe,	Trout,
Calvin,	Hewitt,	O'insky,	VanAllsburg
Carpenter,	Hindman,	O'Neill,	Voorhees,
Check,	Hocke,	Peacock,	Wagner,
Chervenak	Hoffman, J. N.,	Peale,	Walsh,
Christler,	Hoffman, S. K.,	Powers,	Watkins,
Clark,	Holland,	Preston,	Webster,
Clearwater,	Hoyt,	Readinger,	Welss,
Cohen, H. B.	Huntley,	Reagan,	Welsh, E. B.
Cohen, R. E.	Irvin,	Reese, D. P.,	Welsh, M. J.,
Cook,	James,	Reese, R. E.	Westrick,
Cooper,	Johnston,	Regan,	Wilkinson,
Cordier,	Jones,	Reynolds,	Williams,
Corrigan,	Keenan,	Rhodes,	Wilson,
Cortese,	Kenehan,	Rider,	Winnor,
Curran,	Kilroy,	Riley,	Wood, H. M.
Dalrymple,	Kline,	Robertson,	Wood, L. H.
Denman,	Knoble,	Rooney,	Wood, N.,
DeNote,	Kowalski,	Rose,	Woodside,
Dick,	Krise,	Roseberry,	Yeakel,
Dix,	Lee,	Rosenfeld,	Turner,
Donahue,	Lelsey,	Rothenberger	Speaker.

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

MR. WOODSIDE IN THE CHAIR

RESOLUTION

THANKS EXTENDED

Miss BRANCATO offered a resolution and asked and obtained unanimous consent for its immediate consideration.

The resolution was twice read, considered and unanimously adopted as follows:

In the House of Representatives,
Harrisburg, Pennsylvania, March 8, 1939.

Whereas, The wives of the Members of the House of Representatives, together with the lady Members of the House, were entertained most delightfully on March 7, 1939, at a tea in the Hotel Harrisburger, by Mrs. Ellwood Jackson Turner, wife of the Speaker of the House, Ellwood Jackson Turner; and

Whereas, A pleasant afternoon was spent by those in attendance in meeting the charming hostess and becoming acquainted with each other;

Therefore, Be It Resolved, That the Members of the House of Representatives extend to Mrs. Turner their thanks for the gracious gesture on the part of the wife of the Speaker to the wives of the Members of the House of Representatives;

And Be It Further Resolved, That a copy of this Resolution be transmitted by the Chief Clerk of the House to Mrs. Turner.

THE SPEAKER (Ellwood J. Turner) IN THE CHAIR.

The SPEAKER. The Chair desires on behalf of Mrs. Turner and myself, to thank the lady from Philadelphia and the members of the House.

I am certain if the ladies had as much pleasure out of the tea yesterday afternoon as Mrs. Turner and I had in extending the invitation, we have been more than repaid.

The SPEAKER. The Chair desires to say to the members of the House that we have had a great deal of difficulty with the distribution of the Criminal Code which was introduced this last week. It is the understanding of the Chair that it costs about a thousand dollars for one printing of the number of copies we received. The first

printing was absorbed entirely in the files of the members of the House and distribution by the committee among Judges, District Attorneys and others in the state whose comments they want upon the bill. Members of the House have been inquiring for copies. We ask that the members do not ask for more copies than they need. At the present time we request that the members ask for only one copy. The copies will be in the Sergeant-at-Arms room and we will ask the members to personally go there for additional copies so as to avoid duplication. Do not attempt to send copies to the Judges in your counties, District Attorneys and others, because the sub-committee of the committee on Judiciary Special has undertaken to mail out copies to people whose comment they desire at this time.

In the interest of economy I feel certain that the members of the House, who have so far cooperated so splendidly will continue to cooperate with the Printing Committee and with the Chair in carrying out this request. If you desire any further copies it would be wise to talk to the chairman of the sub-committee, Mr. Brunner, so that he may determine whether they have mailed copies to the people for whom you might desire them.

RECESS

The SPEAKER. If there are no objections the Chair is about to declare a recess until 1:10 p. m. Are there objections? The Chair hears none and declares a recess until 1:10 p. m.

AFTER RECESS

The House reconvened at 1:10 p. m.

The SPEAKER (Ellwood J. Turner) in the Chair.

RESOLUTION

CONDOLENCE

Mr. KOWALSKI offered a resolution which was twice read by the Clerk as follows:

In the House of Representatives, March 8, 1939.

Saddening word of the death early this morning in the General Hospital at Wilkes-Barre of Mrs. Grace Morris, the mother-in-law of our Governor, has but recently reached this General Assembly.

As a new day dawned, she passed into the everlasting lull, the immortal, uncommunicable dream.

Mrs. Morris had for several years made her home with the Governor and his family at Plymouth, and recently at the Executive Mansion.

The bond between them was close and we realize the depth of sorrow that its severance means to our Governor at this time; therefore be it

Resolved (if the Senate concur), That we, the Members of this General Assembly, extend to His Excellency, the Governor, our most profound sympathy during this, his time of grief, but knowing full well that no words of ours can assuage his sense of loss we feel that in the following verse from the work of Aldrich he may find some measure of comfort:

"But when the sun in all his state
Illumed the eastern skies
She passed through glory's morning gate
And walked in Paradise."

On the question,

Will the House adopt the resolution?

It was unanimously adopted.

Ordered, That the Clerk present the same to the Senate for concurrence.

COMMITTEE MEETINGS

Democratic Caucus, Monday, March 13, 1939, at 7.30 p. m., in the House Caucus Room.

A dinner meeting of the membership of the Committee on Third Class Cities at the University Club of Harrisburg, Tuesday, March 14, 1939, at 6 p. m. The membership of this Committee are invited guests and should notify Hon. Ray E. Taylor not later than March 13 whether or not they can attend.

SENATE MESSAGE

RESOLUTION CONCURRED IN BY SENATE

The Clerk of the Senate being introduced, informed that the Senate has concurred in the resolution from the House of Representatives, as follows:

In the House of Representatives, March 8, 1939.

Saddening word of the death early this morning in the General Hospital at Wilkes-Barre of Mrs. Grace Morris, the mother-in-law of our Governor, has but recently reached this General Assembly.

As a new day dawned, she passed into the everlasting lull, the immortal, uncommunicable dream.

Mrs. Morris had for several years made her home with the Governor and his family at Plymouth, and recently at the Executive Mansion.

The bond between them was close and we realize the depth of sorrow that its severance means to our Governor at this time; therefore be it

Resolved, (if the Senate concur), That we, the Members of this General Assembly, extend to His Excellency, the Governor, our most profound sympathy during this, his time of grief, but knowing full well that no words of ours can assuage his sense of loss we feel that in the following verse from the work of Aldrich he may find some measure of comfort:

"But when the sun in all his state
Illumed the eastern skies
She passed through glory's morning gate
And walked in Paradise."

REPORT FROM COMMITTEE

Mr. WOODSIDE from the Committee on Rules, reported as committed House Resolution No. 23.

RESOLUTION NO. 23

Mr. WOODSIDE asked and obtained unanimous consent for the immediate consideration of Resolution No. 23.

The resolution was read by the Clerk as follows:

In the House of Representatives, February 28, 1939.

Whereas numerous taxing authorities in Schuylkill County and elsewhere throughout the State are sorely distressed and hampered in their governmental and educational functions by reason of their inability to collect taxes due and payable by certain of their taxpayers and

Whereas many large coal companies and similar concerns are at present in the process of reorganization under proceedings instituted in our Federal courts in compliance with Section 77 (b) of the Federal Bankruptcy Act which companies are heavily indebted to municipal authorities and

Whereas said municipal taxing authorities would be greatly benefited by the prompt payment of taxes due from such companies now in process of reorganization as aforesaid our teachers could be paid and our schools kept open therefore be it

Resolved by the House of Representatives of the Commonwealth of Pennsylvania that his Excellency the Governor of the Commonwealth of Pennsylvania be requested to direct the Attorney General of Pennsylvania to intervene in such proceedings for re-organization under Section 77 (b) of the Federal Bankruptcy Act brought by or on behalf of any corporation indebted for taxes to municipal sub-divisions of this Commonwealth and endeavor to procure the prompt payment of the whole or a substantial portion of the taxes so due and owing and be it further

Resolved that a copy of this resolution be immediately transmitted by the Chief Clerk of the House to his Excellency the Governor of the Commonwealth

On the question,

Will the House adopt the resolution?

It was adopted.

ADJOURNMENT

Mr. LICHTENWALTER. Mr. Speaker, I move that this House do now adjourn until Monday, March 13, 1939, at 9 p. m.

The motion was agreed to, and (at 1:35 p. m.) the House adjourned until Monday, March 13, 1939, at 9 p. m.

Legislative Journal

Session 1939.

133d of the General Assembly.

Vol. 23.

HARRISBURG, PA., MONDAY, MARCH 13, 1939.

No. 22.

SENATE

MONDAY, March 13, 1939.

The Senate met at 9:00 o'clock p. m.

The PRESIDENT (President Pro Tempore Frederick T. Gelder) in the Chair.

PRAYER

The Chaplain, Rev. BURLEIGH A. PETERS, offered the following prayer:

O God of all peoples, who holdest the destiny both of individuals and nations in the hollow of Thine hand, we turn our hearts to Thee pleading that peace be the controlling principle and thought of all the people of our great nation. Amidst the present obnoxious hysteria of thought and word of the imminence of armed conflict let the great masses of our countrymen think peace, talk peace and act peace.

May we continue to provide an adequate national defense against any aggressor upon our shores, marking well that our present frontiers are the shores of the Atlantic and the Pacific, and not the Rhine.

Should this nation have a rendezvous with destiny, may it be a destiny of peace, O Almighty God, rather than that thousands of our finest sons of the Republic again be sacrificed upon the altar of belligerent action and that, as a nation, we feed again upon the empty husks of high-sounding slogans—"To make the world safe for democracy" or "A war to end wars."

To many thousands of veterans, O Father Thou knowest well, those words bring before their eyes the awful pageantry of '17 and '18 with its tragic suffering and death, which, please Thee O God, may it never happen again. We pray in the name of the Prince of Peace. Amen.

JOURNAL APPROVED

The PRESIDENT. A quorum of the Senate being present the Clerk will read the Journal of the preceding session.

The Clerk proceeded to read the Journal of the preceding session, when, on motion of Mr. OWLETT and Mr. HEYBURN, the further reading was dispensed with, and the Journal was approved.

LEAVE OF ABSENCE

Mr. HEYBURN asked and obtained leave of absence for the Senator from Bucks, Mr. JAMES, on account of illness.

NOMINATIONS BY THE GOVERNOR

The Secretary to the Governor being introduced, presented communications in writing from His Excellency, the Governor of the Commonwealth, which were read as follows, and referred to the Committee on Executive Nominations.

MEMBERS OF INDUSTRIAL BOARD

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, March 13, 1939.
To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor to nominate for the advice and consent of the Senate the following persons for appointment as members of the Industrial Board, until the third Tuesday of January, 1943, and until their successors shall have been appointed and qualified:

Wilbert Weir, Harrisburg, Dauphin County. (Employer of Labor.)

Mrs. Margaret Rau, Philadelphia, Philadelphia County.

Albert M. Custer, Johnstown, Cambria County.

Frank Burch, Philadelphia, Philadelphia County. (Wage earner.)

ARTHUR H. JAMES.

He also presented in writing from His Excellency, the Governor of the Commonwealth, nominations for appointment as Notaries Public, which were laid on the table.

COMMUNICATION FROM THE GOVERNOR

He also presented communication in writing from His Excellency, the Governor of the Commonwealth, which was read as follows:

APPROVAL OF NINTH SUPPLEMENTAL BIENNIAL BUDGET

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, March 13, 1939.
To the Honorable, the Senate of the Commonwealth of Pennsylvania:

I have the honor to submit herewith the supplement to the 9th Biennial Budget of the Commonwealth of Pennsylvania, for the Fiscal Biennium June 1, 1939, to May 31, 1941.

ARTHUR H. JAMES.

The PRESIDENT. The Communication from the Governor will be noted in the Journal.

REPORT FROM COMMITTEE

Mr. DENT. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. DENT from the Dent Commission, reported as follows:

Mr. President and members of the Senate:

In presenting the majority report of the Commission studying the effects of taxation in Pennsylvania, it may be well to go over the ground roughly and cover a few of the facts, incidents and problems relating thereto.

First, let me say that the idea for the creation of such a Commission was not original on my part. I simply sponsored a resolution in February of 1937 when the turmoil about new and emergency taxes was at its height.

The work has been interesting, and as the report shows, illuminating. From the very beginning the political aspects of the work of this Commission have been uppermost in the minds of many persons. Fortunately, the membership of the Commission has treated this phase of the Commission's work lightly and has at all time tried to steer clear of the mire of political propaganda. To say that some political considerations were given the subject would only be stating a simple truth. All in all, the Commission can be pleased with the final report it presents to the people of Pennsylvania from a legislative viewpoint.

An interesting sidelight on the activities of the Commission and some of the difficulties in which it found itself can be had by reviewing some of the news-releases and campaign speeches of some of our candidates for State office last spring and fall.

One of the issues raised by a nondescript newspaper in my home County was the amount of money spent by the Commission and the bold accusations and plain insinuations that the members of the Commission were enriching themselves at the expense of the taxpayers. A scavenger weekly known as the Westmoreland Observer in my County has repeatedly carried stories to the public stating that the Commission has spent \$50,000 to make this study. When the last \$10,000 appropriation was passed this weekly scandal sheet carried headlines to the effect that the Chairman of this Commission had maced the taxpayers for another \$10,000. While answering such trash is political folly, I wish to give an account to date of the monies expended by this Commission, under my direction. We have spent and accounted for \$4,829.60, leaving a balance in the old appropriation of \$179.40, making a total of \$10,-179.40 unexpended out of a \$15,000 total appropriation.

The commission has a few outstanding bills, aside from printing and legal fees, not totaling over \$500. Totalling all reasonable expenses we can safely say that the entire amount expended will be well under \$7,500.00. We hope this proves that legislative committees are the proper agencies for this type of governmental work. Personally, I hope this information simmers down to the average taxpayer, for contrary to the popular notion, the average citizen does believe what he sees in the newspaper.

Going into the campaign speech phase of this undertaking one need have but a very short memory to recollect the utterances of our present Governor, Arthur H. James, late of the Superior Court.

Any person interested knows full well how Mr. James discredited the Earle Administration with his outright charges that taxes imposed by the Democrats were ruining industry and driving employment out of the State.

He was aided and abetted in this political charge by one, Mr. Fuller, head of the Curtis Publishing Company. Also, in passing allow me to commend the Chamber of Commerce and the Small Businessman's group for their skillful and strategic maneuvering in spreading this bit of political propaganda. To bluntly say that Mr. James and these politically minded groups were wrong would not be entirely true, yet knowing the difficulties surrounding the State's finances and its peoples, it would be unfair to all concerned if I failed at this time to call attention to a few observations that have occurred to me relative to this angle of the question involved.

In fairness to the last Administration it must be said that knowing all the facts at the time, we imposed taxes where ability to pay was used as a criterion and relief needs as a measuring rod. To prove we were near right in our actions, one needs but recall Governor James' recent utterances about new taxes while agreeing to the old taxes. That Candidate James was motivated by political expediency there is no doubt, yet this should not relieve Governor James of any criticism that may be forthcoming and due him if he fails to shift the tax load and relieve industry.

As for the Chamber of Commerce and Mr. Fuller's small businessman's league, let me say that their actions and words since the election of Governor James proves to me that they were more interested in the tax collector than the tax burden. Having succeeded in getting the New Deal defeated in Pennsylvania by using the tax-cry, they have aimed their big guns on Washington, D. C. They are now praising the James economy administration and shouting for a balanced Federal Budget. I am not unmindful of the assistance given this Commission by certain individuals in the Chamber of Commerce and other groups but I deplore their actions of late which cause me to believe that they too, were and are propelled by purely political motives. To those who were sincere in their efforts to help solve a problem of great importance, I offer the thanks of the Commission, and to those who were motivated by political desires, I give my personal condemnation because of their abuse of strategic positions, designed to do economic good, yet used to do political wrong.

In closing this particular argument, I wish to say to Governor James, the Chamber of Commerce and Mr. Fuller's small businessman's group that just as you have found the Earle Administration's tax program undesirable but unavoidable, so you will find the Roosevelt unbalanced budget undesirable but unavoidable. This I sincerely believe to be true, maybe I'm wrong.

During our many hearings and conversations I personally formed some opinions on the questions confronting our State and Nation at this time. I want to elaborate on these personal observations purely from the position of a person interested in the future of this Nation from an economic viewpoint and aside from a political angle.

The major problem of course is relief and unemployment. Perhaps administrative economy may materially relieve the burden, yet in my opinion it certainly will not erase the causes for the immense expenditures necessary for actual relief needs. It may be reasonable to say that what I propose to suggest will not be based on scientific study or political expediency. It is entirely up to

the individual Senator to judge whether the thoughts I express are sound or unsound. I can only offer them and say to one and all I believe they open up avenues that can be followed in rebuilding our economic and social welfare.

For any member of this Senate to sit idly by and believe that from ten to fifteen millions of our national citizens are going to be content forever with subsistence relief and governmental charity is an admission of his lack of knowledge concerning the temperament of these millions.

The average person wants to work. Millions of able bodied persons have been denied employment because of our economic system. Let us quit fooling each other. Unemployment under the present arrangement is permanent and to keep talking about emergencies is blindness or dishonesty or both.

I won't go so far as to say that revolution is in the offing, but just for the sake of an argument place yourself in the position of thousands of your fellow citizens.

You will find yourself out of work since early 1930. You had a few dollars saved and a little home. You are married and have a family of four children two under ten years of age and two over. You hear the President of the United States, Mr. Hoover, telling the nation to keep its chin up, prosperity just took a holiday, its nesting only around the corner. You wait, you hope and you spend your last dollar. You soon find yourself in line with the rest of the unfortunates getting a basket of groceries, sometimes it was fit to eat, other times nauseating.

A few years roll by, your children are growing out of their clothes, you're getting ragged and your wife peeked looking. Soon your children are dressed in hand-out clothes and in the neighborhood you can easily pick the kids that belong to the same fraternity. What's worse, the other kids can pick them out too.

An election comes along, out of desperation you vote for a new regime with a promise of a new deal.

After a while you hear of public works and other high sounding proposals. Soon you find yourself (if you are lucky) actually working. Although you were a shipping clerk you find yourself digging ditches for the Government. In the enthusiasm of getting self-respecting work you forget your former standards, tickled to get any kind of wage earning job. Your hopes rise and you again try to meet the payments on the small loan you've made against your home. It seems as though the sun again wishes to shine in your back yard. Right when you're beginning to believe in life again somebody with a ham under his arm starts to yell about the tax burden, unbalanced budget and away goes your job.

Back on the relief you find there has been a change. No more baskets, plain cash and you buy what you want. It does for a while and then you start to get in arrears on your payments on the loan. You give up in despair and some bank takes away the home you had planned for your children. You become despondent and just when your mind is about to crack you get back on the WPA. You pull yourself together and start off fresh. About this time in our history there's another National election. You vote for the party in power, they've helped you more than the other Administration so in fairness you shout for their reelection.

Not long after the election you're out again and back on relief. This seems to be the only change you get, on relief off relief, on WPA, off WPA, until you yourself can't

tell whether you're on or off of one or the other. In the meantime, your philosophy changes. The devil take the present office holders. You and thousands like you are tired being kicked around. A new gang of politicians can't be any worse so you kick the old gang out and the new gang in. Then you awaken with a start, you hear talk of cutting relief, curtailing Governmental spending, changing the system, saving money, economy and the rest of the talk indulged in by well-fed, round table political schemers. Suddenly you look around you and take stock. Your children have grown into young men and women. Your daughter's keeping company with an unemployed youngster next door who can't get on relief or get a job unless he's married. Your boy has left school and sits around the house in the daytime and runs around, heaven knows where, the biggest part of the night. Your younger children are falling into the same ruts. You realize you've been too busy chasing WPA jobs and relief checks to notice the ageing wife, the growing children. You have nothing prepared or planned for their future. Why they were just kids when this thing started, you and your wife were in your early thirties. Can it be that ten years make such a difference? Can it be possible that you are faced with this same routine of miserable existence for the next ten years, even longer? Can it be that all this great nation can give you and your children is relief and relief work? You had your name and history taken so often you're beginning to feel like a convict, like an unwanted neighbor, gentlemen, each and every one of you, now that you've been called a red at times and you begin to wonder. I ask you, gentlemen, each and everyone of you, now that you've been through ten years of your life as an unemployed ex-home owner, what is your frame of mind?

I've talked to the people on relief since this thing all started back in '30, '31 and '32. I know the change that has come in the mental attitude of the person batted around from place to place from cover to cover. They think certain things ought to be done. They believe that no civilization can call itself advanced when it denies the first fundamental right to millions of persons, to earn a livelihood for themselves and their families. No Government is secure as long as this condition exists.

One of the things these unfortunate men and women believe, to be out of line is the question of married women working when their husbands have gainful occupations or vice versa. There should be an elimination of dual jobs of the heads of a family, from productive lines of work as well as service industries in order to give two families an income instead of one family having two or more. Statistics advanced by business and labor statisticians show that this nation has more gainful jobs per thousand population than ever before yet a greater unemployment problem.

There may be political repercussions to the party and the individual who promotes this particular reform yet in the interest of our future, I sincerely believe we must treat the matters of income, unemployment, employment, purchasing power and related activities strictly on a family basis and not on the individual bases. We have situations in our various communities where every member of a family is employed while other families are on the relief rolls. If we have the courage to adjust this phase of the unemployment problem, we will remove many families from the relief rolls and make them self-sustaining.

Another argument advanced has to do with the matter of old age pensions. We all know of the various pension pressure groups active in our Federal and State governments. Pensions are logical. One need but review the increased use of productive machinery and he can easily see the reason for a shrinkage in employment as it relates to volume of goods produced. Allowing for the increased consumption because of our high standards, it is still reasonable to assume that a shorter period of productive activity is required to produce all the consumable goods needed. Foreign consumption of our goods doesn't materially change the picture. We cannot hope to get many foreign markets because of our higher wage standards as compared to competitive countries. It is also reasonable to believe that in the main, countries accepting our exports are expecting reciprocal markets for their products. When we ship tons of apples to Czechoslovakia and accept tons of shoes in return, we don't help the employment of our country although we may help the apple producer. This is true in the general summarization of import and export trade. We are basically a self-supporting nation and our salvation must come from our own production and consumption. It is the prevalent thought that a retirement pension bolstered by child labor restrictions will reduce the number of years a producing workman will be called upon to produce and will spread the employment among a greater number of people in the productive age group.

One thing is definite, the retirement pension plan should include all citizens regardless of position. There should not be a privileged pension group and a poverty pension group. Special pensions set up for various groups of employees and officials should be eliminated and a contributory system set up that will include all. Contributions should come from employee, employer and government. Payments should be based upon amounts paid into the fund. The family should be used as a unit for setting up minimum monthly payments.

A retirement pension plan can be placed on a sound business basis. If some such plan isn't worked out we may find ourselves carrying an enormous load for pension payments because of the sheer weight politically of the pension groups. It is the aim of civilization to give a more abundant life to all yet our present status gives the luxuries to a certain section of our population while denying to millions the bare necessities of life itself. We are aware of the biblical warning that the poor will always be with us. We can't help but observe though, that during our most prosperous years, we had millions of persons who from natural inclinations refused to accept productive work.

Today, we put these people in the same class as millions of others willing to work but unable to do so. If this Democracy is to live, we must find work for those able to work. We must cut out the cancerous growth called subsistence relief. If we have work available for all, persons refusing to work can be left as they were in the past, shifting for themselves. It sounds cruel, bluntly put, but it is better to do this than to reduce to the level of those who won't work, those who will. The benefits of modern machinery and volume of goods produced should be directly reflected in lessened years of work, shorter work weeks and greater buying power for the labor that produces goods. To do this we must set aside political expediency, resist pressure from selfish groups, face public condemnation if necessary and in the words of the poet,

"hew to the line and let the chips fall where they may."

Another interesting angle called to my attention is the question of socialized hospitalization and medical care. So long as we have such a large group of persons dependent upon subsistence relief, and another large group on part time employment some form of state aid must be given to the persons requiring medical aid. I know how controversial the subject of socialized medicine has become recently but honestly in my mind I see no difference in the doctor employed by a coal company and a doctor employed by the coal miners. I may add here that figures given me by a learned man in Pennsylvania show that Pennsylvania appropriates twice as much money for State aid as all the other forty-seven States combined. This is astounding and although needed is an item of expense that gets little study from those who are demanding reductions in Governmental costs. I would suggest to the medical profession the setting up of their own plan of contract medicine, to be supervised by their own profession or the Legislature will be forced to accept the dictates of the people and set up a system not entirely to their liking. Along with this line of reasoning I want to call attention to the enormous amounts of monies appropriated by the Legislature to the many privately controlled public charities groups in Pennsylvania. With the State and Federal Government giving aid through Department of Public Assistance to every type of needy person, from blind pensions, aid to crippled children, mother's pensions and direct and work relief, as well as State aided medical care there is a question as to the necessity of giving money to other agencies. It might be well to delve a little into this phase of Governmental expenditure.

Another great tax consumer is the school system. Many innovations and trimmings have been added to the school system in recent years. It is becoming more and more a self serving system with legislative requests becoming demands and the political pressure exerted by those interested in the school system is equaled by no other group. When speaking of Governmental costs and exorbitant taxes it is well to keep this expensive outlay in mind. I believe expenses can be curtailed without impairing the system or reducing the high standards of educational training.

Tonight I intend to introduce legislation setting up a tax Commission as recommended by the Commission. I am happy to give some credit here for this suggestion to the Bar Association and Senator Edmonds who appeared before our committee in Philadelphia and gave excellent reasons for some such administrative change.

Further I am introducing a bill relating to Compensation Costs amending Section 654, Act of 1921, P. L. 682. This is only a beginning in the reform of the Compensation Act. Something must be done if we are not to go back to common law in our settlement of compensation cases in Pennsylvania. Many employees today are working without legislative protection in case of injury. Therefore I recommend this change for the following reasons:

DISCUSSION

Section 654, Act of 1921, P. L. 682.

The legislature has here delegated to the Insurance Commissioner the power to set the seal of his approval upon a creature called the Rating Bureau if in his opin-

ion such Bureau is adequately equipped to compile rates on an equitable and impartial basis.

The legislature acting upon the assumption that such Rating Bureau would be erected (and you may be sure that such is the case) then proceeded to clothe the Rating Bureau with most extraordinary powers.

First—The Rating Bureau is authorized and empowered to establish for the employers of labor within Pennsylvania the classification of risks, underwriting rules, premium rates and schedule of merit rating plans for insurance of employers and employees under "The Workmen's Compensation Act."

Second—Such schedule of merit rating plans shall be applied only by the approved Rating Bureau.

Third—The Insurance Commissioner is granted the restricted authority to consent to the rules, rates, premiums and schedules before the same become effective and having consented he may withdraw his approval whenever, in his judgment, the same is inadequate or discriminates unfairly between risks of essentially the same hazard. In other words the Insurance Commissioner has been restricted to the right of veto over the action of the Rating Bureau but he has no authority to initiate, modify or amend anything whatsoever which the Bureau may see fit to enact.

Fourth—The Rating Bureau has been granted the legislative authority to promulgate with the force and effect of law the rules, rates and schedules applied to Workmen's Compensation Insurance and all employers of labor and their insurance carriers are bound and obligated by such promulgations.

THE MISCHIEF

By reason of the delegation of legislative power and authority to a Bureau which enacts rules, charges and rates, with minimum accountability and restraint, the employers of labor in Pennsylvania have been thrown upon the mercy of a self-serving group of insurance underwriters.

Today the members of the Rating Bureau who enact the law governing the payments for Workmen's Compensation Insurance for the Coal Industry consist of the following:

Berwind Exchange
Coal Operators Casualty Company
Eureka Casualty Company
Pennsylvania Threshermen and Farmers Mutual
Casualty Insurance Company
State Workmen's Insurance Fund
Pennsylvania Manufacturers Association Casualty
Insurance Company

These underwriters not only promulgate the rates and amounts which employers must pay for compensation insurance but they also are the firms who write the policies, do the collecting, and determine the profits in such sums as conscience may dictate.

An employer receives no notice of a Rating Bureau promulgation until it becomes the law.

The hands of the Insurance Commisisoner are tied because he has no power to modify or amend.

No provision is made for the hearing of complaints of the employers upon whom the obligation to pay has been imposed.

There has been no findings of facts upon which to base a complaint.

No right of appeal is granted to an aggrieved party in interest.

For the year 1938 the Rating Bureau has promulgated in pamphlet form twenty pages of rules, rates and schedules, some of which are highly self-serving, such as the one on page 17 which consists of a complicated formula for calculating experience charges or credits.

Under the workings of this rule an employer who removes hazards receives only partial credit the first year and must continue to pay premiums during subsequent years at rates based upon hazards that have ceased to exist.

It is true that an employer may escape from the system by rejecting the Compensation Act or by becoming a self-insurer, both of which remedies have been adopted by some large industrialists but are not feasible for their numerous smaller and weaker competitors.

I believe that the Rating Bureau as now existing is adequately equipped to compile rates but I doubt their impartiality and I maintain that no such self-serving Bureau should be given unchecked power and authority to promulgate the rules, rates and charges for the industries of Pennsylvania.

Under such a system it is no wonder that employers have been bitterly complaining time and again in the legislative halls and elsewhere about the burdensome costs of Workmen's Compensation Insurance.

I offer in this bill a remedy based on the amendments to Section 654 of the Workmen's Compensation Insurance Act, contemplate the enactment of safeguards and restraints upon the powers of the Rating Bureau which will require them to propose and prove the propriety of their rates, rules and schedules.

The amendments further provide that the party to be charged is properly a party in interest who is entitled to certain fundamental rights. These rights are:

Reasonable notice about the proposed promulgations.

The privilege to complain and be heard.

The finding of facts.

An order based on the facts.

The right of appeal.

In closing I again thank all the persons who helped in this investigation and repeat for the benefit of politically minded persons. This report has never been pigeonholed or delayed. It has been given to the General Assembly pursuant to the Resolution that created the Commission, just as soon as it was ready.

I thank the members of the commission for their assistance and co-operation and I thank all of you for your patience tonight.

The PRESIDENT. The majority report of the Dent Commission will be noted in the Journal, and the reports of the Senator will be spread upon the Journal.

Mr. STIEFEL. Mr. President, my first sight or knowledge of this report was when a copy of it was handed to me two weeks ago by Senator Dent.

I have not signed it and I decline to join in it for various reasons, notably that it is not founded on basic facts and that it is not scientific.

In due time I will file a minority report in which I will also state other objections I have in addition to this one.

The primary purpose of the investigation was to determine whether the alleged industrial migration trends

belong to the realm of political mythology or economic realities.

In my opinion the report failed to accomplish the desired results.

The question of tax burdens and industrial migratory trends is not a new one in the United States. Studies of this kind have been undertaken during the last decade in many states, and thorough and exhaustive studies were made by many scientific agencies and investigating bodies. Thus we find that back in 1929, as a result of a statement in the New York Times that industry was fleeing Wisconsin, a study was undertaken by two eminent professors of the University of Wisconsin, and as a result of their study, entitled "Tax burdens and Industry in Wisconsin," conclusions were reached that the black picture painted by the New York Times was exaggerated, and that Wisconsin was still holding its own.

Similar allegations about the flight of industry were made in Ohio, Illinois, Indiana, Minnesota, and the City of New York. As a result of the allegations made about the flight of industry from the City of New York, Controller Taylor appointed Mr. Murphy, a prominent member of the New York Bar, to prepare a study conducive to the ascertainment of the fact as to whether or not industry was fleeing from the City of New York. The result of the study was an emphatic, "No, industry is not leaving New York."

Finally this perplexing question reached our own Commonwealth. The problem is of colossal dimensions, and requires an extensive gathering of data by experienced field workers. This the Dent Commission could not do because of its limited appropriation. Most of the facts upon which recommendations embodied in the report are based are taken from secondary sources. Thus, the report borrowed considerable data from Mr. Turner, who was employed by the Pennsylvania State Chamber of Commerce to prepare a study in comparison of taxes, and to show Pennsylvania rates very unfavorably.

I believe that the methodology of the report submitted tonight is wrong, because it contains no study of the present fiscal structure and methods of taxation in Pennsylvania. When the erudite Senator from Montgomery, Mr. Edmonds, headed a tax study commission back in 1925 and 1927 he dwelt considerably upon the patchwork of our taxation system. Only part of his recommendations were adopted, and maybe if his report had been adopted by the Legislature in toto we would not be reaping today a harvest of sorrow.

One feature of the report submitted by Senator Edmonds impressed me, and it is of importance tonight in our deliberations. I refer to the capital stock tax. In 1940, this tax will be a century old, and since the date it originated, in 1840, has been the supporting pillar of the Pennsylvania Revenue raising system. It helped us to muddle through during the lean years of the depression. It should by no means be changed. In my mind it has nothing to do with flights of industry, if such flights exist, because the capital stock tax was in force in times of prosperity.

In my opinion, Pennsylvania is no longer a paradise for industries not because of high rate of the capital stock tax but because of the abolition of the manufacturers' exemption a foreign corporation was in a position to completely escape taxation in Pennsylvania. Its

intangibles could not be taxed because taxation in this respect was governed by the domicile of the corporation. The tangibles, which located in Pennsylvania, were used in the process of manufacturing, and were subject to the manufacturers' exemption. Thus many imposing and powerful corporations escaped taxation in Pennsylvania and therefore were lured by Pennsylvania and flocked to our State. It was known to everybody that a certain manufacturing corporation which brought to Pennsylvania the "gift of Montezuma" paid only \$115 per year in taxes to Pennsylvania. Now that the manufacturers' exemption is abolished foreign corporations are not lured into the "lost paradise."

I desire to state here that Senator Dent and other members of the commission have done a fine job. Their fervor and devotion were exemplary, and, with the limited appropriation, they have done wonders; but the undertaking is of a colossal nature, and a report of this kind is only scratching the surface. Therefore I must be true and faithful to the membership of this august body and to the citizenry of Pennsylvania, and state that the problem has not been solved and the people still remain in a quandary.

In my opinion, we must first establish the fact as to whether or not taxation is a deciding factor in the localization of industries; but when the due time arrives I will submit to this body my minority report based upon statistics and primary sources. For personal reasons I cannot submit it tonight, but it will be forthcoming shortly.

Mr. WOODWARD. Mr. President, I would like to offer my hearty congratulations to the two Democratic Senators. I think it is no secret that the Senator from Philadelphia, Mr. Stiefel, is offering his experience in this committee as his thesis for a degree of P. H. D. from the University of Pennsylvania, and I think he is extremely well informed, and I hope he gets his degree.

I would like now to ask the Senator from Westmoreland, Mr. Dent, two questions.

The PRESIDENT Will the Senator from Westmoreland, Mr. Dent, permit himself to be interrogated?

Mr. DENT. I will.

Mr. WOODWARD. Mr. President, I would like to ask the Senator from Westmoreland, Mr. Dent, whether in his opinion the Workmen's State Insurance Fund is good or bad?

Mr. DENT. Mr. President, any insurance fund that starts with borrowed money, and after a period of about ten years of operation, has a surplus of about \$10,000,000 in buildings and assets, must be all right.

Mr. WOODWARD. Mr. President, then it is not the opinion of the Senator from Westmoreland, Mr. Dent, that the State fund gets all the cats and dogs.

Mr. DENT. Well, Mr. President, that may explain why private insurance companies are making a lot more profit than the insurance fund is making.

Mr. WOODWARD. Mr. President, does the Senator from Westmoreland believe that that is justified as an insurance fund?

Mr. DENT. Mr. President, in order to answer the Senator candidly I would say all compensation should come under the State Workmen's Insurance Fund.

Mr. WOODWARD. Mr. President, my second question is: did I understand the Senator from Westmoreland to

say that he is in favor of denying State aid to private institutions?

Mr. DENT. Mr. President, I did not quite understand the interrogation of the Senator from Philadelphia, Mr. Woodward.

Mr. WOODWARD. Mr. President, I understand the Senator from Westmoreland, Mr. Dent, today that if we were to economize he would be willing to advocate the denial of State aid to universities and other private institutions.

Mr. DENT. Mr. President, I said that should be delved into and studied by this legislature.

Mr. WOODWARD. Mr. President, is the Senator from Westmoreland prepared to go to the length of denying aid to private institutions?

Mr. DENT. Mr. President, from personal experiences, there would be some private institutions to which I would be willing to deny aid.

Mr. WOODWARD. Is the Senator from Westmoreland, Mr. Dent, willing to introduce such a bill?

Mr. DENT. Mr. President, I will if the Senator from Philadelphia, Mr. Woodward, will collaborate.

QUESTION OF PERSONAL PRIVILEGE

Mr. GILSON. Mr. President, I rise to a question of personal privilege.

THE PRESIDENT. The Senator from Erie, Mr. Gilson, will state his question of personal privilege.

Mr. GILSON. Mr. President, since the turn of the century there has been a growing tendency toward centralization of government.

Progress in the physical arts has transformed the entire complexion of local government. The multiplicity of municipal functions resulting from the progress of the years has caused the cities to turn to the State for relief from the cost of these enlarged functions. This relief has been accorded in the matter of cost but at the sacrifice of the free exercise of the power of local self government. The cost that has been transferred to the Commonwealth however is by no means either the entire burden or clear gain. It is a grave question whether the State can perform many of these added functions as economically or as efficiently as the local community.

Meanwhile the scope of municipal activity continues to expand. The cities' option of the methods of meeting these increasingly intricate problems has remained substantially static in so far as legislation is concerned.

In 1922 the electorate of the Commonwealth amended Art. XV of the constitution to permit cities or cities of any particular class to frame and adopt their own charters. This amendment however, is not self-enforcing or available without an enabling act of the legislature. There has been no enactment making this amendment available to cities generally or cities of the third class in particular.

While I was City Solicitor of the city of Erie it was my privilege to collaborate with Judge Schoonamaker, now of the U. S. District and for the Western District of Pennsylvania, but when City Solicitor of Bradford, and James Gardner then City Solicitor of New Castle in the attempt to frame an adequate enabling act. I believe these two names rank first in the legal annals of cities of the third class in Pennsylvania. Such an act was eventually framed. Mr. Schoonamaker, however, became a Federal Judge and withdrew from third class city activities. Mr. Gardner died

and the force of his splendid mind and character of course was lost. I retired likewise from city activities.

I discovered last session of the legislature that substantially this same bill had appeared in the House, introduced by Mr. Rush. I talked with this representative and learned that his bill had a long and honorable history in its production before introduction in the House and that somewhere back near the time of its inception the author of that bill had absorbed the philosophy and much of the language of the venerable solicitors I have mentioned before. The bill not withstanding was lost in the House.

This bill is not merely a city-manager bill. It provides the machinery to permit cities other than first or second class cities to frame their own charter whether that charter provides for a city manager, a modified, commission form of government, or any other form which its citizens require. Reasonable and adequate safeguards are provided and the necessary mechanics of procedure.

I am more convinced than ever that in order to meet the individual problems, and to reduce the costs of government each city must be permitted to choose such form of government as its inhabitants will most vigorously and loyally support and as will be most effective and economical in performing municipal functions. I have therefore resurrected this bill from its grave-yard and will introduce it here tonight.

QUESTION OF PERSONAL PRIVILEGE

Mr. DENT. Mr. President, I rise to a question of personal privilege.

THE PRESIDENT. The Senator from Westmoreland will state his question of personal privilege.

Mr. DENT. Mr. President, I want to read here a short chapter in this report for the edification of my good friend from Philadelphia, a colleague, on the commission. "This resolution (speaking of a resolution for creating a tax studying commission), contemplated a detailed factual study of individual cases of industrial migration from and to this State, which could only have been accomplished by the employment of a large staff of persons to make individual community surveys. When its appropriation was reduced to the small amount of \$5,000 such surveys became at once impossible. The detailed factual study had to be abandoned."

I want to say that this commission, of which the President Pro Tempore is a member, tried its best to cover as much ground as possible; and we willingly accepted facts and figures submitted to us by groups in Pennsylvania who interested themselves, at the suggestion of this commission, to gather facts and figures; because we had not the finances to do so; and at no time during our year and half of operation have I heard my colleague, the Senator from Philadelphia, Mr. Stiefel, express himself as he has tonight. He told me, and I think he will substantiate what I have to say, that the reason he would not sign the report was because he was a professor, or a teacher, or something, at the University of Pennsylvania; and that the report, although he agreed with the conclusion—that is what he told me; I have no other way to judge a man except by what he says to me—and he said he agreed with the conclusion, but it was not scientifically based upon facts, and that he could not go back to the university and teach if he signed the report. And of course I did not want to see him not go back to the university. I said, "As far as I am concerned,

you do not have to sign the report," but to stand up in this Senate and deride the members of this commission in the manner in which they went about doing the job, with the money they had to do it with, to my mind is foul play; it is not decent, it is not fair to the members of this commission. For the last five weeks I have tried to get my colleague to attend a meeting in which he could have placed before us his arguments. At no time did he attend any of those meetings.

I want to say I think the members of this commission worked diligently and hard and tried to get before the people of Pennsylvania a report that can be substantiated by facts and figures. I want to say, in fairness to Mr. Turner, if my colleague from Philadelphia can find anywhere in Mr. Turner's report any figures that are not based upon facts, then he owes it to this legislature to so report. I believe, with our able counsel, Mr. Fertig, who gave many hours of work to this study, that we have given to the people of Pennsylvania a true and comprehensive study of the facts concerning migration of industry from Pennsylvania.

Mr. STIEFEL. Mr. President, may I reiterate that I am paying due homage to Senator Dent for the work he has done, and I have said that before. The moment Senator Dent presented to me a report I said, "Senator Dent, I am not going to sign this report, because in my opinion the method was not scientific." and besides that I am not a teacher, I am not a student, and I am not a professor in the University of Pennsylvania. Far from being that, I am a plain Senator. I said, "If I sign this report I will be embarrassed to face any scientist," and I said that Senator Dent did a yeoman job; he built an edifice with brick made of no straw—no straw was given to him—and again I want to say we traveled throughout the State, far and wide, visiting many places, spent sleepless nights burning the midnight oil preparing this report. Unfortunately, each one has his own viewpoint, and I believe I am fully entitled to voice mine. This is a matter of great importance, and for that reason I deem it my duty to bring it to your attention. I am not a person possessing a stentorian voice and seldom do I get up and deliver a philippic, but now it is so important I have to do so.

Senator Dent did a great piece of work, but the surface has only been scratched, and that is the purpose of my remarks.

QUESTION OF PERSONAL PRIVILEGE

Mr. EDMONDS. Mr. President, I rise to a question of personal privilege.

Mr. PRESIDENT. The Senator from Montgomery County, Mr. Edmonds, will state his question of personal privilege.

Mr. EDMONDS. Mr. President, I have listened with a great deal of interest to the discussion between Senator Dent and Senator Stiefel, and I have had opportunity to look over this report only in a cursory way, because it was distributed to me about half an hour ago. I think the report itself is most interesting. It contains most valuable material, and I hope very much that every member of the Senate will read it; but while agreeing that this report is a valuable contribution to the subject, I also have to agree with Senator Stiefel—I happen to be in the unfortunate position of agreeing with both of them, or maybe the fortunate position—that a scientific study of this kind requires the assembling of original data, and you cannot do

that without adequate appropriation and an adequate staff.

I remember in 1933, when we were requested to make a study of personal income tax returns, from a particular district; it cost us in the neighborhood of ten thousand dollars to have that study made because that was along a line that was wholly different from anything that had been attempted in Washington before.

This discussion suggests the value of the first recommendation of this commission, and that first recommendation, I understand, comes not only from the five members of the committee—but I am sure the sixth member will concur in it as well, and that is what we need in Pennsylvania is a permanent tax commission that will always be studying these questions, which will make its results available to the Governor and to members of the General Assembly. That was one of our recommendations in 1927, which has not become law. As a result, instead of having a tax commission organized on a non-partisan basis we have a Department of Revenue which was put in operation on June 1, 1929.

That is not yet a period of ten years, but in that period of less than ten years there have been eight heads of the Department of Revenue. Under Governor Fisher there was Charles Johnson, for two years; under Governor Pinchot there was Clyde King and Leon D. Metzger; under Governor Earle there was H. Edgar Barnes, Harry Kalodner, John B. Kelley, and J. Griffith Boardman; and now the eighth man has taken office. Each time there is a change in an executive position of that kind there is a change in policy, or there may be a change in policy, and that change in policy is dreaded by business.

I want, Mr. President, therefore, to be in a position to answer the first inquiry of the Senator from Westmoreland, and I will introduce tonight—if we reach the time when new bills can be introduced—an act amending an act approved the ninth day of April, the Administrative Code of 1929, by abolishing the office of Secretary of Revenue and the Department of Revenue and substituting therefor, as an independent administrative commission, a State Revenue Commission.

I do not believe that this bill, which has been drafted for the Pennsylvania Bar Association by Mr. Fertig, counsel for the committee—I do not believe that this bill is necessarily workable, but I ask the assistance of my colleagues in seeing to it that we make it as strong a bill as we possibly can.

This commission was appointed to study the shifting of industry in the State and to determine whether or not it was affected by taxation. You do not find established industries going out of the State, even when they are subjected to an unjust tax; for one thing, they cannot move, their plant is in the State, and unless they have large available capital they must stay by their plant. Second, other industries, like utilities, must serve their immediate public, and they cannot move. I believe a study should be made as to whether new industries come in.

That is where I am inclined to think there is room for a great study in Pennsylvania, and that is considered in the report of the committee. A very interesting fact arose out of a statement by the treasurer of the Viscoe Corporation, that their original plant was in Marcus Hook, Pennsylvania, and they had a second plant in Lewistown, Pa., but when two years ago they decided upon a third plant, they went to Front Royal, Virginia, and erected a plant there. Those are the kinds of questions in which in a scientific

study some data should be secured, and if we find Pennsylvanians whose loyalties should be to this State are going outside this State with their business enterprises, certainly then it would behoove us, as legislators, to inquire into the reason as to why such a removal is made.

For my own part, I think that this discussion has been most interesting, and it is my strong hope that we may all unite in organizing, or reorganizing, the Department of Revenue of the State on an independent and non-partisan basis.

QUESTION OF PERSONAL PRIVILEGE

Mr. RICE. Mr. President, since questions of personal privilege seem to be the order of the day I rise to a question of personal privilege.

The PRESIDENT. The Senator from Adams, Mr. Rice, will state his question of personal privilege.

Mr. RICE. Mr. President, I do not think I can be accused of abusing this special privilege, but I do very briefly tonight want to voice my protest against what I consider the unwarranted wholesale removal of the Public Assistance Board in Adams County.

I have heard from no one, either Republican or Democrat, any criticism that the Public Assistance Board in Adams County had played politics or that it did not conduct its affairs in a businesslike manner. During this past week every member of that board received a request from Governor James that he or she hand in their resignation. I made it my business to inquire from members of the board why these resignations were requested. None of them seemed to have an adequate reason, except that perhaps the reason was politics. I do happen to know that one of the Republican members of that board wrote a letter to Governor James, after he had noticed in the press that there was a possibility that the Governor was going to request resignations of these County Public Assistance Boards.

This letter was sent before the resignation of the Adams County Board was requested, and in this letter this Republican member of the Board stated that he had voted for Governor James at the primary and also at the general election. He stated that the board as appointed by Governor Earle consisted of four Democrats and three Republicans; that a Democrat served as Chairman of the Board; and that at no time was the chairman called upon to break a tie vote in that board, which in itself would demonstrate that that board did not act on a political basis.

He furthermore stated that the personnel of the employees of the Adams County Board was divided exactly fifty-fifty, Republican and Democrat. Therefore, I am sure that no one can accuse that board of playing politics. It is made up of a group of most reputable citizens, and I can see no reason why a board that has been operating and handling this relief question on a non-political and efficient basis should be removed.

As far as I know no recommendations or appointments have been made to replace this board; but I want my colleagues to know that unless someone convinces me that this Board in Adams County was removed for other reasons than political reasons, I will not vote for confirmation of a new Board regardless of who is appointed.

QUESTION OF INFORMATION

Mr. WOODWARD. Mr. President, may I ask the Senator from Adams one question?

The PRESIDENT. Will the Senator from Adams, Mr. Rice, permit himself to be interrogated?

Mr. RICE. Mr. President, I will.

Mr. WOODWARD. Mr. President, it is simply a request for information. People from certain counties have complained to me that these county boards—this has nothing to do with the main question of the Senator from Adams—certain county boards failed in performing their duties because they were not paid. I would like to know whether the Senator from Adams is in favor of voluntary boards or paid boards?

Mr. RICE. Mr. President, I do not know how that works out in other counties, but I do know this board in Adams County was not paid. As I stated before, it was composed of very reputable citizens, and the members of that board gave very willingly of their time and they did it in a very efficient manner, just as efficiently as any paid board could have done.

ERRATA

Mr. SHAPIRO. Mr. President, on Wednesday, March 8, 1939, the Legislative Journal records remarks which I made in a manner which is not in accordance with the remarks I made, and inasmuch as it is a material error, I should like to have the Journal corrected.

On page 549 in the next to the last paragraph of one of my remarks, line two, the word "miners" should read "mine owners." In discussing at that time the imposition of payment of unemployment compensation tax I stated the tax was paid by the mine owners; the record carries it as if it were paid by the miners. I ask that that correction be noted.

The PRESIDENT. The correction shall be noted.

Mr. SIPE. Mr. President, I should like also to correct the Journal at this time. I wish to correct the Journal of February 28th, the sixth paragraph, second column, on page 424. I made on that day, Mr. President, some remarks concerning George Washington that I do not recognize when I see them in print.

The whole paragraph is mixed up, but the worst thing in it is the statement, as attributed to me, that I said, among other things, that Washington "rose from the dead." I have said, Mr. President, a good many complimentary things about George Washington, but I never went that far. There is a limit, Mr. President, beyond which I never go when paying compliments to any person, living or dead. The main reason—if it were not for this statement I would forget about this mix-up—but back in my district I have a fairly good reputation for sobriety and I am afraid if some of my constituents read the Journal back there and found that I made such an absurd statement on the floor of this Senate they might think that I was either drunk or had gone crazy. So, if the stenographer will take it, I will tell him, slowly, what I did say. I said this:

"The greatness of some men only makes us believe that however well they did their work others could have done just as well, but Washington had that peculiar greatness which convinces the world that he alone could have done his work. Washington was not a mere mountaintop catching a little earlier the beams that of

their own force would soon have found the valley, but, rather, he was like the sun itself, without which the light on the mountaintop and in the valley would have been but a moonlight or a starlight.

Carrying the figure a little further, in deference to the classics, in the formative days of the young republic of the west, in the American Revolution, in its solar system Washington was not a secondary orb reflecting the light of another orb, not the moon of a planet, but, in the providence of Almighty God he was the center of undulations and radiations that filled the whole system with glory, and though he rose majestically to a sublime ideal, yet he did not cease to be a man among men.

It is true that, with few exceptions, the great of the world of his day revered him and at the same time little children played with him. He has monuments of marble and bronze, medals or silver and gold, but his best monument is the best love of the best American hearts; and the truest impression of his image is in the great heart of the greatest nation that ever stepped forth upon the stage of time. So today, in his plain brick tomb on his own farm on the banks of his long loved Potomac "After life's fitful fever," as Shakespeare would say, "he sleeps well." The centuries shall place tributes on his bier and at his tomb. He shall abide as a power for all time. His image shall cast itself on the current of the ages as the mountain on the banks of the Susquehanna mirrors its form in waters that wind at its foot—the mighty fixing itself immutably upon the changing." That, Mr. President, is the end of the correction.

Mr. SIPE. While I am on my feet, Mr. President, let me take one minute, or two, to reiterate the protest which I have made on the floor of this Senate against the Governor's declared intention of keeping the new Butler tuberculosis sanatorium closed for the next two years.

I spent nearly all of Saturday and Sunday in Butler with groups of leading citizens of that city and of the County of Butler. I find that the sanatorium is nearing completion. I find that the \$2,500,000 worth of buildings are almost completed, that the contractor is working until nightfall each and every night to get these buildings turned over to the State in a month or two. I find that the Highway Department has changed the course of Route 422 to make it come nearer to this wonderful sanatorium, and is working very rapidly at that work.

I find, too, that the Butler Water Company is greatly disturbed—and I here drink to the health of said water company—the Butler Water Company has to lay a two-mile line out to the sanatorium. Let me read from a statement in the Butler "Eagle," the only daily newspaper in the county, a newspaper of fifteen thousand circulation—I read from a statement in that newspaper on March 8, as follows:

"Due to uncertainty over the occupancy of the institution (Butler Tuberculosis Sanatorium), officials of the Butler Water Company are in something of a quandary over a proposed \$40,000.00 expenditure, the amount that would be required to extend water service from the City of Butler to the site, two miles west of Butler. The pipe has been ordered by the water company and is ready to be laid along the route of the reconstructed highway, Route 422, but the company is wondering how it shall be reimbursed for the investment if the buildings are not used."

Mr. President, this is the third time I have taken the floor of this Senate to protest against the false economy that would keep the Butler Tuberculosis Sanatorium closed for the next two years. I call it a false economy, for any economy is false that ignores the priceless asset of human life, any economy is false that trifles with life or death, any economy is false that withholds money from physicians and nurses and gives it to undertakers and grave-diggers.

The people of Butler County, Mr. President, the people of Western Pennsylvania, are not fooled. They know there are enough active, needy cases of tuberculosis in Western Pennsylvania to fill this sanatorium within thirty days after the opening thereof; and if the Governor does not know it, I refer him to the greatest authority and specialist on tuberculosis in Western Pennsylvania, namely, Dr. Harry G. Noah, of the staff of the West Penn Hospital, Pittsburgh, Pennsylvania.

Therefore, Mr. President, I simply repeat what I said before on the floor of this Senate—that I can hear the clods falling on the coffins as Governor James saves a few dollars for the next two years. I am justified in referring to the monetary saving as "a few dollars" because the Governor knows, and all the rest of us know, that the saving of keeping that sanatorium closed for two years is only a drop in the bucket of the total expenditures of the State. Yet, in spite of his knowledge of this fact, the Governor has served notice on the tuberculosis sufferers in Pennsylvania that none of them can get treatment in that modern sanatorium for the next two years, which is the same thing as saying to hundreds of them to get ready for the grave.

Are the Governor's veins full of ice water instead of the ruby warm blood of human kindness and sympathy?

Mr. WOODWARD. As I have listened to my brilliant colleague from Philadelphia, Senator Shapiro, and as I have also listened to the historical Senators from both Armstrong and Butler I realize why the calendar this evening is devoted exclusively to bills on second reading. I have been in the Senate twenty years and I never read the Legislative Journal, so I suppose I should begin now to read the Legislative Journal; but in order to prevent the Senator from Westmoreland, Mr. Dent, from falling into grievous error and being misquoted, perhaps, in the Journal, I would like to inform him the quotation, "Hue to the line, let the chips fall where they may," was not pronounced by a poet, but it was pronounced by General Ulysses S. Grant; and I hope that will be corrected before it is printed.

BILLS INTRODUCED

Mr. OWLETT read in his place and presented to the Chair Senate Bill No. 191, entitled:

An Act to amend section one as amended, and section two, of the act approved the eighteenth day of July, one thousand nine hundred and seventeen, (P. L. 1072), entitled "An act providing a method of establishing title to land acquired at a sale for unpaid taxes," extending the provisions of said act to include municipalities and counties purchasing land at such sales, and providing for the divesting of the lien of prior mortgages on such land upon failure of the mortgagee to foreclose.

Which was committed to the Committee on Judiciary General.

Mr. EDMONDS read in his place and presented to the Chair Senate Bill No. 192, entitled:

An Act to amend the act, approved the ninth day of April, one thousand nine hundred and twenty-nine (P. L. 177), entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments, boards, commissions, and officers thereof, including the boards of trustees of State Normal Schools, or Teachers Colleges; abolishing, creating, reorganizing or authorizing the reorganization of certain administrative departments, boards, and commissions; defining the powers and duties of the Governor and other executive and administrative officers, and of the several administrative departments, boards, commissions, and officers; fixing the salaries of the Governor, Lieutenant Governor, and certain other executive and administrative officers; providing for the appointment of certain administrative officers, and of all deputies and other assistants and employees in certain departments, boards, and commissions; and prescribing the manner in which the number and compensation of the deputies and all other assistants and employees of certain departments, boards and commissions shall be determined," as amended by abolishing the office of Secretary of Revenue and the Department of Revenue, and substituting therefor as an independent administrative commission, the State Revenue Commission; providing for the appointment, qualifications and salaries of the members of said Commission; vesting certain powers and duties in said Commission; changing the membership of the Board of Finance and Revenue and fixing their compensation and by changing the membership of the State Athletic Commission.

Which was committed to the Committee on Finance.

Mr. GELTZ read in his place and presented to the Chair Senate Bill No. 193, entitled:

An Act making an appropriation to the Department of Welfare to pay for the care, treatment, removal and maintenance of the indigent insane in the Dixmont Hospital, at Dixmont, Allegheny County.

Which was committed to the Committee on Appropriations.

He also read in his place and presented to the Chair Senate Bill No. 194, entitled:

An Act making an appropriation to the Department of Welfare for the payment of the cost of an additional steam boiler, a fire alarm, a fire sprinkler system, a fire engine, and certain repairs and improvements at the Dixmont Hospital, Dixmont, Allegheny County.

Which was committed to the Committee on Appropriations.

He also read in his place and presented to the Chair Senate Bill No. 195, entitled:

An Act making certain deficiency appropriations to the Dixmont Hospital, Dixmont, Allegheny County, and to the Department of Welfare for the Dixmont Hospital, Dixmont, Allegheny County.

Which was committed to the Committee on Appropriations.

He also read in his place and presented to the Chair Senate Bill No. 196, entitled:

An Act making an appropriation to the Dixmont Hospital, Dixmont, Allegheny County, to provide for the repayment of a loan heretofore made by said Hospital to provide funds necessary in the maintenance of said hospital.

Which was committed to the Committee on Appropriations.

He also read in his place and presented to the Chair Senate Bill No. 197, entitled:

An Act to further amend sections three hundred eleven, three hundred fourteen, three hundred seventeen, three hundred twenty, three hundred twenty-one, three hundred twenty-two and three hundred twenty-five, of the act, approved the second day of May, one thousand nine hundred and twenty-nine (P. L. 1278), entitled "An act relating to counties of the second, third, fourth, fifth, sixth, seventh, and eighth classes; and revising, amending and consolidating the laws relating thereto," by changing the definition of county employe to include county institution district employes; authorizing the board to employ persons and fix salaries; providing for appropriations by institution districts; providing for discontinuation of allowance to disabled employes in certain cases and further regulating retirement payments and reinstatement of former employes.

Which was committed to the Committee on County Government.

Mr. CAVALCANTE read in his place and presented to the Chair Senate Bill No. 198, entitled:

An Act validating sheriff's sales of real estate sold upon judgments of foreclosure or upon judgments on bonds, or other obligations of corporations, when such mortgages, bonds, or obligations contained minor defects.

Which was committed to the Committee on Judiciary General.

Mr. MCGINNIS read in his place and presented to the Chair Senate Bill No. 199, entitled:

An Act authorizing the courts of common pleas to make orders relative to the payment of costs in road cases.

Which was committed to the Committee on Judiciary General.

Mr. HALUSKA read in his place and presented to the Chair Senate Bill No. 200, entitled:

An Act making an appropriation to the Conemaugh Valley Memorial Hospital, Johnstown, Pennsylvania.

Which was committed to the Committee on Appropriations.

Mr. MCCREESH read in his place and presented to the Chair Senate Bill No. 201, entitled:

An Act making an appropriation to the Trustees of the University of Pennsylvania.

Which was committed to the Committee on Appropriations.

He also read in his place and presented to the Chair Senate Bill No. 202, entitled:

An Act making an appropriation to the Home for Aged and Infirm Colored Persons, Philadelphia, Pennsylvania.

Which was committed to the Committee on Appropriations.

He also read in his place and presented to the Chair Senate Bill No. 203, entitled:

An Act making an appropriation to the University of Pennsylvania Hospital, Philadelphia, Pennsylvania.

Which was committed to the Committee on Appropriations.

He also read in his place and presented to the Chair Senate Bill No. 204, entitled:

An Act making an appropriation to the University of Pennsylvania Graduate Hospital, Philadelphia, Pennsylvania.

Which was committed to the Committee on Appropriations.

Mr. GILSON read in his place and presented to the Chair Senate Bill No. 205, entitled:

An Act to carry into effect section one of article fifteen of the Constitution, giving cities other than cities of the first and second classes, the right and power to frame, adopt and amend their own charters and to exercise the powers and authority of local self-government; and providing the procedure therefor; imposing certain restrictions, limitations and regulations; imposing duties upon city councils, city officers, county commissioners and prothonotaries and providing for the payment of certain expenses by cities.

Which was committed to the Committee on Municipal Government.

Mr. WOLFENDEN read in his place and presented to the Chair Senate Bill No. 206, entitled:

An Act requiring all applications for licenses or permits to be accompanied by a per capita school tax receipt for the last calendar year preceding the year in which the application is made, and making exceptions as to applicants residing without the Commonwealth or in school districts where no such tax is imposed, or those exempt by law or action of the tax levying authorities.

Which was committed to the Committee on Finance.

Mr. DENT. Mr. President, in line with the remarks I made a few moments ago, I present two piece of legislation.

Mr. DENT read in his place and presented to the Chair Senate Bill No. 207, entitled:

An Act to amend section six hundred fifty-four of article six of the act, approved the seventeenth day of May, one thousand nine hundred and twenty-one (P. L. 682), entitled "An act relating to insurance; amending, revising, and consolidating the law providing for the incorporation of insurance companies, and the regulations, supervision and protection of home and foreign insurance companies, Lloyds associations, reciprocal and inter-insurance exchanges, and fire insurance rating bureaus, and the regulation and supervision of insurance carried by such companies, associations, and exchanges, including insurance carried by the State Workmen's Insurance Fund; providing penalties; and repealing existing laws," providing that all premiums and interest charges on account of policies insuring employers against workmen's compensation liability, and all judgments recovered for same, shall be preferred claims in all insolvency or bankruptcy proceedings, and trustees proceedings for administration of estates, and receiverships.

Which was committed to the Committee on Judiciary General.

He also read in his place and presented to the Chair Senate Bill No. 208, entitled:

An Act to amend the act, approved the ninth day of April, one thousand nine hundred and twenty-nine (P. L. 177), entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments, boards, commissions, and officers thereof, including the boards of trustees of State Normal Schools, or Teachers Colleges; abolishing, creating, reorganizing or authorizing the reorganization of certain

administrative departments, boards, and commissions; defining the powers and duties of the Governor and other executive and administrative officers, and of the several administrative departments, boards, commissions, and officers; fixing the salaries of the Governor, Lieutenant Governor, and certain other executive and administrative officers; providing for the appointment of certain administrative officers, and of all deputies and other assistants and employes in certain departments, boards, and commissions; and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments, boards and commissions shall be determined," as amended by abolishing the office of Secretary of Revenue and the Department of Revenue, and substituting therefor as an independent administrative commission the State Tax Commission; providing for the appointment, qualifications and salaries of the members of said Commission; vesting certain powers and duties in said Commission; and by changing the membership of the State Athletic Commission.

Which was committed to the Committee on Finance.

RESOLUTION PROTESTING AGAINST MODERNIZING INTERIOR OF REPRODUCTION OF INDEPENDENCE HALL, AT WORLD'S FAIR

Mr. HEYBURN offered the following resolution, which was twice read:

In the Senate, March 13, 1939.

Whereas, The present plans of the Pennsylvania World's Fair Commission for the official Pennsylvania exhibit at the New York World's Fair call for modernizing the interior of a reproduction of Independence Hall:

And Whereas, The present plan despite a prohibitory order by Governor James call for a cocktail terrace, a beer garden and also a theatre where publicity moving pictures will be shown, and other startling and not altogether patriotic innovations:

And Whereas, Public opinion in Philadelphia is overwhelmingly and indignantly against these innovations, as shown in the daily press;

Now Therefore Be it Resolved, That if the House of Representatives concur that the Pennsylvania World's Fair Commission be requested to advise the General Assembly what plans it has devised to overcome the mounting public objections to the original plans so as to typify the true spirit of Independence Hall.

Mr. HEYBURN. Mr. President, I ask unanimous consent that Rule 39, which requires resolutions be referred to an appropriate committee, be dispensed with and the Senate proceed to the consideration of the foregoing resolution.

The PRESIDENT. Is there objection?

Mr. SHAPIRO. Mr. President, I object.

The PRESIDENT. The Chair hears objection.

MOTION TO SUSPEND RULE 39

Mr. HEYBURN. Mr. President, in view of the fact that there is not much time before the opening of the Fair, I move that Rule 39 be suspended and the Senate proceed to the immediate consideration of the resolution.

Mr. WOODWARD. Mr. President, I second the motion. On the question.

Will the Senate agree to the motion?

Mr. SHAPIRO. Mr. President, I challenge the Senator's interest.

I have a reason for objecting to immediate consideration of this resolution, because I do not know whether those facts that the resolution recites are true, and I do not want to put my stamp of approval on them. I think we should take time to find out whether the facts are true. If the resolution was merely to request information, or ask whether or not such intentions are correct, I would be in favor of it,

but I do not propose to take newspaper statements as facts. They have said a lot of things about my colleagues, but I would not accept those newspaper statements as facts.

Mr. HEYBURN. Mr. President, will it be satisfactory to the Senator from Philadelphia, Mr. Shapiro, to lay the resolution on the table until tomorrow?

Mr. SHAPIRO. Mr. President, certainly, that is all that I would suggest. I move that the resolution be laid on the table.

Mr. WOODWARD. Mr. President, I withdraw one second and I second the other.

On the question,

Will the Senate agree to the motion?

It was agreed to.

TIME OF NEXT MEETING

Mr. THOMAS offered the following resolution which was twice read, considered, and agreed to:

In the Senate, March 13, 1939.

Resolved (if the House of Representatives concur) That when the Senate adjourns this week it reconvene on Monday evening, March 20, at nine o'clock; and when the House of Representatives adjourns this week it reconvene on Monday evening, March 20, at eight o'clock.

Ordered, that the Clerk present the same to the House of Representatives for concurrence.

RESOLUTION URGING PEOPLE TO TAKE ACTIVE PART IN FLAG WEEK, JUNE 8TH TO 14TH

Mr. OWLETT offered the following resolution which was twice read, considered, and agreed to:

In the Senate, March 13, 1939.

Whereas, The whole world, rent asunder by strife and contention, violence and intolerance, is today in a state of turmoil and uncertainty, marked by a titanic struggle between Democracy and Autocracy, while in this Country anti-American forces are striving to discredit and destroy the ideals and institutions symbolized by the American Flag, and social, political and economic forces are combating one another; and

Whereas, Never before in the history of the nation has there been greater need among our people for the unity, cooperation and tolerance for which our Country's Flag stands; and

Whereas, With the Stars and Stripes as its emblem The United States Flag Association, a non-profit, non-partisan and non-sectarian organization incorporated under Federal law and headed by the President of the United States as Honorary President General, is, with the co-operation of various groups, organizations and fields of activity in our National life, conducting a National Patriotic Revival, culminating in Flag Week, June 8th to 14th next, for the two-fold purpose (1) of awakening our people to the dangers threatening our National life, thereby causing them to resolve as never before to uphold and preserve our Country's ideals and institutions, and (2) of promoting National Unity, Patriotic Co-operation and Racial and Religious Tolerance; therefore, be it

Resolved (if the House of Representatives concur) That the General Assembly of the State of Pennsylvania heartily indorses the plan for a great National Patriotic Revival, and that the Governor is hereby authorized and requested, first, to direct the State Superintendent of Public Instruction to arrange for the suitable observance of Flag Week in all the public schools, and, secondly, to issue a proclamation calling upon the State officials to display the United States Flag on all State buildings during Flag Week, and inviting the people of the State to fly the flag at their homes and other suitable places as well as on their cars, and that in every community they hold special exercises at which means shall be taken to give significant expression to our thoughtful

love of America, our pride in its glorious history, our faith in its destiny, our devotion to its ideals and institutions and our determination to uphold and preserve them now and forever.

Mr. OWLETT. Mr. President, I ask unanimous consent that Rule 39, which requires resolutions be referred to an appropriate committee, be suspended and the Senate do now proceed to the consideration of the resolution just read.

The PRESIDENT. Is there objection, the Chair hears none.

On the question,

Will the Senate agree to the resolution?

It was agreed to.

Ordered, That the clerk present the same to the House of Representatives for concurrence.

RESOLUTION URGING CELEBRATION OF AMERICANISM DAY

Mr. CAVALCANTE. Mr. President, May first throughout a good portion of the civilized world is known as May Day and on that day it seems that the forces or the elements of Communism have set that May Day aside as a day of celebration and a day given to praising Communistic doctrines throughout the world.

In 1932 and 1933 our nation here was in much turmoil and at that time those forces of Communism were rather active within the ranks of organized labor and other groups throughout this nation, and when May First came along they started to organize demonstrations throughout the entire United States.

In my county the members of the Veterans of Foreign Wars and members of the American Legion undertook to counteract demonstrations of that kind, and they organized committees and arranged to stake an Americanism parade in the City of Uniontown, in which all patriotic organizations were asked to participate.

Since that time May first has been celebrated in my county and adjoining counties as Americanism Day.

I feel, as well as the many members of those Veterans organizations feel that that day should be perpetuated not only for these western counties of Pennsylvania but for all the counties of the State of Pennsylvania, and in accordance with that sentiment I am presenting the following resolution and ask for its immediate adoption.

Mr. CAVALCANTE offered the following resolution which was twice read:

In the Senate, March 13, 1939.

For many years this country and the world at large has observed May first as May Day, and, at different places, the observance has been marked by various kinds of celebrations.

At times these celebrations have resulted in demonstrations against organized government.

In 1932 the American Legion in Fayette County inaugurated a new kind of observance of the day, by staging a parade of Americanism, which has grown each year into an event of first importance.

The participation in the celebration of this day by patriotic societies, veterans' organizations and other organizations, cannot help but make it throughout the Commonwealth a day to awaken new pride in our American institutions, therefore be it

Resolved (if the House of Representatives concur), That the General Assembly of the Commonwealth of Pennsylvania urges the setting aside of May first as Americanism Day, and urges upon all patriotic, veteran, fraternal and civic organizations the planning of its celebration in such a manner as will bring to the people of

the Commonwealth a full realization of the benefits and privileges and blessings that come to them through the continuance of our American form of government, and be it further

Resolved, That the Governor of the Commonwealth is hereby urged to issue his proclamation further urging the people of the Commonwealth to join in a real American celebration of Americanism Day.

Mr. CAVALCANTE. Mr. President, I ask unanimous consent that Rule 39, which requires resolutions be referred to an appropriate committee, be suspended and the Senate do now proceed to the consideration of the resolution just read

The PRESIDENT. Is there objection, the Chair hears none.

On the question,

Will the Senate agree to the resolution?

Mr. WOODWARD. Mr. President, speaking on the resolution, I want to give notice that tomorrow I intend to introduce a resolution calling attention to the Fourth of July.

And the question recurring,

Will the Senate agree to the resolution?

It was agreed to.

Ordered, That the Clerk present the same to the House of Representatives for concurrence.

RESOLUTION TO INVESTIGATE RELIEF IN ALLEGHENY COUNTY

Mr. GELTZ offered the following resolution which was twice read:

In the Senate, March 13, 1939.

Whereas, Rumors prevail in and about the County of Allegheny that much so called "chiseling" prevails in said county in the administration of relief to the unemployed; and

Whereas, It is necessary that all those not entitled to relief should be barred from receiving aid from the State in order that those deserving help can be provided for; and

Whereas, A system of cheating in the administration of direct relief also lessens the probability of adequate assistance to the blind, to the aged and to dependent children: therefore be it

Resolved, (if the House concur), That the Speaker of the House is hereby directed to appoint two members of the House of Representatives, and the President of the Senate is directed to appoint one member of the Senate, who together shall constitute a legislative committee and whose duty it shall be forthwith to fully and impartially investigate the administration of relief in Allegheny County in all its phases and to make a report of the result of said investigation to the General Assembly now in session as speedily as possible in order that legislation necessary to abate any evils that may be found to exist may be enacted; and be it further

Resolved, That the said committee shall have power to issue subpoenas under the hand and seal of its chairman requesting and commanding any person or persons to appear before them and to answer such questions touching matters properly being inquired into by the committee, and to produce such books, papers, records and documents as the committee may deem necessary. Such subpoenas may be served upon any person and shall have the force and effect of subpoenas issued out of the courts of this Commonwealth. Each member of said committee shall have power to administer oaths and affirmations to witnesses appearing before the committee. Any person who shall wilfully neglect or refuse to testify before said committee or to produce any books, papers, records or documents shall be subject to the penalties provided by the laws of the Commonwealth in such cases.

Mr. GELTZ. Mr. President, I ask unanimous consent that Rule 39, which requires resolutions be referred to

an appropriate committee, be dispensed with and the Senate proceed to the consideration of the foregoing resolution.

Mr. SHAPIRO. Mr. President, I object.

The PRESIDENT. The Chair hears objection.

Mr. SHAPIRO. Mr. President, I do not want the Senator from Allegheny to misunderstand the reason for my objection, but we last week adopted a resolution appointing a committee of six to investigate the whole question of relief all over the State; also its relation to other forms of assistance, and it seems to me that no doubt that committee will delve into all these questions, not only in Allegheny, which has been referred to in this resolution, but all over the Commonwealth. Certainly there is no point in duplicating the work, and for that reason—if, however, the better minds in the Senate agree that I am wrong I will be very glad to withdraw my objections in committee—but I think for that reason the resolution should go to a committee for study.

The PRESIDENT. The resolution is committed to the Committee on Welfare.

RESOLUTION RECOMMENDING REDUCED FARES FOR SCHOOL CHILDREN

Mr. McCREESH. Mr. President, I have a resolution here which I am going to present to the Chair, but before doing so I would like to make a few remarks. This resolution would allow all school children in the City of Philadelphia to obtain transportation to school for twenty-five cents a week for each child. Mr. President, this is not a new idea; it has been done all over the United States. Last week we had a lot of ballyhoo on the floor here about not having some work to do; so here is a good resolution for you Senators to vote for to help the little kiddies along and help them get an education.

I might say to the newly elected Senators that last year this resolution was passed by the House and by the Senate and was signed by the Governor, but when it got in front of the Public Service Commission something happened there; and I hope this time that the Public Utility Commission will perhaps do better; and I ask all you Senators to vote for this bill and help the children so that they may get a better education and become better citizens of the United States.

Mr. McCREESH offered the following resolution, which was twice read:

In the Senate, March 13, 1939.

Whereas, The cost of transportation of pupils to the school districts in the City of Philadelphia is a matter of grave concern to its citizens and it is believed that it is far greater than the circumstances require, therefore, be it

Resolved (if the House of Representatives concur), That the Public Utility Commission of Pennsylvania is hereby requested to make an investigation through its existing facilities with the view of ascertaining whether on the basis of valuation and income or on any other basis the street railway companies operating in the City of Philadelphia may be required to issue tickets for school pupils only at a rate not to exceed twenty-five (25c) per week.

Mr. McCREESH. Mr. President, I ask unanimous consent that Rule 39, which requires resolutions be referred to an appropriate committee, be dispensed with and the Senate proceed to the consideration of the foregoing resolution.

The PRESIDENT. Is there objection?

Mr. OWLETT. Mr. President, I object.

The PRESIDENT. The resolution is referred to the Committee on Public Utilities.

BILLS ON SECOND READING

Agreeable to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 79, as follows:

An Act permitting the county treasurer with the consent of the county commissioners or the approval of the court to adjourn county treasurers' sales of seated and unseated lands for non-payment of taxes in all counties except counties of the first class and preserving the lien of all taxes on such lands

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The county treasurer of every county except counties of the first class may with the consent by resolution of the county commissioners of such county or the approval of the court adjourn or readjourn to such time or times not later than August first one thousand nine hundred and forty all tax sales on seated and unseated lands for non-payment of taxes. Where any such tax sales are adjourned or readjourned after advertisement no additional advertisement or notice shall be necessary for such adjourned or readjourned sale. No such adjournment or readjournment shall invalidate the lien of any tax due and unpaid or any penalties or interest due thereon but the lien of all such taxes shall remain in full force and effect until such sale shall take place in accordance with this act

Section 2 This act shall have no force or effect upon any tax sale held prior to the approval hereof

Section 3 All acts and parts of acts inconsistent herewith are hereby repealed

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 113, (House Bill No. 128), entitled:

An Act to repeal the act, approved the thirtieth day of July, one thousand nine hundred and thirty-eight (P. L. 17), entitled "An act defining the relative powers of the Attorney General and of district attorneys in investigations or proceedings in the criminal courts; authorizing the judges thereof to appoint, subject to appeal to the Supreme Court special prosecutors in certain cases, and providing for their compensation by the county."

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 114, (House Bill No. 129), entitled:

An Act to repeal the act, approved the thirtieth day of July, one thousand nine hundred and thirty-eight (P. L. 15.), entitled "An act defining the procedure for, and regulating, the investigation by the House of Representatives and its committees of charges of, or involving, misdemeanor in office on the part of civil officers liable to impeachment; authorizing the Speaker of the House to appoint a special committee for any such investigation; authorizing the presentation of evidence by the Attorney

General and other counsel and the officers investigated; providing for the summoning of witnesses and for the punishment of persons refusing to appear, produce evidence or testify; and authorizing the employment and compensation of counsel and other assistants."

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 115, (House Bill No. 131), entitled:

An act to repeal the act, approved the thirtieth day of July, one thousand nine hundred and thirty-eight (P. L. 13), entitled "An act relating to the investigation of charges of or involving, misdemeanor in office made against civil officers subject to impeachment; providing that the jurisdiction of the House of Representatives to make such investigations shall have precedence over the jurisdiction of grand juries; and limiting the circumstances under which courts of oyer and terminer and general jail delivery or courts of quarter sessions, or judges of such courts, may authorize grand juries to make such investigations."

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 116, (House Bill No. 132), entitled:

An Act to repeal the act approved the thirtieth day of July one thousand nine hundred and thirty-eight (Pamphlet Laws eighteen) entitled "An act suspending retroactively as well as prospectively any other pending investigation legislative executive or judicial of charges of or involving misdemeanor in office on the part of civil officers liable to impeachment with the House of Representatives undertakes to investigate and providing under what circumstances the suspended investigation may be resumed."

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 132, as follows:

An Act to amend sections one two and four of the act approved the sixteenth day of May one thousand nine hundred nineteen (Pamphlet Laws 180) entitled "An act providing a method of establishing title to land acquired at a sale for unpaid taxes or municipal claims" extending the provisions of said act to include land acquired at county treasurer's sales for unpaid taxes

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Sections one two and four of the act approved the sixteenth day of May one thousand nine hundred nineteen (Pamphlet Laws 180) entitled "An act providing a method of establishing title to land acquired at a sale for unpaid taxes or municipal claims" are hereby amended to read as follows

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That in all cases where land has been heretofore sold by the sheriff on claims for unpaid taxes or municipal liens or by a county treasurer for unpaid taxes under any act or acts of Assembly the purchaser including a municipality in case it be the purchaser at such sale or his or its successors in title may present his or its petition under oath to the court of common pleas of the county wherein the land is situate setting forth (a) The location of the lands by metes and bounds or if it be in a recorded plan of lots the plan number of the lot and the place of record of the plan (b) the names of the former owners reputed owners persons in possession or any other person having or claiming to have a right to interest in or claim against said land if any there be and (c) that upon diligent inquiry no person has been found who has or claims to have any right title or interest in or claim against said land unless it be those named in the petition Thereupon a rule shall be granted upon the persons named in the petition and generally upon all other persons not named in the petition who have or claim to have any right title or interest in or claim against the said land to appear within sixty days from service of the rule and show cause why the title of the petitioner to said land should not be adjudicated and decreed valid and indefeasible as against all rights or claims whatsoever The rule may be made returnable to such term or return day as may be fixed by the court and shall be entered of record in the appearance docket of said court and duly indexed therein and also in the ejection index of said court As to persons domiciled within the county the rule shall be served and returned as writs of summons are served and returned As to those persons who do not have their domicile within the county in which the rule is issued or those whose domicile is outside the State the rule may be served by mailing a true and attested copy of the petition and rule by registered letter to his or their last known address if any

In addition thereto the court shall direct that notice by one advertisement in a newspaper of general circulation in the county where the land is situate be given to all persons including those named in the petition to appear on or before the return day of the rule and show cause why the title of the petitioner should not be adjudicated and decreed valid and indefeasible as against all rights or claims whatsoever The advertisement shall be made at least sixty days before the return day of the said rule

Section 2 In case no person or persons shall appear within the time hereinbefore stipulated or in case he shall appear and does not make answer to said rule within fifteen days after appearance the court shall make the rule absolute as to all persons who do not appear or answer as the case may be Thereafter all rights and claims of those against whom the rule is made absolute with respect to said land shall be totally barred and any deficiency or defects whatever in the procedure whereby the land was acquired at sheriff's or treasurer's sale as aforesaid from the filing of the claim or lien up to and including the actual sale and delivery of [sheriff's] the deed to such land shall not thereafter be asserted and the title of the petitioner shall be adjudicated and decreed valid and indefeasible as against all such persons. If any person or persons shall appear and make answer to said petition the court shall thereupon order and decree that such person or persons shall begin proceedings to establish his or their title or interest in or claim against said land within ninety days thereafter and if such person or persons shall fail to comply with said order or decree the court shall thereupon make the rule absolute with the same force and effect as hereinbefore stated

Section 4 The remedy herein provided is not intended as an exclusive method of establishing title to land acquired at a sheriff's sale on a tax claim or municipal claim or at a county treasurer's sale for unpaid taxes

Section 5 This act shall become effective immediately upon final enactment

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 166, as follows:

An Act to authorize cities boroughs incorporated towns townships and school districts to file suggestions of non-payment and averments of default or to sue out writs of scire facias on certain tax or municipal claims and to revive judgments where the lien of such claims or the judgments thereon have been lost and providing for the reinstatement of the liens of such claims and judgments

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Whenever any city borough incorporated town township or school district has heretofore filed in the office of the prothonotary of the proper county any tax or municipal claim and the city borough incorporated town or township or school district has not within the period of five years after the date on which any such claim was filed sued out a writ of scire facias to reduce the same to judgment or in the case of a tax or municipal claim has not within said period of five years filed a suggestion of non-payment and an averment of default or whenever any writ of scire facias has been issued to reduce any such claim to judgment and by reason of defense or any other court proceedings judgment has not been entered within the period of five years after the date on which such writ was issued or whenever any such tax or municipal claim has been reduced to judgment and the city borough incorporated town township or school district has not within the period of five years after the date on which such judgment was entered or within five years after the date on which such judgment was last revived filed a suggestion of non-payment and an averment of default or sued out a writ of scire facias to revive the same then in any such case any such city borough incorporated town township or school district may within six months after the passage and approval of this act issue its praecipe for a writ of scire facias on any such tax or municipal claim and proceed to judgment in the manner provided by law to obtain judgments upon tax or municipal claims or in case a writ of scire facias has been issued but the same has not been reduced to judgment within five years from the date of issuance issue its praecipe for an alias writ of scire facias on any such tax or municipal claim and proceed to judgment in the manner provided by law to obtain judgments upon tax or municipal claims or in the case of a tax or municipal claim where no judgment has been entered file a suggestion of nonpayment and an averment of default or in case judgment has been entered on a tax or municipal claim either file a suggestion of nonpayment and an averment of default or issue its praecipe for a writ of scire facias on any such judgment and proceed to judgment in the manner provided by law to obtain judgments of revival and such claim or judgment so entered or revived shall be a valid claim or judgment and be a lien upon the real estate upon which it was a lien at the time the claim was filed or the judgment was entered and said claim or judgment may be revived or further revived and collected as other claims or judgments upon tax or municipal claims are revived and collected Provided however That the lien of any such claim or judgment shall not reattach against any real estate transferred to any purchaser during the time when the lien of any such tax or municipal claim or judgment was lost nor shall the lien of any such claim or judgment impair or affect the priority of the lien of any mortgage or other lien which gained priority because of the failure of the city borough incorporated town township or school district to sue out the writ of scire facias or file a suggestion of nonpayment and an averment of default within the five year period or was entered of record during the time the lien of such tax or municipal claim or judgment was lost

Section 2 This act shall become effective immediately upon its final enactment

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

CONSIDERATION OF EXECUTIVE NOMINATIONS

Mr. EDMONDS. Mr. President, I move that Senate do now proceed to the consideration of nominations for appointment as Notaries Public, sent to the Senate, today, March 13, 1939, by his Excellency, the Governor of the Commonwealth, which are lying on the table.

Mr. EALY. Mr. President, I second the motion.

The motion was agreed to.

The nominations were read as follows:

NOTARIES PUBLIC

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, March 13, 1939.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for reappointment as Notaries Public, for terms of four years to compute from the date set opposite their names:

ALLEGHENY COUNTY

William W. Holsinger, Coraopolis, March 14, 1939.
Leland O. McMasters, Pittsburgh, 537 Neville Street, March 19, 1939.

LAWRENCE COUNTY

Miss Rosalie S. Ward, New Castle, March 19, 1939.

CRAWFORD COUNTY

John B. Chick, Titusville, March 29, 1939.

ELK COUNTY

T. A. Russell, Jay Twp., Bryrndale, March 20, 1939.

MONTGOMERY COUNTY

R. E. Geschwind, Pottstown, March 20, 1939.

ALLEGHENY COUNTY

Charles L. Kolesar, Pittsburgh, 31 Mount Oliver St., March 23, 1939.

CHESTER COUNTY

Mrs. Katie T. McDade, Phoenixville, March 23, 1939.

PHILADELPHIA COUNTY

Mrs. Lillian S. Fairfax, Phila., 910 S. 16th St., March 23, 1939.

John Friedman, Phila., Drexel Bldg., March 24, 1939.

BEAVER COUNTY

E. C. Endler, Midland, March 26, 1939.

MIFFLIN COUNTY

Mrs. Eva M. Snook, Burnham, March 26, 1939.

WARREN COUNTY

Henry A. Shipe, Youngsville, March 27, 1939.

PHILADELPHIA COUNTY

Miss Amanda G. MacFarlan, Phila., Room 1013, 1420 Walnut St., March 31, 1939.

ARTHUR H. JAMES.

Commonwealth of Pennsylvania.

Governor's Office, Harrisburg, March 13, 1939.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for reappointment as Notaries Public, for terms of four years to compute from the date set opposite their names:

DAUPHIN COUNTY

Miss Minnie E. Cobler, Harrisburg, March 14, 1939.

LACKAWANNA COUNTY

Miss Gertrude S. Briskey, Scranton, March 14, 1939.

ARMSTRONG COUNTY

Anthony Maridon, Leechburg, March 16, 1939.

DAUPHIN COUNTY

Miss Marie E. Hartman, Harrisburg, March 16, 1939.

SCHUYLKILL COUNTY

Eugene F. Sowers, Tamaqua, March 17, 1939.

LACKAWANNA COUNTY

Miss Margaret Dockerty, Carbondale, March 19, 1939.

LANCASTER COUNTY

William J. Bradshaw, Lancaster, March 19, 1939.

LEHIGH COUNTY

Harry Green, Allentown, March 19, 1939.

MONTGOMERY COUNTY

Charles H. Davis, Upper Providence Twp., Yerkess, March 19, 1939.

NORTHUMBERLAND COUNTY

Anthony J. Pikecki, Coal Twp., 30 Sherman St., Shamokin, March 19, 1939.

PHILADELPHIA COUNTY

Miss Esther E. Gunsser, Phila., 2312 Spruce St., March 20, 1939.

ALLEGHENY COUNTY

W. E. Metz, Pittsburgh, c/o The Edward A. Woods Co., Frick Bldg., March 21, 1939.

FAYETTE COUNTY

Joseph Vecchio, Uniontown, March 21, 1939.

ALLEGHENY COUNTY

Mrs. Thelma P. Linghtfoot, Pittsburgh, 530 4th Ave., 500 Jones Law Bldg., March 24, 1939.

Miss Edna Bacharias, Pittsburgh, 1204 Std. Life Bldg., March 24, 1939.

PHILADELPHIA COUNTY

Earl Godwin, Phila., 5300 N. 5th Street, March 24, 1939.

CAMERON COUNTY

Mrs. Sadie A. Hutt, Emporium, March 25, 1939.

LANCASTER COUNTY

Edward P. DeHaven, Salisbury Twp., Kinzer R. D. 1, March 25, 1939.

MONROE COUNTY

Clarence S. Kitchen, Stroudsburg, March 26, 1939.

PHILADELPHIA COUNTY

Miss Katherine M. Hayes, Phila., 510 Commonwealth Bldg., 1201 Chestnut St., March 26, 1939.
 Albert W. Tuttle, Phila., Room 512, Reading Terminal, March 26, 1939.

WESTMORELAND COUNTY

Mrs. Fannie Frankel, Latrobe, March 26, 1939.

LEHIGH COUNTY

Harrison A. Bolich, Allentown, March 28, 1939.

ALLEGHENY COUNTY

John K. Benn, Pittsburgh, 706 Law and Finance Bldg., March 29, 1939.

PHILADELPHIA COUNTY

Morris Warhaftig, Phila., 915 N. Franklin St., March 31, 1939.

SCHUYLKILL COUNTY

J. P. Monaghan, Shenandoah, March 31, 1939.

ALLEGHENY COUNTY

G. Walter Bauer, Millvale, April 1, 1939.
 Miss Eva Bernstein, Pittsburgh, 2000 Grant Bldg., April 1, 1939.
 C. B. Church, Pittsburgh, 10 43d Street, April 1, 1939.
 Miss M. A. Driscoll, Pittsburgh, 2123 Oliver Bldg., April 1, 1939.
 A. D. Feeman, Carnegie, April 1, 1939.
 S. S. Graham, Swissvale, April 1, 1939.
 S. A. Hopper, Pittsburgh, 707 Oliver Bldg., April 1, 1939.
 R. F. McCrea, Pittsburgh, 209 Plaza Bldg., April 1, 1939.
 Miss M. Estelle Sellers, Pittsburgh, 7409 Tioga St., April 1, 1939.
 C. C. Phillips, Pittsburgh, 1015 Berger Bldg., April 1, 1939.

CAMBRIA COUNTY

B. J. Waltz, Hastings, April 1, 1939.

CHESTER COUNTY

B. J. Passmore, Malvern, April 1, 1939.

DAUPHIN COUNTY

Geo. W. Van Wagner, Harrisburg, April 1, 1939.

ERIE COUNTY

L. E. Cushman, North East, April 1, 1939.
 James T. Malone, Erie, April 1, 1939.

LUZERNE COUNTY

Adam L. Knies, White Haven, April 1, 1939.

McKEAN COUNTY

Mrs. Frances S. Alder, Bradford, April 1, 1939.

NORTHAMPTON COUNTY

Robert G. Arnold, Easton, April 1, 1939.

PHILADELPHIA COUNTY

Sol. B. Forstein, Philadelphia, 971 N. 10th St., April 1, 1939.
 Walter N. Kennedy, Philadelphia, 760 N. 25th St., April 1, 1939.
 Benjamin M. Kline, Philadelphia, 1200 Girard Tr. Bldg., 1400 S. Penn Square, April 1, 1939.
 Philip Shapiro, Philadelphia, 2 N. 12th St., April 1, 1939.
 Miss Ada M. Thomas, Philadelphia, Girard Trust Co., Broad and Chestnut Sts., April 1, 1939.
 Frank P. Will, Philadelphia, 3d and Brown Sts., April 1, 1939.
 Miss Elizabeth Williams, Philadelphia, Girard Tr. Co., Broad and Chestnut Sts., April 1, 1939.

SCHUYLKILL COUNTY

G. A. Schumacher, Port Carbon, April 1, 1939.

VENANGO COUNTY

Miss Mabel E. Witherup, Franklin, April 1, 1939.

YORK COUNTY

Miss Helen M. Ness, York, April 1, 1939.

ALLEGHENY COUNTY

John Duggan, Pittsburgh, 223 4th Ave., April 2, 1939.
 W. E. Thompson, Swissvale, April 2, 1939.

JEFFERSON COUNTY

Mrs. Blanche B. Wilson, Big Run, April 2, 1939.

LACKAWANNA COUNTY

Miss Hortense R. Clark, Scranton, April 2, 1939.

LEBANON COUNTY

Miss Sallie Kegerreis, Richland, April 2, 1939.

MONTGOMERY COUNTY

Mrs. Emma Hedrick, Telford, April 2, 1939.
 Alphonso Santangelo, Norristown, April 2, 1939.

NORTHAMPTON COUNTY

R. L. Hunsicker, Bethlehem, April 2, 1939.

PHILADELPHIA COUNTY

Edmund Hill, Phila., 1522 Walnut St., April 2, 1939.
 Alfred Sacks, Phila., 2528 S. 6th St., April 2, 1939.
 George Ulrich, Phila., 900 Bailey Bldg., 1218 Chestnut St., April 2, 1939.

WESTMORELAND COUNTY

Harry Wind, Monessen, April 2, 1939.

ALLEGHENY COUNTY

Miss Laura E. Hubbard Pittsburgh, 2011 First Nat'l Bank Bldg., April 3, 1939.

BERKS COUNTY

Mrs. Florence S. Balthaser, Richmond Twp., Virginville, April 3, 1939.

PHILADELPHIA COUNTY

H. G. Weaver, Phila., Mitten Bldg., 1405 Locust St., April 4, 1939.

BUTLER COUNTY

Miss Jane M. Cornelius, Butler, April 5, 1939.

NORTHUMBERLAND COUNTY

O. W. Glass, Sunbury, April 7, 1939.

PHILADELPHIA COUNTY

James H. Clemens, Phila., 829 E. Chelten Ave., April 7, 1939.

ALLEGHENY COUNTY

William M. Scheider, Pittsburgh, 417 Clark Bldg., April 8, 1939.

DAUPHIN COUNTY

Mrs. Catherine H. Yarwood, Harrisburg, April 9, 1939.

LEBANON COUNTY

Samuel K. Clark, Lebanon, April 9, 1939.

MONTGOMERY COUNTY

Samuel K. Cohen, Lower Merion Twp., 244 Bala Ave., Bala, Cynwyd, April 9, 1939.
 Miss Cherry Y. Craven, Bridgeport, April 9, 1939.

PHILADELPHIA COUNTY

Mrs. Rose B. Pichney, Phila., 1851 N. 7th St., April 9, 1939.

YORK COUNTY

Miss Chloe M. Stever, York, April 9, 1939.

BUCKS COUNTY

A. Marlyn Moyer, Jr., Lower Southampton Twp., Tre-vose, April 12, 1939.

FRANKLIN COUNTY

Russell H. Frantz, Chambersburg, April 12, 1939.

ALLEGHENY COUNTY

R. S. Nash, Moon Twp., Coraopolis, April 13, 1939.

WESTMORELAND COUNTY

H. H. Cochran, Greensburg, April 15, 1939.

PHILADELPHIA COUNTY

Harry J. Baird, Phila., Dill & Collins, Inc., Richmond & Tioga Sts., April 16, 1939.

Miss Beatrice M. Lynch, Phila., 700 Integrity Bldg., 1528 Walnut St., April 16, 1939.

Miss Gertrude P. Sahle, Phila., 1616 Walnut St., April 16, 1939.

J. E. Stimmler, Phila., 624 E. Gerhard St., April 16, 1939.

VENANGO COUNTY

A. C. W. Smith, Jr., Oil City, April 16, 1939.

BEAVER COUNTY

J. E. Stauffer, Ambridge, April 20, 1939.

DAUPHIN COUNTY

Paul M. Barmont, Harrisburg, April 20, 1939.

ALLEGHENY COUNTY

M. G. Wolf, Pittsburgh, c/o Gimbel Bros., 339 Sixth Ave., April 22, 1939.

Jacob Mance, Pittsburgh, 3709 Butler St., April 23, 1939.

PHILADELPHIA COUNTY

William E. Douglass, Phila., 1420 Walnut St., Guarantee Tr. Bldg., April 28, 1939.

ALLEGHENY COUNTY

Miss Mary A. Pontis, Pittsburgh, 301 Arrott Bldg., April 30, 1939.

David J. Ryan, Pittsburgh, Grant St. & 4th Ave., City-Country Bldg., April 30, 1939.

ARTHUR H. JAMES.

Commonwealth of Pennsylvania,

Governor's Office, Harrisburg, March 13, 1939.

To the Honorable, the Senate of the Commonwealth of Pennsylvania.

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointment as Notaries Public, for terms of four years to compute from the date of confirmation.

ALLEGHENY COUNTY

John B. Rhoads, Pittsburgh, 141 Gulf Bldg.

Miss Helen E. Stencel, McKeesport.

BERKS COUNTY

Norman Kaplan, Reading.

Jacob B. Ketner, South Heidelberg Twp., Wernersville.

BLAIR COUNTY

Mrs. Elsie L. Hudson, Altoona.

CHESTER COUNTY

Miss Marie E. Donnelly, Coatesville.

CLINTON COUNTY

W. B. Cook, Beech Creek.

DAUPHIN COUNTY

Tryon Edward Benner, Harrisburg.

Mrs. Daisy C. Craft, Harrisburg.

Miss Martha E. Gilliland, Harrisburg.

DELAWARE COUNTY

John H. Fryer, Chester.

Charles Noll, Upper Darby Twp., 6928 Market St., Upper Darby.

Mrs. Elizabeth D. Ruby, Chester.

ERIE COUNTY

Miss Mae McDonald, Erie.

LANCASTER COUNTY

T. Roberts Appel, Lancaster.

LYCOMING COUNTY

Sheridan Kaufman, Montoursville.

MONTGOMERY COUNTY

Henry J. Mathers, Jenkintown.

NORTHAMPTON COUNTY

Miss Emma M. Odenwelder, Easton.

PHILADELPHIA COUNTY

Franklin H. Bates, Phila., 1509 Fox Bldg., 1612 Market St.

Bennie Bercovitch, Phila., 343 Snyder Ave.

Miss Irene Bernstein, Phila., Terminal Commerce Bldg., 401 N. Broad St.

Mrs. Della M. Cloud, Phila., Harrison Bldg., 15th & Market Sts.

Joseph L. Devine, Phila., 2623 N. Franklin St.

James P. Dougherty, Phila., Room 106, City Hall.

Jerome C. Groskin, Phila., 1240 Land Title Bldg.

Charles S. Isador, Phila., 2132 N. Hobart St.

Miss Elise L. Taylor, Phila., 1434 Pine St.

SOMERSET COUNTY

Miss Gertrude Lintz, Meyersdale.

WARREN COUNTY

G. W. Cochran, Warren.

WESTMORELAND COUNTY

Miss Julia M. Joyce, Greensburg.

ARTHUR H. JAMES.

Commonwealth of Pennsylvania,

Governor's Office, Harrisburg, March 13, 1939.

To the Honorable, the Senate of the Commonwealth of Pennsylvania.

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointment as Notaries Public, for terms of four years to compute from the date of confirmation.

ALLEGHENY COUNTY

James W. Bridges, Dormont.
 Miss June P. Cosgrove, Pittsburgh, Arrott Bldg., Wood St.
 Wm. Fromm, Mt. Oliver, Pittsburgh.
 Albert W. Hilf, Mt. Lebanon Twp., Pittsburgh.
 Albert J. Martin, Edgewood.
 Arthur V. O'Neill, Jr., Munhall.
 Mrs. Edith G. Preusse, Pittsburgh, 1514 Investment Bldg.
 Miss Irene M. Roberts, Pittsburgh, 1004 Wylie Ave.
 Mrs. Aileen Eckstein Sawyer, Pittsburgh, 2519 Webster Ave.
 Mrs. Gene B. Schell, Coraopolis.
 Miss Loretta Schwerin, Pittsburgh, c/o Meyer Johnson's, Liberty & Oliver Aves.

ARMSTRONG COUNTY

Miss Syril B. Haugh, Kittanning.

BRADFORD COUNTY

Miss Julia A. Sadler, Troy.

BUCKS COUNTY

Miss Marie E. Gagney, Bristol.
 Miss Elizabeth E. McBrien, Bristol.
 James F. McLean, Lo. Southampton Twp., Somerton, Philadelphia.

BUTLER COUNTY

Edward W. Weiss, Butler.

CAMBRIA COUNTY

Mrs. Violet Hogue Bent, Westmont.
 Miss Dorothy E. Doubt, Johnstown.

CHESTER COUNTY

Mrs. Lillian I. Martin, Kennett Square.

CLINTON COUNTY

Charles E. Messner, Pine Creek Twp., c/o N. Y. C. R. Co., Avis.

COLUMBIA COUNTY

Charles A. Turner, Bloomsburg.
 Paul E. Welliver, Bloomsburg.
 Wm. P. Zehner, Bloomsburg.

CRAWFORD COUNTY

Mrs. Anna A. Corliss, Townville.

DAUPHIN COUNTY

Ira B. Basehore, Derry Twp., 222 Cocoa Ave., Hershey.
 N. A. Sheesley, Harrisburg.

DELAWARE COUNTY

Miss Elleanore A. Caruthers, Yeadon.
 Miss Ann O'Toole, Chester.

ERIE COUNTY

Mrs. Marie Demond, Erie.
 James M. Laughlin, Erie.
 Walter A. Leib, Erie.

HUNTINGDON COUNTY

C. W. Grove, Alexandria.
 Denver Park, Three Springs.

JEFFERSON COUNTY

Felix C. V. Gatti, Punxsutawney.

LACKAWANNA COUNTY

E. W. Besecker, Scranton.
 Miss Catherine M. Curran, Scranton.

LANCASTER COUNTY

R. U. Fassnacht, Ephrata.
 G. Raymond Foulz, Manheim Twp., Glen Moore Circle, R. D. 3.
 Leslie K. Hoover, East Lampeter Twp., Soudersburg.

LEBANON COUNTY

Mrs. Amy E. Althouse, South Lebanon Twp., 1118 E. Cumb. St., Avon.
 L. F. Grimes, Lebanon.

LEHIGH COUNTY

Miss Edith H. Flueso, Allentown.

LUZERNE COUNTY

Mrs. Veronica C. Halliday, Honover Twp., 55 W. Liberty St., Wilkes-Barre.
 Reynold W. Martin, Hazleton.

MERCER COUNTY

Mrs. Margaret B. Johnson, West Middlesex.
 Miss Margaret E. Rowley, Greenville.

MONTGOMERY COUNTY

Miss Catherine L. Smyth, Lo. Merion Twp., 663 Lancaster Ave., Bryn Mawr.

PHILADELPHIA COUNTY

Mrs. Alma Y. Clark, Administration Bldg., Philadelphia State Hospital, Philadelphia.
 Augustus R. Cornet, 134 Walnut St., Philadelphia.
 John G. Dahms, 700 N. Broad St., Philadelphia.
 John J. McShea, 2311 W. Lehigh Ave., Philadelphia.
 Samuel Odell, 424 Walnut St., Philadelphia.
 Miss Dorothy Ott, Room 895, 401 N. Broad St., Philadelphia.
 Miss Anna B. Renshaw, 570 Bullitt Bldg., Philadelphia.
 Herman Schurr, 256 N. 2nd St., Philadelphia.
 Miss Lily M. Stern, 701 Bailey Bldg., Philadelphia.
 Miss Anna R. Travers, Pier 12, No. Wharves B. & O. R. R., Philadelphia.
 Clarence W. Vandergrift, 210 W. Washington Square, Philadelphia.

WASHINGTON COUNTY

W. B. Vandegrift, Fredericktown, East Bethlehem Twp.

WESTMORELAND COUNTY

Mrs. Marie Hay, Greensburg.

WYOMING COUNTY

Omar H. Allen, Meshoppen.

YORK COUNTY

Charles V. Monaghan, York.
 Roy E. Shanefelter, Hanover.

ARTHUR H. JAMES.

EXECUTIVE SESSION

By unanimous consent,
 A motion was made by Mr. EDMONDS and Mr. EALY,
 That Rule 38 which requires nominations made by the Governor be referred to an appropriate committee be dispensed with, and the Senate do now resolve itself into Executive Session, for the purpose of acting on the foregoing nominations.

Which was agreed to.

Whereupon,

A motion was made by Mr. EDMONDS and Mr. EALY,
 That the Senate do advise and consent to said nominations.
 On the question,

Will the Senate agree to the motion?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—46

Bartlett.	Farrell,	Letzler,	Scarlett,
Cavalcante,	Frey,	Mallery,	Shapiro,
Chapman,	Gelder,	McCreesh,	Sipe,
Coleman,	Geltz,	McGinnis,	Snowden,
Crowe,	Gilson,	Miller,	Stevenson,
Dando,	Haluska,	Mundy,	Stiefel,
Deltrick,	Heyburn,	Owlett,	Tallman,
Dent,	Homsher,	Pierston,	Thomas,
DISIVESTRO,	Jacobs,	Reed,	Walker,
Ealy,	Jaspan,	Rice,	Wolfenden,
Edmonds,	Kunkel,	Ruth,	Woodward,
Eroe,	Lanius,		

NAYS—0

Two-thirds of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Governor be informed accordingly.

Mr. EDMONDS. Mr. President, I move that the Executive Session do now rise.

Mr. MALLERY. Mr. President, I second the motion.

The motion was agreed to.

ADJOURNMENT

Mr. OWLETT. Mr. President, I move that the Senate do now adjourn until Tuesday, March 14, 1939, at 1:00 o'clock p. m.

Mr. HEYBURN. Mr. President, I second the motion.

The motion was agreed to.

The Senate adjourned at 11:58 o'clock, p. m. until Tuesday, March 14, 1939, at 1:00 o'clock, p. m.

HOUSE OF REPRESENTATIVES

MONDAY, March 13, 1939

The House met at 9 p. m.

The CHIEF CLERK (William Ward Jr.) in the Chair.

The CHIEF CLERK desires to convey to the members of the House the information that the Speaker will be for a short time delayed attending the dinner to the Superior Court in the Gubernatorial Mansion, and has directed the Chief Clerk to request the gentlemen from Lancaster, Mr. Wood, to preside as Speaker pro tempore until the return of the Speaker.

(MR. NORMAN WOOD IN THE CHAIR.)

PRAYER

The Chaplain, Rev. Walter Evans Deibler, offered the following prayer:

In the innumerable conflicts being waged in the world, teach us, O God, to face the eternal ideal as expressed by the prophet. "Let justice roll down as waters, and righteousness as a mighty stream." Help us to learn that the true sense of justice and righteousness is inspired by Thee, O God. Justice is no idle revery. It demonstrates its power as it recognizes the rights of parents and children in their cry for health, food and shelter; the right of all to benefit from the institutional life of the state in bounties they themselves could not furnish; the right to receive assistance in any extremity before it is too

late. Help us to see that "justice is like the kingdom of God: it is not without us as a fact; it is within us as a great yearning." Give, we beseech Thee, O God, to the members of this Assembly this constant inward yearning that the ends of justice and righteousness might be accomplished. Through Jesus Christ, our Lord. Amen.

JOURNAL APPROVED

The SPEAKER. The Clerk will read the Journal of Wednesday, March 8, 1939.

The Clerk proceeded to read the Journal of Wednesday, March 8, 1939, when, on motion of Mr. DICK the further reading was dispensed with and the Journal approved

BILLS INTRODUCED AND REFERRED

(Referred March 8, 1939)

By Mr. DIX.

HOUSE BILL No. 455.

An Act to amend sections one, two and five of the act approved the twenty-ninth day of March, one thousand eight hundred and ninety-nine (Pamphlet Laws, twenty-one), entitled "An act to establish a board for the examination of accounts, to provide for the granting of certificates to accountants, and to provide a punishment for the violation of this act;" by providing for the examination and issuance of "Registered Public Auditor" certificates to persons qualified to act as auditors of political subdivisions, and relating to the use and revocation of such certificates.

Referred to the Committee on Municipal Corporations.

By Mr. DIX.

HOUSE BILL No. 456.

An Act to further amend sections two thousand six hundred and three and two thousand six hundred and four of the act approved the eighteenth day of May one thousand nine hundred and eleven (Pamphlet Laws, three hundred nine), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special, or local, or any parts thereof, that are or may be inconsistent therewith," empowering the boards of school directors in districts of the second, third and fourth classes to appoint registered public auditors to act instead of elected auditors; and relating to the powers, duties, compensation, audits and reports of appointed auditors.

Referred to the Committee on Municipal Corporations.

By Mr. DIX.

HOUSE BILL No. 457.

An Act to amend section eight hundred thirty of the act approved the fourth day of May, one thousand nine hundred twenty-seven (Pamphlet Laws, five hundred nineteen) entitled "An act concerning boroughs, and revising, amending, and consolidating the law relating to boroughs;" empowering borough councils to appoint registered public auditors to act instead of elected auditors; and relating to the powers, duties, compensation, audits and reports of appointed auditors.

Referred to the Committee on Municipal Corporations.

By Mr. DIX.

HOUSE BILL No. 458.

An Act to amend section four hundred eleven of the act approved the first day of May, one thousand nine hundred thirty-three (Pamphlet Laws, one hundred three), entitled "An act concerning townships of the second class; and amending, revising, consolidating, and changing the law relating thereto." empowering the township supervisors to appoint registered public audi-

tors to act instead of elected auditors; and relating to the powers, duties, compensation, audits and reports of appointed auditors.

Referred to the Committee on Municipal Corporations.

By Mr. DIX. HOUSE BILL No. 459.

An Act to amend section five hundred twenty of an act approved the twenty-fourth day of June, one thousand nine hundred thirty-one (Pamphlet Laws twelve hundred six), entitled "An act concerning townships of the first class; amending, revising, consolidating, and changing the law relating thereto;" empowering the township commissioners to appoint registered public auditors to act instead of elected auditors or auditors appointed by the Court of Common Pleas; and relating to the powers, duties, compensation, audits and reports of appointed auditors.

Referred to the Committee on Municipal Corporations.

By Mr. DIX. HOUSE BILL No. 460.

An Act to authorize counties of the second, third, fourth, fifth, sixth, seventh and eighth classes, cities of the third class, boroughs, incorporated towns, townships, county institution districts, and school districts of the second, third, and fourth classes to employ registered public auditors, and requiring the employment of such auditors for all independent audits by those political subdivisions.

Referred to the Committee on Municipal Corporations.

By Mr. DIX. HOUSE BILL No. 461.

An Act to amend sections three forty-one, three forty-two, three forty-seven and three sixty-two of the act approved the second day of May, one thousand nine hundred twenty-nine (Pamphlet Laws one thousand two hundred seventy-eight) entitled "An act relating to counties of the second, third, fourth, fifth, sixth, seventh and eighth classes; and revising, amending and consolidating the laws relating thereto," as last amended by the act approved the tenth day of March, one thousand nine hundred thirty-seven (Pamphlet Laws thirty-seven) by conferring additional powers and imposing additional duties on controllers, auditors and treasurers.

Referred to the Committee on Municipal Corporations.

By Mr. DIX. HOUSE BILL No. 462.

An Act to amend section three of the act, approved the twenty-ninth day of May, one thousand nine hundred and thirty-one (P. L. 280), entitled "An act relating to delinquent taxes on seated lands, and prescribing interest charges on non-payment thereof; requiring the receivers and collectors of county, city, borough, town, township, school district and poor district taxes to make a return to the county commissioners of such unpaid taxes, and providing for the lien thereof; authorizing the county treasurers to collect such taxes, and to sell seated lands at public sale for taxes heretofore or hereafter returned as unpaid; and authorizing the county commissioners to purchase such lands and resell the same under certain circumstances," by providing that the County Treasurer shall keep records relating to the collection of delinquent taxes on seated lands and all sums received, receivable, collected or collectible by the County Treasurer upon sale or redemption thereof.

Referred to the Committee on Municipal Corporations.

By Mr. KANE. HOUSE BILL No. 463.

An Act to further amend section two hundred and forty-six of the act approved the second day of May, one thousand nine hundred and twenty-nine (P. L. 1278), entitled "An act relating to counties of the second, third, fourth, fifth, sixth, seventh and eighth classes; and revising, amending, and consolidating the laws relating

thereto," changing the qualifications of the district attorney.

Referred to the Committee on Judiciary Special.

By Mr. FALKENSTEIN. HOUSE BILL No. 464.

An Act providing for and making lawful the establishment and operation of a Protective Investment Annuity Plan; creating a State Protective Investment Annuity Commission; authorizing and making lawful the sale of shares in such plan, and the payment of annuities to persons selected therefor by the commission; and making appropriations.

Referred to the Committee on State Government.

By Mr. CHRISTLER. HOUSE BILL No. 465.

An Act to amend article three by adding thereto section three hundred and twenty, and to amend sections nine hundred and one, one thousand one hundred and five, and one thousand one hundred and eleven of the act, approved the fifth day of May, one thousand nine hundred and thirty-three (P. L. 364), entitled "An act relating to business corporations; defining and providing for the organization, merger, consolidation, reorganization, winding up and dissolution of such corporations; conferring certain rights, powers, duties and immunities upon them and their officers and shareholders; prescribing the conditions on which such corporations may exercise their powers; providing for the inclusion of certain existing corporations of the second class within the provisions of this act; prescribing the terms and conditions upon which foreign business corporations may be admitted, or may continue, to do business within the Commonwealth; conferring powers and imposing duties on the courts of common pleas, and certain State departments, commissions, and officers; authorizing certain State departments, boards, commissions, or officers to collect fees for services required to be rendered by this act; imposing penalties; and repealing certain acts and parts of acts relating to corporations," by providing for the arrangement, and reorganization of business organizations under the National Bankruptcy Act, for the further merger and consolidation of certain corporations, and further regulating the dissolution of such corporations and the survival of remedies after dissolution.

Referred to the Committee on Corporations and Industry.

By Mr. CHRISTLER. HOUSE BILL No. 466.

An Act to promote uniformity in the assessment and taxation of properties and persons within the territorial limits of cities of the second class, by providing that city and school taxes within such territorial limits shall be assessed, levied and collected upon the basis of the assessments for taxation for county purposes; imposing duties on county taxing authorities; abolishing the department of assessors in cities of the second class and transferring certain property and functions to county taxing authorities.

Referred to the Committee on Cities—Second Class.

By Mr. ELLWOOD B. WELSH. HOUSE BILL No. 467.

An Act allowing attorney's fees to plaintiffs in certain cases of suits on insurance policies and certificates issued by fraternal benefit societies.

Referred to the Committee on Judiciary General.

By Mr. ELLWOOD B. WELSH. HOUSE BILL No. 468.

An Act requiring purchasers of old gold to retain the same for thirty days before disposing thereof; and prescribing penalties.

Referred to the Committee on Judiciary Special.

By Miss BRANCATO.

HOUSE BILL No. 469.

An Act fixing a minimum salary, and providing for the payment for the uniforms of policemen, firemen, and park guards in cities of the first class.

Referred to the Committee on Cities—First Class.

By Mr. ROSE.

HOUSE BILL No. 470.

An Act to amend sections twenty-seven and twenty-eight of the act, approved the twenty-fifth day of May, one thousand nine hundred and thirty-seven (P. L. 849), entitled "An act to provide for the permanent personal registration of electors in cities of the third class as a condition of their right to vote at elections and primaries, and their enrollment as members of political parties as a further condition of their right to vote at primaries; prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors; and prescribing the powers and duties of citizens, parties, political bodies, registration commissions, commissioners, registrars, inspectors of registration and other appointees of registration commissions, county election boards, election officers, municipal officers, departments and bureaus, police officers, courts, judges, prothonotaries, sheriffs, county commissioners, peace officers, county treasurers, county controllers, registrars of vital statistics, certain public utility corporations, real estate brokers, rental agents, and boards of school directors; imposing penalties; and repealing existing legislation," by providing for the transfer of the registration of electors without personal appearance, upon change of residence from a borough, town or township to a city of the third class in the same county; and authorizing the registration commission to amend the registers for such boroughs, towns, townships and cities accordingly.

Referred to the Committee on Cities—Third Class.

By Mr. MUNLEY.

HOUSE BILL No. 471.

An Act to amend section three of the act, approved the twelfth day of June, one thousand nine hundred and seventeen (P. L. 461), entitled "An act to provide for the removal or retirement of judges of the Supreme, Superior, common pleas, orphans', municipal, and county court, permanently disqualified by reason of physical or mental disability to perform their regular judicial functions or duties, and providing for the payment of compensation to them during the balance of the term for which they may have been elected, and, in certain cases, for the remainder of their lives after resignation or retirement, and for filling the vacancies caused thereby, providing for judges who have been retired or who may have retired or resigned under provisions of previous acts or otherwise; and repealing certain acts," by providing compensation for such judges who have served ten years on the bench.

Referred to the Committee on Judiciary General.

By Messrs. REGAN and CORDIER.

HOUSE BILL No. 472.

An Act to amend section three of the act approved the tenth day of June, one thousand nine hundred and thirty-one (P. L. 485), entitled "An act to provide for the better protection of life and health of the citizens of this Commonwealth by requiring and regulating the examination, licensure, and registration of persons, and registration of corporations, engaging in the care, preparation, and disposition of the bodies of deceased persons; and providing penalties," providing for the qualification of additional persons as undertakers.

Referred to the Committee on Professional Licensure.

By Messrs. SARRAF and CHRISTLER.

HOUSE BILL No. 473.

An Act to further amend a part of section one of article three of the act, approved the seventh day of March, one thousand nine hundred and one (P. L. 20), entitled "An act for the government of cities of the second class," providing for the removal and dismissal of policemen in cities of the second class.

Referred to the Committee on Cities—Second Class.

By Mr. DENMAN.

HOUSE BILL No. 474.

An Act to further amend section three of the act, approved the twenty-eighth day of June, one thousand nine hundred thirty-five (P. L. 452), entitled "An act to promote the welfare of the people of the Commonwealth; creating a General State Authority as a body corporate and politic with power to construct, improve, and operate projects, and to lease the same, and to fix and collect fees, rentals, and charges for the use thereof; authorizing and regulating the issuance of bonds by said Authority, and providing for the payment of such bonds, and the rights of the holders thereof; and to enter into agreements with the Government of the United States or any Federal agency; and authorizing the Department of Property and Supplies to grant, assign, convey, or lease to the Authority lands of the Commonwealth and interests therein, and to acquire lands therefor; granting the right of eminent domain; and providing that no debt of the Commonwealth shall be incurred in the exercise of any of the powers granted by this act," fixing the terms for the appointed members of the General State Authority, and terminating the terms of present members.

Referred to the Committee on State Government.

By Mr. KANE. (By request.) HOUSE BILL No. 475.

An Act defining and regulating the practice of photography; providing for the licensing of individuals, copartnerships, associations and corporations operating photographic studios and of individuals engaging in the practice of photography; creating a Board of Photographic Examiners in the Department of Public Instruction; defining its powers and duties; and providing penalties.

Referred to the Committee on Professional Licensure

SENATE MESSAGE

SENATE BILLS FOR CONCURRENCE

The Clerk of the Senate being introduced, presented for concurrence bills numbered and entitled as follows:

SENATE BILL No. 40. (HOUSE BILL No. 476.)

An Act making an appropriation to the Department of Forests and Waters for the use of the Pennsylvania State Park and Harbor Commission of Erie and for the joint use of the Department of War of the United States Government and the Department of Forests and Waters of the Commonwealth of Pennsylvania and the use of the Department of Forests and Waters in cooperation with the Federal Beach Erosion Board.

Referred to the Committee on Appropriations.

SENATE BILL No. 34. (HOUSE BILL No. 477.)

An Act to further amend section five hundred eight of the act, approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such

revenue, and repealing all laws, general, special, or local, or any parts thereof, that are or may be inconsistent therewith," by further regulating the incurring of temporary indebtedness and the repayment thereof in school districts other than school districts of the first class.

Referred to the Committee on Education.

SENATE BILL No. 16. (HOUSE BILL No. 478.)

An Act to amend section one as amended of the act approved the third day of June, one thousand nine hundred and nineteen (P. L. 370) entitled "An act to fix the number and salaries of assistant district attorneys in counties of this Commonwealth having over one million five hundred thousand inhabitants, and prescribing the powers and duties of said assistant district attorneys" by increasing the number and fixing the salaries of the assistant district attorneys thereof.

Referred to the Committee on Judiciary Special.

BILL INTRODUCED AND REFERRED

By Mr. KANE.

HOUSE BILL No. 479.

An Act authorizing the erection and construction by the Department of Property and Supplies, subject to the approval of the State Art Commission and the State Planning Board of an Executive Mansion for the use of the Governor of the Commonwealth, the furnishing thereof, the grading and terracing and planting of the grounds in connection therewith; providing for the sale of the real estate upon which the present executive mansion is situated and for the disposition of the proceeds of such sale.

Referred to the Committee on State Government.

RESOLUTION INTRODUCED AND REFERRED

By Mr. FLEMING. (Concurrent)

RESOLUTION No. 32.

In the House of Representatives, March 8, 1939.

Whereas, rumors prevail in and about the County of Allegheny that much so called "chiseling" prevails in said county in the administration of relief to the unemployed; and

Whereas, it is necessary that all those not entitled to relief should be barred from receiving aid from the State in order that those deserving help can be provided for; and

Whereas, a system of cheating in the administration of direct relief also lessens the probability of adequate assistance to the blind, to the aged and to dependent children; therefore be it

Resolved, (if the Senate concur), That the Speaker of the House is hereby directed to appoint two members of the House of Representatives, and the President of the Senate is directed to appoint one member of the Senate, who together shall constitute a legislative committee and whose duty it shall be forthwith to fully and impartially investigate the administration of relief in Allegheny County in all its phases and to make a report of the result of said investigation to the General Assembly now in session as speedily as possible in order that legislation necessary to abate any evils that may be found to exist may be enacted; and be it further

Resolved, That the said committee shall have power to issue subpoenas under the hand and seal of its chairman requesting and commanding any person or persons to appear before them and to answer such questions touching matters properly being inquired into by the committee, and to produce such books, papers, records and documents as the committee may deem necessary. Such subpoenas may be served upon any person and shall have the force and effect of subpoenas issued out of the courts of this Commonwealth. Each member of said committee shall have power to administer oaths and affirmations to witnesses appearing before the committee. Any person who shall wilfully neglect or refuse to testify before said com-

mittee or to produce any books, papers, records or documents shall be subject to the penalties provided by the laws of the Commonwealth in such cases.

Referred to the Committee on Rules.

COMMUNICATIONS

The SPEAKER laid before the House the following communications which were read by the Clerk.

MILK CONTROL

A resolution from Pomona Grange No. 17, Butler County, favoring milk control.

Referred to the Committee on Dairy Industries.

HOUSE BILL NO. 219

A resolution from the Married Women Teachers' Council of the Philadelphia Public Schools, favoring passage of House Bill No. 219.

Referred to the Committee on Education.

SCHOOL LEGISLATION

Resolutions from the County Board of School Directors of Delaware County:

Requesting distribution of the report of the Committee on School Costs and to continue the Committee.

Permitting reduction in salary when position of teacher is changed.

Appeals from decision of Board of School Directors to be made to the Superintendent of Public Instruction.

Requesting repeal of Four Mill Tax on School Bonds.

School directors to have authority to make expenditures for medical examinations.

Mandatory legislation to increase financial requirements upon school districts, the state to make a corresponding contribution.

Favoring reduction of school taxes on homesteads.

Favoring flat rate income tax and a constitutional amendment for a graduated income tax.

Favoring passage of House Bill No. 45, and House Bill No. 162.

Referred to the Committee on Education.

DEPORTATION OF ALIENS

A resolution from the Senate of the State of Oklahoma memorializing Congress to enact legislation for deportation of aliens who do not signify their desire to become citizens of the United States.

Referred to the Committee on Federal Relations.

LABOR

A resolution from the Eastern Pennsylvania-Delaware Typographical Union favoring the maintenance of present labor legislation and the passage of additional legislation to safeguard labor standards.

Referred to the Committee on Labor.

OLD AGE PENSIONS

A resolution from the United Mine Workers' of America, local No. 498, Portage, favoring constitutional amendment providing for Old Age Pensions.

Referred to the Committee on Welfare.

RELIEF

Resolutions from the Workers' Alliance of Lehigh County and also Butler condemning plan to turn administration of relief over to counties.

Referred to the Committee on Welfare.

SENATE BILL NO. 45

Petitions from Eliza Butler Kirkbride Public School, Philadelphia, The Walnut Street Branch of the Darby Home and School Association protesting against passage of Senate Bill No. 45.

Referred to the Committee on Education.

LIQUOR LEGISLATION

A petition from Gallagher and Burton, Inc. Philadelphia, Leroux and Company, Inc. Philadelphia. James Marone, protesting passage of legislation requiring the Liquor Control Board to buy Pennsylvania liquors to the exclusion of liquors made outside the state.

Referred to the Committee on Liquor Control.

HIGHWAY REVENUE

A resolution from the Pennsylvania Stone Producers Association, Inc., Harrisburg, urging enactment of a constitutional amendment providing that all taxes assessed on account of ownership or operation of motor vehicles be used wholly for the improvement and maintenance of the state highways.

Referred to the Committee on Ways and Means.

COST OF TRAFFIC REGULATION

The SPEAKER laid before the House a communication from the Department of Highways submitting the information requested by Resolution No. 7, adopted by the House, November 21, 1938.

Referred to the Committee on Motor Vehicles.

COMMUNICATION

The SPEAKER laid before the House a communication which was read by the Clerk as follows:

THE WHITE HOUSE
WASHINGTON

March 8, 1939

My dear Mr. Ward:

The President has received the copy of Resolution adopted by the House of Representatives of the Commonwealth of Pennsylvania, and asks me to thank you ever so much for your courtesy in sending it to him.

Very sincerely yours,

M. H. McINTYRE,
Secretary to the President.

Honorable William Ward, Jr.,
Chief Clerk, House of Representatives,
Harrisburg, Pennsylvania.

COMMUNICATIONS FROM THE GOVERNOR

The Secretary to the Governor being introduced, presented a communication in writing from His Excellency the Governor, which was read as follows:

APPROVAL OF HOUSE BILL No. 215

Commonwealth of Pennsylvania
Governor's Office, Harrisburg, March 13, 1939

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed House Bill No. 215, Printer's No. 35, entitled "A Supplement to the act approved the second day of July one thousand nine hundred thirty-seven (Appropriation Acts page seventy-four) entitled 'An act to provide for the ordinary expenses of the Executive Legislative and Judicial Departments of the Commonwealth in-

terest on the public debt and the support of the public schools for two years beginning June first one thousand nine hundred and thirty-seven and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending May thirty-first one thousand nine hundred and thirty-seven' providing for deficiencies in certain appropriations to the Lieutenant Governor the Department of Justice and the Department of State for the fiscal biennium ending May thirty-first one thousand nine hundred thirty-nine."

ARTHUR H. JAMES

The Secretary to the Governor being introduced, presented a communication in writing from His Excellency the Governor, which was read as follows:

SUPPLEMENTAL BUDGET

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, March 13, 1939

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to submit herewith the Supplement to the 9th Biennial Budget of the Commonwealth of Pennsylvania, for the Fiscal Biennium June 1, 1939, to May 31, 1941,

ARTHUR H. JAMES

LEAVES OF ABSENCE

Mr. McClester asked and obtained leave of absence for Mr. IMBRIE for the week on account of illness.

Mr. Westrick asked and obtained leave of absence for Mr. CHERVENAK for the week on account of illness.

Mr. Habbyslaw asked and obtained leave of absence for Mr. SARGE for the week on account of illness.

STATEMENT BY MR. TROUT

Mr. Trout asked and obtained unanimous consent to address the House.

Mr. Speaker and members of the House, on Thursday evening, March 9th an editorial appeared in one of the evening Philadelphia papers under the heading, "For More Commerce" in which it was stated as follows:

"Reasons why industries have left Pennsylvania and why others have refused to expand plants here and some have declined to locate in this State will be studied. In this connection it may be possible to make use of the report prepared by the Legislative Commission headed by Senator Dent, which spent two years investigating the subject. There is considerable mystery about this document. It was handed to Governor Earle during the campaign last fall and since then has not been made public."

Mr. Speaker and members of the House, in fairness to all parties concerned, I want to say that that is not correct, that the report was not handed to Governor Earle, nor was it handed to any other person because the report was not completed. I have no criticism to make on the editorial writer other than to say I presume he was misinformed, and that when he wrote the article he thought he was telling the truth. However, that is not the case.

Mr. Speaker it is now my privilege to present to you that report of the Dent Tax Commission for your consideration.

The SPEAKER. The report will be noted in the Journal.

THE SPEAKER (Ellwood J. Turner) IN THE CHAIR

The SPEAKER. The Chair desires to thank the gentleman from Lancaster for occupying the chair.

STATEMENT BY MR. GATES

Mr. GATES asked and received unanimous consent to address the House.

Mr. Speaker and members of this House, last November was one of the few times in our history when the agricultural counties elected a governor of the State of Pennsylvania. They took Arthur James from the honorable position of Judge of the Superior Court and elevated him to the highest office within the gift of the people of this Commonwealth. God-fearing men and women marched to the polls with the "Watchword" of "Save Pennsylvania" ringing in their ears, and, regardless of political affiliations, they elected Arthur James, and delegated to him the responsibility of bringing us out of the chaotic conditions existing within the State. This election placed a great responsibility on the Chief Executive of the State; it also placed great responsibility on each and every member of this House.

I should like to discuss for a few minutes the most important problems confronting this House and the State of Pennsylvania at this time. Every county, every city, every hamlet of our State is represented by two hundred and eight members that constitute the membership of this House. Some of you come from large cities; some of you come from great industrial communities; some of you come from agricultural centers; some of you come from counties wherein are located natural gas, oil and coal mines. Hence our individual problems differ and it is often difficult for us to agree on certain legislation.

However, we meet on common ground when we discuss the homes of the people and I should like to discuss for a few minutes two of the most important problems that are before the people of Pennsylvania today. First in importance, relief from the depressive real estate tax. I have in my hand a clipping from one of Pittsburgh's leading newspapers, dated February fourth, which is headed as follows, "Washington County Fights to Avoid Sale of Twenty Thousand Properties." My friends, that condition exists not only in Washington County; it exists in Armstrong County, where I come from; it exists in every other county of the State of Pennsylvania; it exists in Luzerne County, the home of the Governor, where there are 94,000 pieces of property and 31,000 of which or about one-third have tax liens charged against them.

Why does this condition exist in Pennsylvania? For this reason: When the first tax system was adopted by our State, real estate represented about ninety-five per cent of the wealth of the State; but today my friends, real estate represents but thirty-three and one-half per cent of the wealth of the State. About eight and one-half per cent is tax free property, such as churches, schools, property of public utilities, etc., leaving taxable real estate representing but twenty-five per cent of the wealth. Yet in your county and mine, the owners are compelled to bear seventy-five per cent of the total tax burden. Personal property, tangible and intangible, represents over sixty-six per cent of the wealth of Pennsylvania today, yet it pays but twenty-five per cent of the total taxes.

In Allegheny County 3,600 pieces of property have been purchased by the County Commissioners at tax sales, and in every other county the Commissioners have been compelled to purchase real estate at tax sales. This is what

happens when a county is forced to buy property: The property immediately becomes exempt from taxation and the balance of the taxable property is taxed more, therefore.

There used to be an incentive for a young man to own a home. I know there was an incentive for me, if you will pardon making a personal reference. When I was married my ambition was to own a home and raise a family, which I did. I raised three boys and three girls, but, my friends, where is there any incentive for young men and women to own their home today, while their fathers and mothers sit, fearsome lest the very roof over their heads will be sold to pay the exorbitant taxes that are levied against real estate in Pennsylvania?

I believe I can show the members of this House that if they will pass the three Bills that I shall discuss, that the unemployment relief situation which confronts us will be automatically taken care of. All over the State, homes and farm-buildings are in a run-down condition, deplorably so. Hundreds of thousands of owners of real estate fear they will lose their property—their homes or farms, hence painting has been put off indefinitely, broken windows have not been replaced, leaky roofs have not been repaired. Millions of dollars could and would be spent by their owners for repairs, replacements and improvements, if they could but be assured that confiscatory taxation would not take their property away from them. Now you, Members of this House, have the power to raise the morale of these home owners and farm owners. You can do so by letting them know that the taxes on their homes and farms are going to be reduced by relieving them from the payment of school taxes—by a gradual reduction in the school taxes until, in from five to seven years, they will not be compelled to pay any real estate taxes for school purposes.

By doing this you will bring about, I am confident of it, a great revival of industry in this State. Thousands of idle, unemployed men will go back to work in the building industry. If you do not do it, I say to you there will be the greatest increase in the number of people on the relief-rolls of this State you have ever seen—that you will depress even further the morale of the men and women of the State—that you will put thousands more of them on the relief-rolls or in the poor-houses.

Secondly, and of tremendous importance to us all, it ought to be our purpose, along with the Governor, to try to give big business and little business not a temporary breathing spell—but assurance of permanent relief from depressive taxation which has driven many industries from our State. If we give business men assurance that our five-mill Capital Stock Tax will be repealed, confidence will be restored, and payrolls will increase in number and will swell as to amounts. Payrolls are the cure for most of our ills—the solution to most of the problems we are now wrestling with. Listen to what has been said about a payroll:

"To the man who shares in its benefits it is a blessing.

"To the man who must meet it, week after week, month after month, year after year it is at once a responsibility and a satisfaction.

"To the community it is an indispensable necessity, without which the community suffers.

"Meeting payrolls has been a troublesome problem for many businessmen, large and small, in recent years. Our annals of heroism do not mention the men who have put

up valiant fights to maintain payrolls, because of the sense of obligation to those who work for them and depend upon them.

"It is far preferable that the Nation's wealth should be distributed in payrolls, in an honest exchange of money for honest work, than through government agencies, in relief or 'made work'."

Millions of men are eager to regain a place on the payrolls of private industry. The American citizen desires above all else an opportunity to exchange his labor for an honest wage.

What I have just quoted is, in truth, the real meaning of a payroll. We can get more payrolls and bigger payrolls in Pennsylvania if this House and the Administration will approve the three Bills which I shall mention in a few minutes.

Governor James, shortly after he was elected, and just before he left the State to go to the South on a well-earned vacation, made this statement to the businessmen of this State, which appeared on the front page of every newspaper in the State. He said: "Unpack your trunks—stay in Pennsylvania—relief is at hand."

My friends, I hold in my hand, and I am now addressing the Republican members of the House, the platform on which you were elected—the pledge which you made to the people of the State. This platform reads: By oppressive taxation and burdensome regulations, Pennsylvania industry, backbone of our prosperity and progress, is being driven from our midst, leaving behind distress and misery, stagnation and increased unemployment. Although Pennsylvania has only eight per cent of the population of the country, it has almost eighteen per cent of the unemployed. Business with its opportunities for jobs must be kept here, must be encouraged to expand here.

"Business administration at Harrisburg is indispensable to the improvement of industrial conditions in this state, securing to the wage-earner employment with good wages, opening markets for the farmer and giving a chance for individual initiative. Retention of business and industry in Pennsylvania with attendant expansion to relieve unemployment and to assure good wages is required if this Commonwealth is to advance industrially and if our social and welfare program is to be financed. We pledge to provide the means whereby the advantages of Pennsylvania as an industrial state may be pointed out to those seeking sites for their industries; whereby complaints of adverse conditions in the State may be given public hearings; and whereby specific recommendations may emanate for the remedy or improvement of conditions affecting the expansion of business and industry in this State."

Now gentlemen of the House, when that platform was written by the Honorable Platform Committee of the Republican Party, I believe they were in earnest—that they were sincere in writing it. I was certainly sincere and in earnest when I offered it as my platform and asked to be elected to this House on what it contained.

Of course it would be childish to point out the needs of the State with respect to the needs of business and real estate ownership from the standpoint of taxation, without offering specific recommendations, and I now refer you to three Bills which, if enacted into law, I am positive, go a long way toward bringing Pennsylvania back to the place in the Union where it once was and

where it now belongs—one of the great industrial States of the United States—the Keystone State of the nation.

These Bills are House Bills numbers 212, 409 and 407. One provides for a flat income tax—one provides for a gradual reduction of real estate school taxes for a period of from five to seven years—and ultimate cancellation of all taxation of real estate for school purposes—and the other Bill provides for the absolute repeal of the Five-mill Capital Stock Tax—the most depressive business tax we now have and which is certainly the cause of removal of industry from Pennsylvania and the prevention of new industries coming into the State. The flat-income tax would provide the Commonwealth with the revenue which the real estate school tax and the present Capital Stock Tax now bring. It would take the place in the Tax System of the State of these two most depressive of all our taxes.

The Bill providing for the flat-income tax has in it a section (No. 405) which would grant a credit of \$40.00 to each taxable who makes out the required return. This section excludes, exempts from the tax, the man who works in a coal mine for a bare living; the man who works for only living wages in a glass factory; and the man who works in the textile industry and generally earns but enough for a living. These will not have to pay the income tax because of the credit the Bill would allow. Unless a person earns over \$2,000.00 a year, he would not be taxable under this Bill.

You know and I know that all tax Bills presented here are considered to be odious legislation, and that certain people will object to paying an income tax even though the rate would be only two per cent. I know that the idle rich who go to Canada for three months in the summer-time, go across the big water in the Fall of the year, and to Florida in the winter-time, will object to such a tax.

But I plead with the membership of this House to pass these three Bills. In doing so you will save the homes of the people, and save payrolls to our workers. You will, I am certain, start a new business revival in this State that will exceed all others of the past ten years—a permanent, substantial, sound revival of business, that will take from the crowded relief rolls thousands and thousands of men and women who are eager to get their names on a payroll again and earn an honest living.

Please be sure to understand that in passing these three Bills you are not just passing another tax law. You are not going to impose another tax on the tax-depressed people of this State—but you are going to substitute a tax for the two most depressive of all our present taxes, instead. You are going to substitute a tax far less destructive to the prosperity of the people than the two taxes it will replace.

I plead with you to bring these Bills out of Committee promptly; I plead with you to stand by the platform of the Republican Party by passing these Bills. By doing so you will save hundreds of thousands of homes and farms to their owners, and allow industry to prosper again in Pennsylvania. By doing so you will make the 1939 General Assembly one of the most constructive in its long history.

STATEMENT BY MR. BAKER

Mr. BAKER asked and obtained unanimous consent to address the House.

Mr. Speaker and members of the House, I don't want to take much of your and my colleagues' time. But the day approaches when the present James Catastrophe will be two months old.

It is time we took stock of the promises with which the administration obtained office and the manner in which those promises are being fulfilled.

Or, to be more accurate, it is time to take stock of the pace at which those promises are being broken.

In the western part of our great state, the people were promised that the alleged former breaker boy who now is our governor would:

Increase employment

Reduce taxes

Abolish most or all of the humanitarian reforms instituted by the previous administration after 80 years of Republican misrule.

Continue flood control projects.

Make Pennsylvania a sort of paradise for everyone.

The only one of these promises that today seems possible of fulfillment is the pledge to wipe from the books every progressive piece of legislation enacted by this Assembly in the last four years.

The others were but a tissue of lies.

The present governor of this Commonwealth had not been in office a month before he revealed the vicious influences which control him.

First, he attempted to abolish the jobs of 10,000 Pennsylvania workingmen by calling off the great all-weather highway project, linking Harrisburg with the West.

The great clamor which arose forced him into hasty retreat. You might expect him to have learned a lesson.

But we soon found that the grip of utility interests is stronger than his fear of and respect for public opinion, for he stuck to his guns in opposing flood control.

The utility interests had looked under the bed and seen a ghost. They told Governor James that flood control dams might be used to make electric power. That might be bad for holding company profits.

Governor James announced no state land would be deeded to the federal government for flood control dams. The federal government could build dams, but that state must own the land and keep control.

When he said that, he knew he was blocking all flood control. He knew that the federal government could go ahead and build the dams, regardless of his puny objections, but he knew the federal government does not like to trample on the states' objections. And he knew the federal government would refuse to build dams on land owned by a state.

Governor James knew that countless thousands of men, women, and children are in daily peril of having their homes and their livings swept away by the flood waters of the Allegheny, Monongahela, and Ohio rivers.

He knew that the property of countless industries, large and small, is in daily jeopardy.

He knew that Western Pennsylvania flood control dams never will be useful for power purposes.

But, ever willing to fool his friends as well as the public, he wanted to make the utilities think he was doing them a favor.

So the Governor today risks the lives and property of residents of the richest industrial district in the world to do a false favor for his friends, the utilities.

That, Mr. Speaker, is statesmanship in Pennsylvania in 1939. That is the James Catastrophe. That is the reformed Republican Party.

And when the opposition to concellation of these vital projects became too great, this leader of the present majority party evolved another brilliant escape.

He agreed to permit present construction to proceed.

He reserved opinion on the dams not yet started.

He knows that those dams now under construction are insufficient for protection.

He knows there is no danger to the utilities in permitting those dams now under construction to be completed.

He knows that only the public loses.

Not satisfied with this aid to the utilities, this Governor is now completing one of the most flagrant jobs ever witnessed in this Commonwealth.

The maneuver, Mr. Speaker, is worthy of the best legal talent a utility can buy.

Under the guise of economy, the Governor is in process of handing to the public utilities an outright gift of thousands of dollars.

I had the honor to sit in this chamber, Mr. Speaker, and vote for a measure which wiped out the old, corrupt, inefficient, powerless Public Service Commission.

That bill set up a stream-lined Public Utility Commission designed to make possible real control of the utilities in the public interest.

Since the present Commission was established, utility rates have been lowered in many parts of the state.

Flagrant abuses have been halted.

Endless legal delays have been checked.

The courts have lost much of their power to protect the utilities.

Rate fixing has been turned in the interests of the public rather than the Republicans.

A large staff was necessary to perform these functions. The results prove the need.

Now this highly-touted "reform governor," as the big interests have so profitably tagged him has set out to undo all of this.

Already he has cut off nearly a third of the Commission's staff; already he has served notice another third must be cut off.

So the Commission's efficiency is to be cut almost two-thirds, Mr. Speaker, in the so-called interest of saving the taxpayer money.

But it is a lie to call the move economy; I remind the gentlemen of the majority that the utilities themselves bear the costs of the Public Utility Commission.

No tax cut will result from this move.

No rate cut will benefit the public.

The reduction is a brazen gift of hundreds of thousands of dollars to the utilities who were so interested in seeing Judge James become Governor James.

The utilities were useful to Judge James; Governor James is useful to the utilities.

Governor James is a versatile man. He can be useful, at the same time, to the Grundy Manufacturers' Association. Today he is plotting, according to press reports, to place on the Public Utility Commission a servant of these Grundy interests.

As if the Governor hadn't already more than repaid Joe Grundy at the expense of the people when he appointed Grundy's man to the Superior Court.

And therein lies another tale of Republican statesmanship in the present James Catastrophe.

We of the Democratic party wondered during the last campaign how any judge of the exalted Superior Court could have the effrontery to keep his seat on the bench while running for political office.

We wondered how he could justify himself to the American Bar Association.

We wondered how he could justify himself to his own conscience as James the politician gave his views on public bills which might eventually come before James the judge.

The answer, Mr. Speaker, is that the governor of this Commonwealth must virtually have sold his judgeship to Grundy in return for Grundy support of one kind or another.

I fail to see any other interpretation.

Why did James cling to his seat on the bench until his very inauguration as Governor? For but one reason—that seat had been promised to Joe Grundy.

Check the record. The present occupant of Governor James' place on the bench is the brother-in-law of Grundy's best friend.

Judge James couldn't quit the bench until he became Governor James. He couldn't because he had promised his place on the bench to the man who wrecked the Republican party in Pennsylvania before 1932.

In the light of that deal, I wonder, Mr. Speaker, what deal was in back of the governor's appointment of a representative of the steel interests to his cabinet?

I wonder what other deal was in back of his party's attempt to force into the state senate a former attorney thrown out of the very Bar Association whose cannons Judge James violated when he campaigned for office without resigning from the bench?

A state senator, Mr. Speaker, disbarred for his association with the most corrupt political gang in the history of the corrupt Republican party?

Does Judge James, alias Governor James, that alleged former breaker boy, dare disavow his alliance with that former brother lawyer and member of the McClure gang?

Mr. Speaker, let us go back to the governor's promises. What happened to his promises to cut taxes?

The same thing, Mr. Speaker, that happened to his many other promises and the promises of his party in the past—they were broken, as the party will be broken in the future.

The present governor stumped the state with financial statement and analyses galore.

Time after time he claimed to "show" how taxes could be cut.

But he forgot that in his budget message and recommended continuation of all the regular and emergency taxes of the Earl administration.

And now the daily press reports that with Governor James' "tacit" support there is a move afoot to restore the amusement tax to raise more money.

Who cried louder than the Republican party against diversion of funds from the Motor License fund, the Liquor License Fund, the Liquid Fuels Tax Fund, and the insurance funds?

At the very minute the Republicans were telling the public that such diversions were vicious and unnecessary, they knew that only by such diversions could the crushing burden of necessary relief and security be borne by the state government.

They had the figures.

They knew the need.

They knew that government today costs more than ever it did before.

They knew that the taxpayer must pay the cost of running the government.

They knew that everyone wants a reduction in taxes.

They knew that a reduction in taxes is impossible as yet.

And with their eyes wide open to the impossibility of keeping their promises, they promised to cut taxes.

That, Mr. Speaker, is the James Catastrophe.

That is the Republican party and its governor today, two months after taking over the solemn obligations of governing this Commonwealth.

The same closed corporation, operating for the utilities and the Grundy Manufacturers' Association.

An oil magnate and a publisher-crony of race touts and gangsters have been newly admitted to the inner counsels, along with a furtive, sinister man of mystery foreign to our Commonwealth.

Who is this man from Texas?

Whence comes our governor's mysterious "alter ego?"

What is his shame that during the campaign he travelled with Judge James under a false name and kept in the secret background?

Who is this man that it was necessary to hide from the taxpayers his brotherly closeness to the Republican candidate?

What is there in the life of this Texan that qualifies him to be the secret lord of the chamber to a Pennsylvania governor?

Are there no Pennsylvanian's fit for our governor's trust?

Has the Republican party in Pennsylvania no one upon whom the governor can lean for counsel and advice?

Must we go to Texas to learn how to manage our affairs?

And if we must go to Texas for help, Mr. Speaker, must we bring back a man of mystery, who fears the light of the sun?

A man of aliases, a Jekyll-Hyde creature of whom we know nothing?

Mr. Speaker, it is useless to warn arrogance of disaster, Samson of Delilah, or the Republican party of the people's wrath.

And it is too late to warn the public of the James Catastrophe, because the James Catastrophe is here.

We are headed for tragedy, for the People of Pennsylvania are the ones who will suffer from the misrule of the Republican party.

But I predict, Mr. Speaker, that they will not suffer long, for their temper is short.

They will not be patient under the management of James, Grundy, Pew, Annenberg & Company, with the front door key in the hands of the utilities and the back door key in the pocket of the mystery man from Texas.

I want to wish the mystery man from Texas a speedy recovery in his health and a fast return to Texas.

REPORT FROM COMMITTEE

Mr. SCHROCK from the Committee on Rules reported as committed House Resolution No. 24.

BILLS ON FIRST READING

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 344, entitled:

An Act to amend section seventy-seven of the act approved the thirty-first day of March one thousand eight hundred and sixty (P. L. 427) entitled "An act to consolidate revise and amend the laws of this Commonwealth relating to penal proceedings and pleadings" by permitting indictments against public officers and employees and their accomplices and confederates to be brought or exhibited within two years after such officer or employee shall have ceased to occupy such office or employment.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 221, entitled:

An Act declaring prosecutions against defendants finally ended and terminated where the Grand Jury has returned bills of indictment ignoramus unless a re-submission is authorized by the court for certain reasons and providing the procedure and for appeals in such cases.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 259, entitled:

An Act to amend section one thousand eight hundred and two of the act approved the twenty-fourth day of June one thousand nine hundred and thirty-one (P. L. 1206) entitled "An Act concerning townships of the first class amending revising consolidating and changing the law relating thereto" as amended by eliminating certain general regulations in the making of insurance contracts by townships.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 239, entitled:

An Act authorizing county commissioners in counties of the third class to transfer surplus county moneys to the institution district and providing for the expenditure of moneys so transferred for institution district purposes.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

BILL ON SECOND READING

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 194, entitled:

An Act providing for the validation and amendment of defective tax liens and municipal claims heretofore or hereafter entered of record

The first section was read as follows:

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1 Whenever heretofore or hereafter any tax lien or municipal claim is or shall be defective by reason of error in the name or names of the registered owner or owners thereof or by reason of the fact that the description of the property and the street address set forth in the claim as filed do not conform with each other the claimant entering or filing such tax lien or municipal claim shall have the right at any stage in the proceedings to file an amended tax or municipal claim so that the correct name or names of the registered owner or owners and the correct description of the property shall appear therein and upon the filing of the amended tax or municipal claim such

lien or claim is hereby declared to be valid to all intents and purposes and such liens or claims may be enforced as in the case of liens or claims entered or filed in the name or names of the proper registered owner or owners and with a correct description of the property Provided however that the title or interest or any owner or owners made a party to the record by amendment under this act shall not be divested by any sheriff's sale upon the tax or municipal claim so amended until after a writ of scire facias has been issued upon the lien or claim as amended and has been served upon the owner or owners so made a party to the record in the manner provided for the service of such writs in the Acts of Assembly relating to tax liens and municipal claims and has been duly reduced to judgment

On the question,

Will the House agree to the section?

BILL POSTPONED

Mr. SWEENEY. Mr. Speaker, Mr. Cortese, because of serious illness in the family, cannot be here tonight and at his request I move, Mr. Speaker, that this bill be re-committed to the Committee on Municipal Corporations for amendment.

The motion was agreed to.

BILL ON SECOND READING

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 338, entitled:

An Act to amend Section Three hundred one of an Act approved the Twenty-seventh day of May one thousand nine hundred and thirty-seven Pamphlet Laws one thousand and fifty-three known as the "Public Utility Law" by excluding from the definition of "Facilities" as used therein property owned by municipal corporations of the Commonwealth of Pennsylvania when the said act became effective and providing that the Pennsylvania Public Utility Commission shall have power to regulate and fix the rates for service furnished by public utilities owned by municipal corporations of the Commonwealth of Pennsylvania only when the public service being furnished or rendered by any municipal corporations shall be beyond its corporate limits and extending such freedom from regulation and control by the Commission to public utility service furnished or rendered by an operating agency of any such municipal corporation

The first section was read as follows:

The General Assembly of the Commonwealth of Pennsylvania enacts as follows Section 1 Clause ten of Section Two of the Act approved the Twenty-eighth day of May one thousand nine hundred thirty-seven Pamphlet Laws one thousand and fifty-three known as the "Public Utility Law" and entitled "An Act relating to the regulation of public utilities defining as public utilities certain corporations companies associations and persons providing for the regulation of public utilities including to a limited extent municipalities engaging in public utility business by prescribing defining and limiting their duties powers and liabilities and regulating the exercise surrender or abandonment of their powers privileges and franchises defining and regulating contract carriers by motor vehicle and brokers in order to regulate effectively common carriers by motor vehicle conferring upon the Pennsylvania Public Utility Commission the power and duty of supervising and regulating persons associations companies and corporations including to a limited extent municipal corporations subject to this act and administering the provisions of this act authorizing the commission to fix temporary rates placing the burden of proof on public utilities to sustain their rates and certain other matters authorizing a permissive or mandatory sliding scale method of regulating rates providing for the supervision of financial and contractual relations between

public utilities and affiliated interests and supervision and regulation of accounts and securities or obligations issued assumed or kept by persons associations companies corporations or municipal corporations subject to this act conferring upon the commission power to vary reform or revise certain contracts conferring upon the commission the exclusive power to regulate or order the construction alteration relocation protection or abolition of crossings of facilities of public utilities and of such facilities by or over public highways to appropriate property for the construction or improvement of such crossings and to award or apportion resultant costs and damages authorizing owners of such property to sue the Commonwealth for such damages providing for ejectment proceedings in connection with the appropriation of property for crossings conferring upon the commission power to control and regulate budgets of public utilities imposing upon persons associations companies and corporations (except municipal corporations) subject to regulation the cost of administering this act prescribing and regulating practice and procedure before the commission and procedure for review by the courts of commission action giving the Court of common pleas of Dauphin County exclusive original jurisdiction over certain proceedings prescribing penalties fines and imprisonment for violations of the provisions of this act and regulations and orders of the commission and the procedure for enforcing such fines and penalties and repealing legislation supplied and superseded by or inconsistent with this act" is hereby amended to read as follows

(10) "Facilities" means all the plant and equipment of a public utility including all tangible and intangible real and personal property without limitation and any and all means and instrumentalities, in any manner owned operated leased licensed used controlled furnished or supplied for by or in connection with the business of any public utility Provided however That no property owned by the Commonwealth of Pennsylvania or any municipal corporation thereof at the date when this act becomes effective shall be subject to the commission or to any of the terms of this act except as elsewhere expressly provided herein

On the question,

Will the House agree to the section?

Mr. OMINSKY. Mr. Speaker, I desire to offer the following amendment.

The amendment was read by the Clerk as follows:

Amend Sec. 1 (Cl. 10), page 4, line 12 by inserting after the word "thereof" the following: "Unless such property is leased to a private organization."

On the question,

Will the House agree to the amendment?

Mr. OMINSKY. Mr. Speaker and members of the House, in asking for an affirmative vote on these amendments to House Bill No. 338 I wish to say that this is one of the most important pieces of legislation affecting Philadelphia, probably next to the new City Charter. House Bill No. 338 provides that municipally owned corporations shall be taken out of the class of utilities, and the Public Utility Commission cannot have the power of regulation both as to rates and service.

In Philadelphia, as you know, we have a situation where the Philadelphia Gas Works is under discussion. There is a movement on foot to lease the facilities or assign the leasing of the facilities for a period of anywhere from fifteen to seventeen years, at \$50,000,000. In other words, it is a loan proposition for Philadelphia in order to avoid balancing the budget in the proper manner. My amendment proposes that in the event a municipally owned corporation leases it facilities to a private corporation, it shall be regulated by the Public Utility Commission, and the reasons for this are obvious. You can readily see that if a lease is assigned to a private corporation, there

will be very little, if any, regulation as to rates and service by the Public Utility Commission, so that if the gas rate today is eighty-five or ninety cents and they give a certain quality of gas to the consumer, if these leases are assigned to a private individual or corporation, they may cut the service, they may give a worse type of gas to the consumer, which probably will cost much less, and no regulation will be had if this House Bill 338 is passed. It was stated that there is and will be a Gas Commission created and we all know what gas commissions created by a municipality or those interested in utilities would do in the event of bad service or higher rates or poorer gas.

Therefore, I ask the membership of this House, in interest of Philadelphia citizens, and because this bill is primarily aimed at the Philadelphia situation, to vote for this amendment, to assure the consumers of gas in Philadelphia proper service, proper facilities, and also a proper type of gas which they will use.

Mr. TAHL. Mr. Speaker and members of the House, the gentleman from Philadelphia, Mr. Ominsky, seeks by this amendment to practically nullify the bill that is now before the House. Under the Constitution the legislature has no right to delegate to any commission the right to regulate the rates of any municipally owned utilities. There is no question but that under article III it has no right to do that.

The only thing this bill does is to qualify the law on that point so as to avoid litigation. This amendment that has been introduced will nullify the entire bill. If this amendment is adopted there wouldn't be any use in passing this bill at all. It is aimed to interfere with the city authorities of Philadelphia in balancing the budget. It is merely a political move; it is not a move for the benefit of the city of Philadelphia, because the Public Utility Commission has assumed certain rights with reference to fixing the rate in Philadelphia, which is not its province under the law under which it now functions. Under the lease as now pending, there is gas commission set up which would take care of the consumers of Philadelphia.

This move on the part of Mr. Ominsky is to interfere with the authorities of the city of Philadelphia to stabilize its financial condition, and therefore, I ask the House to vote down this amendment.

Mr. OMINSKY. Mr. Speaker and members of the House this bill will not nullify House Bill No. 338, because House Bill 338 is a State-wide bill. This amendment will apply particularly to Philadelphia. The only thing that it will nullify will be the attempt of council in Philadelphia to foster on the citizens of Philadelphia a debt of \$50,000,000 which will be borne for the next seventeen years, at the end of which time experts have admitted it will have cost the city the sum of \$73,500,000 instead of \$50,000,000 which it will get today. Outside of that this bill may be a proper bill. The bill is state-wide and perhaps municipally owned utilities should be excluded from a regulatory body if as provided they themselves operate those facilities and do not lease them to private corporations.

Mr. LEVY. Mr. Speaker, I desire to interrogate the gentleman from Philadelphia, Mr. Tahl.

The SPEAKER. Will the gentleman from Philadelphia permit himself to be interrogated?

Mr. TAHL. I will, Mr. Speaker.

Mr. LEVY. Mr. Speaker, I would like the gentleman

from Philadelphia, Mr. Tahl, to explain to the House the purpose of this bill.

Mr. TAHL. Mr. Speaker, while we are discussing these amendments I have no objections, with the permission of the Speaker, to explain the purpose of this bill, which is to clarify the law, that the Public Utility Commission shall not interfere with the regulation of the rates of municipally owned utilities.

Mr. LEVY. I would like, Mr. Speaker, to ask the gentleman from Philadelphia one other question. Does the gentleman from Philadelphia, Mr. Tahl, know that at the present time there is a case pending before the Dauphin County Court that deals directly with this point.

Mr. TAHL. Mr. Speaker, I know there is a case pending in the Dauphin County Court, but it does not deal exactly on this point.

The SPEAKER. The Chair feels that the gentleman should as closely as possible confine his interrogation to the amendment. The Chair realizes that the bill is of considerable importance and desires to allow great latitude in the interrogation.

Mr. LEVY. Mr. Speaker, does the gentleman from Philadelphia, Mr. Tahl, know if this bill affects the counties within the state?

Mr. TAHL. Mr. Speaker, my belief is that it does not.

Mr. LEVY. Mr. Speaker, does the gentleman from Philadelphia know that it does affect the P. R. T. of Philadelphia in relation to the Broad Street subway?

Mr. TAHL. Mr. Speaker it does not affect the P. R. T. of Philadelphia.

Mr. LEVY. Mr. Speaker and members of the House, I rise to support the amendments of the gentleman from Philadelphia, Mr. Ominsky, because I feel that his amendments will not nullify House Bill 338, it will do the very thing which the members of this assembly should be in favor of for this reason: the gentleman from Philadelphia, Mr. Tahl, is not familiar with the conditions outside of the county of Philadelphia or he would not have stated that this bill does not affect other counties within the state. I feel that the attention of the members of this House should be called to the fact that in the County of Carbon, the Borough of Lehighton has a municipally owned plant which is operated and run by the Pennsylvania Power and Light Company. I feel, Mr. Speaker and members of the House, in view of this fact, that this bill is not a city of Philadelphia bill, but on the contrary is a state-wide bill, and if it affects the County of Carbon, it may also affect Allegheny County and the County of Luzerne, and so forth.

I feel that the people of Pennsylvania should be given an opportunity to be heard on this bill, because I feel that the gentleman from Philadelphia, Mr. Tahl, is attempting to mislead this House. This bill is a state-wide bill and not a city of Philadelphia bill. Regardless of whether or not this bill is to effect some purpose of an organization in Philadelphia, it is not to our interest. I feel that the membership of this House is entitled to represent their constituents, not only the Representatives from Carbon County, who have a definite interest in this bill, because it affects the gas or water consumers in their respective counties, but also the representatives of Allegheny County, and other counties.

Mr. Speaker, I would appeal to the membership of this House to vote "aye" on the amendments of Mr. Ominsky.

Mr. TAHL. Mr. Speaker and members of the House,

if there was any doubt in your minds that this is a political move on the part of the Democrats of Philadelphia, it was answered by Mr. Ominsky's argument and also by Mr. Levy's argument because under the law, the Legislature had no right to delegate any such power to a commission. For the benefit of the gentleman from Philadelphia, Mr. Levy, may I read the following Article of the Constitution, Article III, Section 20.

"Section 20. The General Assembly shall not delegate to any special commission, private corporation or association, any power to make, supervise or interfere with any municipal improvement, money, property or effects, whether held in trust or otherwise, or to levy taxes or perform any municipal function whatever."

Under this Article The Public Service Commission has no right to regulate the rates of any municipally owned improvement. This amendment is merely to clarify the law so as to avoid any further litigation. Our Democratic members from Philadelphia are trying to interfere with the balancing of the budget. Their opposition is for no other than political purposes, and I ask you to vote "no" on this amendment.

Mr. ANDREWS. Mr. Speaker and members of the House, there is one point, among others, upon which I am in doubt and I would like to have the gentleman from Philadelphia clarify my thinking on that point.

For example, the borough of Breckenridge in Allegheny County, now owns and operates its electric light plant and its water plant. If the Borough of Breckenridge were to lease to a utility company those utilities which it now owns and operates, would that company operating the utilities in Breckenridge be free from all state supervision and regulation?

The SPEAKER. Is the gentleman from Cambria asking that by way of interrogation?

Mr. ANDREWS. I am asking for information and I would like the gentleman from Philadelphia to explain that.

Mr. TAHL. Mr. Speaker, in answer to the question of the gentleman from Cambria, Mr. Andrews, I would say that this matter was taken up with the Chief of the Reference Bureau and he thought it would not affect it. However, if there were amendments prepared to make sure about that, if the gentleman from Cambria, Mr. Andrews, is in doubt about that point, I have no objection, when this bill passes the House, that the same be amended in the Senate, to clarify the situation on that point.

Mr. ANDREWS. Mr. Speaker and members of the House I think we have developed the fact that the sponsor of this measure is not exactly sure as to what extent his bill would affect the boroughs of the state that operate their own utilities, and instead of suggesting that this bill be strengthened or amended in the Senate, to clarify the sponsor's own doubt, it would be better if we would delay its passage in this House until he has conferred further with the Legislative Reference Bureau and brought in the clarifying amendments which he said he has discussed with the authorities.

Mr. TAHL. Mr. Speaker and members of the House, I think I did not make myself clear. There was no doubt in my mind, and there was no doubt in the mind of the Legislative Reference Bureau on that point. The thought was that it would not affect any other utilities referred to by Mr. Andrews, but I said if he has any doubt on that point I have no objection, in fact, I will agree when this bill reaches the Senate that that be clarified. There is

no doubt in the mind of the Legislative Reference Bureau that it affects in no way, shape or form the point that Mr. Andrews refers to.

Mr. ACHTERMAN. Mr. Speaker I would like to interrogate the gentleman from Philadelphia, Mr. Tahl.

The SPEAKER. Will the gentleman from Philadelphia permit himself to be interrogated?

Mr. TAHL. I will Mr. Speaker.

Mr. ACHTERMAN. Mr. Speaker, do I understand the gentleman from Philadelphia to state that in the instant case of Mr. Andrews of Cambria, that the Public Utility Commission would regulate the particular companies he has referred to?

Mr. TAHL. Mr. Speaker, I mean to say it would not interfere with the existing law so far as other utilities are concerned.

Mr. ACHTERMAN. Mr. Speaker, do I understand that in the event that a municipality outside the city of Philadelphia were to lease their utility to a private company that then the present existing law would apply?

Mr. TAHL. Mr. Speaker, I would say that under this bill, if passed, the Public Utility Commission would have no right to fix the rates of the municipally owned utilities.

Mr. ACHTERMAN. Mr. Speaker, if operated by a private company?

Mr. TAHL. Mr. Speaker, I think the municipality would have the right to fix the rates in that case.

Mr. ACHTERMAN. Mr. Speaker, will the gentleman from Philadelphia County kindly explain why in this instant case they set up a Commission in the city of Philadelphia presumably to regulate the rates, and did not do so outside the city of Philadelphia?

Mr. TAHL. Mr. Speaker, my explanation is that this was entirely a matter for the party who negotiated the different leases, or different arrangements. It was thought best for Philadelphia to have a commission set up.

Mr. ACHTERMAN. Mr. Speaker and members of the House, from the interrogation it would seem to me to be very apparent that the only regulation that they intend to place is perhaps, and that is not certain, on the gas works of Philadelphia, while the utility companies throughout the rest of Pennsylvania, if they can secure the utilities owned by the municipalities, will be able to operate them without even a commission to regulate them. Certainly there can be no stronger reason than that to support the amendments offered by the gentleman from Philadelphia, Mr. Ominsky.

Mr. LEVY. Mr. Speaker and members of the House, I feel very much the way the gentleman from Monroe feels, when he says that apparently the gentleman from Philadelphia is not very well prepared to answer certain questions concerning the state-wide issue in this bill. I would bring to the attention of the members, when I asked the gentleman from Philadelphia the second question as to the purpose of this bill, he cited the section of the Constitution of Pennsylvania, Section 20, which I believe says distinctly that the Commonwealth is not permitted to delegate its power to a separate body, nevertheless this very bill delegates the power to a hand-picked gas commission in Philadelphia.

Mr. OMINSKY. Mr. Speaker and members of the House, it had not been my intention to prolong debate on this particular amendment because I have some other amendments to offer. But I think, in answer to the gentleman from Philadelphia, Mr. Tahl, with reference to the facts

that this is supposedly a political measure and a political movement on the part of the Democrats, let me remind him that on February 3, 1939, a Republican councilman in Philadelphia referred to this very plan in these words:

"Hijack plot laid to gas companies. Councilman Maxman assails executives to raise \$50,000,000 on rentals". In addition to that, every issue of the "Citizens Business" and the pamphlet issued by the Bureau of Municipal Research, which is a non-partisan body, has condemned this plan of council, which they are trying to put through in Philadelphia, and if he thinks with these things in view, this is a political measure, let him vote it down and let the Philadelphia members vote against these amendments. I ask for a roll call Mr. Speaker.

The yeas and nays were required by Mr. Ominsky and Mr. Achterman.

Messrs. Corrigan, Finnerty and Tarr asked for a verification of the roll.

The roll was verified and was as follows:

YEAS—78.

Achterman,	Downey,	Malone,	Rooney,
Allen,	Fauset,	McLane,	Roseberry,
Allmond,	Finnerty,	McVay,	Rosenfeld,
Baker,	Flanagan,	Melchiorre,	Rothenberger,
Balthaser,	Furman,	Mooney,	Sarra,
Bohn,	Harkins,	Moran,	Schrope,
Boles,	Hess,	Munley,	Schwab,
Brancato,	Hindman,	O'Brien,	Shaw,
Broad,	Hoffman, S. K.,	O'Connor,	Skale,
Brown, H. S.,	Holland,	O'Keefe,	Stank,
Burns,	Jirolanio,	Ominsky,	Tarr,
Burriss,	Jones,	O'Neill,	Thompson, E. F.,
Check,	Keenan,	Powers,	Tronzo,
Clark,	Kenahan,	Preston,	Walsh,
Cohen, H. B.,	Kilroy,	Readinger,	Weiss,
Cohen, R. E.,	Krise,	Reese, R. E.,	Welsh, E. B.,
Corrigan,	Levy,	Regan,	Welsh, M. J.,
Dalrymple,	Long,	Reynolds,	Westrick,
D. Note,	Lovett,	Rider,	Williams,
Donohoe,	Malloy,		

NAYS—107.

Ackermann,	Fisher,	Lelsey,	Snyder,
Alspach,	Fliss,	Leydic,	Sollenberger,
Atkins,	Fleming,	Lichtenwalter,	Stambaugh,
Auker,	Foor,	Marr,	Stewart,
Balliet,	Freed,	Matthews,	Sweeney,
Bardes,	Fullerton,	McClester,	Tahl,
Bennett,	Gillan,	McGarrity,	Taylor,
Boorse,	Gillette,	McKinney,	Terry,
Boose,	Goll,	McNally,	Thistle,
Bower,	Habbyshaw,	Montgomery,	Thompson, G. R.,
Boyd,	Haines,	Moser, F. S.,	Tiemann,
Bretherick,	Hall,	Moser, J. L.,	Trout,
Bronson,	Hamilton,	Muir,	Van Allsburg,
Brown, S. W.,	Harbeson,	O'Dare,	Van Belle,
Brunner,	Haudenschild,	Peacock,	Voorhees,
Cadwalader,	Henry,	Peale,	Wagner,
Carpenter,	Hewitt,	Reese, D. P.,	Watkins,
Christler,	Hocke,	Rhodes,	Webster,
Clearwater,	Hoffman, J. N.,	Riley,	Wilson,
Cooper,	Huntley,	Robertson,	Winner,
Cordier,	Irvin,	Rose,	Wood, H. M.,
Curran,	James,	Royer,	Wood, L. H.,
Dick,	Johnston,	Schrock,	Wood, N. N.,
Donahue,	Kline,	Serrill,	Woodside,
Eckels,	Knoble,	Shearer,	Yeakel,
Ely,	Kowalski,	Simons,	Turner,
Ewing,	Lee,	Sloan,	Speaker.

So the question was determined in the negative and the amendments were not agreed to.

On the question recurring,

Will the House agree to the section?

Mr. OMINSKY. Mr. Speaker, I withdraw my other amendments to this section.

On the question recurring,

Will the House agree to the section?

It was agreed to.

The second section was read as follows:

Section 2 Article Three Section Three hundred one of said act be and the same is hereby amended to read as follows:

Section 301 Rates to be just and reasonable Every rate made demanded or received by any public utility or by any two or more public utilities jointly shall be just and reasonable and in conformity with regulations or orders of the commission Provided that [any] only public utility service being furnished or rendered by a municipal corporation or by the operating agencies of any municipal corporation beyond its corporate limits shall be subject to regulations and control by the commission as to rates with the same force and in like manner as if such service were rendered by a public utility

On the question,

Will the House agree to the section?

Mr. OMINSKY. Mr. Speaker, I desire to offer the following amendments.

The SPEAKER. The amendments will be read by the Clerk.

The amendments were read by the Clerk as follows:

Amend Sec. 2 (Sec. 301), page 4, line 23 by inserting after the word "jointly" the following: "or by any municipality which has leased its property to a private organization"

Amend Sec. 2 (Sec. 301), page 4, lines 25 to 28 by striking out the following: "Provided that only public utility" in line 25 and all of lines 26 to 28 both inclusive

Amend Sec. 2 (Sec. 301), page 5, lines 1 to 3 both inclusive, by striking out all of said lines

Amend Sec. 2 (Sec. 301), page 5, line 3 by adding after the word "utility" the following: "Provided, further, That when any municipal corporation shall lease its public utility facilities to any private corporation for a term in excess of ten years, such facilities and rates shall be subject to the commission when such public utility service is being furnished or rendered within or beyond its corporate limits"

On the question,

Will the House agree to the amendments?

Mr. OMINSKY. Mr. Speaker and members of the House, the amendments as read are rather obvious to every one in this House, and the reason they are offered at this time is because the House saw fit to reject the other amendments which would provide regulation by the Public Utility Commission upon the leasing of municipally owned utilities to private corporations.

These amendments provide when municipally owned utilities are leased to private corporations, the lease shall not be for more than ten years. This is in conformity with the present lease which Council has already passed and approved, and which the private utility is endeavoring to extend in order to grant the \$50,000,000 loan to Philadelphia. It is our contention and I believe the contention of everyone who is interested in good government, that no municipality should lease any facilities, whether they are gas works, water works or transit facilities for more than ten years, so that at the end of that period, the city or borough or township may be able to change the regulations in accordance with the changing of time.

These amendments are aimed at the provisions of the newly assigned lease which is now being discussed in Philadelphia, whereby the present gas lease, which is now limited to ten years, may be extended to fifteen or seventeen or possibly twenty years, and therefore I ask the membership of this House to vote for these amendments.

Mr. TAHL. Mr. Speaker and members of the House, it is evident that our friends on the other side are endeavoring to upset the balancing of the budget in the city of Philadelphia. My opinion is that the extension of the lease was not asked by the utilities. It is my understanding that that in the judgment of the city authorities is the proper thing to do. Now, what difference does it make whether the lease is for ten or eleven years, if it is a proper arrangement? I think all of those questions should be left to the municipal authorities.

Again I say, as I said before, this is a move on the part of our friends from Philadelphia on the other side to interfere with Council in balancing the budget, and for that reason I ask the members of the House not to be influenced by the political argument of my friend, Mr. Ominsky, and vote down these amendments.

Mr. OMINSKY. Mr. Speaker and members of the House, there is only one answer I can give to the remarks of the gentleman from Philadelphia, Mr. Tahl, when he says that we are endeavoring to interfere with the Philadelphia budget. It is ridiculous. I think everyone in the state knows the Philadelphia budget has been unbalanced for the last ten years, due to the machinations of the Republican Council of Philadelphia.

Mr. ANDREWS. Mr. Speaker, a rural member, I resent the situation in which we find ourselves. I don't want to be involved in these interminable quarrels about Philadelphia. That city has been the ward of this Legislature for forty years, and it has certainly made an interminable mess of its own affairs. It always can come here, and half of the time beneath its propositions there is a curious proposal which involves the rural districts.

I don't care what Philadelphia does; I don't care how big its debt is, I don't care what kind of a bill my friend has, but I do say to him that in fairness to the rural members, he should take his bill and so amend it that everybody can understand that its provisions do not apply to the rural counties, the rural boroughs and the townships, and if he will do that, I will vote for anything he asks.

Mr. REUBEN E. COHEN. Mr. Speaker, I desire to interrogate the gentleman from Philadelphia, Mr. Tahl.

The SPEAKER. Will the gentleman from Philadelphia permit himself to be interrogated.

Mr. TAHL. I will Mr. Speaker.

Mr. REUBEN E. COHEN. Mr. Speaker, do I understand exactly that the passage of this bill will balance the Philadelphia budget.

Mr. TAHL. Mr. Speaker, it will facilitate the balancing of the budget.

Mr. REUBEN E. COHEN. Isn't it true, Mr. Speaker, that Philadelphia is \$90,000,000 in debt, city and that it spends that much a year, approximately, to run its various affairs.

Mr. TAHL. Mr. Speaker, I do not have that statement before me, but if the gentleman from Philadelphia has it, he can read it to the House.

Mr. REUBEN E. COHEN. Mr. Speaker, I believe that the best authorities say it takes \$86,000,000 and some few pennies to run the city of Philadelphia every year, and isn't it true and doesn't the gentleman from Philadelphia agree with me that the income per year is about \$63,000,000 from all sources of taxes that the citizens of the city of Philadelphia will stand for.

The SPEAKER. The Chair feels that we are not debating the budget of Philadelphia, but the question on the amendment before the House.

Mr. REUBEN E. COHEN. Mr. Speaker, the purpose of my question is to clear up a slight misunderstanding among some of my colleagues. Will the gentleman answer the last question.

Mr. TAHL. Would you mind repeating the last question.

Mr. REUBEN E. COHEN. Am I not correct also in stating that the income of the city of Philadelphia out of all taxes for which the citizens of Philadelphia will stand for, is approximately \$63,000,000 and some old pennies per year.

Mr. TAHL. Mr. Speaker, the gentleman is incorrect.

Mr. REUBEN E. COHEN. Mr. Speaker, will the gentleman inform me what the amount is.

Mr. TAHL. Mr. Speaker, I haven't the figures before me, but I think if the gentleman will refer to the budget, he will find it is a little over \$68,000,000.

Mr. REUBEN E. COHEN. Over \$68,000,000. I will take the correction. Will the gentleman further inform me if the \$50,000,000 that this bill will provide will enable the city of Philadelphia to operate on our meager income?

Mr. TAHL. Mr. Speaker, I suggest that the gentleman consult with City Council of Philadelphia, who will give him the information.

The SPEAKER. The question seems to be as clear as mud.

Mr. REUBEN E. COHEN. Mr. Speaker, will the gentleman also inform me whether or not the control of the gas rates in Philadelphia will under this bill go back to the Gas Commission of Philadelphia.

Mr. TAHL. Mr. Speaker, that is where it should be, in the Gas Commission, because they are appointed by the authorities of the city of Philadelphia.

Mr. REUBEN E. COHEN. Mr. Speaker, will the gentleman advise me who set our gas rates before the passage of the Public Utility Bill in 1937.

Mr. TAHL. Mr. Speaker, while I am not sure, I think it was the Gas Commission.

Mr. REUBEN E. COHEN. Mr. Speaker, will the gentleman agree with me that he and I represent contiguous districts in Philadelphia known as the Northern Liberties Section of Philadelphia.

Mr. TAHL. Mr. Speaker, I agree.

Mr. REUBEN E. COHEN. Mr. Speaker, will the gentleman agree with me that the river front district which my friend from Philadelphia and I represent pays five cents per one hundred more for its gas than any other part of Philadelphia.

Mr. TAHL. Mr. Speaker, I am not objecting to it; I have been paying it.

Mr. REUBEN E. COHEN. Mr. Speaker, will the gentleman then say that with the control and regulation of rates by the Public Utility Commission removed, that condition might not remain.

Mr. TAHL. Mr. Speaker, I think if the Gas Commission fixed the rates, our rates would be much lower than they are today.

The SPEAKER. The Chair feels that the gentleman has proceeded far enough on that question.

Mr. REUBEN E. COHEN. I was just about to thank the gentleman.

Mr. Speaker and members of the House, after having

received practically no information at all, as the Speaker indicated, I want to point out that in my particular district, I believe that Mr. Tahl and I certainly don't care about paying five cents per hundred more for gas than anybody else in our district, because we are politicians and the state takes care of us. However, the old Gas Commission in Philadelphia, in years gone by, always forgot about the good old Northern Liberties and I don't suspect that the new gas commission, should they get this plenary power that this bill seeks to give them, is going to do us any good.

I wish to point out to the members of this House, that the Public Utility Commission is about to do something good for that district, and that is in a suit instituted by taxpayer in that district against the UGI in Philadelphia. The case is before the Public Utility Commission, and in that case I have recently been substituted as counsel for a certain taxpayer. We have been told positively that we are going to get a saving of five cents per hundred in the Northern Liberties district, including Mr. Tahl and myself who do not want any such reduction. So it seems to me, to add one little plaintive note to the arguments heretofore advanced by my colleagues on this side of the House, that this bill should not be permitted to go out in this form, and I quite agree with Mr. Andrews, the gentleman from Cambria, as it may effect the rural districts of the state.

Mr. TAHL. Mr. Speaker and members of the House, I do not want to debate the bill at this time, but I want to say that this gas lease before the Commission has very favorable features in that it reduces the rental cost, it reduces the cost of operation, and notwithstanding all that, the Public Utility Commission has seen fit to withhold approval of the lease. I am informed on very good authority that if this rate is fixed by the Gas Commission of Philadelphia the rates will be reduced and my friend will not be paying five cents more than they are paying in other parts of the city of Philadelphia.

I again ask that the amendment be voted down.

Mr. LEVY. Mr. Speaker, and members of the House, I don't want to take up any more of your time but I just want to add one word. Mr. Tahl expresses very emphatically that this bill has to do with some sort of political maneuvering in Philadelphia. I say to you members outside of Philadelphia, don't be fooled by this statement. This bill is a state issue. It affects every town and hamlet in every county in Pennsylvania where we have a municipally owned utility.

Mr. Tahl is not coming into this House and fooling any members from Philadelphia or any members from outside of Philadelphia by stating that this is another Philadelphia political trick. It is not. If Mr. Tahl were correct he should read the bid that was submitted by bankers in Philadelphia to City Council, affecting this fifty million dollar loan. Don't let him fool you. This proposal is unconstitutional today and it will be unconstitutional after we pass this piece of legislation. Then what do we have? After the Supreme Court declares this \$50,000,000 loan is not constitutional, we are going to have a repealer of the most humane piece of legislation that was passed last session in this House, the Public Utility Law. You will rip from the state Public Utility Commission a power which is vested in it by a law and hand it to hand-picked committees in various councils, and I might add, gentlemen,

that Philadelphia is the only county that has a local commission, which means nothing. How about Carbon County? Does Mr. Tahl know that in Carbon County there is no local commission to take up the work, when the Public Utility Commission has its power ripped from it. What do we have after this is over? We have a public utility operating a city owned plant without any supervision.

Mr. LONG. Mr. Speaker and members of the House, like most members of the House I didn't have an opportunity to look at these amendments previous to this evening. However, it is my understanding that the present amendments submitted by the gentleman from Philadelphia, Mr. Ominsky, provide that where a city or municipality leases to a private corporation or private interest its publicly owned utility, and when that lease is in excess of ten years, then the public shall be protected by having the public Utility Commission supervise the rate and also the regulations of service of the utility.

Now there seems to be some doubt as to whether it is wise to balance Philadelphia's budget by this peculiar method. There even seems to be some doubt as to whether we can balance it at all with this method. There seems to be some doubt as to the wisdom of financing an accumulated deficit of forty million dollars in Philadelphia at this time. There seems to be an even greater doubt as to whether it is wise at this time to also finance ten million dollars of current deficit by such a method. However, these issues only affect us in Philadelphia. If we intend to mortgage the future assets of the city of Philadelphia at this time to meet a so called crisis, that probably is our business. However, there is another point of view. It might benefit us to do these things but, would it benefit the members of the rest of the state to mortgage their future, to mortgage their protection in order to solve the present problem in Philadelphia? That is a matter, not for us from Philadelphia but for you from outside of Philadelphia. Do you wish to mortgage future regulations? Do you wish to sell the rights that you have under the Public Utility Commission Act of regulating the rates and the service of the locally owned and privately operated utilities in excess of ten years? This particular amendment would only permit you to mortgage your future for a ten year period without any insurance.

Mr. SKALE. Mr. Speaker and members of the House, it isn't often that I rise to my feet to address the House, but when I do it is because I feel the necessity and the urgency of doing so.

When I first read this bill I was opposed to it because I didn't quite understand its purpose but after listening to the remarks intended to be in explanation of this bill I became more and more confused. In fact it reminds me of an incident that occurred not so long ago. It seems there was a group of people discussing certain matters and remarks were being bantered back and forth the same as they are on this bill. It also seems, as I later learned, that there was a young lady who came from a very strong Republican district in Philadelphia, but apparently she did not quite understand the difference between the words "facetious" and "Facist", and somebody asked her after she had made certain remarks whether she was attempting to be facetious, and she said, "No, I am a Republican".

Now, members of the House, as I stated to you, this bill and the explanation have become more and more confusing to my mind. To you men outside of Philadelphia who are going along blindly on this bill I appeal to you, because

at some time in the very near future this will come back to haunt you. If you have never seen a ghost walk, you certainly shall in the very near future if you oppose these amendments. The passage of this bill will come back in the very near future to haunt you. I say to you, members of the rural districts, don't follow blindly in opposing these amendments. I ask you, if there is anything you can do, in properly serving your constituents in order to clarify the provisions of this bill, vote for the amendments so that we will know just how we stand on this bill.

Mr. McKINNEY. Mr. Speaker, I just wish to thank the various members from Philadelphia who are so much interested in the rural members and to say that in my experience on the floor of this House, this is the first time it has ever happened.

The SPEAKER. The Chair has no doubt that anything that will cause the gentleman from Venango to make a speech, must be a rare occurrence.

On the question recurring,

Will the House agree to the amendment?

It was not agreed to.

On the question recurring,

Will the House agree to the section?

It was agreed to.

The third section was read as follows:

Section 3. This act shall become effective immediately upon final enactment.

On the question,

Will the House agree to the bill?

Mr. OMINSKY. Mr. Speaker, I desire to offer the following amendment.

The SPEAKER. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend Bill, page 5, by inserting between lines 3 and 4 the following: "Section 3. The provision of this act shall not apply to any municipal corporation which assigns its lease or leases, the value of which involves more than forty million dollars."

On the question,

Will the House agree to the amendments?

Mr. OMINSKY. Mr. Speaker and members of the House, I hope you will indulge with me in these various amendments. I want to assure the membership of the House, although I don't think it will be necessary, that these amendments are not offered in any sense as obstructionist amendments. They are real amendments intended to benefit the city of Philadelphia.

These amendments which I have just offered were inspired by two things, first, the fact that the membership has so far voted down two other amendments which were offered, and these are intended to get something for the citizens of Philadelphia.

The second consideration is an editorial which appeared in the Evening Bulletin, which is a conservative Republican paper of Philadelphia, on February 11, 1939, which reads as follows:

"From Bad to Worse"

"In recent years Council has resorted to a variety of indefensible devices to permit it to spend more money than revenue placed at its disposal. One method was to appropriate less than was needed to carry on city business—as in short-changing police payrolls. Another was to incur deficiency bills for supplies not provided for in

the budget. A third was to appropriate against over-estimates of revenue, despite certainty that the income set down on paper could not be realized. Over-spending has now produced a cumulative deficit of some \$39,500,000.

"Though Council has exhausted book-keeping expedients to enable it to persevere in a ruinous financial course, it has one more scheme in its bag of tricks. Under cover of securing cash advances against future gas works revenue for the purpose of extinguishing floating debt, the Councilmen purpose to slip in a \$10,000,000 item of borrowed money to enable them to continue for another year the over-spending practice.

"This is crack-brained finance. It will hurt the city's credit, hurt the taxpayers, hurt the merchants and impede civic progress. The project ought to be blocked by an uprising of level-headed citizens.

"To pay off one form of debt with another, and satisfy the just demands of city creditors with ready cash, is quite defensible if legally practicable; but to incur new debt for 1939 running expenses is a horse of another color. Who, outside of Council, favors this method of making a bad situation worse?"

This, Mr. Speaker and members of the House, is the reason for these amendments. They provide that Council can only acquire \$40,000,000 as a result of the lease of the gas works, and in that way only take care of the present debt and not a future possible debt of \$10,000,000. Again I repeat to the membership of this House that the project ought to be blocked by an uprising of level-headed citizens, and I presume, members of this House, that you are all level-headed citizens.

Mr. TAHL. Mr. Speaker and members of the House, this amendment should also be voted down for the reason that has already been stated. There is also an additional reason, that is that Council should not be hampered in its balancing of the budget. There should not be any interference with the Council of the city of Philadelphia in that respect, because the citizens of Philadelphia do not want any additional taxes. For that reason I ask you to vote these amendments down.

On the question recurring,

Will the House agree to the amendment?

It was not agreed to.

On the question recurring,

Will the House agree to the section?

Mr. OMINSKY. Mr. Speaker, I desire to offer the following amendment.

The SPEAKER. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend Bill, page 5, by inserting between lines 3 and 4 the following: "Section 3. Any municipal corporation assigning any lease of any operating company, shall apply ten per centum of such proceeds to defraying Works Progress Administration projects within its own corporate limits."

On the question,

Will the House agree to the amendment?

Mr. OMINSKY. Mr. Speaker and members of the House, in asking the membership of this House to vote for these amendments I want to say sincerely and definitely that these amendments affect every corner of the state of Pennsylvania. This amendment provides that if the capital, if the assets of municipal government, are leased to a corporation, ten per cent of those assets should be expended

in capital expenditures, such as works relief. We all know what the situation in Philadelphia is regarding works relief. We know that due to the lack of appropriation of funds by the Council of the city of Philadelphia in the last two years that the relief rolls all over Philadelphia have mounted to such an extent that it is costing Pennsylvania anywhere from ten to fifteen million dollars in payment of direct relief. This amendment provides when an assignment of a lease is made, whereby cash goes into the coffers of the city of Philadelphia, and, Mr. Speaker and members of the House, this bill is particularly aimed at Philadelphia, for instance, if they lease the gas works for fifty million dollars, at least five million of those fifty million dollars goes for the sponsoring of works relief, and therefore effects a saving for the taxpayers of Pennsylvania of at least from twelve and one-half to fifteen million dollars a year, because the works progress projects are sponsored by the federal government in Washington, whereas direct relief in Pennsylvania is paid direct by the citizens of Pennsylvania. Let me remind you, in support of these amendments, of the speech which His Excellency, the Governor, made on inauguration day, which you will find in the journal on page 142, where he stated as follows:

"Pennsylvania wants to pay her proper share of the national costs. She is more than willing, even anxious, to extend her helping hand to any other communities which may have more distress and suffering than Pennsylvania has. But in the present crisis, in which we have fallen far behind most other states in employment, in which we ourselves may be in grave need of help, it would be manifestly unfair for this state to be expected to pay a disproportionately large sum of national cost without an equally large ratio of return."

The Governor continued with his Inauguration Address as follows:

"At the proper time I shall submit to Washington Pennsylvania's request for further PWA, WPA and similar grants. There is no reason to expect anything but a favorable response to these requests, since it is my intention to do my full share in seeing that such moneys are expended for precisely the same purpose for which they were raised—honestly expended for worth-while projects that will furnish employment to men and women otherwise would have to be supported by relief."

This amendment intends to carry out this very thing which Governor James said on his inauguration day. Lest there be a misunderstanding, these WPA funds will be protected and expended by the Republican City Council, and so, surely, this is not a political move.

Mr. TAHL. Mr. Speaker and members of the House, I do not want to take up any more of your time but this is another move to hamper and hamstring the city of Philadelphia. The city of Philadelphia is able to do it and it will do it anyway, and for that reason I ask you to vote down the amendment.

Mr. HERBERT B. COHEN. Mr. Speaker and members of the House, I am concerned with the passage of this amendment because I am concerned with the balancing of our own state budget. The Governor's budget provides for an appropriation of \$129,000,000 for relief. The present biennium will require the expenditure not of \$129,000,000 but of approximately \$204,000,000 for relief, because of the tremendous relief load that has been born by the citizens of Pennsylvania and by the taxpayers of Pennsylvania, and that has been brought about in part by the fact that

not all of the Pennsylvania municipalities have availed themselves of the opportunities of reducing the relief load by utilizing work relief. Philadelphia has approximately two million people, representing one-fifth of the population of this Commonwealth. However, Philadelphia has approximately two-fifths of the relief rolls, occasioned by the fact that Philadelphia has not utilized or availed itself of Federal relief funds in WPA projects, nor has it availed itself of Federal assistance. I understand that these amendments require a certain percentage, ten percent, of the moneys secured from the leasing of the Philadelphia Gas Works shall be utilized in capital improvement through WPA projects. It is not good financing for the city of Philadelphia to take an asset of this size that brings into the coffers of the city of Philadelphia a yearly rental, an appreciable income of four million two hundred thousand dollars, to take that asset and mortgage the income for approximately seventeen years with the result that the city of Philadelphia will be deprived of that \$4,200,000 income, and the money obtained thereby would be utilized in the payment of current expenses. Philadelphia, by this bill, is going to dissipate a capital asset. It is only logical that in order to obviate the entire wasting of these moneys through the entire dissipation of these capital assets, that some of these capital assets should be turned into other capital assets, and at the same time relieve the relief situation that is of concern to all the people of the Commonwealth of Pennsylvania. I would say to the members of Philadelphia, I would say to the members from the rural counties, if we are concerned about the problem of balancing our own state budget, if we are concerned about the fact that the Governor himself readily admits that the \$129,000,000 will not last for appreciably more than thirteen or fourteen months, if we are concerned with the necessity of having an extraordinary session of the Legislature in order to raise the revenue in order to take care of relief for the balance of the biennium, if we are concerned with the conservation of the assets of the Commonwealth, if we are concerned about obviating the necessity of imposing any new taxes, if we can reduce our relief rolls, our direct relief rolls, if we can reduce the direct relief rolls of Philadelphia, which, as I said before, has but one-fifth of the population and two-fifths of the relief rolls, occasioning the expenditure during the biennium of approximately \$80,000,000 to maintain relief in the city of Philadelphia, if that can be obviated, if that can be cut down, I say that it is the province of the members of this House to so do and I ask unanimous support for these amendments.

On the question recurring,

Will the House agree to the amendments?

The yeas and nays were required by Mr. Ominsky and Mr. Herbert B. Cohen.

Messrs. Ominsky, Levy and Long asked for a verification of the roll.

The roll was verified and was as follows:

YEAS—62.

Achterman,	Fauset,	Moran,	Sarraff,
Allen,	Finnerty,	O'Connor,	Schrope,
Allmond,	Flanagan,	O'Keefe,	Schwab,
Andrews,	Furman,	Ominsky,	Shaw,
Baker,	Harkins,	O'Neill,	Skale,
Boney,	Hess,	Powers,	Stank,
Brancato,	Hindman,	Preston,	Tarr,
Broad,	Holland,	Readinger,	Thompson, E. F.,
Burns,	Jirolanio,	Reese, R. E.,	Tronzo,
Check,	Keenan,	Regan,	Walsh,

Cohen, H. B.,	Kilroy,	Reynolds,	Weiss,
Cohen, R. E.,	Levy,	Rider,	Welsh, E. B.,
Corrigan,	Lovett,	Rooney,	Welsh, M. J.,
Dalrymple,	Malloy,	Rosenfeld,	Westrick,
DeNote,	Malone,	Rothenberger,	Williams,
Downey,	Mooney,		

NAYS—115.

Ackermann,	Fleming,	Lichtenwalter,	Sollenberger,
Alspach,	Foor,	Lyons,	Stambaugh,
Atkins,	Freed,	Marr,	Stewart,
Auker,	Fullerton,	Matthews,	Stockham,
Balliet,	Gillan,	McClester,	Sweeney,
Bardes,	Gillette,	McGarrity,	Tahl,
Boorse,	Habbyshaw,	McKinney,	Taylor,
Boose,	Haines,	McNally,	Terry,
Boyd,	Hall,	McVay,	Thistle,
Bretherick,	Hamilton,	Montgomery,	Thompson, G. R.,
Bronson,	Harbeson,	Moser, F. S.,	Tiemann,
Brown, S. W.,	Haudenschild,	Moser, J. L.,	Trout,
Cranner,	Henry,	Muir,	Van Allsburg,
Cadwalader,	Hewitt,	O'Dare,	Van Belle,
Calvin,	Hocke,	Peale,	Voorhees,
Carpenter,	Hoffman, J. N.,	Reese, D. P.,	Wagner,
Christler,	Hoyt,	Rhodes,	Watkins,
Clark,	Huntley,	Riley,	Webster,
Clearwater,	Irvin,	Robertson,	Wilkinson,
Cook,	James,	Rose,	Wilson,
Cooper,	Johnston,	Roseberry,	Winner,
Cordier,	Jones,	Royer,	Wood, H. M.,
Curran,	Kline,	Schrock,	Wood, L. H.,
Denman,	Knoble,	Self,	Wood, N.,
Dick,	Kowalski,	Serrill,	Woodside,
Donahue,	Krise,	Shearer,	Yeakel,
Eckels,	Lee,	Simons,	Turner,
Ely,	Lelsey,	Sloan,	Speaker,
Ewing,	Leydic,	Snyder,	

So the question was determined in the negative and the amendment was not agreed to.

On the question recurring,

Will the House agree to the section?

Mr. OMINSKY. Mr. Speaker, I desire to offer the following amendment.

The SPEAKER. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend Sec. 3, page 5, lines 4 and 5 by striking out the following: H "immediately upon final enactment" and inserting in lieu thereof: "the first day of January, one thousand nine hundred and forty"

On the question,

Will the House agree to the amendment?

Mr. OMINSKY. Mr. Speaker and members of the House, I may be accused of trying to obstruct the passage of this bill unduly, but that is not so. The purpose of this amendment is to provide an effective date beyond the next councilmanic election. You all probably know this November the entire Council of the City of Philadelphia comes up for election and the Mayor of Philadelphia is to be elected, and I say, that the insertion of this amendment to this bill thus extending the effective date to the end of the year will indirectly give the citizens of Philadelphia a referendum vote on the question as to whether or not the Philadelphia citizens prefer to be burdened with a \$50,000,000 loan on its gas works which to my mind will be a proper issue in Philadelphia as far as the local election is concerned. Instead of offering an amendment for a referendum for the city of Philadelphia on this bill which would involve additional cost and expense for a special election, this amendment intends to provide a referendum by the vote of the people of Philadelphia in the November councilmanic and mayoralty election, therefore I ask the members of the House to vote aye on this amendment.

Mr. TAHL. Mr. Speaker and members of the House, I do not desire to unduly prolong this debate but it is very

evident from this amendment that it was conceived in iniquity and is a further endeavor to hamstring the Council of the city of Philadelphia. In other words, the gentleman is worrying about the election in 1939 and that is what he is talking about. I ask the members of the House to vote down this amendment.

On the question recurring,

Will the House agree to the amendment?

It was not agreed to.

On the question recurring,

Will the House agree to the section?

It was agreed to.

The title was read as follows:

An Act to amend Section Three hundred one of an Act approved the Twenty-seventh day of May one thousand nine hundred and thirty-seven Pamphlet Laws one thousand and fifty-three known as the "Public Utility Law" by excluding from the definition of "Facilities" as used therein property owned by municipal corporations of the Commonwealth of Pennsylvania when the said act became effective and providing that the Pennsylvania Public Utility Commission shall have power to regulate and fix the rates for service furnished by public utilities owned by municipal corporations of the Commonwealth of Pennsylvania only when the public service being furnished or rendered by any municipal corporations shall be beyond its corporate limits and extending such freedom from regulation and control by the Commission to public utility service furnished or rendered by an operating agency of any such municipal corporation.

On the question,

Will the House agree to the title?

Mr. TAHL. Mr. Speaker, I desire to offer the following amendment.

The SPEAKER. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend title, page 1, line 1 of title, by inserting after the word "amend" the following: "Clause ten of Section two and."

On the question,

Will the House agree to the amendment?

Mr. TAHL. Mr. Speaker and members of the House, this amendment is made to make it legal and make it consistent with the amendment to the bill.

On the question recurring,

Will the House agree to the amendment?

It was agreed to.

On the question,

Will the House agree to the title as amended?

It was agreed to.

And said bill having been read at length the second time and agreed to as amended.

Ordered, To be transcribed for a third reading.

MOTION TO RECOMMIT

Mr. OMINSKY. Mr. Speaker and members of the House, in view of the fact that the Republican majority of this House has seen fit to vote down all the good amendments which were intended for the relief of the citizens of Philadelphia, I now move that House Bill No. 338, Printer's No. 37, be recommitted to the Committee on Public Utilities for further study and possible public hearing. I feel that not only should Philadelphia but every rural county of Pennsylvania should be given an opportunity to voice its opinion on this measure.

On the question,

Will the House agree to the motion?

Mr. TAHL. Mr. Speaker and members of the House, this is another move to delay the passage of this bill. I have said enough about this bill and I do not care to say any more, but I ask you to vote down the motion.

Mr. OMINSKY. Mr. Speaker and members of the House, this is not another move to delay, but even if it were—this bill, involving the sum of \$50,000,000 and a mortgage for seventeen years on the facilities which Philadelphia now owns, is important enough to delay it a short time until we get a proper determination of it.

This bill was introduced on February 28th; it was reported out of Committee on Public Utilities, on March 7th, just seven calendar days, and perhaps two legislative days afterwards, and it is now up practically for final passage. No one has had a chance to discuss this bill; no one has had a chance to look into the merits of this bill. As a matter of fact the sponsor of the bill has indicated on interrogation, on the floor of this House, that he does not know anything about the bill. Therefore, in fairness, not only to Philadelphia but to every community of Pennsylvania, this bill should not be passed today but should be aired at a public hearing, where opportunity will be given for both sides of the question to be heard.

On the question recurring,

Will the House agree to the motion?

The yeas and nays were required by Mr. Ominsky and Mr. Matthew J. Welsh.

Messrs. Ominsky, Reuben E. Cohen and Matthew J. Welsh asked for a verification of the roll.

The roll was verified and was as follows:

YEAS—69

Achterman,	Fauset,	Malone,	Rooney,
Allen,	Finnerty,	McLane,	Rosenfeld,
Allmond,	Flanagan,	Melchiorre,	Rothenberger,
Baker,	Furman,	Mooney,	Sarra,
Balthaser,	Harkins,	Moran,	Schrope,
Bohn,	Hess,	Munley,	Schwab,
Boles,	Hindman,	O'Connor,	Shaw,
Boney,	Hoffman, S. K.,	O'Keefe,	Skale,
Brancato,	Holland,	Ominsky,	Stank,
Broad,	Jirolanio,	O'Neill,	Tarr,
Brown, H. S.,	Keenan,	Powers,	Thompson, E. F.,
Burns,	Kenehan,	Preston,	Walsh,
Check,	Kilroy,	Readinger,	Wells,
Cohen, H. B.,	Levy,	Reese, R. E.,	Welsh, E. B.,
Cohen, R. E.,	Long,	Regan,	Welsh, M. J.,
Corrigan,	Lovett,	Reynolds,	Westrick,
DeNote,	Malloy,	Rider,	Williams,
Dorney,			

NAYS—125

Ackermann,	Ewing,	Lelsey,	Simons,
Alspach,	Fisher,	Leydic,	Sloan,
Atkins,	Fliss,	Lichtenwalter,	Snyder,
Auker,	Fleming,	Lyons,	Sollenberger,
Balliet,	Foor,	Madden,	Stambaugh,
Bardes,	Freed,	Marr,	Stewart,
Bennett,	Fullerton,	Matthews,	Stockham,
Boorse,	Gates,	McClester,	Sweeney,
Boose,	Gillan,	McGarrity,	Tahl,
Bower,	Gillette,	McKinney,	Taylor,
Boyd,	Goll,	McNally,	Terry,
Bretherick,	Habbyshaw,	McVay,	Thistle,
Bronson,	Haines,	Montgomery,	Thompson, G. R.,
Brown, S. W.,	Hall,	Moser, F. S.,	Tiemann,
Brunner,	Hamilton,	Moser, J. L.,	Trout,
Cadwalader,	Harbeson,	Muir,	Van Allsburg,
Calvin,	Haudenschild,	O'Dare,	Van Belle,
Carpenter,	Henry,	Peacock,	Voorhees,
Christler,	Hewitt,	Peale,	Wagner,
Clark,	Hocke,	Reagan,	Watkins,
Clearwater,	Hoffman, J. N.,	Reese, D. P.,	Webster,
Cook,	Hoyt,	Rhodes,	Wilkinson,
Cooper,	Huntley,	Riley,	Wilson,
Cordier,	Irvin,	Robertson,	Winnier,
Curran,	James,	Rose,	Wood, H. M.,

Dalrymple,	Jones,	Roseberry,	Wood, L. H.,
Denmah,	Johnston,	Royer,	Wood, N.,
Dick,	Kline,	Schrock,	Woodside,
Dix,	Knoble,	Self,	Yeakel,
Donahue,	Kowalski,	Serrill,	Turner,
Eckels,	Krise,	Shearer,	Speaker.
Ely,	Lee,		

So the question was determined in the negative and the motion was not agreed to.

BILL ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 196, entitled:

An Act to amend the act approved the seventh day of August one thousand nine hundred and thirty-six (P. L. 117) entitled "An act making an appropriation to the Department of Forests and Waters for the purpose of building and constructing new dikes levees and river bank protections along the Delaware River at Morrisville Borough Bucks County" by fixing the elevations of the said dikes levees and river bank protections

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

Mr. HOLLAND. Mr. Speaker and members of the House, it is with pleasure that I rise to support House Bill No. 196, sponsored by the gentleman from Bucks County, Mr. Stockham. I wish to compliment Mr. Stockham on his efforts to protect his constituents from floods. for we in Western Pennsylvania, especially the City of Pittsburgh, are well acquainted with the devastation and ruin caused by floods.

However, we want to also keep uppermost in our minds that as Legislators, we are not merely interested in our own legislative districts, but we are here to legislate for the betterment of all the people in Pennsylvania. I do hope that I am not boring this House in my attempt to have the Governor definitely continue a Flood Program for all of Pennsylvania, which will eliminate individual bills and expense for the treating of flood programs or plans in each individual legislative district in the State.

If the new Secretary of Forests and Waters, as well as the Governor, had not made so many asinine political statements on flood control, the members of this House would feel that the question of flood control was definitely settled and the General Assembly could start studying solutions of other vital problems in our Commonwealth.

Mr. Stockham is to be complimented that he is conscientious in seeing that at least Bucks County will not suffer from future floods. But I do want to point out to Mr. Stockham, the gentleman from Bucks County, that there are sixty-seven counties in this State, and that every inhabitant in these sixty-seven counties should be just as well protected from the ravages of flood waters as are the inhabitants of Bucks County. But if these dikes, which are proposed in this Bill, are necessary to save one life in Bucks County, I am for the Bill 100%, and I ask all the members of the minority party in this House to support this Bill with an "aye" vote.

Mr. STOCKHAM. Mr. Speaker and members of the House, the gentleman from Bucks is quite appreciative of the compliment paid him by the gentleman from Allegheny.

I rise only in an explanatory way to make one statement of fact. The question has been asked of me as to whether this bill contains an appropriation. It is an amendment to a former bill which did in itself contain an appropriation. This bill does not contain any appropriation. It simply fixes the elevation, the top and the height of this dike, and describes what those elevations shall be and how they shall be arrived at.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—200

Achterman,	Eckels,	Leydic,	Sarrafi,
Ackermann,	Ely,	Lichtenwalter,	Schrock,
Allen,	Ewing,	Long,	Schrope,
Allmond,	Fauset,	Lovett,	Schwab,
Alspach,	Finnerly,	Lyons,	Self,
Andrews,	Fisher,	Madden,	Serrill,
Atkins,	Flass,	Malloy,	Shaw,
Auker,	Flanagan,	Malone,	Shearer,
Baker,	Fleming,	Marr,	Simons,
Balliet,	Foor,	Matthews,	Skale,
Balthaser,	Freed,	McClester,	Sloan,
Bardes,	Fullerton,	McGarrity,	Snyder,
Bennett,	Furman,	McKinney,	Sollenberger,
Bohn,	Gates,	McLane,	Stambaugh,
Boles,	Gillan,	McNally,	Stank,
Boney,	Gillette,	McVay,	Stewart,
Boorse,	Goll,	Melchiorre,	Stockham,
Boose,	Habbyshaw,	Montgomery,	Sweeney,
Bower,	Haines,	Mooney,	Tahl,
Boyd,	Hall,	Moran,	Tarr,
Brancato,	Hamilton,	Moser, F. S.,	Taylor,
Bretherick,	Harbeson,	Moser, J. L.,	Terry,
Broad,	Harkins,	Muir,	Thistle,
Bronson,	Haudenshield,	Munley,	Thompson, E. F.,
Brown, H. S.,	Henry,	O'Brien,	Thompson, G. R.,
Brown, S. W.,	Hess,	O'Connor,	Tiemann,
Brunner,	Hewitt,	O'Dare,	Tronzo,
Burns,	Hindman,	O'Keefe,	Trout,
Burris,	Hocke,	Ominsky,	VanAllsburg,
Cadwalader,	Hoffman, J. N.,	O'Neill,	Van Belle,
Calvin,	Hoffman, S. K.,	Peacock,	Voorhees,
Carpenter,	Holland,	Peale,	Wagner,
Check,	Hoyt,	Powers,	Walsh,
Christler,	Huntley,	Preston,	Watkins,
Clark,	Irvin,	Readinger,	Webster,
Clearwater,	James,	Reagan,	Weiss,
Cohen, H. B.,	Jirolanio,	Reese, D. P.,	Welsh, E. B.,
Cohen, R. E.,	Johnston,	Reese, R. E.,	Welsh, M. J.,
Cook,	Jones,	Regan,	Westrick,
Cooper,	Kane,	Reynolds,	Wilkinson,
Cordier,	Keenan,	Rhodes,	Williams,
Corrigan,	Kenahan,	Rider,	Wilson,
Curran,	Kilroy,	Riley,	Winner,
Dalrymple,	Kline,	Robertson,	Wood, H. M.,
Denman,	Knoble,	Rooney,	Wood, L. H.,
DeNote,	Kowalski,	Rose,	Wood, N.,
Dick,	Krise,	Roseberry,	Woodside,
Dix,	Lee,	Rosenfeld,	Yeakel,
Donahue,	Lelsey,	Rothenberger,	Turner,
Donohoe,	Levy,	Royer,	Speaker.
Downey,			

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

SENATE MESSAGE

TIME OF NEXT MEETING

The Clerk of the Senate being introduced presented an extract from the Journal of the Senate, which was read as follows:

In the Senate, March 13, 1939.

Resolved (if the House of Representatives concur), That when the Senate adjourns this week it reconvene on Monday evening, March 20, at nine o'clock; and when the House of Representatives adjourns this week it reconvene on Monday evening, March 20, at eight o'clock.

Ordered, That the Clerk present the same to the House of Representatives for its concurrence.

On the question,

Will the House concur in the resolution of the Senate?

It was concurred in.

Ordered, That the Clerk inform the Senate accordingly.

REQUEST TO ADDRESS HOUSE

Mr. HOLLAND. Mr. Speaker, I ask unanimous consent of the House to address the House.

The SPEAKER. The gentleman from Allegheny, Mr. Holland, asks unanimous consent to address the House. Is there objection? The Chair hears objections and consent is not granted.

QUESTION OF PERSONAL PRIVILEGE

Mr. HOLLAND. Mr. Speaker, I rise to a question of personal privilege.

The SPEAKER. The gentleman will state his question of personal privilege.

Mr. HOLLAND. Mr. Speaker and members of the House, much has been said in this House on the vote taken last Monday to discharge the Federal Relations Committee from further consideration of Resolution No. 15, so that legislators—

POINT OF ORDER

Mr. WOODSIDE. Mr. Speaker, I rise to a point of order.

The SPEAKER. The gentleman will state his point of order.

Mr. WOODSIDE. Mr. Speaker, the gentleman is not speaking on a question of personal privilege.

The SPEAKER. The point of order is well taken.

Mr. HOLLAND. Mr. Speaker, the gentleman has not permitted me to get into my question of personal privilege, and I was desirous of giving a little introduction as to why this statement should be made.

The SPEAKER. The Chair would like to read Rule No. 67 for the information of the House.

"Any member may rise and explain a matter personal to himself by leave of the Speaker, but he shall not discuss any pending question in such explanation. Questions of personal privilege shall be limited to questions affecting the rights, reputation and conduct of members of the House in their representative capacity."

MOTION TO SUSPEND RULE

Mr. HOLLAND. Mr. Speaker, I move the suspension of the Rule so that I may address the House.

POINT OF ORDER

Mr. ANDREWS. Mr. Speaker, I rise to a point of order.

The SPEAKER. The gentleman will state his point of order.

Mr. ANDREWS. Mr. Speaker, I make the point of order that you cannot suspend personal privilege. Per-

sonal privilege is a constitutional right and this House cannot suspend personal privilege.

The SPEAKER. Will the gentleman from Allegheny advise the Chair what rule he desires to suspend?

Mr. HOLLAND. Mr. Speaker, I rose to a question of personal privilege because my motive was questioned in this House last Monday by some of the members after the session had adjourned.

The SPEAKER. The gentleman will be advised he can only speak on a question of personal privilege with leave of the Chair, and the gentleman so far has not been speaking on a question of personal privilege.

Mr. HOLLAND. I ask unanimous consent, Mr. Speaker, to address the House at this time.

The SPEAKER. If the gentleman desires to speak under personal privilege he may proceed, but the gentleman must proceed in accordance with Rule 67.

PARLIAMENTARY INQUIRY

Mr. HARKINS. Mr. Speaker, I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state his parliamentary inquiry.

Mr. HARKINS. Mr. Speaker, did not the gentleman from Allegheny, Mr. Holland, bring himself within the rule when he stated that his motives had been questioned?

The SPEAKER. For the information of the gentleman, the Chair would say that that was in answer to a question by the Chair. The gentleman has not been talking on the question of personal privilege.

Mr. HARKINS. Mr. Speaker, if the gentleman from Allegheny, Mr. Holland, had stated that as his question of personal privilege, would he then be within his privilege in talking on a question of personal privilege?

The SPEAKER. If the subject matter of his remarks is directed to the question of his reputation or his integrity.

The Chair desires to read for the information of the House, the following:

"Questions affecting the rights, reputation and conduct of members of the House in their representative capacity are questions of personal privilege.

"Questions of privilege of a member must relate to a person as a member of the body, or relate to charges against his character, which would, if true, incapacitate him for membership, and he is not entitled to the floor on a question of personal privilege unless the subject which he proposes to present relates to him in his representative capacity.

"A person who raises the question of personal privilege must confine himself to remarks which concern himself personally, and when speaking under a personal privilege a member has no right to defend any person other than himself."

If the gentleman from Allegheny will confine himself to the question of personal privilege, he has a right to be heard.

Mr. HARKINS. Do I understand by the ruling of the Speaker, that the Speaker now decides that the gentleman from Allegheny, Mr. Holland, has presented his question of personal privilege?

The SPEAKER. The Chair did not so rule. The Chair merely stated what the rights of the member were.

The gentleman from Allegheny, Mr. Holland, has the floor.

Mr. HOLLAND. Mr. Speaker and members of the House, as stated, my motive in talking on flood control in this House has been assailed by some of the newspapers as being strictly political. I want the members of this House to know that part of my district is flooded by every flood. The people of my district want me to bring back to them a definite answer from the Governor, as well as from the Secretary of Forests and Waters, as to their future plans—

The SPEAKER. The Chair does not feel that the gentleman from Allegheny is talking on a question of personal privilege. The gentleman is making a statement and is out of order.

Mr. HOLLAND. Mr. Speaker, I appeal from the ruling of the Chair.

The SPEAKER. The gentleman from Allegheny appeals from the ruling of the Chair. Is the appeal seconded? The Chair hears no second to the appeal.

PARLIAMENTARY INQUIRY

Mr. HARKINS. Mr. Speaker, I rise to a parliamentary inquiry.

The SPEAKER. The gentleman from Allegheny will state his parliamentary inquiry.

Mr. HARKINS. Mr. Speaker, did not the gentleman from Allegheny, Mr. Holland, state a question of personal privilege when he stated that his motives for certain of his actions in his representative capacity in connection with the question of flood control had been questioned? Did that not entitle him to the floor?

The SPEAKER. The Chair feels that there is no question about that question in either the mind of the member or the Chair. When the gentleman from Allegheny stated that his reputation and his veracity had been questioned he was stating a question of personal privilege, but the gentleman is making a general statement which the Chair feels is apparent to all.

Mr. HARKINS. Mr. Speaker, would it not be desirable to allow the member from Allegheny, Mr. Holland, some latitude in order to explain his motives and his actions in connection with the question of flood control under his question of personal privilege?

The SPEAKER. The Chair feels that that question was determined by the House when the gentleman from Allegheny asked leave to address it. The Chair believes that the gentleman from Allegheny, Mr. Holland, and the gentleman from Allegheny, Mr. Harkins, realize that the hour is now about 12:20 and that a great many of the members are anxious to get away from the hall of the House. If the gentleman from Allegheny, with whom the House has had a great deal of patience desires to address the House at some other time, the Chair feels reasonably certain that the members will grant him that privilege, but the gentleman should not at twenty minutes after twelve press for unanimous consent to address the House, and then attempt to make the address by a subterfuge under a question of personal privilege after consent has been denied.

MOTION TO GRANT PERMISSION TO ADDRESS HOUSE

Mr. OMINSKY. Mr. Speaker, I move that this House grant permission to the gentleman from Allegheny to address the House at this time.

The SPEAKER. The motion of the gentleman from Philadelphia is out of order.

Mr. OMINSKY. Mr. Speaker, do I understand the ruling of the Chair to be that this motion is out of order at this time?

The SPEAKER. It is, because unanimous consent is required to address the House.

The Chair desires to explain to the gentleman from Philadelphia that he should mope to suspend the rules if he desires to have the gentleman from Allegheny address the House.

For the information of the gentleman from Philadelphia Rule 14 fixes the regular order of business. For the further information of the gentleman we are on the order of business of resolutions, and therefore if the gentleman desires to address the House he will have to move to suspend Rule 14, and set that order of business aside.

STATEMENT BY MR. OMINSKY

Mr. OMINSKY asked and obtained unanimous consent to address the House.

Mr. Speaker and members of the House, this is the first time I think since this Session began, that unanimous consent has not been given to a member to address the House. It seems to me it comes with bad grace, whether it is ten minutes after twelve or ten minutes after one, since we have listened to other members address the House for any length of time they wished. This is the first time, it seems to be, that objection has been made, and therefore, I yield the floor to the gentleman from Allegheny, Mr. Holland.

The SPEAKER. The Chair recognizes the gentleman from Allegheny, Mr. Holland.

Mr. HOLLAND. Mr. Speaker and members of the House, last Monday night I asked the members of this House to discharge the Federal Relations Committee—

The SPEAKER. For what purpose does the gentleman arise?

Mr. HOLLAND. Mr. Speaker, to make a brief statement.

The SPEAKER. Will the House give its unanimous consent to the gentleman from Allegheny to address the House? Is there objection? The Chair hears objection, and consent is not granted.

MOTION TO SUSPEND RULE 14

Mr. HOLLAND. Mr. Speaker, I move that Rule 14 be suspended for the specific purpose of allowing me to address the House.

On the question,

Will the House agree to the motion?

MOTION TO ADJOURN

Mr. KANE. Mr. Speaker, I move that this House do now adjourn, as there is no further business before it, to re-assemble at one o'clock tomorrow.

On the question,

Will the House agree to the motion?

MOTION TO TABLE

Mr. HOLLAND. Mr. Speaker, I move that the motion made by the gentleman from McKean, Mr. Kane, be tabled, and Mr. Speaker, I ask for a roll call.

The SPEAKER. The motion is out of order. A motion to adjourn cannot be laid upon the table.

Mr. HARKINS. Mr. Speaker, I ask for a roll call on the motion of the gentleman from McKean, Mr. Kane.

Mr. BAKER. I second the request.

The SPEAKER. Two members having asked for a roll call, the roll will be called.

Mr. KANE. Mr. Speaker, may I be permitted to say to the gentleman from Allegheny that it is not because I have any objection to his statement, because I raised no objection—

The SPEAKER. The gentleman from McKean is out of order. The motion is not debatable. The question is on the motion to adjourn.

PARLIAMENTARY INQUIRY

Mr. ANDREWS. Mr. Speaker, I rise to a parliamentary inquiry.

The SPEAKER. The gentleman from Cambria will state his parliamentary inquiry.

Mr. ANDREWS. Mr. Speaker, is not a motion to adjourn to a particular time debatable as to the time?

The SPEAKER. On the question raised by the gentleman from Cambria, Mr. Andrews, the Chair feels that this is a simple motion to adjourn and is not debatable.

Mr. ANDREWS. Mr. Speaker, does the Chair distinguish between a motion to adjourn sine die and a motion to adjourn to a certain date?

The SPEAKER. The Chair feels that this is a simple, unqualified motion to adjourn. It is not fixing a future date but is adjourning to the time of meeting tomorrow. To permit debate would defeat the purpose of the motion.

QUESTION OF INFORMATION

Mr. ACHTERMAN. Mr. Speaker, I arise to a question of information.

The SPEAKER. The gentleman from Monroe will state his question of information.

Mr. ACHTERMAN. Mr. Speaker, can the Chair advise me what hour was stated in the motion?

The SPEAKER. The usual hour, one o'clock.

AMENDMENT TO MOTION

Mr. ACHTERMAN. Mr. Speaker, I now arise for the purpose of amending the motion to 8:00 a. m. tomorrow and, Mr. Speaker, I ask for a roll call on my motion.

The SPEAKER. The Chair will read a decision on the question of amending a motion to adjourn.

On the question of agreeing to a motion to adjourn the point of order was raised that a motion to adjourn cannot be amended. The Speaker ruled that a motion to adjourn is not subject to amendment. (Legislative Record, February 7, 1906 page 402). The gentleman is therefore out of order.

APPEAL FROM DECISION OF CHAIR

Mr. ACHTERMAN. Mr. Speaker, I now appeal from the decision of the Chair.

Mr. HOLLAND. Mr. Speaker, I second the appeal.

The SPEAKER. Two members having appealed from the decision of the Chair, the Chair calls upon the gentleman from Lancaster, Mr. Wood, to preside.

Mr. NORMAN WOOD (SPEAKER PRO TEMPORE) IN THE CHAIR

The SPEAKER (pro tempore). The question before the House is:

Shall the ruling of the Speaker stand as the judgment of the House?

Mr. ACHTERMAN. Mr. Speaker and members of the House, I desire to speak briefly on the reason for my appeal from the decision of the Chair, and the reason that I believe the appeal should be sustained.

It is indeed a rare occasion, Mr. Speaker, when a member of this House arises for the purpose of addressing the House on a subject that is vital, not only to his community but to the entire state, that the members or a portion of the members of this House would deny that man the opportunity of stating his viewpoint.

This government of ours, Mr. Speaker, is a representative form of government and we meet here regularly for the purpose of discussing the conditions and the ailments of every section of our state, and a duly elected representative of this government should be granted the courtesy, the privilege and the right, at regular times and in a regular manner, to address this assembly, so that the problem that he is bringing here can receive due and proper consideration and attention. No member should be denied the opportunity to address this House. No more serious charge could be hurled than the charge that you are applying here tonight the gag rule upon an individual who desires to tell you of things that affect him and his community.

To sustain this appeal will be to guarantee to the people of Pennsylvania and to their representatives the right to bring their problems here, with the knowledge that they will receive fair, honest and due consideration, and I appeal, not only to the members of this side of the House but I appeal to the spirit of fair play of the Republican members, that this appeal be sustained, so that eventually this representative can lay his problems before us.

PARLIAMENTARY INQUIRY

Mr. KANE. Mr. Speaker, I rise to a parliamentary inquiry.

The SPEAKER (pro tempore). The gentleman from McKean will state his parliamentary inquiry.

Mr. KANE. Mr. Speaker, I would ask the Chair to state clearly for the benefit of the members of the House the exact question upon which we are now voting. I think there is a mistaken impression.

The SPEAKER (pro tempore). The question before the House is: Shall the ruling of the Chair stand as the judgment of the House? The ruling of the Chair is that a motion to adjourn is not subject to amendment.

Mr. KANE. Mr. Speaker and members of the House, in rising to sustain the position of the Chair I would like to say that it seems to me the Chair has made the only ruling possible under parliamentary law. Furthermore, the ruling of the Chair has nothing to do with the shutting off of the expression of opinion of the gentleman from Allegheny.

I was not one of those who raised any objection to the gentleman from Allegheny making his speech. It is quite obvious that a number of people did object. I do not think that the members of this House should be kept until far after midnight with important work to do tomorrow. The only thing that the Chair has decided, as I see it, is the point of parliamentary law that a motion to adjourn is not subject to amendment, and it must be very clear to the membership of this House that that decision must be sustained. If the member wishes to express himself tomorrow I will be glad to help him get that permission.

Mr. ANDREWS. Mr. Speaker, I believe that Jefferson's Manual holds that when the House has fixed the hour of daily meeting, when it has a stated time to which it customarily adjourns, and when that hour is fixed by the rules or by practice, to adjourn at twelve o'clock or one o'clock, always the same hour, that a motion to adjourn can not be amended, but on the other hand, when the House does not have a definite time to which it customarily adjourns, the motion may be amended, and it follows naturally in the sequence of parliamentary procedure that any motion which may be amended can be debated.

Therefore, I believe that according to the rules, and the precedents, a motion to adjourn to a definite time each day is subject to amendment, because part of the House might want to adjourn until one o'clock and part of the House might want to adjourn until twelve o'clock. If the motion was not subject to amendment there could be no procedure once the motion to adjourn was before the House.

Mr. KANE. Mr. Speaker, may I submit to the gentleman from Cambria and to the Chair that the very obvious answer to that is, if the majority of the House did not like the time to which adjournment had been moved, they could defeat the motion, and that would settle that.

I ask for a roll call on the question of sustaining the Chair.

Mr. HOLLAND. Mr. Speaker, I rise to support this motion because I believe that I am vitally concerned in this motion.

I asked permission of this House to address the House and it was refused. Out of this request arises the appeal from the decision of the Chair.

I merely wanted to thank the ten Republicans who voted to discharge the Federal Relations Committee from further consideration of the resolution on Flood Control. I wanted to take back to my constituents—

POINT OF ORDER

Mr. WOODSIDE. Mr. Speaker, I rise to a point of order.

The SPEAKER (pro tempore). The gentleman from Dauphin will state his point of order.

Mr. WOODSIDE. Mr. Speaker, the gentleman from Allegheny should confine himself to the question before the House.

The SPEAKER (pro tempore). The gentleman must confine himself to the question before the House.

Mr. HOLLAND. Mr. Speaker, as I was saying, I wanted to prove to this House the reason why I was asking them to support this ruling. I merely wanted to take back to my constituents the true story on flood control, the plans of this Administration on flood control. Mr. Speaker, I believe that as a Legislator—

POINT OF ORDER

Mr. WOODSIDE. I rise to a point of order.

The SPEAKER (pro tempore). The gentleman will state his point of order.

Mr. WOODSIDE. The gentleman must confine himself to the question before the House which is the appeal from the ruling of the chair.

The SPEAKER (pro tempore). The gentleman is not confining himself to the question before the House.

Mr. HOLLAND. Mr. Speaker, I believe that this is on the appeal upon the Speaker's ruling, because, after all,

as a legislator I was going to take back to my constituents—

Mr. WOODSIDE. If the gentleman will not confine his remarks to the question before the House in accordance with the ruling of the Chair, he should be denied the privilege of the floor, and I ask that the Chair insist upon the member's complying with the ruling of the Chair.

The SPEAKER (pro tempore). The gentleman must confine his remarks to the question before the House, which is on the appeal from the decision of the Chair.

PARLIAMENTARY INQUIRY

Mr. HARKINS. Mr. Speaker, I rise to a parliamentary inquiry.

The SPEAKER (pro tempore). The gentleman from Allegheny will state his parliamentary inquiry.

Mr. HARKINS. Mr. Speaker, when the gentleman from Allegheny, Mr. Holland, was explaining and meanwhile discussing the question of flood control in Pennsylvania, which led up to the appeal from the ruling of the Chair, was he not in order?

Mr. McKINNEY. Mr. Speaker, I move the previous question.

The motion was seconded by Messrs. Trout, VanAllsburg, Boose, Snyder, Yeakel, Stockham, Habbyslaw, Winner, Ackermann, Stewart, Kane, Huntley, Webster, Leisey, Wilson, Tahl, Bronson, Sollenberger, Irvin, John N. Hoffman and others.

On the question,

Shall the main question be now put?

PARLIAMENTARY INQUIRY

Mr. HOLLAND. Mr. Speaker, I rise to a parliamentary inquiry.

The SPEAKER (pro tempore). The gentleman from Allegheny will state his parliamentary inquiry.

Mr. HOLLAND. What will the vote be taken on now?

The SPEAKER (pro tempore). The question is: Shall the main question be now put? The main question is on appeal from the decision of the Chair that a motion to adjourn is not subject to amendment.

The roll was called by the Clerk.

Mr. ACHTERMAN. Mr. Speaker, there seemed to be quite a bit of confusion when the roll was called, and I therefore ask for a verification of the roll.

Messrs. Harkins and Tronzo seconded the request for a verification.

The roll was verified.

APPEAL FROM DECISION OF CHAIR WITHDRAWN

Mr. ACHTERMAN. Mr. Speaker, I desire at this time to withdraw my appeal from the decision of the Chair.

The SPEAKER (pro tempore). The gentleman from Monroe, Mr. Achterman, withdraws his appeal from the decision of the Chair.

THE SPEAKER (Ellwood J. Turner) IN THE CHAIR.

The SPEAKER. The Chair thanks the gentleman from Lancaster, Mr. Wood.

The Chair also desires to thank the gentleman from Monroe, Mr. Achterman. He felt certain he would arrive at this point.

Mr. ACHTERMAN. Mr. Speaker, I feel that perhaps we have established the fact that we can save time by

listening to the problem of the gentleman without going to all this trouble of demonstrating that he should be heard.

The SPEAKER. The Chair desires to say to the members of the House in all seriousness, in his long experience he has always felt that every latitude should be given to a member to speak on the floor of the House. He would rather listen to a great many hours of useless talk than to have some member deprived of the opportunity of speaking. He believes in the freedom of speech and in the opportunity of the member to speak.

The Chair does feel, however, that a certain amount of consideration should be given by members as to the time when they ask for unanimous consent to address the House. They are not always fair. There will be time tomorrow; there will be time the next day. The Chair feels certain that the members on the majority side have no desire to in any way gag the members of the minority. The Chair believes that the members on the majority side had the feeling that the time had come when they wanted to adjourn and get through with the proceedings. Under that circumstance the Chair hopes we will not have a recurrence of the situation this evening; that we can look forward, as we have in the past, to good friendship, good fellowship, and be willing to grant the floor to each other, and be tolerant at all times.

The question now recurs on the motion to adjourn.

The Chair desires to ask the gentleman from McKean, Mr. Kane, if he will withdraw his motion to adjourn in order that announcements may be made by the Clerk.

Motion to adjourn withdrawn.

Mr. KANE, Mr. Speaker, it appears that it will be necessary that the Committee announcements be made. That is desired by all members, and I will gladly withdraw my motion to adjourn for that purpose.

COMMITTEE MEETINGS

There will be meetings of the Committees on Agriculture, Tuesday, March 14, 1939, at 10 a. m., in Room 325.

Cities, First Class, Tuesday, March 14, 1939, at 12 noon, in Room 333.

Cities, Second Class, Tuesday, March 14, 1939, at 11 a. m., in Room 326.

Education, Tuesday, March 14, 1939, at 11 a. m., in Room 323.

Elections, Tuesday, March 14, 1939, at 10.30 a. m., in Room 324.

Highways, Tuesday, March 14, 1939, at 11 a. m., in Room 147.

Judiciary General, Tuesday, March 14, 1939, at 11 a. m., in Room A.

Judiciary Special, Tuesday, March 14, 1939, at 11 a. m., in Room 333.

Municipal Corporations, Tuesday, March 14, 1939, immediately after the session, in Room 324.

Public Utilities, Tuesday, March 14, 1939, at 10 a. m., in Room 100.

A Republican Caucus will be held Tuesday at 12 Noon in the House Caucus Room.

LEGISLATIVE SONS OF ST. PATRICK DINNER

In their postoffice boxes today members of the House no doubt found invitations to the biennial dinner of the Legislative Sons of St. Patrick to be held Tuesday evening, March 21 in the Penn-Harris Hotel.

New members need only to consult old members to satisfy themselves that this is the outstanding social event of the session of the Legislature.

Since the dinner is only a week away it is suggested you purchase your ticket without delay. See a member of the committee on mail your remittance to Thomas A. Logue, Secretary of Internal Affairs and treasurer of the Legislative Sons of St. Patrick.

In connection with this year's dinner there will be a fireworks display, a balloon ascension and the finest oratory that ever agitated the lungs of man. House members may obtain tickets from Mr. McGarrity or Mr. Finnerty.

JAMES A. MCGARRITY, Chairman

JAMES J. FINNERTY, Vice Chairman

T. PATRICK O'NEILL, Secretary

JOHN M. CUMMINGS, Executive Director.

MOTION TO MAKE SPECIAL ORDER

Mr. OMINSKY. Mr. Speaker, I move that the speech of the gentleman from Allegheny, Mr. Holland, be made a special order of business at 1:30 p. m. tomorrow.

The SPEAKER. The Chair feels that the gentleman from Allegheny, Mr. Holland, will have an opportunity to be heard tomorrow without the necessity of making it a special order of business, and the Chair requests the gentleman from Philadelphia to withdraw his motion.

Mr. OMINSKY. Mr. Speaker, in view of the assurance of the Speaker that Mr. Holland, the gentleman from Allegheny, will have an opportunity to address the House tomorrow, I withdraw the motion.

The SPEAKER. The Chair thanks the gentleman and wishes to say he has never had any doubt that the gentleman from Allegheny would be heard sometime.

RESOLUTIONS INTRODUCED AND REFERRED

By Mr. TAYLOR.

RESOLUTION NO. 33.

In the House of Representatives, March 13, 1939.

Whereas, Early application for naturalization is the most practical evidence of an alien's fitness to remain in the United States; and

Whereas, Great numbers of aliens, because of their unwillingness, indifference, or ignorance, remain in this country for long terms of years with no apparent intention of becoming citizens, thus casting doubt on the desirability of their continued residence; and

Whereas, These alien residents in many cases profit from remunerative employment while many worthy citizens, both native and naturalized, suffer from their inability to find such employment; now, therefore, be it

Resolved, By the House of Representatives of the Commonwealth of Pennsylvania, that this House does hereby urgently request all employers of whatever character, including Federal, State, and local governmental agencies, to be urged to recognize the aforesaid principle of preference to citizens of the United States and to instruct their personnel departments to be guided accordingly, and give preference in employment to citizens of the United States.

Referred to the Committee on Labor.

By Mr. TAYLOR. (Concurrent) RESOLUTION NO. 34.

In the House of Representatives, March 13, 1939.

Whereas, In 1917 and 1918, the Youth of America was called to the Colors to journey to foreign lands to participate in a war to end wars, a war to make the world safe for democracy; and

Whereas, Upon being seemingly victorious, they returned to their native land, some high with hopes, only to find their positions filled by others, some broken in body and

mind, hopes blasted and their hearts filled with despair, and many returned only in spirit, a memory to those loved ones left behind when they marched away never to return from that last long sleep in Flanders Field; and

Whereas, Many of these soldiers of yesterday who were considered the cream of American youth when needed to fight that war to end wars are seriously handicapped in securing employment due to their age or disabilities received in the service of their country, in many instances being forced to walk the streets while aliens are gainfully employed when not adequately cared for through or by relief agencies, many of these same aliens showing their lack of appreciation of this service to them by spreading un-American doctrines; and

Whereas, Disabled American veterans, when seeking relief from local, State or Federal agencies or veterans who are willing and able to work, are placed in the same classification as aliens; and

Whereas, Disabled veterans who receive a small disability compensation are informed when making application for relief that their disability compensation, in whatever amount they receive, must be deducted from the relief allowed, while the alien family would receive the relief allowed by the schedule without deduction; and

Whereas, Many of these aliens are never required to submit ample proof of the manner in which they entered the country when making application for relief; now, therefore, be it

Resolved, (If the Senate concur), That the General Assembly memorialize the Congress of the United States to enact legislation which will provide for the investigation of all aliens within the United States with regards to the manner of their entrance into the United States and the legality of such entrance, and for the registration of all aliens within the United States and all aliens hereafter to enter the United States, and that no Federal relief shall be granted any alien until his entrance into the United States has been investigated.

Resolved, That a copy of this resolution be forwarded by the Chief Clerk of the House of Representatives to the presiding officer of the Senate and Speaker of the House of Representatives of the United States.

Referred to the Committee on Federal Relations.

By Mr. BREITHERICK. (Concurrent)

RESOLUTION NO. 35.

In the House of Representatives, March 13, 1939.

America's most treasured shrine is about to be abased.

The reproduction of Independence Hall, the birthplace of our liberty, with its modernized interior is to open upon a terrace where "liberty of appetite" is alone to be exemplified.

Visitors from all parts of our country, intent upon viewing a replica of the place that is dear to them, a place that would convey some feeling of the grace and dignity and incomparable charm of the old building, will view instead a distorted image with a modern interior, a cheap movie theatre for advertising purposes.

Visitors will carry away no patriotic inspiration, no rededication of themselves to the principles of liberty as promulgated in the original building, but disappointed and ashamed, they will go forth with a sense of outraged pride and frustration, therefore be it

Resolved (if the Senate concur) That the General Assembly of the Commonwealth of Pennsylvania, conscious of the righteousness of the feeling of outrage with which the people of the Commonwealth are viewing the work of the Commission appointed to arrange for the part that Pennsylvania was to take in the New York World's Fair, calls upon the members of that Commission to make every possible change in the plans as announced, so that the interior of the building can be redesigned and remade, in order to make it fit the ideals it is supposed to represent and so that Pennsylvanians need not be ashamed and that visitors need not be disappointed.

Referred to the Committee on Appropriations.

By Messrs. CORRIGAN, SKALE, MELCHIORRE and Miss BRANCATO
RESOLUTION No. 36.

In the House of Representatives, March 13, 1939.

Charles Spinelli, 45 years of age, contractor and president of the Spinelli Comic Club, noted mummer's organization, died one week ago of pneumonia in St. Joseph's Hospital.

A native of South Philadelphia, he marched in New Year's Day parade for nearly 30 years. He was sergeant-at-arms of the New Year's Mummer's Association, and former head of the old Zuzu Comic Club, which after its reorganization in 1925 was renamed the Charles Spinelli Comic Club.

His deep interest in the annual mummer's parade in the City of Philadelphia helped make their exhibitions a national institution and brought honor and recognition to the particular club of which he was the head; therefore be it

Resolved, That this House notes with deep regret his passing from this life he loved and the sudden cessation of his work for the city in which he lived, and to his widow and son who survive him, we extend our sincere sympathy; and be it further

Resolved, That the Chief Clerk of the House shall immediately transmit a copy of this resolution to his widow.

Referred to the Committee on Rules.

By Messrs. WILLIAMS and RUSSELL E. REESE.

RESOLUTION No. 37.

In the House of Representatives, March 13, 1939.

Honorable William Patrick Fenney, a former Member of this House, who served during the Session of 1911, died on Thursday last, March 9, in the Charleroi Hospital.

Shortly after his term as a Member of this House had expired, he entered the employ of the United Mine Workers and within a short time had risen to the position of international representative of that organization. He once served as President of District No. 4 of the United Mine Workers.

Mr. Feeney was born in England of Irish parents, and came to the United States at the age of fourteen. For a long period he resided at California, and twenty-nine years ago moved to Charleroi, where he had made his home since that time. He was employed in coal mines while residing at California.

The veteran union worker became ill while in Harrisburg early during this month, but recovered sufficiently to return to his home from which he later was removed to the Hospital.

Mr. Feeney was a member of St. Jerome's Roman Catholic Church at Charleroi; of the Knights of Columbus of Charleroi; of the Eagles Lodge at California and the Ancient Order of Hibernians at Charleroi; therefore, be it

Resolved, By the Members of the House of Representatives of the General Assembly of the Commonwealth of Pennsylvania that in the passing of the Honorable William Patrick Fenney, the cause of labor has lost a valiant advocate and a staunch supporter and his home community has been deprived of an outstanding citizen; and be it further

Resolved, That the House extends its deepest sympathy to the family of the deceased who survive him, and instructs the Chief Clerk of the House to transmit a copy of this Resolution to his widow.

Referred to the Committee on Rules.

By Messrs. TARR and BURNS. (Concurrent)

RESOLUTION NO. 38.

In the House of Representatives, March 13, 1939.

For many years this country and the world at large has observed May first as May Day, and, at different places, the observance has been marked by various kinds of celebrations.

At times these celebrations have resulted in demonstrations against organized government.

In 1932 the American Legion in Fayette County inaugurated a new kind of observance of the day, by staging a parade of Americanism, which has grown each year into an event of first importance.

The participation in the celebration of this day by patriotic societies, veterans' organizations and other organizations, cannot help but make it throughout the Commonwealth a day to awaken new pride in our American institutions, therefore be it.

Resolved (if the Senate concur), That the General Assembly of the Commonwealth of Pennsylvania urges the setting aside of May first as Americanism Day, and urges upon all patriotic, veteran, fraternal and civic organizations the planning of its celebration in such a manner as will bring to the people of the Commonwealth a full realization of the benefits and privileges and blessings that come to them through the continuance of our American form of government, and be it further

Resolved, That the Governor of the Commonwealth is hereby urged to issue his proclamation further urging the people of the Commonwealth to join in a real American celebration of Americanism Day.

Referred to the Committee on Rules.

By Messrs. ALLEN and KILROY. RESOLUTION NO. 39.

In the House of Representatives, March 13, 1939.

Hon. J. Burwood Daly, the first Democrat ever elected from the fourth congressional district of Pennsylvania to the Congress of the United States died yesterday at the United States Naval Hospital after seven weeks illness, at the age of 67 years.

Mr. Daly was graduated from La Salle College with a degree of Bachelor of Arts. He took his law degree at the University of Pennsylvania Law School.

Later he received the degrees of Master of Arts and Doctor of Laws at La Salle. He was assistant City Solicitor for 12 years. For a number of years Mr. Daly was a member of the faculty of La Salle College.

In Congress he was a member of the important Appropriations Committee, and was instrumental in having the new Federal Building erected at 9th and Chestnut streets.

To his friends he was known for his bright and cheerful disposition, his keen sense of humor and his unflinching loyalty.

He is survived by four sons and a daughter, therefore be it

Resolved, By the House of Representatives of the General Assembly of the Commonwealth of Pennsylvania that in the death of the Hon. J. Burwood Daly, the City of Philadelphia has lost an outstanding citizen and that his congressional district has been deprived of the services of a statesman who fearlessly and conscientiously devoted his best talents to the furtherance of their interests; and be it further

Resolved, That this House extends its most sincere sympathy to the members of his family who survive him.

Referred to the Committee on Rules.

By Messrs. WATKINS, KLINE and WAGNER.

RESOLUTION NO. 40.

In the House of Representatives, March 13, 1939.

Paul W. Houck, veteran Schuylkill County Republican leader, and, for many years, prominent in Pennsylvania politics, died in the Penn-Harris Hotel on March 8th, after an illness of five weeks.

He had passed by two years his allotted span of life, but was still active in the affairs of his county and of the Commonwealth.

He was born at Lebanon, Pennsylvania, May 5, 1866, a son of Henry Houck, who served as Secretary of Internal Affairs for several terms.

Mr. Houck, who for twelve years had been chairman of the Schuylkill County Republican Committee, lived in Shenandoah during the later years of his life.

Mr. Houck's first important political post was that of member of the Pennsylvania Legislature in 1909-10.

In 1916 he became chief clerk of the Schuylkill County Board of Commissioners. In the same year he was named a Workmen's Compensation Board referee.

Governor Brumbaugh appointed him Secretary of Internal Affairs in 1917. Governor Sproul made him a member of the Compensation Board in 1919, and he won his first major county fight in Schuylkill in 1926 when he was chosen chairman of the Republic County Committee. He had been reelected every two years since then.

Mr. Houck was a director of the First National Bank of Shenandoah and the Shenandoah Heights Construction Company. He was a member of the Pennsylvania Society of New York, the Elks, Eagles, Moose, and belonged to the Ashland Rod and Gun, Mahoning Country, and the Fountain Springs Country Clubs; therefore be it

Resolved, By the House of Representatives of the General Assembly of the Commonwealth of Pennsylvania, That the county of Schuylkill has lost a leader who was forever mindful of its interests and the Commonwealth a faithful officer who faithfully and with marked ability discharged every obligation and duty imposed upon him by the various offices he filled; and be it further

Resolved, That the Members of this House join with that vast number of friends and followers who mourn his loss and extend to the members of his family its most sincere sympathy; and be it further

Resolved, That a copy of this resolution be transmitted by the Chief Clerk of this House to his sons, Paul B. Houck of Pottsville, Pennsylvania and Judge Henry Houck of Shenandoah, Pennsylvania, and to his sister, Miss Susan Houck of New York City.

Referred to the Committee on Rules.

ADJOURNMENT

Mr. GILLAN. Mr. Speaker, I move that this House do now adjourn until tomorrow at 1 p. m.

The motion was agreed to, and (at 1:08 p. m.) the House adjourned until Tuesday, March 14, 1939, at 1 p. m.

Legislative Journal.

Session 1939.

133d of the General Assembly.

Vol. 23

HARRISBURG, PA., TUESDAY, MARCH 14, 1939.

No. 23.

SENATE

TUESDAY, March 14, 1939.

The Senate met at 1:00 o'clock, p. m.

The PRESIDENT (Lieutenant-Governor Samuel S. Lewis) in the Chair.

PRAYER

The Chaplain, Rev. BURLEIGH A. PETERS, offered the following prayer:

"O, why should the spirit of mortal be proud,
Like a swift-fleeting meteor, a fast-flying cloud,
A flash of the lightening, a break of the wave,
Man passeth from life to his rest in the grave."

As the poet has thus depicted the earthy pilgrimage of man along the highway of life, we are reminded that we are dust, that for the duration of this journey we wisely serve the great master Craftsman and e'er we are conscious of it the journey's ended.

Why should the spirit of mortal be proud? Our intelligence is not comparable with Thine nor our wisdom on an equality with Thine. Our understanding is woefully incomplete and "we see as through a glass, darkly."

Therefore, we pray for a humble spirit and ask for a heart of open-mindedness that our collaborations here may transcend all partisan motives and the results of our humble judgments issuing into legislation mirror the will of our people."

We pray that their will may always be Thine. For Jesus' sake. Amen.

JOURNAL APPROVED

The PRESIDENT. A quorum of the Senate being present the Clerk will read the Journal of the preceding session.

The Clerk proceeded to read the Journal of the preceding session, when, on motion of Mr. OWLETT and Mr. MILLER, the further reading was dispensed with, and the Journal was approved.

LEAVES OF ABSENCE

Mr. RUTH, the Senator from Berks, asked and obtained leave of absence for himself, for tomorrow, March 15, 1939.

Mr. SHAPIRO asked and obtained leave of absence for the Senator from Allegheny, Mr. FREY, for today, March 14th, and tomorrow, March 15th, 1939.

PETITIONS AND REMONSTRANCES

REQUESTING AID FOR DISTRESSED SCHOOL DISTRICTS OF SCHUYLKILL COUNTY

The Chair cleared his table and laid before the Senate the following communication:

A petition requesting aid for twenty distressed school districts of Schuylkill County, Pennsylvania.

Which was referred to the Committee on Appropriations.

OPPOSING PASSAGE OF SENATE BILL NO. 134.

Petition from Rebecca Horowitz opposing passage of Senate Bill No. 134, discussing legislation.

Which is referred to the Committee on Labor and Industry.

NOMINATIONS BY THE GOVERNOR

NOTARIES PUBLIC

The Secretary to the Governor being introduced presented, in writing from His Excellency, the Governor of the Commonwealth, nominations for appointment as Notaries Public, which were laid on the table.

HOUSE MESSAGES

TIME OF NEXT MEETING

The Clerk of the House of Representatives being introduced, informed the Senate that the House has concurred in Resolution from the Senate as follows:

In the Senate, March 13, 1939.

Resolved (if the House of Representatives concur) That when the Senate adjourns this week it reconvene on Monday evening, March 20, 1939, at nine o'clock; and when the House of Representatives adjourns this week it reconvene on Monday evening, March 20, 1939, at eight o'clock.

HOUSE BILL FOR CONCURRENCE

He also presented for concurrence a bill of the House, as follows:

House Bill No. 196, (Senate Bill No. 209), entitled:

An Act to amend the act approved the seventh day of August, one thousand nine hundred and thirty-six, (P. L. 117), entitled "An act making an appropriation to the Department of Forests and Waters for the purpose of building and constructing new dikes, levees, and river bank protections along the Delaware River at Morrisville Borough, Bucks County," by fixing the elevations of the said dikes, levees and river bank protections.

Which was committed to the Committee on Appropriations.

REPORTS FROM COMMITTEES

Mr. THOMAS, from the Committee on County Government reported as committed, Senate Bill No. 39, entitled:

An Act validating county treasurers sales for delinquent taxes, when the reports and returns of such sales were

made to the court of common pleas, and the deeds thereto were executed and acknowledged, by an attache of the office of the county treasurer and not by the county treasurer as required by law.

Mr. HEYBURN, from the Committee on Labor and Industry reported as committed, Senate Bill No. 134, entitled:

An Act requiring aliens to register with the Department of Labor and Industry and to carry, and upon proper demand to exhibit, identification cards, prohibiting the issuing of certain registrations and licenses to, or the employment of, aliens under certain circumstances; and prescribing penalties.

BILL RE-REFERRED

Mr. MCGINNIS. Mr. President, I am directed by the Committee on County Government to report Senate Bill No. 127, and ask that it be referred to the Committee on Municipal Government.

Mr. SHAPIRO. Mr. President, I understand that this bill has been reported out for the purpose of having it recommitted to the Committee on Municipal Government, and I so move.

Mr. OWLETT. Mr. President, I second the motion.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. MCGINNIS, from the Committee on County Government returned to the Senate, Senate Bill No. 127, entitled:

An Act providing for and regulating the assessment and valuation of persons, property and subjects of taxation for county, city, borough, township, school and poor purposes in counties of the second class; creating and prescribing the powers and duties of a Board of Property Assessment, Appeals and Review; imposing duties on certain county and city officers; abolishing the board for the assessment and revision of taxes in such counties; and prescribing penalties.

Which was referred to the Committee on Municipal Government.

BILLS INTRODUCED

Mr. WOODWARD read in his place and presented to the Chair Senate Bill No. 210, entitled:

An Act prohibiting the wilful removal, tearing or cutting down, breaking, mutilating, defacing, destruction or damaging of real estate covered by mortgages or ground rents in default, or houses, buildings, structures, improvements, fixtures, equipment, trees, shrubs, or other appurtenances located or growing on or attached or affixed to such real estate, without the written consent of the holders of such mortgage or ground rents.

Which was committed to the Committee on Judiciary General.

Mr. JASPAN read in his place and presented to the Chair, Senate Bill No. 211, entitled:

An Act making an appropriation to the Broad Street Hospital, Philadelphia, Pennsylvania.

Which was committed to the Committee on Appropriations.

Mr. FARRELL read in his place and presented to the Chair, Senate Bill No. 212, entitled:

An Act making an appropriation to the Board of Managers of the Seamen's Church Institute of Philadelphia, Pennsylvania.

Which was committed to the Committee on Appropriations.

Mr. LETZLER read in his place and presented to the Chair, Senate Bill No. 213, entitled:

A further Supplement to the act approved the first day of April, one thousand eight hundred and sixty-three (P. L. 213), entitled, "An act to accept the grant of public lands by the United States to the several states for the endowment of Agricultural College," and making an appropriation for carrying the same into effect.

Which was committed to the Committee on Appropriations.

Mr. GELTZ read in his place and presented to the Chair, Senate Bill No. 214, entitled:

An Act requiring retail dealers in liquid fuels to display the price of liquid fuels on signs; conferring powers and duties upon the Department of Revenue; and imposing penalties.

Which was committed to the Committee on State Government.

QUESTION OF PERSONAL PRIVILEGE

Mr. EALY. Mr. President, I rise to a question of personal privilege.

The PRESIDENT. The Senator from Somerset, Mr. Ealy, will state his question of personal privilege.

Mr. EALY. Mr. President, On several occasions in the past resolutions have been introduced in this Senate memorializing the Congress of the United States to support or reject some measure pending before that body. In most instances, where we took action, I felt that we were perhaps interjecting ourselves into affairs with which we had little concern.

There are at present, however, questions arising in the National Legislature which are of most vital importance to the States and the people generally and with which we as members of the Pennsylvania State Senate and as individuals should be greatly concerned.

One of these is the proposed economy program endorsed by such leading Democratic Senators as Senators Glass and Byrd of Virginia, Harrison of Mississippi, and Bailey of North Carolina.

These men, supported by other notable Democrats and the Republican minority, are endeavoring to reduce government spending before our nation is completely overwhelmed in financial chaos. Any encouragement which we can give them will help the country and will help us in our own problems.

The matter about which I wish to speak today, however, seems to me to be of much greater importance even than that of finances. I have learned over the week-end that a serious and determined effort is being made in Congress to force all ecclesiastical bodies in the nation to submit to the so-called social security system, and to pay taxes, to bring their ministers and church employees under the unemployment provisions and the old age pension plans of the Social Security Law. I also am informed that these efforts will succeed unless an aroused public makes its opposition known.

Mr. President, this proposition is terrible in its implications. One of the cardinal principles of American liberty is that there shall be a complete separation of Church and State. But is this the opening wedge for governmental control over religion? If preachers are dependent upon the State for old age support will they dare to express freely their religious views? Will they be asked

to advocate governmental policies from their pulpits? Will the provision for old age support lead to payment of salaries by the government while the ministers are in active service?

If church members are to be taxed for the support of their aged and unemployed ministers, it will of course be impossible to keep the funds of all the churches separate and intact. Non-church members will be compelled, by paying to the general fund through taxation, to support religion in a direct and positive way. The Catholics will have to pay to support Protestants; Protestants to support Catholics; Gentiles to support Jewish Rabbis and Jews to support Gentiles.

The government will promptly use and dissipate the large funds which will be raised by this taxation and we shall all have to pay other taxes to refund the money—if the whole plan does not result in complete disaster. This may also be a prelude to seizing the insurance funds already built up by the churches.

Mr. President, the churches are not asking to be included in this social security scheme. Most churches now have, and have had for many years, pension plans which are far better than that proposed under the Social Security Laws. Indeed, the pension plans of some churches date back to Colonial days. The Mormon Church now not only takes care of its elders but also all its members who are in need of relief. Furthermore, the cost of administering the pension plans of the churches are borne by themselves at no cost to the general public and with no political scandal attaching thereto.

Personally, I think the inclusion of churches in the social security plan is a violation of the first amendment of our National Constitution—"Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof."

Suppose churches refuse to pay this tax. Is the church to be closed because of such refusal? Will the minister be prevented from preaching if no tax is paid? How can the payment of tax be enforced under the Constitution?

However, we should not continue to go around in smug security thinking that "it cannot happen here," while the bulwarks of our freedom are being undermined.

What we should learn before it is too late is that Communists and those of the Nazi-Fascist type are fanatics whose efforts to subvert our Constitutional guarantees of liberty never cease, and that this is but another attempt to lead our politicians nearer to a totalitarian state.

This present threat to religion may be declared unconstitutional but we should not gamble on that chance. All churches, all liberty-loving people everywhere should arise and see to it that Congress does not pass an amendment to bring under the Social Security Act any ministers or church employees. Only in this way can we be sure to preserve the right to worship God according to the dictates of our own consciences.

RESOLUTION AGAINST INCLUSION OF ECCLESIASTICAL BODIES IN FEDERAL SOCIAL SECURITY SYSTEM

Mr. EALY offered the following resolution, which was twice read as follows:

Whereas, The effort now being made in Congress to bring under the Unemployment Compensation and Old Age Pension provisions of the Federal Social Security Laws ministers, priests, rabbis, and other ecclesiastical officers

and persons, constitutes a threat against complete religious freedom as guaranteed under the Constitution, and

Whereas, Such a plan is of doubtful advantage in any case and of distant disadvantage to most churches which now have very satisfactory pension and assistance plans which are administered without cost to the Commonwealth of Pennsylvania and the Federal Government, now be it

Resolved, by the Senate of Pennsylvania, That we do earnestly urge that no amendment to the present Social Security Laws be made which would require in any manner that churches pay any taxes into the Federal or State Governments for support of their ministers or employees or for Unemployment Compensation or Old Age Pension for the same, and be it further

Resolved, That a copy of this resolution be sent by the Secretary of the Senate of Pennsylvania to the Secretary and Chief Clerk of the United States Senate and House of Representatives respectively, with the request that same be read before the said Honorable bodies.

Mr. EALY. Mr. President, I ask unanimous consent that Rule 39, which requires resolutions be referred to an appropriate committee, be suspended and the Senate do now proceed to the consideration of the resolution just read.

The PRESIDENT. Is there objection,

Mr. SHAPIRO. Mr. President, I have no doubt that there are very few people in this room, or in any legislative body, who have good judgment, that would attempt in any way to interfere with the proper functioning of Ecclesiastical duties or to interfere with the churches or religion. I think history teaches us that the State and the Church should be made distinct in their own spheres; but I do not like, in a situation as delicate as this, that we should assume facts. As a matter of fact, I have heard and read that certain religious leaders have asked that they be included in the Social Security Law. Certain others have opposed it. I know that actuaries have raised the question that before you could determine whether they should be put in, and upon what basis they should be put in, you would have to know just what the effect the inclusion of Ecclesiastics in the Social Security Law would have upon the whole structure; and I am going to ask two things: the first, that this matter be laid on the table; secondly, the privilege of interrogating the Senator from Somerset, Mr. Ealy.

The PRESIDENT. Will the Senator from Somerset, Mr. Ealy, permit himself to be interrogated?

Mr. EALY. Mr. President, I will.

Mr. SHAPIRO. Mr. President, is the Senator from Somerset, Mr. Ealy, aware of any amendment or any bill dealing with the subject, which has the purpose of bringing into the Social Security Act the Ecclesiastics of the country?

Mr. EALY. Mr. President, I talked to two ministers, over the weekend. One of them had before him this very matter, which he was to report on for his conference or Presbytery, or whatever body it was; and he pointed out it was a distinct disadvantage to the ministers of that congregation—I think it was what we call the Evangelical—to be compelled to come under this system.

This is an imminent proposition. I noticed in the papers quite recently the Methodist Church planned action against this. I was told yesterday that one of the Presbyterian bodies in this town had the matter up before them recently. I was told by a Lutheran minister yesterday that very annoying reports were asked from their churches by federal agents as to how much money they were spending, what for, and the whole financial setup of that religious

institution, or that church; and this is not a matter that is not being discussed, because it is a very, imminent proposition before Congress at this time, and while we are asleep on this thing I think we will find that these bodies will have been brought under this system, and the funds which heretofore have been contributed to the churches will be compelled to be put into the national government, and will be dissipated immediately.

Mr. SHAPIRO. Mr. President, I have read the Congressional Record recently. I have not seen any reference in that Congressional Record to any discussion of this subject in Congress. I have seen discussions of the subject of churches, and among the Ecclesiastics of the various denominations, and I know that a group—one group—is very much in favor of it, and because of their activities the whole matter has been the subject of discussion amongst the churches; but it has not been the subject of discussion in Congress, and it seems to me that unless the Senator can point either to a bill or to any reference in the Congressional Record of this matter we will be putting ourselves in an anomalous position by building up a straw man in order to knock him down, and I am sure the Senator from Somerset, Mr. Ealy, does not want to create that picture, because whatever force he has should be conserved so it will not be weakened by shooting the gun before the real danger arises, when he will not have any ammunition.

Mr. EALY. Mr. President, there is no danger of that. As I informed the Senator from Philadelphia, Mr. Shapiro, this is an imminent proposition. The minister who talked to me told me that unless it was counteracted immediately they will report this out in Congress for action.

It does not do to wait until something happens and then say, "I told you so." There is very little satisfaction in that. We know that in Germany the priests, rabbis and ministers are in concentration camps because the people were not aroused early enough.

Mr. SHAPIRO. Mr. President, what is the number of the bill, and when was it reported out?

Mr. EALY. Mr. President, I do not know the number of the bill in Congress, but I know this action is being discussed very fully down there.

Mr. SHAPIRO. Mr. President, I would like to move that this bill be referred to the committee on Federal Relations, and that that committee be instructed to call upon the persons who have discussed the matter with Senator Ealy and others who are interested, and that we get first-hand information on the subject matter.

Mr. EALY. Mr. President, I would like to interrogate the Senator from Philadelphia, Mr. Shapiro.

The PRESIDENT. Will the Senator from Philadelphia, Mr. Shapiro, permit himself to be interrogated?

Mr. SHAPIRO. Mr. President, I will.

Mr. EALY. Mr. President, is the Senator from Philadelphia, Mr. Shapiro, or are the Ecclesiastical bodies that he represents, in favor of having their churches, synagogues, brought under this system?

Mr. SHAPIRO. Mr. President, I see no reason for it; I am absolutely opposed to it.

Mr. WOODWARD. Mr. President, I have the honor of being the chairman of the distinguished Committee on Federal Relations, and my practice—the principle that has actuated me in the meetings—has been to have no federal relations whatever; but I think that this resolution of the Senator from Somerset is an exception to the rule. I think it is entirely appropriate; and I think that while

perhaps the State of Oklahoma would not need it, the Commonwealth of Pennsylvania ought to have it.

As we all know, the Commonwealth was founded by William Penn, and one of his leading principles was toleration; and he set up a form of government which we have followed and which other states have followed, and which has stood the test of time.

To be specific, I do not say exactly that Mr. John G. Winant was chairman of the committee which framed the Social Security Act, I cannot question him, but it was some member of that committee who testified that the pension system of the Protestant-Episcopal Church was far better than anything they were setting up in the Federal Social Security.

Mr. SIPE. Mr. President, I think it is true that this discussion has not reached Congress. I know, from reading a number of Ecclesiastical papers which I take, that various religious denominations are discussing it among themselves, and I take enough of those Ecclesiastical publications to be well informed on the subject—when I have the time to read them. I take two Jewish papers, two Roman Catholics, two Lutheran, two Presbyterian, two Episcopal, two Methodist.

The further I have gotten into this discussion the more I have noticed that some groups are being taken in and others are not. I believe that my own group is not in favor, so I think that at the present time it is rather nonsensical for us, the Senate of Pennsylvania, to take up any of our time with a matter that belongs to the National Congress and has not reached the National Congress. Probably Senator Ealy is offering this as a sort of substitute for what I called for about a week ago, namely, the James program. I repeat my call for that program at this time, and let us allow the church matters to wait until another day.

And the question recurring,

Is there objection?

Mr. SHAPIRO. I object.

The PRESIDENT. The Chair hears objection. The resolution is referred to the Committee on Federal Resolutions.

BILL ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 79, entitled:

An Act permitting the county treasurer, with the consent of the county commissioners or the approval of the court, to adjourn county treasurers' sales of seated and unseated lands for non-payment of taxes in all counties except counties of the first class, and preserving the lien of all taxes on such lands.

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—38

Bartlett,
Cavalcante,
Chapman,

Geltz,
Gilson,
Haluska,

McCreesh,
McGinnis,
Miller,

Snowden,
Stevenson,
Stiefel,

Coleman, Dent, DiSilvestro, Ealy, Edmonds, Eroe, Farrell,	Heyburn, Homsher, Jaspan, Kunkel, Lanius, Letzler, Mallery,	Owlett, Pierson, Reed, Rice, Ruth, Shapiro,	Tallman, Thomas, Walker, Wolfenden, Woodward, Gelder, Pres. Pro. Tem.
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NAYS—1

Jacobs,

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 113, (House Bill No. 128), entitled:

An Act to repeal the act approved the thirtieth day of July one thousand nine hundred and thirty-eight (P. L. 17) entitled "An act defining the relative powers of the Attorney General and of district attorneys in investigations or proceedings in the criminal courts authorizing the judges thereof to appoint subject to appeal to the Supreme Court special prosecutors in certain cases and providing for their compensation by the county"

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—32

Bartlett, Cavalcante, Chapman, Crowe, Dando, Dent, Ealy, Edmonds,	Eroe, Geltz, Gilson, Haluska, Heyburn, Homsher, Jacobs, Lanius,	Letzler, Mallery, McCreesh, Miller, Owlett, Pierson, Reed, Sipe,	Snowden, Stevenson, Tallman, Thomas, Walker, Wolfenden, Woodward, Gelder, Pres. Pro Tem.
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NAYS—9

Coleman, DiSilvestro, Jaspan,	Kunkel, McGinnis, Ruth,	Shapiro, Stiefel,
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A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 114, (House Bill No. 129), entitled:

An Act to repeal the act approved the thirtieth day of July one thousand nine hundred and thirty-eight (P. L. 15) entitled "An act defining the procedure for and regulating the investigation by the House of Representatives and its committees of charges of or involving misdemeanor in office on the part of civil officers liable to impeachment authorizing the Speaker of the House to appoint a special committee for any such investigation authorizing the presentation of evidence by the Attorney General and other counsel and the officers investigated providing for the summoning of witnesses and for the punishment of persons refusing to appear produce evidence or testify and authorizing the employment and compensation of counsel and other assistants"

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—32

Bartlett, Cavalcante, Chapman, Crowe, Dando, Dent, Ealy, Edmonds, Eroe,	Farrell, Geltz, Gilson, Haluska, Heyburn, Homsher, Jacobs, Lanius,	Letzler, Mallery, Miller, Owlett, Pierson, Reed, Sipe, Snowden,	Stevenson, Tallman, Thomas, Walker, Wolfenden, Woodward, Gelder, Pres. Pro. Tem.
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NAYS—11

Coleman, DiSilvestro, Jaspan,	Kunkel, McCreesh, McGinnis,	Mundy, Rice, Ruth,	Shapiro, Stiefel,
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A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 115, (House Bill No. 131), entitled:

An Act to repeal the act approved the thirtieth day of July one thousand nine hundred and thirty-eight (P. L. 13) entitled "An act relating to the investigation of charges of or involving misdemeanor in office made against civil officers subject to impeachment providing that the jurisdiction of the House of Representatives to make such investigations shall have precedence over the jurisdiction of grand juries and limiting the circumstances under which courts of oyer and terminer and general jail delivery or courts of quarter sessions or judges of such courts may authorize grand juries to make such investigations"

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—31

Bartlett, Cavalcante, Chapman, Crowe, Dent, Ealy, Edmonds, Eroe,	Farrell, Geltz, Gilson, Haluska, Heyburn, Homsher, Jacobs, Lanius,	Letzler, Mallery, Miller, Owlett, Pierson, Reed, Sipe, Snowden,	Stevenson, Tallman, Thomas, Walker, Wolfenden, Woodward, Gelder, Pres. Pro. Tem.
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NAYS—12

Coleman, Dando, DiSilvestro	Jaspan, Kunkel, McCreesh,	McGinnis, Mundy, Rice,	Ruth, Shapiro, Stiefel,
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A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consid-

eration of Senate Bill No. 116, (House Bill No. 132), entitled:

An Act to repeal the act approved the thirtieth day of July one thousand nine hundred and thirty-eight (P. L. 18) entitled "An act suspending retroactively as well as prospectively any other pending investigation legislative executive or judicial of charges of or involving misdemeanor in office on the part of civil officers liable to impeachment with the House of Representatives undertakes to investigate and providing under what circumstances the suspended investigation may be resumed"

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—39

Bartlett,	Farrell,	Mallery,	Snowden,
Cavalcante,	Geltz,	McGinnis,	Stevenson,
Chapman,	Gilson,	Miller,	Stiefel,
Coleman,	Haluska,	Mundy,	Tallman,
Dando,	Heyburn,	Owlett,	Thomas,
Dent,	Homsner,	Pierson,	Walker,
DiSilvestro,	Jacobs,	Reed,	Wolfenden,
Ealy,	Jaspan,	Rice,	Woodward,
Edmonds,	Lanlus,	Ruth,	Gelder,
Eroe,	Letzler,	Sipe,	Pres. Pro. Tem

NAYS—3

Kunkel, McCreesh, Shapiro,

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

QUESTION OF PERSONAL PRIVILEGE

Mr. WOODWARD. Mr. President, I rise to a question of personal privilege.

The PRESIDENT. The Senator from Philadelphia, Mr. Woodward, will state his question of personal privilege.

Mr. WOODWARD. Mr. President, my question of personal privilege is to call the attention to the burial of these grand jury bills as deserving some comment, not necessarily censorious disagreeable in any way, but to my mind this is a red letter day; it may not be May Day or Flag Day or the Fourth of July, but it is so near St. Patrick's Day it does not require a wide stretch of the imagination for that. St. Patrick drove snakes out of Ireland, so we have driven the political snakes out of Pennsylvania in repealing the Grand Jury bill. I tried to inform myself what to do when you hold a wake, but I do not know, and I have not consulted Senator McGinnis. I did try to persuade our eloquent Senator from Fayette, Mr. Cavalcante, to deliver a funeral oration, and he was strongly tempted but declined, due to regularity, I guess. I also recall to our historical Senator from Armstrong, and Butler as well, that there was a poem. I knew a part of the poem, I knew the first line and he knew the first verse, and I employed a stenographer to write it up but at the end of the first verse we both failed.

I therefore repaired to the Free Library of Harrisburg and after being searched and fingerprinted I procured a book containing this poem which is highly appropriate to the occasion. It is not very long, and I hope when it is

printed in the Journal there will not be any typographical errors.

This is a poem on the burial of Sir John Moore, it is very appropriate, I am sure, to these four bills.

Not a drum was heard, not a funeral note,
As his corpse to the rampart we hurried;
Not a soldier discharged his farewell shot,
O'er the grave where our hero we buried.

Few and short were the prayers we said,
And we spoke not a word of sorrow;
But we steadfastly gazed on the face that was dead,
And we hopefully thought of the morrow.

Lightly they'll talk of the spirit that's gone,
And o'er his cold ashes upbraid him;—
But little he'll reck, if they let him sleep on,
In a grave where now we have laid him.

Slowly and sadly we laid him down,
From the field of his fame fresh and gory;
We carved not a line, and we raised not a stone—
But we left him alone with his glory!

This is a poem on the burial of Sir John Moore, it is very appropriate, I am sure to these four bills.

Mr. SHAPIRO. Mr. President, I would like to advise the Senator from Philadelphia, Dr. Woodward, that the reason for the lack of interest in this funeral—there were no mourners—was contained in one of the lines which he read in which he referred to the fact that up to now not a soldier has been discharged.

BILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 132, entitled:

An Act to amend sections one two and four of the act approved the sixteenth day of May one thousand nine hundred nineteen (P. L. 180) entitled "An act providing a method of establishing title to land acquired at a sale for unpaid taxes or municipal claims" extending the provisions of said act to include land acquired at county treasurer's sales for unpaid taxes

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—42

Bartlett,	Farrell,	Mallery,	Sipe,
Cavalcante,	Geltz,	McGinnis,	Snowden,
Chapman,	Gilson,	Miller,	Stevenson,
Coleman,	Haluska,	Mundy,	Stiefel,
Crowe,	Heyburn,	Owlett,	Tallman,
Dando,	Homsner,	Pierson,	Thomas,
Dent,	Jacobs,	Reed,	Walker,
DiSilvestro,	Jaspan,	Rice,	Wolfenden,
Ealy,	Kunkel,	Ruth,	Woodward,
Edmonds,	Lanlus,	Shapiro,	Gelder,
Eroe,	Letzler,		Pres. Pro. Tem.

NAYS—1

McCreesh,

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 166, entitled:

An Act to authorize cities, boroughs, incorporated towns, townships, and school districts to file suggestions of non-payment and averments of default, or to sue out writs of scire facias on certain tax or municipal claims, and to revive judgments where the lien of such claims or the judgments thereon have been lost; and providing for the reinstatement of the liens of such claims and judgments.

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—38

Bartlett,	Geltz,	McCreesh.	Shapiro.
Cavalcante,	Gilson,	McGinnis.	Snowden.
Chapman,	Haluska.	Miller,	Stevenson,
Coleman,	Heyburn.	Mundy,	Stietel.
Crowe,	Homsher,	Owlett,	Tallman,
DiSilvestro,	Jaspan,	Pierson,	Thomas,
Ealy,	Kunkel,	Reed,	Walker,
Edmonds,	Lantus,	Rice,	Woodward,
Eroe,	Letzler,	Ruth,	Gelder
Farrell,	Mallery,		Pres. Pro. Tem.

NAYS—1

Jacobs,

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

HOUSE MESSAGE

HOUSE BILL FOR CONCURRENCE

The Clerk of the House of Representatives being introduced presented for concurrence, bills of the House, as follows:

House Bill No. 338, (Senate Bill No. 215), entitled:

An Act to amend clause ten of section two and section three hundred one of an act approved the twenty-seventh day of May, one thousand nine hundred and thirty-seven (P. L. 1053), known as the "Public Utility Law" by excluding from the definition of "Facilities" as used therein property owned by municipal corporations of the Commonwealth of Pennsylvania when the said act became effective and providing that the Pennsylvania Public Utility Commission shall have power to regulate and fix the rates for service furnished by public utilities owned by municipal corporations of the Commonwealth of Pennsylvania only when the public service being furnished or rendered by any municipal corporations shall be beyond its corporate limits and extending such freedom from regulation and control by the Commission to public utility service furnished or rendered by an operating agency of any such municipal corporation.

Which was committed to the Committee on Public Utilities.

MOTION TO CONSIDER RESOLUTION ON PENNSYLVANIA EXHIBIT AT NEW YORK WORLD'S FAIR

Mr. HEYBURN. Mr. President, I move that the Senate do now proceed to the consideration of the Senate reso-

lution introduced last night, pertaining to the Pennsylvania Exhibition at the New York World's Fair.

Mr. OWLETT. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion,

It was agreed to.

The resolution was read as follows:

In the Senate, March 13, 1939.

Whereas, The present plans of the Pennsylvania World's Fair Commission for the official Pennsylvania exhibit at the New York World's Fair call for modernizing the interior of a reproduction of Independence Hall; and

Whereas, The present plan despite a prohibitory order by Governor James call for a cocktail terrace, a beer garden and also a theatre where publicity moving pictures will be shown, and other startling and not altogether patriotic innovations; and

Whereas, Public opinion in Philadelphia is overwhelmingly and indignantly against these innovations, as shown in the daily press; now, therefore, be it

Resolved, That if the House of Representatives concur that the Pennsylvania World's Fair Commission be requested to advise the General Assembly what plans it has devised to overcome the mounting public objections to the original plans so as to typify the true spirit of Independence Hall.

Mr. HEYBURN. Mr. President, I ask unanimous consent that Rule 39, which requires resolutions referred to an appropriate committee, be dispensed with and the Senate proceed to the consideration of the foregoing resolution.

The PRESIDENT. Is there objection?

Mr. COLEMAN, Mr. President, and members of the Senate, a short while ago one of my former colleagues in the house asked me when the Senate was going to adjourn. My answer was "It all depends on who raises a question of personal privilege and what he has to say." The calling up of the resolution by the Senator from Delaware, Mr. Heyburn, obviates the necessity of my arising to a question of personal privilege.

I might say, Mr. President, as a freshman member of this Senate that I had hoped to avoid injecting myself into any discussion on the floor, at least until I sort of got the feel of the new atmosphere.

I might say that I am cognizant of the fact that lately speeches in the Senate Chamber are becoming extremely unpopular to some of the members of the Senate, not to mention the gentlemen of the press, who I believe are anxious to eliminate the Tower of Babel atmosphere in this august body. If I may be forgiven for making a personal reference, the idea of Pennsylvania's participation in the New York World's Fair originated with me. In 1933 I visited the Chicago Fair on three occasions, and, like thousands of other Pennsylvanians, lamented the fact that Pennsylvania did not take advantage of this splendid advertising possibility by participation in that great show. I might say with respect to the Chicago Fair, and the New York Fair that there is not any comparison, because Chicago played host to about thirty-nine million people in two years, while New York expects to play host to sixty million people in one year.

In 1937 I introduced a bill in the House setting up a State World's Fair Commission, to handle Pennsylvania's participation in that great show. The bill asked for an appropriation of five hundred thousand dollars and was later amended to make the appropriation seventy-five

thousand dollars. Just recently, as you know, in addition to adding an appropriation of \$312,500 there was added to the World's Fair Commission, nine new members.

I have been sitting in the Senate listening to the oracles of the Senate borrowing the literary gems of the great philosophers who have sounded the very depths of human knowledge; I have heard them referring to the profundity of thought of Aristotle; I have heard them borrowing the brilliancy of Shakespeare. I assume, Mr. President, that I will be forgiven if I may perchance borrow a phrase from Shakespeare with respect to all of the misunderstanding about Pennsylvania's participation in the Fair by saying, "Much ado about nothing."

I might say that when the commission had its first meeting in the executive mansion there was a sort of clash between the traditional and the modern. As the sponsor of the bill I was anxious to impress upon the people who would visit our exhibit Pennsylvania's industrial advantages, but we had certain of the members who were interested in stressing Pennsylvania's historical background, so between the two of them there was a compromise. We believe, Mr. President, Pennsylvania will not only have an outstanding exhibit in the Court of States but in addition that we will have an outstanding exhibit in the New York World's Fair.

One hundred and fifty years ago America gave the world a new concept of government, the inauguration of George Washington from the balcony of Federal Hall on April 30, 1789, signaling this important event. Is it any wonder therefore that the New York World's Fair in commemorating an event of such historical importance should seek to equal in the economic and social sphere what Washington and his contemporaries accomplished in the realm of government? So, in New York, Pennsylvania's participation in the Fair is in line with the general scheme of building the world of tomorrow.

My speech, my remarks, Mr. President, cannot be construed and is not intended, as an answer to many of the questions with respect to Independence Hall. When the commission met it was the suggestion of the majority of the member of the commission that in order to give us an appropriate setting, in order to give us an opportunity to announce to the world Pennsylvania's contributions to America's reaching a colorful civilization we ought to have something in keeping with the dignity and the progressiveness of this great State; and so the replica of Independence Hall was suggested. I might say to those who feel that Pennsylvania—or rather the commission—has desecrated the building because the interior will be modern, that the members of the commission were just as patriotic, just as much interested in the historical shrine in Philadelphia as those who are critical of the particular building now in the Court of States in New York.

I have a vivid recollection that when the suggestion was made, that my mind went back reverently to the formative days of American history; my mind went back to Missionary Ridge, to Valley Forge, to Gettysburg and Brandywine, to the great defenders of our system of government and human rights, who spilled their blood on American soil that this country might live, that we might have some say as to who should govern this great nation.

There is no intention, Mr. President, of the members of the commission to desecrate the historic shrine in

Philadelphia when they suggested that the Pennsylvania exhibit ought to be housed in that type of building. I might say when you enter the building, visit the World's Fair, that the first thing that will arrest your attention is a model somewhat larger than the original Liberty Bell, hanging from the tower with stainless steel which mirrors this great object, giving you the emphasis, emphasizing this great symbol of Democracy.

I said before my remarks are not intended as an answer to the press, or any criticism of the particular building, because as acting chairman of the World's Fair Commission it is my intention to call the commission together and invite the press and to make a formal statement at that time as to the attitude of the members of the commission generally on the question of the Independence Hall building.

Mr. President, I honestly believe, and I am supported by the opinion of architects throughout the State, by the opinion of the World's Fair officials, that Pennsylvanians will be proud when they journey down to New York and see the type of exhibit that we have in mind, and I am asking you, I am appealing to your sense of fairness to withhold any criticism until such time as you have seen the ideas that represent the great thought, the ideas that represents the architectural genius of one of the greatest architects in the country, Doctor Walton Gropius, who designed the exhibit for the members of the commission.

As I said before, Senator Heyburn introduced a resolution last night asking for definite information in connection with our exhibit. What I am trying to do, Mr. President, is to impress upon you that I honestly believe that the type of exhibit that will be shown to Pennsylvanians will give the State of Pennsylvania a real return, a real advantage, as a return on the investment made by the members of the Legislature, and by the people of this Commonwealth. I am appealing again to the sense of fairness of the members of the Senate to withhold their criticism, to join with the members of the World's Fair Commission, so that Pennsylvania will not lag behind in this new effort to go forward.

I am reasonably certain that you will share our belief that we have a real exhibit, impressing upon the people who visit there Pennsylvania's tremendous predominant contribution in the interest of activities of mankind and civilization generally.

MR. WOODWARD. Mr. President, the Senator from Lackawanna, Mr. Coleman, had referred to William Shakespeare and said "Much ado about Nothing." And now, I would like to transform that title into "Much ado about Something." We would like to have something about which to have much ado.

The next play I thought of by William Shakespeare was entitled "As You Like It," but we do not like it.

Then I thought of that title "Two Gentlemen of Verona," and I wondered whether Messrs. Coleman and Wolf came from Verona or Pennsylvania.

Now, there is another play called "Twelfth Night" and I called attention to the fact that the Republicans, the saving grace of Republicanism, was put on the committee, not the twelfth night but at least at the eleventh hour. As I listened to the Senator from Lackawanna, I recalled Juliet's remark—Romeo's remarks to Juliet, that "Parting is such sweet sorrow I could say good night until it be the morrow." I also thought with regard to his defense

that it should be labeled "A Winter's Tale," because it sounded a bit frigid.

Mr. WALKER. Mr. President, if I may be forgiven and not quote Shakespeare, and discuss the resolution itself for a moment, last night when the resolution was introduced I was very sorry it had been introduced. Now I am very glad, because we have uncovered another orator in the Senate and that was a very noble defense of the project the World's Fair Commission is attempting. I would like to call to the Senate part of the resolution introduced by Senator Heyburn. The first whereas clause of this resolution says: "Whereas the present plan of the Pennsylvania World's Fair Commission for the official Pennsylvania exhibit at the New York World's Fair calls for modernizing the interior of a reproduction of Independence Hall;" And the second clause says, "And whereas, the present plan despite a prohibitory order by Governor James calls for a cocktail terrace, a beer garden, and also a theatre where publicity moving pictures will be shown, and other startling and not altogether patriotic innovations."

And now, may I say, Mr. President, that like Senator Woodward, I entered into this World's Fair Commission at the last minute, or the eleventh hour, and all of these projects had been planned and had been perfected and were under way at the time we entered into the picture. Perhaps it was too late to change it and perhaps the Commission did not want to change it.

May I say that this clause of the resolution that speaks of a cocktail terrace, and a beer garden, and also a theatre where publicity moving pictures would be shown are founded on fallacy, it is not a fact; there is no cocktail terrace, there is no beer garden, there are no publicity movies. Outside of that the clause is perfect.

Now, they are asking us for information as to what the World's Fair Commission proposes to produce, and I say to the members of this Senate we were put on this Commission to produce an exhibit that would reflect credit, honor, and dignity to the Commonwealth of Pennsylvania and the members of this Commission, perhaps not unanimously, but the members of this Commission have put the stamp of approval on what is going to be Pennsylvania's contribution to the World's Fair, and I agree with Mr. Coleman and Mr. Gelder, I think it would be unjust to the members of this Senate and to the members of the Commission to pass this resolution and deliberately stigmatize because of something you have not seen, something you know nothing about, something that is a deliberate falsity, and I ask my colleagues to vote this resolution down.

Mr. GILSON, I think this resolution, Mr. President, typifies just exactly what is wrong in Pennsylvania today and in this country today. You cannot generate a resolution out of hatred, malice, and intention to assassinate character and expect to build anything upon a foundation that will recommend itself to the people of this Commonwealth or to the people of this country.

My colleague, the Senator from Allegheny, Mr. Walker, has said the premise of this resolution is a fallacy. We have gathered together a commission which is entirely non-political and non-partisan. The Republican members of that commission have demonstrated to me that they are people of the highest character, the finest sensibility and the keenest urge to perform with the best of their ability and intelligence any public commission which

may be entrusted to them. I think that every right-minded person should arise in indignation against the smallness and the littleness and the falsehood of the implication which this resolution presents, and they should condemn the source of such a resolution.

However, I think also, Mr. President, that the people of Pennsylvania, and particularly the World's Fair Corporation of the State of New York should owe—do owe a debt to the sponsors and the instigators of such a resolution, for the publicity which this World's Fair, and in particular Pennsylvania's participation in it, has engendered.

We have a publicity agent for the Pennsylvania World's Fair Commission. The amount of the compensation to this publicity agent has been approved by the Pennsylvania World's Fair Commission. It has been approved by the Governor of the Commonwealth; it has been approved by the Secretary of Property and Supplies. However, all the publicity which our publicity agent could disseminate over this broad land of ours will be nothing as compared to the publicity which has been engendered by this ill-timed attack upon the character of the people who composed the World's Fair Commission of the State of Pennsylvania.

I can think of no greater, no more valuable publicity, than to have it alleged in the newspapers of Philadelphia and elsewhere that things of startling moment will be found in the Pennsylvania exhibit of the World's Fair. I can think of nothing that would incite people to go to New York to see for themselves just how far those things are false and how malicious they have been. I have not a bit of doubt that there will be an exodus from the City of Philadelphia, and no doubt there will be an exodus from the City of Pittsburgh, and the City of Erie, and from all the four corners of this State to the New York World's Fair to see whether or not, as a matter of fact the "whereases" of this resolution are actual or whether they are false, and so I think, as a member of the Pennsylvania World's Fair Commission, that before we finish with our work we should join in a resolution acknowledging the financial value which the instigation of such a program has been to the World's Fair, to the interest which this Pennsylvania exhibit has stimulated. I venture to say, Mr. President, that just as a disqualified boxer when he has hit below the belt and the round is over and the bell has been rung feels the ignominy of his foul tactics, so will the people who have instigated such a resolution as this, and the people whose publicity has given rise to a false sense of popularity in becoming a party to such a thing as this, that those people will have exactly the same feeling as the unfair sportsman.

Mr. SHAPIRO. Mr. President, this is one of the illustrations of some of the things that I was taught years ago. It seems to me that Senator Ealy, my colleague from Somerset, very seriously points out the dangerous situation in which this democracy finds itself, he points out the fact that we are spending more money than we should. He brings to the public attention things that may exist, without suggesting a corrective. I used to be taught when I was brought up that if I had anything to say about my family to state it in the house, but not shout it from the housetops.

My active acquaintance with this World's Fair Commission began in the early days of this session, when I was called into a conference in the President Pro Tem-

pore's room, and we were told that it was important that immediate action be taken in order to complete the exhibit for the Pennsylvania World's Fair Exhibit, Pennsylvania's exhibit, and to save the amount of money that already has been invested by increasing the appropriation. Mr. Wolf, who was a businessman from Pittsburgh, whom I had never met before, told us he had just come from the Governor of the Commonwealth of Pennsylvania and he said to the Governor that this was not a political proposition, although the majority of the then five members were Democrats, but if the Governor wanted to add to the commission that could be done and he would be very glad to have their help.

He told us the Governor said he was not interested in the appointment of additional members, that it was not a political proposition and as a result of that conference—because it has been initiated under the Earle Administration—an additional appropriation was asked for under the sponsorship of the Democratic side of the House.

The next I heard was that the Governor, who was not interested in the politics of the situation, appointed nine additional members to that commission, one of whom was a Democrat, so that the commission is now composed of fourteen people, eight of them Republicans.

And now we are spending hundreds of thousands of dollars to illustrate to the people of not only this country, but the people of the world, the picture, to give them a real picture of Independence Hall. We expect them to think back and to appreciate what that means in these days. We want them to know that the Declaration of Independence, which spells so much for Democracy, Liberty, Individualism, Individual Rights, we want them to know all these things and think about them and attain an attitude toward this country that will support and appreciate the Democracy which we enjoy; and so we spend the money, and after we spend the money we stand here in the Senate and in the newspapers we issue statements which blacken the whole proceeding and give to the totalitarian governments the right to say we have no respect for the very things we created, and about the virtues which we extoll, and about which we talk so much. We compare our liberty, our freedom, our privileges with theirs to their disadvantage, and then we call ourselves names.

The President of the greatest country in the world is maligned for weeks in the newspapers about the fact that somebody said he made a remark about where the border line of this country is—where our first line of defense is, and for weeks the man—whether you agree with him or not—he is trying to solve a problem which means the safety, in the final analysis, for all of us—that man is maligned, called names, held before the public as if he had been a thief or had concealed or thieved something that belonged to the country and wanted to appropriate it to himself, and then the matter dies and it turns out to be nothing more or less than a piece of propaganda, and we complain about the propaganda and the control of individuals in other countries which we criticize and say are nothing like ours. The millions of dollars you spend in giving the rights to children you raise, to appreciate a free country, a Democracy, you just simply waste and throw away by incidents of this kind.

Take the trouble to do what I have done frequently, that is, get a copy of a foreign newspaper and see some of the remarks we have made headlined in their papers. If you stop to think, if you are serious as I know you are, about

the situation here, if you stop to think about how much capital is made out of the things that are being said against our President, you will realize how serious this situation is.

POINT OF ORDER

Mr. GELDER. Mr. President, I rise to a point of order.

The PRESIDENT. The Senator from Susquehanna, Mr. Gelder, will state his point of order.

Mr. GELDER. Mr. President, the Senator from Philadelphia, Mr. Shapiro, apparently is talking on the resolution introduced by Senator Ealy; the resolution before the House is the resolution introduced by the Senator from Delaware.

Mr. SHAPIRO. Mr. President, I know what resolution it is. I am making comparisons, and I think I am in order. I may say this resolution brings out with emphasis what I think the Senator from Somerset, Mr. Ealy, has been talking about. I say it is these things—not discussions among ecclesiastics as to whether they will come under the insurance fund or social security or not—but ridiculing that which we ourselves hold forth and advertise to the world in general about our sacred shrines that bring about the fall of Democracy.

If we do not appreciate our liberty enough to stop any statements like that, to go forth and advertise on hearsay statements of this kind what can we expect from those who do not like our form of government? When Democracy hangs on the narrow thread of WPA we ought to be very careful what we say about Democracy and the privileges of America and that sort of thing.

Last night I objected to this resolution because it stated as a fact something which this Senate does not know. Where is there before this Senate any evidence to support the recital clause which has been referred to by Senator Walker? Who has told us—outside of the newspapers—that hot dogs and soda water are going to be sold on the terrace of this replica of Independence Hall, and why should we, without any knowledge of those facts, be asked at this time to either reflect upon the Senator from Delaware, Mr. Heyburn, by voting down the resolution, when he may have in his possession sufficient facts or on the other hand, to reflect upon the commission and the whole proposition when those facts may not be true. If all those things were true this resolution was not necessary.

Where are these able-bodied Republicans, appointed by the Governor? The proposition has not been finished. The question is not whether there should be a restaurant. Why don't they stand up quietly, in the proper place, with the officials of the Fair and say to them we do not want these things done. That is the way to do that—call them in and say—"We do not want to advertise these facts, this was a mistake, these Democrats did a terrible thing, but we are not going to do a worse thing. We are eight now and they are only five; we can run this commission and we will not let them do that." Then it would not be carried in all the newspapers in the country that we are running a monstrosity in a Shrine of Liberty, instead of something that will advertise and make something that will properly advertise the Commonwealth of Pennsylvania.

You might have well as wasted the money. You have advertised for days—I have read in the Philadelphia papers and seen pictures about hot dog stands and moving pictures in the Shrine of Liberty in the World's Fair, and now I hear from these men who have been there that is not true, never was true, and never was even mentioned. And I submit

if it was true, with this packed committee of eight Republicans and five Democrats there was a more decent way of handling this than to now expose all these failings than to exhibit it to the public gaze. I am ashamed that this thing should have to be brought out, I think it is time we realized that it is these little things which break down the Democracy which we are praying will live forever.

Mr. HEYBURN. Mr. President, if there is any misstatement of facts in this resolution, of course I do not want to press it. I am perfectly willing to have it referred to any proper committee and there be amended.

I have heard a lot about constitutional freedom of government, about the constitutional form of government, American liberty, and so forth and so on. Now, the taxpayers of Pennsylvania have invested \$387,500 in the exhibit. It has been charged in newspapers all over the land that we are going to maintain this exhibit by selling beer, hot dogs, and what not. I do not know whether they are or not, but I do think that under a constitutional form of government the people have a right to know whether that is true or not, and most certainly the time to tell them is not after the exhibition is over.

This is a resolution simply introduced to find the facts in order that the public may know and not be misled by any newspaper publicity, but to get facts from the committee in charge of this World's Fair Exhibit.

MOTION TO REFER RESOLUTION TO COMMITTEE ON FEDERAL RELATIONS

Mr. HEYBURN. This is simply a matter of stating facts in order that the people might know for themselves, and if there is any misstatement it certainly was not intended, and I therefore move that the resolution be referred to the Committee on Federal Relations for proper amendment.

Mr. GELDER. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

Mr. GILSON. Mr. President, I think it would have come with a lot better grace from the Senator from Delaware if he had not set forth positively in his resolution a recital which constitutes a direct charge and allegation of fact which he has been informed today is entirely fallacious. Either the gentleman is guilty of supine negligence, amounting practically to criminal negligence, or else he is a party to an attempt to do something which right-minded people in the Commonwealth of Pennsylvania can not approve; and the gentleman by himself moving to refer this resolution to any committee cannot escape the responsibility which he assumed when he introduced that resolution.

And now, Mr. President, I have no objection to the chairman and the secretary, and, as a matter of fact, joined in by all the members of the commission, to report to this body or the Legislature or the Governor any thing that they may wish to know about the business of the Pennsylvania World's Fair Commission.

I think it would come with a lot better grace if the man who introduced this resolution would have the character to stand up on the floor of this Senate and apologize for what he has done, and ask that the first part of that resolution be deleted, and respectfully request that the World's Fair Commission of the State of Pennsylvania report from time to time to the Governor of this Commonwealth and to the Legislature. I think any motion to refer this resolution to any committee is simply a counterpart of the cowardly and dastardly attempt which the introduction of the

resolution revealed, and I think we first ought to vote down this resolution; we ought to vote down this motion to commit to any committee, and then bring it right out on the floor and vote down the resolution, and then I for one not only welcome but I urge that whenever anybody in a place of responsibility in this Commonwealth wants to know what the World's Fair Commission is doing, and why, that information be forthcoming promptly and to the proper people.

I think that this attempt to ease out from the character—from the part of character assassin—is as cowardly and reprehensible as the introduction of the original resolution and I think we ought to vote down this motion.

Mr. CAVALCANTE. Mr. President, I have listened very seriously to what has been said, and I rise to state just why I am going to vote against committing this resolution to any committee. Whatever injury has been done is now done, and will be reflected in the ultimate results. For the Senator from Delaware, Mr. Heyburn, to ask at this time that the resolution be referred to committee is merely adding injury to the pain he has already caused. To send the resolution back to committee will not reflect the sentiments of this Senate in condemning the contents of that resolution.

I feel that we ought to openly, publicly, here on the floor of this Senate, be permitted to cast our votes against the substance of that resolution, and for that reason I intend to vote against any motion sending this resolution to committee, and on the question of the resolution I shall vote "No"—vote down the resolution.

Mr. GELDER. Mr. President, it is most unfortunate that in the matter of this resolution partisan politics has been injected by the Democratic floor leader of this body. Up to this time there have been no politics in the matter of the World's Fair Commission. As the members of this body well know, in the regular session of the Legislature in 1937, an appropriation for \$70,000 was made, a commission was formed, and I want to remind the Senator from Philadelphia, Mr. Shapiro, that that commission was composed entirely of Democratic members. In the Special Session of the Legislature, Mr. Wolf, who was then on the committee, went to the Governor of Pennsylvania, then Governor George H. Earle, and told him that the \$70,000 would be wasted unless there was a further appropriation to finish the building and be ready for the World's Fair opening.

He said a delay would be dangerous. The Governor would not put the matter of an additional appropriation for the World's Fair Commission in the call for the Special Session of the Legislature. Therefore, it was thrown into the lap of the present administration.

Mr. Wolf sought an interview with the present Governor of Pennsylvania. He called in the Speaker of the House and myself, and there was no talk of partisan politics. It was suggested by Mr. Wolf that he would be glad to have Republican members on the commission. The Governor did not, in my presence—and I was there during the entire time of the interview—say anything as to whether or not he was concerned with the membership or the politics of the members of the commission, but he did take the stand that Pennsylvania should be properly represented at the World's Fair, if we were going to be represented at all; and therefore, he formed an appropriation and he called in the budget officer to see how it could be arranged. He called up Governor Whalen, of

the World's Fair Committee. He assured the members of the Senate and the members of the House that if money was appropriated that the Governor would sign the bill.

Then, when the bill went to the House, it was in the House that the additional representation on the committee was arranged for and an amendment came over to the Senate. At that time we were not particularly interested in the question as to whether or not there was an addition to the commission. If the Republican members of the Senate had been interested in it at that time we certainly would have suggested to the Senator from Lackawanna that it be put in the bill when it came to the Senate.

Mr. President, it is true that as it stands now the majority on that commission, are Republicans—but it is not true that the Republican members of that commission—so far as I can find—and that is shown by the fact that Senator Walker was on his feet a few moments ago in defense of the commission—it is not true that the Republicans have been trying to block anything in connection with the World's Fair exhibit; they have been doing everything that has been possible, handicapped by the delay because the Governor who was in office during the Special Session did not do what he certainly should have done; and it is unfortunate at this time that politics is being injected into it. It seems to me that a great deal of ado is being made about a small matter in connection with a resolution, because it is true the popular press of Pennsylvania has been calling attention to the fact that a hot dog stand and a beer stand was to be there in the shadows of Independence Hall.

It is true a great deal of criticism has been made about the interior arrangements. The members of the commission who were together realize, as everybody else has realized, that at this time no change could be made in the original work as designed by the architect.

It seems to me that it is not at all unseemly for this resolution to go back to the committee from which it came. The committee can investigate if it desires, and if they find it necessary to bring out another resolution, if it is found that concessions are being made for beer stands, and if that is arousing antagonism throughout the Commonwealth, then the resolution can be amended. If not then it can die. I want to say I think our Democratic friends are very much perturbed about something that is not so material in occupying the time of the Senate, as they have this morning in opposing this resolution.

Frankly, as for myself, I would say, that had it come to a vote I would have voted against the resolution, but I do not see the reason for quite so much commotion about it. I certainly see no reason why at this time, for the first time, politics should be injected into the matter of the World's Fair exhibit from Pennsylvania.

Mr. GILSON. Mr. President, to my mind there is only one matter of importance about this resolution, and that is that there has been injected into this Senate a statement which is utterly false. There has been and can be no proper Senatorial action which does not by its vote condemn that kind of procedure. To my mind it is far more important that such a thing should be done than whether we sell hot dogs or beer not merely at the World's Fair but even in the Senate chamber.

I do not believe that we can lightly pass off that kind of action without saying by our vote that it is wrong and

shall not be done again and for that reason this is important, and the sole importance of this whole debate this afternoon is that the Senate of Pennsylvania, laying aside any partisan politics, will say once and for all that this sort of thing cannot be done.

And now, as to the partisan element being raised here this afternoon, I want to say as a member of that commission, I feel grateful to the House of Representatives, regardless of whatever their motives may have been in furnishing to this commission, from either a large or small motive, a personnel which I have found both so delightful and so useful in the matter of public service, and I am not concerned with the partisan element of this particular question, but I am concerned with the integrity of this body on a matter which should go beyond any partisan politics, and I think the only manly thing for this Senate to do is to resent what has been attempted to be perpetrated here, and that I consider important.

Mr. EALY. Mr. President, I cannot think that this resolution was introduced with any motive to reflect on the members of this commission. Perhaps the wording of the preamble was ill advised. One part of this preamble relates to moving pictures in this building, and I distinctly remember when this matter was brought before the committee it was said that there was an intention to exhibit moving pictures of pleasure spots and places in Pennsylvania where tourists could visit on the way to and from this World's Fair; and I thought that was a pretty good idea at the time. The resolution simply calls for information about this matter, in order to satisfy the minds of the people of Pennsylvania; and I cannot think it was introduced in any partisan manner whatsoever. I am sorry partisan feeling has been interjected into this discussion this afternoon. I think the proper thing to do is to send this back to committee.

Mr. HEYBURN. Mr. President, it was intended as no reflection upon any member of the committee, and I am very sorry any one has taken it as such.

There are some things I think the public should know. I am a member of the Committee on Appropriations, and during this session of the Legislature a member of the commission appeared before the Committee on Appropriations, and I remember him saying—if I have good ears—that it had \$75,000 to build a building with, and no money to finish it. Now, yesterday, I found out from members of the commission that we do not own the building, never have, and never will; we have leased space in another man's building. To my mind that is something the people should know about.

It was distinctly given to understand that the State of Pennsylvania had erected a building, the three hundred some thousand dollars was simply to decorate, and now I am told we leased space in another man's building, a part of which is to be used as a restaurant, and it had been intended that they could sell beer, and so forth and so on. These facts I want to find out from the commission and from my friend from Erie, Senator Gilson, as to whether or not we do own the building—and I also distinctly remember a great, a sizeable item that was supposed to be paid to the architect. If we paid an architect and rented space in another man's building, I think that is matter which should be clarified.

Mr. COLEMAN. Mr. President, at the risk of becoming a nuisance by talking again on this particular propo-

sition, I am going to ask for the indulgence of the Senate, and perhaps we may be able to clear up just a point or two.

May I, for the information of the Senate, read the act creating the World's Fair Commission, enacted in 1937, reading:

"It shall be the duty of the commission to provide for full participation by the Commonwealth in the World's Fair to be held in the City of New York during the year one thousand nine hundred and thirty-nine; to provide for exhibits showing the agricultural, industrial, coal mining, scientific, and the scenic and historic interests of the Commonwealth."

In other words, the commission is functioning as limited by an Act of General Assembly, and accordingly those who subtly intimate that the interior of the building ought to have the same dignity, the same solemnity as the place where the Declaration of Independence was signed will readily see that such is not possible under the terms of this particular act.

I want at this time to pay tribute to the Republican members of the World's Fair Commission who are tremendously handicapped because the commission has been functioning since last June, and accordingly the gentlemen who were put on as a result of the amendment passed here several weeks ago, have only a limited knowledge of what has been done. However, those who have examined it, with one exception, have agreed, as one of the members of the commission graciously said, that the exhibit is superb, and that when she saw the building in the Court of States in New York it held her breathless. There was only one member of the commission, that is the scholarly gentleman from Philadelphia, Dr. Woodward—my inclination at the time was to say a word to him with respect to the doctor's criticism of the plans, but I can recall that when Jimmy Walker was in his hey-day he said never argue with a newspaperman, they go to press too often. Consequently, I do not want to get into any controversy with the doctor because I am inclined to feel anything I say may be the signal for the latest issue of the Pennsylvania Legislator.

I believe the doctor was sincere in his criticism but, however, the doctor was alone in his criticism, so far as I am able to determine; there has not been any of the Republican members appointed to the commission who shared his particular belief about the exhibit.

May I just clean up a thought or two, an erroneous impression that may be in the minds, mostly I think it is misleading publicity given to the State of Pennsylvania.

If the General Assembly did not give the World's Fair Commission an additional appropriation of \$312,000 all there would be in the Independence Hall in New York would be \$68,000 worth of floor space. In other words, the commission has nothing whatever to do with the construction of the Independence Hall. It was merely a suggestion that a sort of reproduction of this Hall would be an appropriate setting, would be in keeping with the dignity and the importance of this great Commonwealth, and so, when we asked for another appropriation it was for the purpose of leasing the entire space in the building with the exception of the space that will be utilized by a restaurant handled by the New York World's Fair Commission in New York. We have nothing whatsoever to do with the erection or the demolition of that particular building, so that, notwithstanding, some criticism has been made about having a New York architect, the Pennsylvania World's Fair Com-

mission had nothing whatsoever to do with the architect who erected that particular structure. If we had not appropriated this additional money the State of Ohio would have the additional space acquired by this commission, as a result of this new appropriation.

I am inclined to believe, Mr. President, as I indicated, that all of the controversy is much ado about nothing. This exhibit will be in keeping with the dignity and the progressiveness and the importance of this Commonwealth.

I believe that the Senator from Delaware, Mr. Heyburn, was led into a position—to use the vernacular—of leading with his chin. I am inclined to believe that he knew nothing whatsoever about it, and my only complaint is the introduction of a resolution that carries in the whereas clause a subtle suggestion and intimation that something is wrong.

I would like to advise the Senator from Delaware, Mr. Heyburn, that as the acting Chairman of the commission that the five members, rather, that the fourteen members, have not taken a nickel for expenses. I made three trips to New York, seven to Harrisburg; I made a number of telephone calls, all at my own expense. When the new members were added to the commission I believe that Mr. Wolf conferred with the Governor and indicated to him that our only interest was seeing that this dream of a real exhibit, commensurate with the importance of the Commonwealth, became a reality; and I indicated to him that the members of the commission would be only too glad to step aside if it was the Governor's desire. The Governor said very definitely that he had no intention of adding any new members, and as far as he knew at that particular time, when the designer explained the exhibit, he said the exhibit was all right and would be in keeping with the progressive spirit of this State.

So, Mr. President, I believe that we ought to defeat the motion to refer this to any committee embodying as it does, a most fearful kind of a public insult to the members of the particular committee, and I am asking my friends on this side of the House, and those on the other side who agree with us, to defeat this motion to recommit it, and then if the resolution is later brought up for a vote, to vote it down, and thus remove from the members of this commission who are serving today, the stigma of being involved today with anything having to do with the sale of hot dogs or beer or the desecration of Independence Hall.

Mr. GELTZ. Mr. President, if this discussion is not soon ended I fear we are going to have some bitterness against some individuals arising out of this afternoon's proceedings. This thing is beginning to look to me like the old hot potato, it is passed to one and he immediately finds it too hot and he immediately passes it to someone else.

Before voting on this motion I think we might clarify the situation for all of us, if the chairman of the committee, instead of going into an oration about the features and science effects and so forth, would tell us just a few facts about what is in the exhibit at the World's Fair, and that might put an end to all this argument. Are there concessions; are there hot dog stands, are they going to sell beer? Can we just get a short statement in a very few words of what it consists of? That is, I think, the entire question in the minds of the Senators.

Mr. SHAPIRO. Mr. President, I want to clear the atmosphere on the question of injecting politics into this matter. I think my friend misunderstood. I said with eight Republican members on the committee I did not see why we had to have a resolution of this kind. I want to refer

to a few words—and you will see what I mean, that I said on the floor of this Senate where you have eight members you could not be overwhelmed.

I mean you could inquire and settle it among yourselves. I do not see why it had to be a public matter when you have a membership of fourteen members, at least thirteen of whom are in agreement in the matter, and you can certainly accomplish what you are trying to do.

I am objecting to the resolution, which I say cannot be amended, because of the first whereas clause, which reads, "Whereas, the present plans of the Pennsylvania World's Fair Commission call for the official Pennsylvania Exhibit at the New York World's Fair called for modernizing the interior of a reproduction of Independence Hall;

"And whereas the present plans despite a prohibitory order by Governor James called for a cocktail terrace, a beer garden and also a theatre where publicity moving pictures will be shown, and other startling and not altogether patriotic innovations."

Well, now, I think that in itself is a very unfair statement to make. I never heard Governor James issue such an order prohibiting such things; I never heard that such things were going to be exhibited. I read further from the resolution:

"And whereas public opinion in Philadelphia is overwhelmingly and indignantly against these innovations, as shown in the daily press;"

Well, I never heard there was any justification for those things. As a matter of fact, the press in Philadelphia has made of this a political issue and is trying to lay the blame of the whole thing upon the Democratic administration. I'll agree with Senator Gelder that the duty of the Governor who retired, Governor Earle, was to have appropriated this money last year. It was his obligation to do so and he should have carried it out, but because he did not do something he should have done is no reason we should do something we should not do. We should say, this committee of fourteen men, in whom all of us have confidence—should advise the General Assembly what plans it has devised in connection with the exhibit, or what plan it has devised to overcome the mounting public objection to the original plan, so as to typify the true spirit of Independence Hall.

There is not the slightest evidence before us that any such thing is true, and yet the resolution is introduced that the committee should advise what they have done to overcome an unwarranted public opinion. From the facts before us this public opinion is unwarranted, because there is nothing basically to show that these recital clauses are true.

The gentleman has told us there is no need for him to repeat—the only thing in the recital clause that may be untrue is that there may be a restaurant there and there may be some moving pictures shown. There is nothing to that, there is nothing wrong, and if it is the committee can correct it.

I have no charge against Senator Heyburn except that I think he has presented a resolution which was inadvisable. The real purpose of the resolution which was not disclosed in the resolution—can be carried out at a meeting of the committee. I do not think we should allow newspaper stories to control the Senate, and it is high time we stop that. I think the people responsible for discrediting the exhibit are the newspapers, and the best answer you can give them is to vote down the resolution, first

the motion to commit it, because it cannot be corrected to meet the intent of the sponsor, because I am sure that was not his intention; and, secondly, when the question comes up on the resolution vote it down.

Mr. OWLETT. Mr. President, I do not want to prolong this discussion. There is before this Senate now a motion to send this resolution back to committee. The sponsor of the resolution made the motion himself and he stated that if the resolution contained preambles which misstated facts he wanted those facts corrected; he was as anxious as anybody else.

Now, I have no objection particularly to the defeat of this resolution, but I do, Mr. President, seriously object now to the defeat of this motion, to send this back to committee, for the reason my friend and colleague, from Erie, Senator Gilson, apparently wants this Senate to vote down this motion to recommit this resolution as a chastisement to Senator Heyburn, for introducing it.

I submit to the members of the Senate that is wrong. It has been heralded all through this State that this World's Fair Commission was to sell hot dogs and beer and liquor and that it was to be sold in a replica of Independence Hall.

An now, if that is not true, as Senator Geltz very properly pointed out, let us know; but we have not yet been told the plans do not call for that. I submit, Mr. President, that a member of this Senate has a right to introduce a resolution calling for information. I, for one, seriously object to members of this Senate standing up on the floor and inferring improper motives to a member of this body who introduces a resolution, merely for the purpose of ascertaining information; and who, after it is introduced and after a statement is made that it is untrue, gets up frankly and honestly and says if it has untrue statements he does not want them in there, send it back to committee and have it cured—and then we have two hours oratory, most of which attempts to question the motive of the Senator who introduced that resolution.

I say we should send this resolution back to the committee where, if it is not to be passed it can die, and if it is we should have this information and it can be corrected. Let's not, by passing this resolution, serve notice on a member of this Senate that he has not a right to introduce a resolution calling for information.

Mr. SIPE. Mr. President, I wish to interrogate the Senator from Delaware, Mr. Heyburn.

The PRESIDENT. Will the Senator from Delaware, Mr. Heyburn, permit himself to be interrogated?

Mr. HEYBURN. Mr. President, I will.

Mr. SIPE. Mr. President, the resolution introduced by the Senator from Delaware, Mr. Heyburn, alleges in the whereas clauses certain statements which we have heard several members of the commission, both Republican and Democrat declare are both false and malicious. I do not wish to impugn your motives, but I ask you to inform the Senate where you got those allegations.

Mr. HEYBURN. Mr. President, I simply read stories in the public press, from one end of the State to the other, and when I dictated the resolution it mentioned that fact, which has apparently been left out of the whereas clauses. Now, what I would like someone to tell me is how much this architect got; do we own the building or not; is there a restaurant in the same building in which the exhibit is to be placed; do we ever contemplate the sale of beer

or not? That is a simple matter of information; it is nothing personal.

Mr. GILSON. Mr. President, I am very much surprised to see the Senator from Tioga get on his feet and attempt to convince the Senate that it is proper procedure for one Senator to make statements directly and positively and which are absolutely untrue, without an ample investigation, and then say that sort of procedure must be condoned and justified or otherwise a Senator cannot ask for information.

I think the Senator from Tioga entirely overlooked the fact that I stated I thought this commission was duty bound to furnish information to anybody at any proper time. I cannot understand how any flight of oratory can be used, any innuendo can be used, to couple up the right of a Senator to ask for information with the similar right that a Senator in so doing shall make statements or information which are palpably false and that is the case here.

Mr. WALKER. Mr. President, may I say for the information of the Senate that I have been advised that in the New York World's Fair there will be also entertainment commonly known in the vernacular as the fan dance, and it will not be in the Pennsylvania exhibit.

Mr. RICE. Mr. President, may we have the resolution read before we vote?

The resolution was again read.

QUESTION OF PARLIAMENTARY INFORMATION

Mr. GILSON. Mr. President, I rise to a question of parliamentary information.

The PRESIDENT. The Senator from Erie will state his question of parliamentary information.

Mr. GILSON. Mr. President, do I understand that a vote "no" means the resolution will not be committed, and we will be in a position to vote either "aye" or "no" on the resolution?

The PRESIDENT. The Chair so understands.

And the question recurring,

Will the Senate agree to the motion?

The yeas and nays were required by Mr. Shapiro and Mr. Coleman and were as follows, viz:

YEAS—27.

Bartlett,	Gelder,	Letzler,	Snowden,
Chapman,	Geltz,	Mallery,	Stevenson,
Crowe,	Haluska,	Miller,	Tallman,
Ealy,	Heyburn,	Owlett,	Thomas,
Edmonds,	Homsher,	Pierson,	Wolfenden,
Eroe,	Jacobs,	Reed,	Woodward,
Farrell,	Lanius,	Sipe,	

NAYS—14.

Cavalcante,	Jaspan,	Mundy,	Shapiro,
Coleman,	Kunkel,	Rice,	Stiefel,
DiSilvestro,	McCreesh,	Ruth,	Walker,
Gilson,	McGinnis,		

So the question was determined in the affirmative, and the resolution was referred to the Committee on Federal Relations.

BILLS SIGNED

The PRESIDENT (Lieutenant-Governor Samuel S. Lewis) announced that the Chief Clerk having reported that the following bills had passed both houses of the General Assembly and the same being correct, the titles were publicly read as follows:

House Bill No. 128, entitled:

An Act to repeal the act, approved the thirtieth day of July, one thousand nine hundred and thirty-eight (P. L. 17), entitled "An act defining the relative powers of the Attorney General and of district attorneys in investigations or proceedings in the criminal courts; authorizing the judges thereof to appoint, subject to appeal to the Supreme Court, special prosecutors in certain cases, and providing for their compensation by the county."

House Bill No. 129, entitled:

An Act to repeal the act, approved the thirtieth day of July, one thousand nine hundred and thirty-eight (P. L. 15), entitled "An act defining the procedure for, and regulating the investigation by the House of Representatives and its committees of charges of, or involving, misdemeanor in office on the part of civil officers liable to impeachment; authorizing the Speaker of the House to appoint a special committee for any such investigation; authorizing the presentation of evidence by the Attorney General and other counsel and the officers investigated; providing for the summoning of witnesses and for the punishment of persons refusing to appear, produce evidence or testify; and authorizing the employment and compensation of counsel and other assistants."

House Bill No. 131, entitled:

An Act to repeal the act, approved the thirtieth day of July, one thousand nine hundred and thirty-eight (Pamphlet Laws thirteen), entitled "An act relating to the investigation of charges of, or involving, misdemeanor in office made against civil officers subject to impeachment, providing that the jurisdiction of the House of Representatives to make such investigations shall have precedence over the jurisdiction of grand juries; and limiting the circumstances under which courts of oyer and terminer and general jail delivery or courts of quarter sessions, or judges of such courts, may authorize grand juries to make such investigation."

House Bill No. 132, entitled:

An Act to repeal the act, approved the thirtieth day of July, one thousand nine hundred and thirty-eight (Pamphlet Laws eighteen), entitled "An act suspending, retroactively as well as prospectively, any other pending investigation, legislative, executive or judicial, of charges of, or involving, misdemeanor in office on the part of civil officers liable to impeachment, which the House of Representatives undertakes to investigate, and providing under what circumstances the suspended investigation may be resumed."

Whereupon,

The PRESIDENT (Lieutenant-Governor Samuel S. Lewis) in the presence of the Senate signed the same.

HOUSE MESSAGE

HOUSE BILL FOR CONCURRENCE

The Clerk of the House of Representatives being introduced presented for concurrence a bill of the House, as follows:

House Bill No. 115, (Senate Bill No. 216), entitled:

An Act to amend section ten of the act approved the thirty-first day of March, one thousand eight hundred and sixty (P. L. 427), entitled "Criminal Procedure Act of 1860" by providing further for the administration of oaths and affirmations to witnesses appearing before grand juries.

Which was committed to the Committee on Judiciary General.

RECESS

Mr. OWLETT. Mr. President, I move that the Senate do now take a recess for fifteen minutes.

Mr. GELDER. Mr. President, I second the motion.

The motion was agreed to.

AFTER RECESS

The PRESIDENT. The time of recess having elapsed the Senate will be in order.

REPORT FROM COMMITTEE

Mr. MILLER. Mr. President I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. MILLER from the Committee on Public Utilities, reported as committed, Senate Bill No. 215, (House Bill No. 338), entitled:

An Act to amend clause ten of section two and section three hundred one of an act approved the twenty-seventh day of May, one thousand nine hundred and thirty-seven (P. L. 1053), known as the "Public Utility Law" by excluding from the definition of "Facilities" as used therein property owned by municipal corporations of the Commonwealth of Pennsylvania when the said act became effective and providing that the Pennsylvania Public Utility Commission shall have power to regulate and fix the rates for service furnished by public utilities owned by municipal corporations of the Commonwealth of Pennsylvania only when the public service being furnished or rendered by any municipal corporations shall be beyond its corporate limits and extending such freedom from regulation and control by the Commission to public utility service furnished or rendered by an operating agency of any such municipal corporation.

MOTION TO READ BILLS THE FIRST TIME

Mr. OWLETT. Mr. President, I move that the Senate do now proceed to the first reading of all bills reported from committees for the first time at today's session.

Mr. GELDER. Mr. President, I second the motion.

The motion was agreed to.

BILLS ON FIRST READING

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 39, entitled:

An Act validating county treasurers sales for delinquent taxes, when the reports and returns of such sales were made to the court of common pleas, and the deeds thereto were executed and acknowledged, by an attache of the office of the county treasurer and not by the county treasurer as required by law.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 134, entitled:

An Act requiring aliens to register with the Department of Labor and Industry and to carry, and upon proper demand to exhibit, identification cards; prohibiting the issuing of certain registrations and licenses to, or the employment of, aliens under certain circumstances; and prescribing penalties.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 215, (House Bill No. 338), entitled:

An Act to amend clause ten of section two and section three hundred one of an act approved the twenty-seventh day of May, one thousand nine hundred and thirty-seven (P. L. 1053), known as the "Public Utility Law" by excluding from the definition of "Facilities" as used therein property owned by municipal corporations of the Commonwealth of Pennsylvania when the said act became effective and providing that the Pennsylvania Public Utility Commission shall have power to regulate and fix the rates for service furnished by public utilities owned by municipal corporations of the Commonwealth of Pennsylvania only when the public service being furnished or rendered by any municipal corporations shall be beyond its corporate limits and extending such freedom from regulation and control by the Commission to public utility service furnished or rendered by an operating agency of any such municipal corporation.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

BILLS INTRODUCED

Mr. STIEFEL. Mr. President, I ask unanimous consent to introduce a bill at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. STIEFEL read in place and presented to the Chair Senate Bill No. 217, entitled:

An Act to further amend clause (c) of section fifty-eight of the act, approved the seventh day of June, one thousand nine hundred and seventeen (P. L. 447), entitled as amended "An act relating to the administration and distribution of the estates of decedents and of minors, and of trust estates; including the appointment, bonds, rights, powers, duties, liabilities, accounts, discharge and removal of executors, administrators, guardians, and trustees, herein designated as fiduciaries; the administration and distribution of the estates of presumed decedents; widow's and children's exemptions; debts of decedents, rents of real estate as assets for payment thereof, the lien thereof, sales and mortgages of real estate for the payment thereof, judgments and executions thereof, and the discharge of real estate from the lien thereof; contracts of decedents for the sale or purchase of real estate; legacies, including legacies charged on land; the discharge of residuary estates and of real estate from the lien of legacies and other charges; the appraisement of real estate devised at a valuation; the ascertainment of the curtilage of dwelling houses or other buildings devised; the abatement and survival of action and the substitution of executors and administrators therein; the survival of causes of action and suits thereupon by or against fiduciaries; investments by fiduciaries; the organization of corporations to carry on the business of decedents; the audit and review of accounts of fiduciaries; refunding bonds; transcripts to the court of common pleas of balances due by fiduciaries; the rights, powers, and liabilities of nonresident and foreign fiduciaries; the appointment, bonds, rights, powers, duties, and liabilities of trustees durante absentia; the recording and registration of decrees, reports and other proceeding and the fees therefor; appeals in certain cases; and, also generally dealing with the jurisdiction, powers and procedure of the orphans' court in all matters relating to fiduciaries concerned with the estates of decedents," by permitting foreign fiduciaries to issue writs of scire facias or other process on certain mortgages and to enter judgment on accompanying bond, and to proceed with sale of mortgaged property, to take title to, and to resell such mortgaged property.

Which was committed to the Committee on Judiciary General.

Mr. WALKER. Mr. President, I ask unanimous consent to introduce a bill at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. WALKER read in place and presented to the Chair Senate Bill No. 218, entitled:

An Act for the better government of cities of the second class of the Commonwealth by providing among other things for a councilmanic form of government with a council elected by proportional representation and with a city manager selected by council the creation, abolition and change of departments and the addition to departments of certain functions pertaining to parks planning within the city improvement of the civil service, increased control over finance by requiring balanced current and capital budgets and by greater control over the collection of charges, fees and taxes and over payments of salaries and other expenditures out of the city treasury, abolishing Property Assessment as a city function and the grant of home rule to such cities and penalties.

NOMINATIONS BY THE GOVERNOR

The Secretary to the Governor being introduced, presented communications in writing from His Excellency, the Governor of the Commonwealth, which were read as follows, and referred to the Committee on Executive Nominations.

MEMBER OF BOARD OF TRUSTEES OF EAST STROUDSBURG STATE TEACHERS COLLEGE

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, March 14, 1939.
To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor to nominate for the advice and consent of the Senate the appointment of J. E. Reese Kilgore, Stroudsburg, Monroe County, as a member of the Board of Trustees of East Stroudsburg State Teachers College, for the term of four years, and until his successor is qualified, vice Grant W. Nitrauer.

ARTHUR H. JAMES.

ADJOURNMENT

Mr. OWLETT. Mr. President, I move that the Senate do now adjourn until Wednesday, March 15, 1939 at 12:00 o'clock, noon.

Mr. HOMSHER. Mr. President, I second the motion.

The motion was agreed to.

The Senate adjourned at 4:23 o'clock, p.m. until Wednesday, March 15, 1939, at 12:00 o'clock, noon.

HOUSE OF REPRESENTATIVES

TUESDAY, March 14, 1939.

The House met at 1 p. m.

The SPEAKER (Ellwood J. Turner) in the Chair.

PRAYER

The Chaplain, Rev. Walter Evans Deibler, offered the following prayer:

We thank Thee, O God, for the inspiration of a beautiful day. We would not accept this blessing without duly recording our appreciation to Thee. We are reminded of the relationship we sustain to Thee. "I am the vine, ye are the branches." "As the branch cannot bear fruit of it-

self, except it abide in the vine; no more can ye except ye abide in me." Organic rather than mechanical union is here indicated. Soon new life in nature about us will support our faith. Man is no mere automaton. He is endowed with capacities and faculties to record the life giving, fruit bearing energy of our Creator, God. Give, we beseech Thee, to each member of this Assembly and to all of us the energy to bear fruit that will honor Thee. Through Jesus Christ, Our Lord to whom be glory forever. Amen.

JOURNAL APPROVED

The SPEAKER. The Clerk will read the Journal of yesterday.

The Clerk proceeded to read the Journal of yesterday, when, on motion of Mr. COOK, the further reading was dispensed with and the Journal approved.

BILLS INTRODUCED AND REFERRED

By Mr. FLEMING. HOUSE BILL NO. 480.

An Act regulating the appointment, promotion, suspension, reduction, removal, and reinstatement of employees (except chiefs, deputy chiefs and chief clerks) in bureaus of fire; and fire alarm operators and fire box inspectors in bureaus of electricity in cities of the second class; defining the powers and duties of Civil Service Commissions for such purpose in said cities; and repealing inconsistent legislation.

Referred to the Committee on Cities—Second Class.

By Mr. STAMBAUGH. HOUSE BILL NO. 481.

An Act requiring aliens to register with the Department of Labor and Industry and to carry and, upon proper demand, to exhibit identification cards; prohibiting the issuing of certain registrations and licenses to, or the employment of aliens under certain circumstances and prescribing penalties.

Referred to the Committee on Labor.

By Mr. HAINES. HOUSE BILL NO. 482.

An Act assenting to the provisions of the Act of Congress entitled "An act to provide that the United States shall aid the States in wildlife-restoration projects, and for other purposes," approved September second, one thousand nine hundred and thirty-seven, and conferring certain powers and duties on the Pennsylvania Game Commission.

Referred to the Committee on Game.

By Mr. CORDIER. HOUSE BILL NO. 483.

An Act regulating the appointing or election of deputy controllers in cities of the second class A; and prescribing their powers and duties.

Referred to the Committee on Cities—Second Class.

By Mr. JACOB L. MOSER. HOUSE BILL NO. 484.

An Act requiring the Department of the Auditor General to examine and audit the dockets and accounts of justices of the peace, aldermen and magistrates; and prohibiting any other department, officer or agency of the State Government from so doing.

Referred to the Committee on State Government.

By Mr. BRETHERICK. HOUSE BILL NO. 485.

An Act to amend the title and further amend section seventy-one of the act, approved the seventh day of June, one thousand nine hundred and one (Pamphlet Laws 493),

entitled "An act providing for the examination, licensure, and registration of persons, firms, or corporations engaged or engaging in the business or work of plumbing or house drainage, and prescribing certain rules, regulations, and requirements for the construction of plumbing, house drainage, and cesspools in cities of the second class; and imposing fines, penalties, and forfeitures for violation thereof," by making refusal of access to premises prima facie evidence of a violation of said act in certain cases; and giving notice that said act is applicable to cities of the second class A, and has heretofore been extended to cities of the third class, certain boroughs, incorporated towns and townships of the first class.

Referred to the Committee on Professional Licensure.

By Mr. CORDIER. HOUSE BILL NO. 486.

An Act authorizing the appointment of a deputy mayor in cities of the second class A, and limiting and prescribing his powers and duties.

Referred to the Committee on Cities—Second Class.

By Mr. BREThERICK. HOUSE BILL NO. 487.

An Act to amend clause (a) of section one thousand two hundred and sixteen, as added to the act approved the eighteenth day of May, one thousand nine hundred and eleven, (Pamphlet Laws 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special, or local, or any parts thereof, that are or may be inconsistent therewith," changing qualifications for sabbatical leaves of absence for certain employes of school districts.

Referred to the Committee on Education.

By Messrs. READINGER and HESS.

HOUSE BILL NO. 488.

An Act to amend sections one hundred eighty-two and one hundred eighty-three, and to add sections one hundred fifty and one-tenth, one hundred fifty and two-tenth, one hundred fifty and three-tenth, and one hundred fifty and four-tenth to the act, approved the second day of May, one thousand nine hundred and twenty-nine (Pamphlet Laws 1278), entitled "An act relating to counties of the second, third, fourth, fifth, sixth, seventh and eighth classes; and revising, amending and consolidating the laws relating thereto," requiring all county officers hereafter appointed or elected upon the expiration of their terms to pay over to the county treasurer all moneys in their possession for which they are liable to account under their respective bonds, together with a statement thereof; and providing for the payment out of such moneys; providing for the escheat of certain moneys held in the county treasury and releasing such county officers.

Referred to the Committee on Counties.

By Messrs. WEISS and LOVETT.

HOUSE BILL NO. 489.

A Joint Resolution proposing an amendment to section thirteen, article eight, of the Constitution of the Commonwealth of Pennsylvania.

Referred to the Committee on Constitutional Amendments.

By Mr. FISS.

HOUSE BILL NO. 490.

An Act relating to financial affairs of counties of the second to eighth classes inclusive, cities of the third class, boroughs, towns, townships, county institution districts, poor districts, and school districts of the second, third and fourth classes, except those in cities of the second class A;

regulating the time during which taxes therein shall be payable at face and with penalties and fixing the amounts of penalties and interest; changing the dates for the preparation and adoption of the budget, the levying of taxes, the passing of appropriation measures, the delivery of duplicates and warrants, and the giving of notice to the taxables, requiring boards for the assessment and revision of taxes or county commissioners to prepare certain tax duplicates and bills; and repealing existing laws.

Referred to the Committee on Municipal Corporations.

By Mr. FISS.

HOUSE BILL NO. 491.

An Act to amend sections four hundred and one, four hundred and thirty-one four hundred forty-one, five hundred and five, five hundred and seven, and five hundred and eleven, and to repeal section five hundred and sixteen of the Act approved twenty-second day of May, one thousand nine hundred thirty-three (Pamphlet Laws eight hundred fifty-three) entitled "An act relating to taxation; designating the subjects, property and persons subject to and exempt from taxation for all local purposes; providing for and regulating the assessment and valuation of persons, property and subjects of taxation for county purposes, and for the use of those municipal and quasi-municipal corporations which levy their taxes on county assessments and valuations; amending, revising, and consolidating the law relating thereto; and repealing existing laws"; changing the dates for the issuing of precepts to assessors and the return thereof, and the dates relating to the revision of assessments, appeals therefrom, and the issuance of duplicates.

Referred to the Committee on Municipal Corporations.

By Mr. HABBYSBAY.

HOUSE BILL NO. 492.

An Act to amend Section one of the act, approved the seventeenth day of June, one thousand nine hundred and thirteen (Pamphlet Laws, five hundred seven), entitled "An Act to provide revenue for State and County purposes, and, in cities coextensive with counties, for city and county purposes; imposing taxes upon certain classes of personal property; providing for the assessment and collection of the same; providing for the duties and compensation of prothonotaries and recorders in connection therewith; and modifying existing legislation which provided for raising revenue for State purposes," as amended, by excluding stages, omnibuses, hacks, cabs, and other vehicles used in transporting passengers for hire, owned, used, or possessed within this Commonwealth by any person or persons, or by any corporate body or bodies from the provisions thereof.

Referred to the Committee on Ways and Means.

By Mr. SKALE.

HOUSE BILL NO. 493.

An Act to amend sections two and three of the act approved the twenty-second day of June, one thousand nine hundred and thirty-five, (Pamphlet Laws 449), entitled "An act relating to certain sports on Sunday in cases where an admission is charged; permitting certain sports on Sunday for which an admission is charged during certain hours; providing for the licensing of exhibitions thereof where an admission charge is made; and changing the hours during which certain sports may be conducted, staged, and played where the electors are in favor of the same," by extending the provisions of said act to ice hockey and other games, sports and exhibitions played, performed or presented on ice.

Referred to the Committee on Law and Order.

By Mr. WINNER. (By request) HOUSE BILL NO. 494.

An Act defining and prohibiting unfair sales; providing remedies for violations thereof; and establishing penalties therefor.

Referred to the Committee on Judiciary General.

By Messrs. SCHROPE and DOWNEY.

HOUSE BILL NO. 495.

An Act relating to the seizure of gambling machines or devices; requiring inventory of all moneys and articles seized; and imposing penalty.

Referred to the Committee on Judiciary Special.

By Mr. GILLAN.

HOUSE BILL NO. 496.

As Act to amend section four of the act, approved the twenty-fifth day of July, one thousand nine hundred thirteen (Pamphlet Laws, one thousand twenty-four), entitled "An act to protect the public health and welfare, by regulating the employment of females in certain establishments, with respect to their hours of labor and the conditions of their employment; by establishing certain sanitary regulations in the establishments in which they work; by requiring certain abstracts and notices to be posted; by providing for the enforcement of this act by the Commissioner of Labor and Industry and others; by prescribing penalties for violations thereof; by defining the procedure in prosecutions; and by repealing all acts and parts of acts inconsistent with the provisions thereof," by extending the night restrictions on employment in manufacturing establishments in certain cases.

Referred to the Committee on Labor.

By Mr. JACOB L. MOSER.

HOUSE BILL NO. 497.

An Act enabling city, county, poor, institution district, ward, school, borough, and township tax collectors, their executors and administrators if they are deceased, or either surety or sureties, to collect taxes for the payment of which they have become personally liable, without having collected the same by the expiration of the authority of their respective warrants, or by the expiration of their terms of office; extending the time for the collection of the same for a period of two years from the passage of this act; and validating collections and proceedings for collections made or commenced without previous authority.

Referred to the Committee on Municipal Corporations.

By Mr. LEE.

HOUSE BILL NO. 498.

An Act to amend sections two and five of the act, approved the first day of July, one thousand nine hundred nineteen (Pamphlet Laws 717), entitled "An act fixing the number, compensation, mileage, and duties of the officers and employes of the General Assembly, and providing for their election or appointment, term of office, and manner of filling vacancies," further regulating the term of office of such officers and employes.

Referred to the Committee on State Government.

By Messrs. KILROY and SKALE.

HOUSE BILL NO. 499.

An Act abating certain tax penalties, interest and costs on city and school taxes in cities of the first class and school districts of the first class.

Referred to the Committee on Cities—First Class.

By Mr. WOODSIDE.

HOUSE BILL NO. 500.

An Act to amend sections two, three, four and six of the act, approved the fifth day of June, one thousand nine hundred and thirteen (Pamphlet Laws 443), entitled "An act for the prevention of blindness, by requiring the reporting of cases of ophthalmia neonatorum (inflammation of the eyes of infants) by physicians, midwives and others, and requiring the reporting of results of treatment of such case of said disease, and fixing a penalty for violation thereof," by imposing duties on public health nurses, social workers, county medical directors and physicians and increasing penalties for violation of said act.

Referred to the Committee on Public Health and Sanitation.

By Messrs. READINGER and HESS.

HOUSE BILL NO. 501.

An Act to amend the act, approved the third day of June, one thousand nine hundred and thirty-seven (Pamphlet Laws 1333), entitled "An act concerning elections, including general, municipal, special and primary elections, the nomination of candidates, primary and election expenses and election contests; creating and defining membership of county boards of elections; imposing duties upon the Secretary of the Commonwealth, courts, county boards of elections, county commissioners; imposing penalties for violation of the act, and codifying, revising and consolidating the laws relating thereto; and repealing certain acts and parts of acts relating to elections," by changing the time for holding the fall primary election and renaming the primary elections.

Referred to the Committee on Elections.

By Mr. ROSENFELD

HOUSE BILL No. 502.

An Act to amend section one thousand and thirty-three of the act approved the first day of May, one thousand nine hundred and twenty-nine, (P. L. 905), entitled "An act for the protection of the public safety; regulating the use of highways, and the operation of vehicles, tractors, street cars, trackless trolley omnibuses, bicycles, pedestrians, and the riding of animals upon the highways of this Commonwealth; providing for the titling, including liens, encumbrances, and legal claims; registration of certain vehicles and licensing the operators thereof, upon payment of prescribed fees; prescribing and limiting the powers of local authorities to deal with the subject matter of this act; conferring powers and imposing duties upon the Department of Revenue, the Department of Highways, peace officers, mayors, burgesses, magistrates, aldermen, justices of the peace, the courts and the clerks thereof, owners of vehicles, and garage keepers; providing that records are admissible as evidence; imposing upon owners, counties, cities, boroughs, incorporated towns, townships, within the Commonwealth, liability for damages caused by the negligent operation of their motor vehicles; imposing penalties; imposing certain costs upon counties; providing for the disposition of fines, forfeitures, fees, and miscellaneous receipts; making an appropriation and providing for refunds," making it unlawful to operate open vehicles on the highways carrying other vehicles.

Referred to the Committee on Motor Vehicles.

By Mr. ROSENFELD

HOUSE BILL No. 503.

An Act making it unlawful to print, write, mimeograph, type, possess, or distribute, pamphlets, posters, hand bills or other forms of communicating information or propaganda for distribution or posting, unless the name of the person preparing the same is clearly shown thereon.

Referred to the Committee on Judiciary Special.

By Mr. ROSENFELD.

HOUSE BILL No. 504.

An Act authorizing courts, in certain cases, to order any party to an action, and the child of any such party, to submit to blood grouping tests.

Referred to the Committee on Judiciary Special.

By Mr. ROSENFELD.

HOUSE BILL No. 505.

An Act creating the Board of Court Administration as a departmental administrative board in the Department of Justice; and prescribing its powers and duties relative to encouraging a closer cooperation between the various courts of the Commonwealth, and the standardization and simplification of their rules of practice and procedure and their administrative functions.

Referred to the Committee on Judiciary General.

By Mr. BOWER.

HOUSE BILL No. 506.

An Act to further amend section six hundred and nineteen of the act approved the first day of May, one thousand nine hundred and twenty-nine (P. L. 905), entitled "An act for the protection of the public safety; regulating the use of highways, and the operation of vehicles, tractors, street cars, trackless trolley omnibuses, bicycles, pedestrians, and the riding of animals upon the highways of this Commonwealth; providing for the titling, including liens, encumbrances, and legal claims; registration of certain vehicles and licensing the operators thereof, upon payment of prescribed fees; prescribing and limiting the powers of local authorities to deal with the subject matter of this act; conferring powers and imposing duties upon the Department of Revenue, the Department of Highways, peace officers, mayors, burgesses, magistrates, aldermen, justices of the peace, the courts and the clerks thereof, owners of vehicles and garage keepers; providing that records are admissible as evidence; imposing upon owners, counties, cities, boroughs, incorporated towns, townships, within the Commonwealth, liability for damages caused by the negligent operation of their motor vehicles; imposing penalties; imposing certain costs upon counties; providing for the disposition of fines, forfeitures, fees, and miscellaneous receipts; making an appropriation; and providing for refunds," by making political subdivisions of the State liable for the negligence of their employees.

Referred to the Committee on Motor Vehicles.

By Mr. STOCKHAM.

HOUSE BILL No. 507.

An Act to add section six hundred twenty-one and one-tenth to, and to further amend section six hundred twenty-nine of the act, approved the seventeenth day of May, one thousand nine hundred and twenty-one (P. L. 682), entitled "An act relating to insurance; amending, revising, and consolidating the law providing for the incorporation of insurance companies, and the regulation, supervision, and protection of home and foreign insurance companies, Lloyds associations, reciprocal and inter-insurance exchanges, and fire insurance rating bureaus, and the regulation and supervision of insurance carried by such companies, associations, and exchanges, including insurance carried by the State Workmen's Insurance Fund; providing penalties; and repealing existing laws," defining and regulating group accident and health insurance; and extending the exclusion of certain standard policy provisions to ticket policies sold to passengers by common carriers.

Referred to the Committee on Insurance.

By Mr. ECKELS.

HOUSE BILL No. 508.

An Act validating county treasurers sales for delinquent taxes when such sales were held contrary to an act of Assembly requiring the adjournment or readjournment of such sales to a later date.

Referred to the Committee on Municipal Corporations.

By Mr. ECKELS.

HOUSE BILL No. 509.

An Act to amend article four of the act, approved the second day of May, one thousand nine hundred and twenty-nine (P. L. 1278), entitled "An act relating to counties of the second, third, fourth, fifth, sixth, seventh and eighth classes; and revising, amending and consolidating the laws relating thereto," regulating and providing for the keeping and auditing of the accounts of moneys collected by the county treasurer for the various taxing units within the county, and for payment of such moneys to the said taxing units.

Referred to the Committee on Counties.

By Mr. ALSPACH.

HOUSE BILL No. 510.

An Act to amend section twelve, as added to the act approved the second day of May, one thousand nine hundred and twenty-five, (P. L. 448), entitled "An act relating to fish, and amending, revising, consolidating, and changing the law relating to fish in the inland waters and the boundary lakes and boundary rivers of the Commonwealth," further defining "fish-bait."

Referred to the Committee on Fisheries.

By Mr. KRISE.

HOUSE BILL No. 511.

An Act to amend section three hundred and ten of the act, approved the twenty-second day of June, one thousand nine hundred and thirty-seven (P. L. 1987), entitled, "An act to preserve and improve the purity of the waters of the Commonwealth for the protection of public health, animal and aquatic life, and for industrial consumption, and recreation; empowering and directing the creation of indebtedness or the issuing of non-debt revenue bonds by political subdivisions to provide works to abate pollution; providing protection of water supply; providing for the jurisdiction of courts, magistrates, aldermen and justices of the peace in the enforcement thereof; and providing additional remedies for abating pollution of waters; imposing certain penalties; and repealing certain acts," by excluding drainage from clay mines from the provisions of article three thereof.

Referred to the Committee on State Government.

By Mr. O'NEILL.

HOUSE BILL No. 512.

An Act validating actions of boards of school directors in certain cases where there was a failure to record the vote of the members of the board.

Referred to the Committee on Education.

By Mr. FLEMING.

HOUSE BILL No. 513.

An Act requiring the Department of Property and Supplies to furnish without cost to each county law library, copies of the Legislative Journal, History of House Bills and History of Senate Bills.

Referred to the Committee on Appropriations.

By Mr. FLEMING.

HOUSE BILL No. 514.

An Act abolishing the office of deputy constable; prohibiting the appointment of deputy constables; and terminating the terms of those now serving.

Referred to the Committee on Judiciary Special.

By Mr. FLEMING.

HOUSE BILL No. 515.

An Act requiring all writs and processes to be served by the sheriff of the county in actions by landlords for the recovery of possession of their premises and in distress proceedings; and fixing fees for such service.

Referred to the Committee on Judiciary General.

By Mr. FLEMING.

HOUSE BILL No. 516.

An Act concerning the service of landlords' warrants and distrains for rent; requiring that the same be served by sheriffs and not by constables; and fixing fees for such services.

Referred to the Committee on Judiciary General.

By Mr. KNOBLE.

HOUSE BILL No. 517.

An Act to safeguard life, health and property; defining, regulating and licensing contractors and journeymen engaged in the business of painting, paperhanging and decorating; fixing license fees; providing for the revoca-

tion of such licenses and appeals therefrom; creating the Painting and Paperhanging Licensing Board as a departmental administrative board in the Department of Labor and Industry; and conferring powers and imposing duties thereon; providing penalties; and making an appropriation.

Referred to the Committee on Professional Licensure.

By Mr. TAYLOR.

HOUSE BILL No. 518.

An Act making it unlawful to trespass on railroads and declaring the trespasser guilty of contributory negligence in actions against the railroad company for damages because of injuries sustained while so trespassing.

Referred to the Committee on Railroads and Railways.

By Mr. JOHN N. HOFFMAN. HOUSE BILL No. 519.

An Act to amend paragraph six of section two of the act of June first, one thousand nine hundred one, (Pamphlet Laws 493) entitled "An act providing for the examination, licensure, and registration of persons, firms, or corporations engaged or engaging in the business or work of plumbing or house drainage, and prescribing certain rules, regulations, and requirements for the construction of plumbing, house drainage, and cesspools in cities of the second class; and imposing fines, penalties, and forfeitures for violation thereof," as amended and extended to cities of the third class, boroughs, incorporated towns and townships of the first class, by eliminating the prohibition against connections to waterpipes by persons other than plumbers.

Referred to the Committee on Professional Licensure.

By Messrs. DAVID P. REESE and TAYLOR.

HOUSE BILL No. 520.

An Act requiring the Department of Revenue to pay aldermen and justices of the peace certain costs incurred by them in the collection of delinquent mercantile taxes.

Referred to the Committee on Appropriations.

By Mr. McVAY.

HOUSE BILL No. 521.

A Joint Resolution proposing amendments to sections sixteen and seventeen of article two of the Constitution of the Commonwealth of Pennsylvania.

Referred to the Committee on Constitutional Amendments.

By Mr. ROSENFELD.

HOUSE BILL No. 522.

An Act to amend section two of Article one of an act approved the twentieth day of June, one thousand nine hundred nineteen (P. L. 521) entitled "An Act providing for the imposition and collection of certain taxes upon the transfer of property passing from a decedent who was a resident of this Commonwealth at the time of his death and of property within this Commonwealth of a decedent who was a non-resident of this Commonwealth at the time of his death; and making it unlawful for any corporation of this Commonwealth or national banking association located therein, to transfer the stock of such corporation or banking association, standing in the name of any such decedent, until the tax on the transfer thereof has been paid; and providing penalties; and citing certain acts for repeal" as amended, by increasing the amount of tax imposed under said act.

Referred to the Committee on Ways and Means.

By Mr. ROSENFELD.

HOUSE BILL No. 523.

An Act providing for the imposition and collection of certain taxes upon the transfer of property as a gift or without adequate consideration by residents of this Commonwealth and of property within this Commonwealth

of non-residents of this Commonwealth; and making it unlawful for any corporation in this Commonwealth or national banking association located therein to transfer the stock of such corporation or banking association under such circumstances until the tax on the transfer thereof has been paid; and providing penalties.

Referred to the Committee on Ways and Means.

By Mr. ROSENFELD.

HOUSE BILL No. 523.

An Act imposing a tax on public service companies and providing for the assessment and collection thereof; providing certain penalties; repealing all laws exempting such companies from taxation.

Referred to the Committee on Public Utilities.

By Mr. McCLESTER.

HOUSE BILL No. 525.

An Act to amend the act, approved the second day of May, one thousand nine hundred and twenty-nine (P. L. 1260), entitled "An act regulating the business of assisting employers to obtain employees, and persons to secure employment; providing for the licensing, registration, bonding, and regulation of certain individuals and entities engaged in such business; conferring certain powers and duties upon the Secretary of the Department of Labor and Industry of this Commonwealth, and of said department; and prescribing penalties," by providing for the transfer of licenses; and regulating and limiting fees charged by licensees.

Referred to the Committee on Corporations and Industry.

By Messrs. BOYD and SEIF. (By Request)

HOUSE BILL No. 526.

An Act to amend sections four hundred two, four hundred three, four hundred four, four hundred seven, four hundred nine, four hundred eleven, four hundred twelve, six hundred two, paragraph fourteen, and seven hundred one of the act approved the twenty-ninth day of November, one thousand nine hundred thirty-three (Pamphlet Laws, fifteen—one thousand nine hundred thirty-three — one thousand nine hundred thirty-four), entitled "An act to regulate and restrain the sale, manufacture, possession, transportation, importation, traffic in, and use of alcohol, and alcoholic and malt or brewed beverages; conferring powers and imposing duties upon the Pennsylvania Liquor Control Board and its agents, the Department of Public Instruction, other officers of the State government, courts, and district attorneys; authorizing the establishment and operation of State stores for the sale of such beverages not for consumption on the premises, and the granting of licenses, subject to local option, to sell such beverages for consumption on and off the premises; forbidding importation or bringing of such beverages into the State except as herein provided; prohibiting certain sales or practices in, connection with, and transactions in such beverages by licensees and others; making disposition of the receipts from State stores and of fees; and imposing penalties," as reenacted and amended by the act approved the sixteenth day of June, one thousand nine hundred thirty-seven (Pamphlet Laws, one thousand seven hundred sixty-two).

Referred to the Committee on Liquor Control.

SENATE MESSAGE

RESOLUTION FOR CONCURRENCE

The Clerk of the Senate being introduced, presented the following extract from the Journal of the Senate, which was read as follows, viz:

In the Senate, March 13, 1939.

For many years this country and the world at large has observed May first as May Day, and, at different places,

the observance has been marked by various kinds of celebrations.

At times these celebrations have resulted in demonstrations against organized government.

In 1932 the American Legion in Fayette County inaugurated a new kind of observance of the day, by staging a parade of Americanism, which has grown each year into an event of first importance.

The participation in the celebration of this day by patriotic societies, veterans' organizations and other organizations, cannot help but make it throughout the Commonwealth a day to awaken new pride in our American institutions, therefore be it

Resolved (if the House of Representatives concur), That the General Assembly of the Commonwealth of Pennsylvania urges the setting aside of May first as Americanism Day, and urges upon all patriotic, veteran, fraternal and civic organizations the planning of its celebration in such a manner as will bring to the people of the Commonwealth a full realization of the benefits and privileges and blessings that come to them through the continuance of our American form of government, and be it further

Resolved, That the Governor of the Commonwealth is hereby urged to issue his proclamation further urging the people of the Commonwealth to join in a real American celebration of Americanism Day.

Ordered, That the Clerk present the same to the House of Representatives for its concurrence.

Referred to the Committee on Rules.

SENATE MESSAGE

RESOLUTION FOR CONCURRENCE

The Clerk of the Senate being introduced, presented the following extract from the Journal of the Senate, which was read as follows, viz:

In the Senate, March 13, 1939.

Whereas, The whole world, rent asunder by a strife and contention, violence and intolerance, is today in a state of turmoil and uncertainty, marked by a titanic struggle between Democracy and Autocracy, while in this Country anti-American forces are striving to discredit and destroy the ideals and institutions symbolized by the American Flag, and social, political and economic forces are combating one another; and

Whereas, Never before in the history of the nation has there been greater need among our people for the unity, cooperation and tolerance for which our Country's Flag stands; and

Whereas, With the Stars and Stripes as its emblem The United States Flag Association, a non-profit, non-partisan and non-sectarian organization incorporated under Federal law and headed by the President of the United States as Honorary President General, is, with the cooperation of various groups, organizations and fields of activity in our National life, conducting a National Patriotic Revival, culminating in Flag Week, June 8th to 14th next, for the two-fold purpose (1) of awakening our people to the dangers threatening our National life, thereby causing them to resolve as never before to uphold and preserve our Country's ideals and institutions, and (2) of promoting National Unity, Patriotic Cooperation and Racial and Religious Tolerance; therefore, be it

Resolved (if the House of Representatives concur) That the General Assembly of the State of Pennsylvania heartily indorses the plan for a great National Patriotic Revival, and that the Governor is hereby authorized and requested, first, to direct the State Superintendent of Public Instruction to arrange for the suitable observance of Flag Week in all the public schools, and, secondly, to issue a proclamation calling upon the State officials to display the United States Flag on all State buildings during Flag Week, and inviting the people of the State to fly the Flag at their homes and other suitable places as well as on their cars, and that in every community they hold special exercises at which means shall be taken

to give significant expression to our thoughtful love of America, our pride in its glorious history, our faith in its destiny, our devotion to its ideals and institutions and our determination to uphold and preserve them now and forever.

Ordered, That the Clerk present the same to the House of Representatives for its concurrence.

Referred to the Committee on Rules.

COMMUNICATIONS

The SPEAKER laid before the House the following communications which were read by the Clerk.

PHILADELPHIA CITY CHARTER

A resolution from the Philadelphia Chapter of The American Institute of Architects.

A communication from the New Century Club of Philadelphia.

A resolution from the Emerson Club of Philadelphia.

A resolution from the Philadelphia Branch of the Osteopathic Women's National Association.

A communication from the Philadelphia Committee on Public Affairs, urging the passage of the new City Charter Bill.

Referred to the Committee on Cities—First Class.

SCHOOLS

Petitions from citizens of the County of Schuylkill County requesting aid for distressed school districts.

Referred to the Committee on Education.

REPORT OF PHILADELPHIA CHARTER COMMISSION

The SPEAKER laid before the House the official report of the Philadelphia Charter Commission, dated December 1938, which was read by the Clerk.

The SPEAKER. The report will be noted in the Journal of the House. Copies of the report have been delivered to the members.

LEAVES OF ABSENCE

Mr. Harkins asked and obtained leave of absence for Mr. TRONZO for the remainder of the week.

Mr. Van Allsburg asked and obtained leave of absence for Mr. GORSKI for the remainder of the week on account of illness.

Mr. O'Neill asked and obtained leave of absence for Mr. MUNLEY for the remainder of the week on account of death in the family.

REPORTS FROM COMMITTEES

Mr. CORDIER from the Committee on Cities—Second Class reported as committed, House Bill No. 140, entitled:

An Act to amend section one of the act, approved the twenty-second day of June, one thousand nine hundred and seventeen (P. L. 623), entitled "An act prohibiting the erection of fences or similar structures above a certain height, in suburban and similar districts of cities of the first class, except under a permit; declaring certain fences a private nuisance, and their erection a misdemeanor; and prescribing penalties for violation of the provisions of this act," by extending the provisions thereof, to include fences in suburban and similar districts in cities of the second class.

Mr. McNALLY from the Committee on Cities—First Class reported as committed, House Bill No. 424, entitled:

An Act to authorize cities of the first class of this Commonwealth to provide for the payment of certain deficits and indebtedness as herein defined in equal annual instalments of two million five hundred thousand dollars (\$2,500,000); and to authorize the making of contracts, the drawing of warrants and the approval thereof, without appropriation, for the payment of such deficits and indebtedness, except as provided by this act; and to levy and fix the tax rate, and to make appropriations, and prepare and formulate the financial programs of such cities upon the basis of the discharge of such deficits and indebtedness, in the manner provided by this act; requiring annual provision for payment of mandamus executions; and suspending inconsistent legislation.

Mr. VOORHEES from the Committee on Public Utilities reported as amended, House Bill No. 449, entitled:

An Act to amend clause (a) of section one and section four of the act approved the thirty-first day of March, one thousand nine hundred and thirty-seven (P. L. 160) entitled "An act creating a commission to be known as the Pennsylvania Public Utility Commission; defining in part the powers and duties of such commission; abolishing The Public Service Commission of the Commonwealth of Pennsylvania, terminating the terms of the members thereof, and transferring to the Pennsylvania Public Utility Commission the records, employes, property, and equipment of The Public Service Commission of the Commonwealth of Pennsylvania; authorizing the Pennsylvania Public Utility Commission to appear in and complete all pending proceedings, legal or otherwise, instituted before, by or against The Public Service Commission of the Commonwealth of Pennsylvania; providing that all certificates of public convenience, contracts, orders, and rules and regulations of the latter commission shall remain effective until repealed, changed or modified by the Pennsylvania Public Utility Commission, and transferring and appropriating to the Pennsylvania Public Utility Commission any unexpended balance of any existing appropriation to The Public Service Commission of the Commonwealth of Pennsylvania," by changing method of appointing and removing members of the Commission and making political activity a grounds for their removal.

Mr. SIMONS from the Committee on Judiciary Special reported as committed, House Bill No. 301, entitled:

An Act providing that sentence shall not be imposed by any court of criminal jurisdiction on any person convicted of any offense before such court, until after the expiration of five days from the date of conviction.

Mr. FRANK S. MOSER from the Committee on Judiciary Special reported as committed, House Bill No. 334, entitled:

An Act to amend section two of the act, approved the twenty-first day of June, one thousand nine hundred and thirty-five (P. L. 397), entitled "An act making it unlawful to tattoo a minor without the consent of the parents or guardian," by making the violation of the act a misdemeanor, and increasing the penalty.

Mr. LICHTENWALTER from the Committee on Judiciary Special reported as committed, House Bill No. 463, entitled:

An Act to further amend section two hundred and forty-six of the act approved the second day of May, one thousand nine hundred and twenty-nine, (P. L. 1278), entitled "An act relating to counties of the second, third, fourth, fifth, sixth, seventh and eighth classes; and revising, amending, and consolidating the laws relating thereto," changing the qualifications of the district attorney.

Mr. DICK from the Committee on Cities—Second Class reported as committed, House Bill No. 383, entitled:

An Act to amend the title and the act approved the sixteenth day of May, one thousand nine hundred and

thirty-five (Pamphlet Laws 176) entitled, "An act requiring cities of the second and third class to allow members of the police departments, twenty-four consecutive hours of rest each week, and fourteen days vacation, each year, except in emergency cases," extending the provisions of said act to cities of the second class A.

Mr. BARDES from the Committee on Cities—Second Class reported as committed, House Bill No. 175, entitled:

An Act providing for and regulating the assessment and valuation of persons, property and subjects of taxation for county, city, borough, township, school and poor purposes in counties of the second class; creating and prescribing the powers and duties of a Board of Tax Assessment, Appeals and Review; imposing duties on certain county and city officers; abolishing the board for the assessment and revision of taxes in such counties; and prescribing penalties.

Mr. BARDES from the Committee on Cities—Second Class reported as committed, House Bill No. 466, entitled:

An Act to promote uniformity in the assessment and taxation of properties and persons within the territorial limits of cities of the second class, by providing that city and school taxes within such territorial limits shall be assessed, levied and collected upon the basis of the assessments for taxation for county purposes; imposing duties on county taxing authorities; abolishing the department of assessors in cities of the second class and transferring certain property and functions to county taxing authorities.

Mr. BARDES from the Committee on Cities—Second Class reported as committed, House Bill No. 473, entitled:

An Act to further amend a part of section one of article three of the act, approved the seventh day of March, one thousand nine hundred and one (P. L. 20), entitled "An act for the government of cities of the second class," providing for the removal and dismissal of policemen in cities of the second class.

Mr. ALSPACH from the Committee on Judiciary General reported as committed, House Bill No. 343, entitled:

An Act to amend section one of the act, approved the twenty-second day of May, one thousand nine hundred and thirty-three (P. L. 851), entitled "An act fixing the pay and mileage of jurors and witnesses," by authorizing the court to direct additional compensation for jurors in certain cases.

Mr. HAMILTON from the Committee on Education reported as committed, House Bill No. 199, entitled:

An Act to confirm and validate past tax levies or assessments made by school districts of the first class and liens filed thereon.

Mr. SHEARER from the Committee on Education reported as committed, House Bill No. 183, entitled:

An Act to amend sections five hundred and fifty-seven and five hundred and fifty-eight of the act, approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith," as amended, by making all employers, including governmental agencies, liable for delinquent per capita taxes of their employes in school districts of the second, third and fourth classes, and requiring tax collectors to collect the same from the employers.

Mr. ROSE from the Committee on Judiciary General reported as committed, House Bill No. 342, entitled:

An Act to further amend section one thousand thirteen of, and add section one thousand eleven and one-tenth to, the act, approved the fifth day of May, one thousand nine hundred and thirty-three (P. L. 364), entitled "An act relating to business corporations; defining and providing for the organization, merger, consolidation, reorganization, winding up and dissolution, of such corporations; conferring certain rights, powers, duties and immunities upon them and their officers and shareholders; prescribing the conditions on which such corporations may exercise their powers; providing for the inclusion of certain existing corporations of the second class within the provisions of this act; prescribing the terms and conditions upon which foreign business corporations may be admitted, or may continue to do business within the Commonwealth; conferring powers and imposing duties on the courts of common pleas, and certain State departments, commissions, and officers; authorizing certain State departments, boards, commissions, or officers to collect fees for services required to be rendered by this act; imposing penalties; and repealing certain acts and parts of acts relating to corporations," authorizing the issuance of subpoenas with clause of duces tecum upon foreign corporations registered to do business within the Commonwealth of Pennsylvania and providing a method of service thereof upon such corporations and its proper officers, agents and employees and providing a penalty for non-compliance therewith.

Mr. KEENAN from the Committee on Cities—Second Class reported as amended, House Bill No. 444, entitled:

An Act to amend section nine of the act approved the twenty-fifth day of May, one thousand nine hundred and thirty-three, (P. L. 1050), entitled "An act creating and establishing a fund for the care, maintenance, and relief of aged, retired and disabled employees of the bureau of fire in cities of the second class; creating a board for the management thereof; providing the mode and manner of payment to beneficiaries, and for the care and disposition of its funds; and providing for the transfer and payment of all moneys and securities in existing funds in similar boards superseded by the fund and board herein created," by changing the amount and method of contributions for, and payment of, death benefits.

Mr. HOMER S. BROWN from the Committee on Judiciary General reported as committed, House Bill No. 48, entitled:

An Act to reenact the act, approved the second day of June, one thousand nine hundred and thirty-seven (P. L. 1182), entitled "An act authorizing courts of common pleas to stay writs of execution against, and tax sales of, certain real property in certain cases; providing for the continuance of return days of writs of execution; and authorizing sales thereon without issuance of further writs, and exempting mortgages issued under the National Housing Act."

Mr. KILROY from the Committee on Highways reported as amended, House Bill No. 442, entitled:

An Act making an appropriation out of the Motor License Fund to the Department of Highways for allocation to and expenditure in the second class townships of the Commonwealth for maintenance, construction, reconstruction, resurfacing, or improvement of township roads and bridges during the calendar years one thousand nine hundred forty and one thousand nine hundred forty-one; permitting the use of the funds for maintenance and repair of township roads and bridges under certain conditions; and providing for the method of payment to townships.

Mr. SCHROCK from the Committee on Highways reported as amended, House Bill No. 443, entitled:

An Act to amend the appropriation act, approved the fifth day of June, one thousand nine hundred thirty-seven (Ap-

propriation Act No. 51-A), entitled "An act making an appropriation out of the Motor License Fund to the Department of Highways for expenditure in the various second-class townships of the Commonwealth for the maintenance of township roads and bridges during the calendar years one thousand nine hundred thirty-eight and one thousand nine hundred thirty-nine; apportioning the funds to the several counties on the basis of the maintenance costs for the year one thousand nine hundred thirty-two; permitting the use of any surplus funds for construction and reconstruction and resurfacing of township roads and bridges; requiring townships to exclude provision for maintenance of roads and bridges from their annual budget and tax levy for road and street purposes for said years; authorizing the Department of Highways to rent road building machinery and equipment belonging to such townships in carrying out the provisions of this act; and lapsing the unexpended or unencumbered balance of the appropriation remaining on January first, one thousand nine hundred forty," by providing that the unexpended and unencumbered balance of such appropriation at the time this act becomes effective shall be allocated to and apportioned among the various second-class townships on the basis of the amount of road mileage in such townships; authorizing the township supervisors to expend the moneys allocated to the township for the purpose prescribed under the approval and supervision of the Department of Highways; and excluding the provision for expenditure by the Department of Highways of such balances, the taxing and budgeting limitations on townships of the second class, and the right of the Department of Highways to rent road-building machinery and equipment belonging to such townships.

Mr. BENNETT from the Committee on Judiciary Special reported as committed, House Bill No. 478 (Senate Bill No. 16), entitled:

An Act to amend section one as amended of the act approved the third day of June, one thousand nine hundred and nineteen (P. L. 370), entitled "An act to fix the number and salaries of assistant district attorneys in counties of this Commonwealth having over one million five hundred thousand inhabitants, and prescribing the powers and duties of said assistant district attorneys" by increasing the number and fixing the salaries of the assistant district attorneys thereof

Mr. SOLLENBERGER from the Committee on Education reported as committed, House Bill No. 477 (Senate Bill No. 34), entitled:

An Act to further amend section five hundred eight of the act approved the eighteenth day of May one thousand nine hundred and eleven (P. L. 309) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" by further regulating the incurring of temporary indebtedness and the repayment thereof in school districts other than school districts of the first class.

Mr. HAMILTON from the Committee on Rules, reported as committed, House Resolution No. 36.

Mr. HAMILTON from the Committee on Rules, reported as committed, House Resolution No. 39.

Mr. NORMAN WOOD, from the Committee on Rules, reported as committed, House Resolution No. 40.

Mr. WAGNER, from the Committee on Education, reported as committed, House Resolution No. 29.

Mr. SCHROCK, from the Committee on Rules, reported as committed, House Resolution No. 37.

BILL ON SECOND READING

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 221, as follows:

An Act declaring prosecutions against defendants finally ended and terminated where the Grand Jury has returned bills of indictment ignoramus unless a re-submission is authorized by the court for certain reasons and providing the procedure and for appeals in such cases.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1 When the Grand Jury of any county of this Commonwealth has considered evidence in support of a bill of indictment for any one or more offenses alleged to have been committed against the laws of this Commonwealth by a defendant and has made to the court a return of ignoramus the case against the defendant charged with such offense or offenses shall be deemed finally ended and terminated unless the District Attorney of the county shall within fifteen (15) days from the date such bill was ignored petition the court in which the prosecution is pending for authority to re-submit the bill of indictment to the same or a subsequent Grand Jury

Section 2 No such petition to re-submit a bill of indictment theretofore ignored shall be allowed by the court unless the District Attorney shall allege in his petition and shall prove by competent testimony that the bill of indictment was returned ignoramus by the Grand Jury by reason of oversight or fraud or mistake

Section 3 Due notice of the filing of any such petition for authority to re-submit any such bill of indictment shall be given to the defendant charged with such offense or offenses in such manner as the court may determine

To any such petition the person charged with the offense or offenses may file an answer at any time before the day of hearing thereon fixed by the court

Section 4 After consideration of the petition and answer and hearing the testimony of the District Attorney and the defendant the court shall make such order allowing or dismissing the petition of the District Attorney as to it appears just and proper

Section 5 From any decision of the court allowing the petition of the District Attorney the defendant may appeal to the Supreme or Superior Court as in other cases

Section 6 This act shall apply to all pending prosecutions where a bill of indictment has been returned ignoramus but in such cases the petition to re-submit the bill of indictment may be presented at any time within thirty days from the effective date of this act and not thereafter

Section 7 This act shall become effective immediately upon final enactment.

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

BILL RECOMMITTED

Mr. ATKINS. Mr. Speaker, I move that this bill be recommitted to the Committee on Judiciary Special for the purpose of further study and possible amendment.

The motion was agreed to.

BILLS ON SECOND READING

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 259, as follows:

An Act to amend section one thousand eight hundred and two of the act approved the twenty-fourth day of June one thousand nine hundred and thirty-one (Pamphlet Laws 1206) entitled "An act concerning townships of the first class amending revising consolidating and changing the law relating thereto" as amended by eliminating cer-

tain general regulations in the making of insurance contracts by townships

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section one thousand eight hundred and two of the act approved the twenty-fourth day of June one thousand nine hundred and thirty-one (Pamphlet Laws 1206) entitled "An act concerning townships of the first class amending revising consolidating and changing the law relating thereto" as amended by the act approved the eighteenth day of July one thousand nine hundred and thirty-five (Pamphlet Laws 1176) is hereby further amended to read as follows

Section 1802 General Regulations Concerning Contracts All contracts or purchases made by any township involving the expenditure of over five hundred dollars shall be in writing and shall be made only after notice by the secretary published once a week for two weeks in one or more newspapers of general circulation in the township All plans and specifications shall be on file at least fifteen days in advance of opening bids This section shall not apply in the case of any township repairing its public highways except as to any purchases of materials or equipment for the purpose of such repairs nor in the case of any township entering into any contract of insurance authorized to be entered into by such township under the provisions of clause twenty-three of section one thousand five hundred and two of this act

In every instance in which any contract for any public work construction materials supplies or other matters of things for any township shall be awarded upon competitive bids it shall be the duty of the authorities authorizing the same to award said contract to the lowest responsible bidder Any published notice for bids shall contain full plans and specifications or refer to the places where copies thereof can be obtained and give the time and place of meeting of the township commissioners at which meeting bids shall be publicly opened and read If through lack of a quorum or other reason no meeting shall be held at such time and place notice of the same kind shall be repeated once at least six days before the meeting of the subsequent time and place fixed and the foregoing provisions as to bids shall apply The same course shall be pursued until a meeting shall actually be held for receiving and opening bids Any contract made in violation of the provisions hereof shall be void But nothing herein contained shall prevent the making of contracts for governmental services for a period exceeding one year but any contract so made shall be executory only for the amounts agreed to be paid for such services to be rendered in succeeding fiscal years Provided That if prior to the letting of any contract taxpayers of the township whose property valuation as assessed for taxable purposes within the township shall amount to sixty per centum or over of the total property valuation as assessed for taxable purposes within the township shall sign and file with the township secretary of the board of township commissioners of the township a written protest against such contemplated contract then such contract shall not be let

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 239, as follows:

An Act authorizing county commissioners in counties of the third class to transfer surplus county moneys to the institution district and providing for the expenditure of the moneys so transferred for institution district purposes The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Whenever the current funds of the institution district of any county of the third class shall be exhausted the county commissioners of any such county may at any time during the last nine months of the fiscal year transfer from time to time to the account of the institution district any county moneys which in the opinion of the county com-

missioners will not be needed during the current fiscal year for general county purposes and the county money so transferred shall be available for expenditure by the institution district in the same manner and for the same purposes as if raised by taxation for institution purposes including the payment of any temporary indebtedness of the institution district

Section 2 All acts and parts of acts inconsistent herewith are hereby repealed

Section 3 This act shall become effective immediately upon final enactment

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

BILL ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 338, as follows:

An Act to amend Clause ten of Section two and Section three hundred one of an act approved the twenty-seventh day of May one thousand nine hundred and thirty-seven Pamphlet Laws one thousand and fifty-three known as the "Public Utility Law" by excluding from the definition of "Facilities" as used therein property owned by municipal corporations of the Commonwealth of Pennsylvania when the said act became effective and providing that the Pennsylvania Public Utility Commission shall have power to regulate and fix the rates for service furnished by public utilities owned by municipal corporations of the Commonwealth of Pennsylvania only when the public service being furnished or rendered by any municipal corporations shall be beyond its corporate limits and extending such freedom from regulation and control by the Commission to public utility service furnished or rendered by an operating agency of any such municipal corporation

The General Assembly of the Commonwealth of Pennsylvania enacts as follows Section 1 Clause ten of Section two of the act approved the twenty-eighth day of May one thousand nine hundred thirty-seven Pamphlet Laws one thousand and fifty-three known as the "Public Utility Law" and entitled "An act relating to the regulation of public utilities defining as public utilities certain corporations companies associations and persons providing for the regulation of public utilities including to a limited extent municipalities engaging in public utility business by prescribing defining and limiting their duties powers and liabilities and regulating the exercise surrender or abandonment of their powers privileges and franchises defining and regulating contract carriers by motor vehicle and brokers in order to regulate effectively common carriers by motor vehicle conferring upon the Pennsylvania Public Utility Commission the power and duty of supervising and regulating persons associations companies and corporations including to a limited extent municipal corporations subject to this act and administering the provisions of this act authorizing the commission to fix temporary rates placing the burden of proof on public utilities to sustain their rates and certain other matters authorizing a permissive or mandatory sliding scale method of regulating rates providing for the supervision of financial and contractual relations between public utilities and affiliated interests and supervision and regulation of accounts and securities or obligations issued assumed or kept by persons associations companies corporations or municipal corporations subject to this act conferring upon the commission power to vary reform or revise certain contracts conferring upon the commission the exclusive power to regulate or order the construction alteration relocation protection or abolition of crossings of facilities of public utilities and of such facilities by or over public highways to appropriate property for the construction or improvement of such crossings and to award or apportion resultant costs and damages authorizing owners of such property to sue the Commonwealth for such damages providing for ejectment proceedings in connection with the appropriation of property for

crossings conferring upon the commission power to control and regulate budgets of public utilities imposing upon persons associations companies and corporations (except municipal corporations) subject to regulation the cost of administering this act prescribing and regulating practice and procedure before the commission and procedure for review by the courts of commission action giving the Court of common pleas of Dauphin County exclusive original jurisdiction over certain proceedings prescribing penalties fines and imprisonment for violations of the provisions of this act and regulations and orders of the commission and the procedure for enforcing such fines and penalties and repealing legislation supplied and superseded by or inconsistent with this act" is hereby amended to read as follows

(10) "Facilities" means all the plant and equipment of a public utility including all tangible and intangible real and personal property with out limitation and any and all means and instrumentalities in any manner owned operated leased licensed used controlled furnished or supplied for by or in connection with the business of any public utility Provided however That no property owned by the Commonwealth of Pennsylvania or any municipal corporation thereof at the date when this act becomes effective shall be subject to the commission or to any of the terms of this act except as elsewhere expressly provided herein

Section 2 Article Three Section Three hundred one of said act be and the same is hereby amended to read as follows

Section 301 Rates to be just and reasonable Every rate made demanded or received by any public utility or by any two or more public utilities jointly shall be just and reasonable and in conformity with regulations or orders of the commission Provided that [any] only public utility service being furnished or rendered by a municipal corporation or by the operating agencies of any municipal corporation beyond its corporate limits shall be subject to regulations and control by the commission as to rates with the same force and in like manner as if such service were rendered by a public utility

Section 3 This act shall become effective immediately upon final enactment

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

Mr. LEVY. Mr. Speaker and members of the House, last evening I believe we went into quite a lot of discussion regarding House Bill No. 338, and it was developed on the floor through questioning that the purpose of this bill was two-fold. The sponsor of the bill explained to the membership of the House that the first purpose of the bill was to clarify and make constitutional the Act of 1937, known as the Public Utility Law. The second purpose was the fact that this bill would help materially the financial crisis that the city of Philadelphia finds itself in at the present time.

As to the first reason, Mr. Speaker and members of the House, I wish to bring to the attention of the membership that in Pennsylvania, in the Superior court, the question of the jurisdiction of the Public Utility Commission has already been definitely defined, and I take great pleasure in informing the House that it was a Republican, now the Republican Governor, then a member of the Superior Court, who concurred in this opinion in the Ambridge case, in which he said that the Public Utility Commission has jurisdiction over municipally owned plants operated by private utilities in regard to rate fixing. From that, members of the House, we find that the first argument of the sponsor of this bill is not very sound, but if the gentleman from Philadelphia insists that this bill, which is a state wide bill, be made a mat-

ter of Philadelphia interest alone, then we must look into the reason for the sponsorship of this bill.

Members of the House, on February 24th, 1939, a Philadelphia corporation, so called, with its representative, namely, Mr. Dougherty, made a proposal to the City Fathers of Philadelphia, and that proposal was a loan of fifty million dollars, to be used to get Philadelphia out of its present crises. In this proposal were certain stipulations, and one stipulation was this, and I quote from section IV, paragraph B, "That during the period of the assignment," meaning the gas moneys, "neither the General Assembly of the Commonwealth of Pennsylvania nor the Pennsylvania Public Utility Commission, nor the city of Philadelphia, nor any other governmental agency, other than the gas commission, created pursuant to the amended agreement shall have the power, without changes in the present constitution to modify, reduce or raise the rates chargeable by the lessee."

Members of this House, if the Republican leadership in Philadelphia were sincere in House Bill No. 338, they would come before the membership of this House and attach to this bill the proposal of the bankers of Philadelphia. This bill, gentlemen, is state wide. It has no business whatever to be argued as a local issue. Nevertheless, the sponsor of this bill insists that it be done and we will do it according to that.

What does this proposal of Mr. Dougherty and his sponsors attempt to do to the people of Philadelphia? It is plain and self explanatory. He is attempting to tie the citizens of Philadelphia, 500,000 gas consuming families to a seventeen and a half year agreement, to pay the present gas rate or a higher gas rate, but never a lower gas rate. The Public Utility Commission of Pennsylvania with its engineers, with its consultants, are to be ripped from the power of reducing the gas rate in Philadelphia, because bankers wish to be assured of the payment of this loan, which is unconstitutional on its face. To show you the unfairness of Mr. Dougherty and his crowd, I wish to also bring to the attention of the members of the House the fact that in addition to the mandatory provisions concerning the gas rate in Philadelphia, he also wishes to establish a mortgage on the Philadelphia gas-owned plant, which is in itself unconstitutional, and which will be decided by the Supreme Court in a friendly suit in two weeks, because the Philadelphia gas works is already mortgaged to the bondholders of Philadelphia.

I, with reluctance, brought this to the attention of the membership on the basis of a Philadelphia measure, because the bill in itself is state-wide. The bill provides for the ripping out of power of the present state Public Utility Commission, governing the rates, inspection and auditing of the books of the many municipally owned utilities within the boundaries of the state of Pennsylvania. This is not a Philadelphia measure, but if it were a Philadelphia bill, I appeal to the members of this House not in this bill to represent the bankers of Philadelphia, and I appeal to them, as representing five hundred thousand families of Philadelphia, consumers of gas, furnished by that utility, which may in the very near future have its gas rate decreased instead of increased. I thank you.

Mr. OMINSKY. Mr. Speaker, and members of the House, I presume that last night's discussion on this bill, on the amendments which I had offered, should be ample authority as to why this bill should not pass at this time.

It seems to me every concession we endeavored to obtain from the sponsor of this bill was defeated, not for the purpose of helping or improving the conditions of Philadelphia, but perhaps because there is a one-track mind on this whole situation. After the debate someone remarked that if a pipe line was laid from Harrisburg to Philadelphia on the question of gas, perhaps we would not need a gas works in Philadelphia. That may be true, but you cannot light that kind of gas.

I am appealing to the membership of this House to defeat this bill at this time on several other grounds, in addition to those which were pointed out last night. In the first place, to my mind, this bill if passed and finally approved by the Governor, will create another "teapot dome" situation in Philadelphia because it involves \$50,000,000 of the necessary accumulations of profits by someone outside the custody of a governmental agency. As a matter of fact, the Research Bureau, which is an economic survey bureau, shows that selling the \$50,000,000 worth of rentals of the city of Philadelphia to a privately owned operator will cost the city of Philadelphia \$73,500,000 in the long run. That authority also states that the selling of \$73,500,000 worth of gas rentals for \$50,000,000 is equivalent to borrowing at 4.67 per cent. A lower rate of interest might be obtained by borrowing less, and thus balance the city budget. This bill according to this survey, which was issued on March 7, 1939, is not a solution to the financial dilemma in which Philadelphia finds itself today.

Further, I have alluded to a Republican Councilman, and there are others who were not in the Democratic party, who have denounced this scheme. Republican Councilman Maxman assailed it on February 2 when he stated as follows, as newspaper reports have it:

"In a vigorous attack on the Philadelphia gas works company and the U. G. I. Company, Councilman George Maxman today accused utilities of taking advantage of the city's financial plight 'to knock our brains out,' so he states.

"Assailing the terms which the utilities offered as the price for agreeing to extension of the new gas lease, he accused them of attempting to 'hijack and blackjack the consumers.'

"The city would be burdened with an additional outlay of nearly \$1,000,000 for 1938 and 1939 if the lease is extended on the utility's terms, Maxman declared.

"His outburst came at a meeting of the Lighting Committee of City Council, attended by Conrad N. Lauer, president of the Gas Works Company, and other officials of both utilities."

He is a member of the majority party in the Council in Philadelphia today, and there are twenty-one Republican Councilmen to one Democratic Councilman, and in their own ranks they are not sure whether this thing is a good thing or not, so why should we Legislators give impetus to something which will be a fraud and a steal in Philadelphia? As a matter of fact, members of this House, the bill to my mind would be unconstitutional. That is not my word for it because on February 18th of this year there appeared an item in one of the Philadelphia newspapers as follows:

"Bondholders to file suit to test legality of sale of gas rents. A suit to test the legality of the sale of gas works rentals for \$50,000,000 appeared a virtual certainty yesterday as City Council prepared to override Mayor Wil-

son's veto of the extension of the gas lease. Bondholders from New York City, it was reported, have decided to contest the sale on the grounds that it is a mere subterfuge to borrow money beyond the sum permitted by law. Even if the bondholders are satisfied with the arrangement," it was said, "bankers bidding on the gas rentals are likely to demand a judicial determination of the question before they advance the \$50,000,000."

Gentlemen, it seems to me, and it should seem to every right thinking individual, that this scheme to sell the assets or to assign the lease which Philadelphia now holds or its gas works is a subterfuge to increase its borrowing capacity which today is overloaded by over \$100,000,000. and they cannot make any additional attempts to borrow outright.

This bill attempts to increase the borrowing capacity of the city beyond its present legal limit, to the tune of \$50,000,000. This bill is not the only solution, even if it were constitutional and were legal. On March 12, 1939, another plan was submitted for the approval of Council which would obviate the necessity of making this loan of \$50,000,000, and this, too, came from Republican sources and not Democratic sources.

An item appeared in one of the Philadelphia newspapers on March 12th wherein it states:

"'Bankers' Plan' Seen Gas Solution Stokes Wants Issuance of Bonds Against Rentals.

"The 'bankers' plan' to solve municipal finances by issuing \$50,000,000 in bonds against future gas works rentals, instead of City Council's own proposal to sell rentals outright, was urged upon Council yesterday by former Congressman Edward Lowber Stokes.

"Stokes, an investment broker here, gave three advantages of the bond issue over the outright sale:

"First, he declared, such bonds, which would be exempt from Federal taxation, would attract more bidders among bankers than Council's plan, which brought only one bid—that of A. Webster Dougherty, who offered in behalf of the Philadelphia Corporation to pay \$50,000,000 for seventeen and a half years' rental totalling \$73,500,000.

"Second, Stokes said, the plan would save the city between \$1,000,000 and \$4,000,000 over the proposed sale. Dougherty's bid would cost the city \$23,500,000 above the \$50,000,000 received. Actuaries calculate that as the equivalent of interest at from 4.67 to 5.37 per cent.

"Thirdly, according to Stokes, this would be more likely to win approval of the Supreme Court as legally valid than Council's proposal.

"The Stokes method of paying off the city's accumulated deficit of nearly \$40,000,000 and balancing the 1939 budget, understood to have the support of bankers in preference to the Dougherty offer, would require enabling legislation by the State Assembly."

Mr. Speaker and Members of the House, here is a plan in lieu of the one proposed. I do not say at this time that this is the plan that should be submitted and accepted. I also say that the other plan may be a good plan and therefore, just to make sure that the citizens of Philadelphia receive the best that can be had under the circumstances, we should wait with the passage of this bill so that the council of the city of Philadelphia may have an opportunity to look into the second proposition as to its merits.

Members of the House, unfortunately in our two-party system of government, just because a Democrat proposes something which may be in the interests of the people

and is a good thing, the Republicans because of their loyalty and because of the fact that they are members of a party are loathe to vote for a proposition because they are afraid they may be considered as traitors to the party. I say this may also be true on the Democratic side and it is unfortunate.

This bill is of the utmost importance, not only to the citizens of Pennsylvania but also to every community in the State of Pennsylvania, and if perchance this bill or proposal of council is declared unconstitutional or illegal by the Supreme Court of Pennsylvania, this bill will still remain on the statute books, and Philadelphia will not have received the proper consideration, will not have received the proposed benefits of this bill, whereas the actual detriment of this bill will be seen all over the Commonwealth. Therefore, Mr. Speaker and members of the House, do not consider party loyalty above loyalty to your communities and your constituents. It may be true, wherever there is a political measure at stake, and you have party loyalty to consider you go along with it, but this proposition of selling the gas works lease in Philadelphia and taking out of the province of the regulatory body municipally owned utilities is a subterfuge and your communities may later on suffer.

Therefore I ask you to forget party loyalty and regardless of party affiliation I ask the membership to vote "no" on this measure.

Mr. TAHL. Mr. Speaker and members of the House, this bill was discussed at length last night and I do not feel that I want to burden the membership of this House this afternoon, but in view of the statements made by the gentlemen, I feel duty bound to make answer to the statement which I believe is inaccurate.

I want to say this to you, the Republican members of Philadelphia are very much interested in the consumers of Philadelphia. We have considered this thing very thoroughly, and we feel that this measure is of benefit to Philadelphia.

They claim that the Public Utility Commission is doing such a wonderful work for the city of Philadelphia. Let us see what has been done. Here is a lease that was negotiated about fifteen months ago. Under that lease the city of Philadelphia saved \$300,000 in operating expense, and under that lease the city of Philadelphia is saving about one million dollars in other costs, and for a period of fifteen months this Public Utility Commission never saw fit to help the people of Philadelphia and has been holding up this lease. Why have they been holding up the lease? Because they are not friendly to the people of Philadelphia. That is the only reason for it.

So far as the cost to the people of Philadelphia is concerned in leasing the gas works, if that is going to be done, that is a matter for Council. It has not been done, but if it were to be done, I assure the members of the House that we will save more than we pay for leasing the gas works and I will tell you why. At the present time we are paying six per cent on \$30,000,000 that we owe. At the present time we have to pay higher prices for supplies furnished the city of Philadelphia because the contractors and the dealers must charge extra for waiting several years in order to get their money. When you figure that out you will find that the city of Philadelphia will save money if it can pay off this present indebtedness of approximately thirty-eight or thirty-nine million dollars.

Members of the House, this bill if passed, will not deprive

any community from any reasonable rate, because under the present law a complainant must go to the Utility Commission, regardless of whether it is under the control of that Commission or not, and under the present Pennsylvania law, when a complainant is dissatisfied with any rate fixed by council he can go to the court and have it passed upon. No matter what you do you will not deprive any citizen from relief in a case of extortionate rates.

As I said to you last night, this bill merely seeks to clarify the doubt in the minds of some people as to whether or not the Commission has the right to regulate municipal improvements or municipal properties. We believe that under Article III, Section 20, of the Constitution, they have no such right, but they have assumed that right, and in order to clarify this situation and avoid legal proceedings it was thought best that the law be so amended that there shall not be any question that the Commission has no right to regulate municipally owned utilities.

I want to say another thing to the House. The Democrats from Philadelphia have been assailing this bill, they have been upsetting everything we have been trying to do for Philadelphia, and they have not submitted one single thing that would help Philadelphia, not a single thing. The best reason they can advance here is because they expect an election in November and that is why they do not want this bill to go through. They want the people of Philadelphia to pay more taxes, and the people of Philadelphia cannot pay more taxes. We feel if this bill is passed it will help to stabilize financial conditions in Philadelphia.

I want to ask the members of this House in behalf of all Republican members, to vote "aye" upon this measure.

Mr. OMINSKY. Mr. Speaker and members of the House, it had not been my intention to speak further on this bill. I believe everyone here knows what the bill is about, but I cannot help rising again in answer to my colleague from Philadelphia, when he states that the Public Utility Commission is not friendly in Philadelphia. He reminds me of an ostrich who has hid his head in the sand thinking that no one else can see him because he cannot see others.

As a matter of fact on March 2nd the Public Utility Commission released a statement relative to exactly that point, and he probably received a copy but never took the time to read it.

I am going to quote some figures for his information and for the information of this House. The release states:

"Millions of dollars are being saved annually by Pennsylvania utility customers because of rate reductions ordered by the Public Utility Commission, since it took office in April, 1937.

"Still other millions of dollars, the exact amount unestimated, customer money held by utilities as deposits, have been returned to the public following Commission rulings based on the Public Utility Law.

"Annual bills of electric customers alone have been cut more than 10,000,000 a year. The total annual savings, the figures are as of March 1, 1939, effected during the period in which the present Commission has functioned were distributed as follows:

Electric	\$10,681,054.42
Telephone	411,342.91
Gas	133,630.16
Water	198,124.83
Steam Heat	40,104.21

Telegraph	94,000.00
Toll Bridge	25,000.00

Total \$11,583,256.53

"Of this total \$10,164,613.67 are directly from Commission orders."

I assume the gentleman knows that the population of Philadelphia is approximately one-fifth of the entire population of the State, so that if you take one-fifth of \$11,000,000 in proportionate amounts, the Commission until the present time has saved for the consumers of Philadelphia over \$5,000,000. That is in answer to his argument that the commission is not friendly with the Philadelphia consumers.

I might further state, relative to the proposition that we have not as yet offered a program to help Philadelphia, and that we are probably obstructing and putting everything in the way of Philadelphia to raise the taxes because of the election which is to take place this year in November.

Members of this House, I will say this, that from a political standpoint we Democrats would be far better off in Philadelphia if we allowed a bill of this kind to pass, but we are fighting it not because we are looking forward as far as the November election is concerned, but we are interested in the city of Philadelphia. As a matter of fact, if they want a proposal for the possible elimination of certain things, in Philadelphia, this has already been made to Council, not by Democrats, but by the research bureaus who are interested in economy, that if they would pare down their budget without impairing the efficiency of the Philadelphia government, they could at least cut the budget two and one half million dollars, conservatively.

We have offered two or three measures in this House which will alleviate conditions in Philadelphia. As a matter of fact, there is another proposal that perhaps might be taken up in Philadelphia to relieve the acute financial situation, and that is this: as you probably know, or most of you should know, Philadelphia pays out of this \$86,000,000 budget about \$34,000,000 in to the sinking fund and interest on its floating debt. In Philadelphia today, if a private corporation or company would sit down with its bondholders in a friendly conference and say, "Gentlemen, we cannot raise that amount of money today, we don't want you to lose any part of it, but at the same time we ask you to give us an extension on this \$34,000,000 so that instead of including it in one years' payments suppose you allow us to include it in two years payments, so that instead of including \$34,000,000 in the present budget we would only have to include \$17,000,000 this year, and perhaps \$17,000,000 next year, and in that way there would be no deficit as far as the 1939 budget is concerned." No, they do not want to do that. They want the taxpayers of Philadelphia to bear the burden, and whether or not they increase the taxes in Philadelphia outright, or whether they put over a gas deal such as this, which I contend is an indirect tax on the people of Philadelphia through consumer payments, both of them are the same, and they are outrageous. Therefore I ask the membership of this House to cast partisanship aside and vote "no" on this measure.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—123.

Ackermann,	Eckels,	Krise,	Simons,
Alspach,	Ely,	Lee,	Sloan,
Atkins,	Ewing,	Leisey,	Snyder,
Auker,	Fisher,	Lichtenwalter,	Sollenberger,
Balliet,	Fiss,	Lyons,	Stambaugh,
Balthaser,	Fleming,	Madden,	Stewart,
Bardes,	Foor,	Marr,	Stockham,
Bennett,	Freed,	Matthews,	Sweeney,
Boorse,	Gates,	McClester,	Tahl,
Boose,	Gillan,	McGarrity,	Taylor,
Bower,	Gillette,	McKinney,	Terry,
Boyd,	Goll,	McNally,	Thistle,
Brethorick,	Habyschaw,	Montgomery,	Thompson, G. R.,
Bronson,	Haines,	Moser, F. S.,	Tiemann,
Brown, S. W.,	Hall,	Moser, J. L.,	Trout,
Brunner,	Hamilton,	Muir,	VanAllsburg,
Cadwalader,	Harbeson,	O'Dare,	Van Belle,
Calvin,	Haudenschild,	Peacock,	Voorhees,
Carpenter,	Hewitt,	Peale,	Wagner,
Christler,	Hocke,	Reagan,	Watkins,
Clark,	Hoffman, J. N.,	Reece, D. P.,	Webster,
Clearwater,	Hoyt,	Rhodes,	Wilkinson,
Cooper,	Huntley,	Riley,	Wilson,
Cordier,	Irvin,	Robertson,	Winner,
Cortese,	James,	Rose,	Wood, H. M.,
Curran,	Johnston,	Rosberry,	Wood, L. H.,
Dairyple,	Jones,	Royer,	Wood, N.,
Denman,	Kane,	Schock,	Woodside,
Dick,	Kline,	Self,	Yeakel,
Dix,	Knoble,	Serrill,	Turner,
Donahue,	Kowalski,	Shearer,	Speaker.

NAYS—61.

Achterman,	Finnerty,	Malone,	Rider,
Allen,	Flanagan,	McLane,	Rooney,
Allmond,	Harkins,	McVay,	Rosenfeld,
Baker,	Hess,	Mooney,	Rothenberger,
Bols,	Hindman,	Moran,	Sarraf,
Boney,	Hoffman, S. K.,	O'Brien,	Schrope,
Brancato,	Holland,	O'Connor,	Schwab,
Bread,	Jirolanio,	O'Keefe,	Skale,
Brown, H. S.,	Keenan,	Ominsky,	Stank,
Burns,	Kenehan,	O'Neill,	Thompson, E. F.,
Check,	Killroy,	Powers,	Walsh,
Chervenak,	Levy,	Preston,	Weiss,
Cohen, R. E.,	Long,	Readinger,	Welsh, E. B.,
Corrigan,	Loretto,	Regan,	Welsh, M. J.,
Donohoe,	Malloy,	Reynolds,	Williams,
Fauset,			

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

BILL ON FINAL PASSAGE

Agreeably to order,

The bill having been called up from the postponed calendar by Mr. David P. Reese.

The House resumed the consideration on final passage of House Bill No. 115, entitled

An Act to amend section ten of the act approved the thirty-first day of March one thousand eight hundred and sixty (P. L. 427) entitled "An act to consolidate revise and amend the laws of the Commonwealth relating to penal proceedings and pleadings" by providing further for the administration of oaths and affirmations to witnesses appearing before grand juries.

On the question recurring,

Shall the bill pass finally?

Mr. HOMER S. BROWN. Mr. Speaker, I would like to interrogate the gentleman from Dauphin, Mr. Reese.

The SPEAKER. Will the gentleman from Dauphin permit himself to be interrogated?

Mr. DAVID P. REESE. I will, Mr. Speaker.

Mr. HOMER S. BROWN. Mr. Speaker, I would like to ask the gentleman from Dauphin just what is the need for this bill.

Mr. DAVID P. REESE. Mr. Speaker, the need for this bill, as has been previously stated on the floor of this House, is to facilitate proceedings before a grand jury; to relieve a judge of the laborious duty of swearing in those witnesses whose names do not appear upon the indictment.

Mr. HOMER S. BROWN. Mr. Speaker, I would like to ask the gentleman from Dauphin how this bill facilitates proceedings before a grand jury.

Mr. DAVID P. REESE. Mr. Speaker, it allows the foreman of a grand jury to swear in witnesses instead of the judge.

Mr. HOMER S. BROWN. Mr. Speaker, may I ask the gentleman from Dauphin if any time is saved when a judge swears a witness any more than when the foreman of a grand jury swears a witness. Does it not take the same time to swear the witness in, regardless of who swears him?

Mr. DAVID P. REESE. Mr. Speaker, certainly it takes the same time but it does not take up the time of a judge who may be occupied elsewhere.

Mr. HOMER S. BROWN. Then, Mr. Speaker, I take it the only reason is that the time of a judge is saved?

Mr. DAVID P. REESE. Mr. Speaker, that is correct.

Mr. HOMER S. BROWN. Mr. Speaker, does the gentleman feel that a bill of this importance, which changes a law which has been in existence in this Commonwealth for seventy-nine years, should be enacted simply to save the time of a judge?

Mr. DAVID P. REESE. Mr. Speaker, if I did not think so I would not have introduced the bill.

Mr. HOMER S. BROWN. I thank the gentleman from Dauphin, Mr. Reese.

Mr. Speaker and members of the House, I have always felt that in changing laws which have to do with our fundamental processes we should approach them slowly, and that they should only be changed when a fundamental question is involved. Here is a law which we are called upon to change, which has been in existence in this Commonwealth for a period of seventy-nine years. I see no reason why it should be changed. I do not believe that a judge would come here and tell us that his time is so important that he cannot swear in a witness who has been subpoenaed to come before a grand jury. I submit if that is the only purpose of the bill certainly there can be no merit in it. We have this situation confronting us in Pennsylvania today, of certain laws which we are attempting to break down which have guaranteed to us fundamental liberties. This bill is innocent in its looks on today's calendar, but it may become a bill of great harm. After all the judges of our Courts of Quarter Sessions are given over to certain duties which they must perform. I think as a matter of common courtesy the judge should be close to a grand jury, and that if his time is so important that he cannot stay close to a grand jury to swear a witness, which only takes a few minutes, I am rather led to the belief that his services as a judge might be open to question.

However, I do not believe that is the real reason why this bill is wanted. It does seem to me that a defendant should have on the indictment the names of the people

who will be called, so that he can see them, he can at least see the names of the people who went in and swore against him. He at least has the right. Under an investigation, of course, we have no indictments. When a witness is subpoenaed and the witness goes before the grand jury the Court swears him. I know that there may be some precedent that while we have followed that procedure, under the common law a grand jury today may take upon itself the right to swear a witness without that witness' name appearing upon the indictment and without that witness having been sworn by a judge, but a grand jury is an important institution in our fundamental law. This act which we have had on the statute books for over seventy-nine years, if it does no more than keep the judge around, is somewhat of a protection to the people of this Commonwealth, and if nothing will be saved by the passage of this bill, excepting the time of the judge, there is no reason under heaven why this act, which has worked well in this Commonwealth for seventy-nine years, should be repealed.

For that reason, Mr. Speaker, it seems to me that we ought to vote "no" on this piece of legislation.

Mr. WOODSIDE. Mr. Speaker and members of the House, I have the greatest respect for the legal knowledge and judgment of the gentleman from Allegheny, who has just spoken, but I feel that there is an answer to every point which he has raised, and I shall answer them specifically.

In the first place, he suggested that a bill, saving the time of the courts, is not of any great importance. Let me give to you the picture of a grand jury operating in one part of the court house with a judge conducting a trial of some sort in some other part of the court house. It is not only the time of the judge, but is in time of the grand jury and it is the time of the other jury sitting on the other case; it is the time of the witnesses and the lawyers who are involved in the other case, because either the judge must leave the trial and go up to the grand jury room and there swear the witness, or as is the more usual practice, the witness must be taken from the grand jury room, and the trial interrupted while the court there swears the witness, so that there is some real saving in this procedure other than the saving of time or the convenience of the judge.

In the second place, a great deal of emphasis has been placed by the gentleman who has just spoken, concerning the age of this law. It is true that this law has been in effect and has been on the statute books for over one hundred years, or a law very similar to it, but it has not been the practice of the Courts of Quarter Sessions or of grand juries of this Commonwealth to follow the interpretations of the law which are now placed upon it. As a matter of fact, there are no Supreme or Superior Court decisions on the case, but the majority of the lower court decisions hold it is not necessary for the court to swear the witnesses before the grand jury, whether their names are on the back of the indictment or whether they are not.

In that connection I would like to cite just a few things. I am reading now from a decision of the Justice of the Supreme Court of Pennsylvania, while he was in the lower court, Justice Maxey in which he says, "That it is the practice in Pennsylvania to swear witnesses by the foreman of the grand jury in investigations conducted by the grand jury pursuant to the order of court is evidenced as follows." Then he quotes from the District Attorney of Philadelphia, who served there for fifteen years; he quotes

from a judge in Philadelphia who served there for eighteen years; he quotes from an Assistant District Attorney of Philadelphia, who served there for a number of years; he quotes from the present judge of Allegheny County, who at that time had served for over thirty years; he quotes from the District Attorney of Lackawanna County, who had served six years; he quotes from a judge in Luzerne County, who had served a number of years. He says with reference to his investigation that it was not the custom in any of the larger counties of Pennsylvania for a judge to swear a witness before a grand jury, regardless of whether his name was on the back of the indictment or whether it was not.

The gentleman also made reference to the guaranteeing of our liberty, and that this is a method of guaranteeing it, and I think he based that argument on the fact that the defendant would have on the back of the indictment the names of the witnesses. There is nothing in the law which requires a name to be written on the back of the indictment, and this will not be changed in any manner.

I would like also to read in connection with this what the Supreme Court of the United States says concerning this point:

"The oath administered to the foreman, which has come down to us from the most ancient times, and is found in *Rex v. Shaftsbury*, 8 Howell's State Trials, 759, indicates that the grand jury was competent to act solely on its own volition. This oath was that 'you shall diligently inquire and true presentments make of all such matters, articles and things as shall be given to you in charge, as of all other matters and things as shall come to your own knowledge touching this present service,' etc. This oath has remained substantially unchanged to the present day.

"In a lecture delivered by Mr. Justice Wilson, of this court, who may be assumed to have known the current practice, before the students of the University of Pennsylvania, he says (2 Wilson's Works, 213):

"It has been alleged that grand juries are confined, in their inquiries to the bills offered to them, to the crimes given them in charge, and to the evidence brought before them by the prosecutor. But these conceptions are much too contracted; they present but a very imperfect and unsatisfactory view of the duty required from grand jurors, and of the trust reposed in them. They are not appointed for the prosecutor or for the court; they are appointed for the government and for the people . . ."

The grand jury is a cross-section of the people of the community which it represents and it is the people's tool and the people's instrument by which justice can be administered by the people themselves. It is a safe-guard against dishonest officials, and I think this amendment will make that safe-guard greater and tend to eliminate dishonesty among officials.

I think I have covered all the points which have been raised by the gentleman from Allegheny. There are many things that might be said concerning this bill. As has been suggested by the gentleman from Allegheny, it doesn't make any radical change in the law; it is more or less of a minor matter, yet if anything, it strengthens the law and it protects the liberties of the people of this Commonwealth. It certainly will be a convenience and a time-saving element and will clarify the existing law and prevent probably a situation in the future which may prove very expensive to the Commonwealth of Pennsylvania or to some other county whereby this provision may be overlooked, or the

practice followed which is practiced now, and then the case may be taken to the Supreme Court, and the court decide that the practice which is followed now is not strictly in accordance with the wording of the statute and will necessitate possibly a rehearing by a grand jury or a reinvestigation by a grand jury, which may be a matter of many months.

For this reason I think that this bill should be passed.

Mr. REUBEN E. COHEN. Mr. Speaker and members of the House, when this bill was discussed in committee it was discussed entirely along non-partisan lines and I trust that the fact that it has now reached such stature that it is discussed by the majority leader, it will still be along non-partisan lines.

I might say as a minority member, speaking on behalf of the Republican District Attorney of Philadelphia County, with whom I discussed this bill, Philadelphia undoubtedly contributes the biggest crime bill the state of Pennsylvania has to meet each year and the volume of its criminal business is terrific. We have at least fifteen thousand indictments in Philadelphia, each year. I discussed this bill not only with the District Attorney but with his first assistant, who has been the wheel-horse of the district attorney's office for the past twenty-five years, and they object to this bill for this particular reason: as the practice now stands, and if practiced in Philadelphia correctly, those persons called before a grand jury to testify on a bill of indictment presented to the grand jury have their names on that bill. It is to be supposed that if the District Attorney has those names on the bill those persons are prepared to give evidence to prove a prima facie case against the person charged with the crime, and that the District Attorney should then have knowledge of what that person intends to testify. However, it has been known as a clever trick on the part of some criminal lawyers, and I believe that point was discussed here a couple of weeks ago, to have the name of a person favorable to the defendant, on the bill of indictment, have him called in by the District Attorney and give evidence favorable to the defendant to such a degree that the grand jury may decide to ignore the bill and in that way defeat the ends of justice. Permitting under this amendment to the act a person to go before a grand jury, whose name is not on the bill of indictment, and be sworn by a member of the grand jury, makes it possible for some unscrupulous person who seeks to aid a defendant, possibly with the connivance of some official, to go before the grand jury without his identity being known to the District Attorney, even without his name appearing on the bill of indictment, and give favorable testimony on behalf of a defendant, and thereby probably improperly sway the grand jury. Nobody is accountable to the District Attorney's office for having permitted such a thing to happen. We should have the safe-guard of having persons whose names do not so appear on the indictment compelled to appear before some person, and it has been the wisdom of this Commonwealth to say it should be a judge who should determine whether that person is or should be a Commonwealth witness. Now, the district attorney's office in Philadelphia feels that it cannot adequately cope with all the ramifications of technical procedure in presenting bills to the grand jury and petit jury. It certainly feels that if this bill is enacted into law it opens the door wide to the possibility of a great deal of fraud. It was only late yesterday that someone in one of the western counties informed me of a loose practice which was in vogue there where

the defendant himself appeared before the grand jury and testified in his own behalf. I do not believe that such a thing could happen if a person whose names does not appear on the back of the bill would have to appear before the judge to be sworn. In that case the defendant was given the opportunity to try his case before it got to the petit jury as is provided by law.

So I have finished my non-partisan appeal in one respect and my personal appeal on behalf of the Republic District Attorney of Philadelphia, to defeat this bill, because of the possibility of fraud that might creep in if it should be enacted.

Mr. HOMER S. BROWN. Mr. Speaker, I would like to interrogate the gentleman from Dauphin, Mr. Woodside.

The SPEAKER. Will the gentleman from Dauphin, Mr. Woodside, permit himself to be interrogated?

Mr. WOODSIDE. I shall, Mr. Speaker.

Mr. HOMER S. BROWN. Mr. Speaker, I presume the gentleman from Dauphin is familiar with our law in regard to grand juries conducting an investigation for the erection of public works and the like, under the authority of our Quarter Sessions Court.

Mr. WOODSIDE. That is correct Mr. Speaker.

Mr. HOMER S. BROWN. Mr. Speaker, does not the gentleman from Dauphin feel that those matters are important to the citizens of the community wherein these public enterprises are to be carried on, or erected as the case might be, and sufficiently important for the Judge to stay close to the grand jury?

Mr. WOODSIDE. Mr. Speaker, I do not see what advantage it would be for the Judge to be any closer to the grand jury than he normally would be. I do not see how this bill will keep him any closer to the grand jury. As a matter of fact, the procedure that would be followed, if the judge were conducting court, as is usually the case, at least in the smaller counties during the meeting of the grand jury, would be for the witness to be taken down to the court room and be sworn there by the court. As a matter of fact the practice is that the foreman of the grand jury swears them, but if this act, as it is being interpreted or suggested to be interpreted, were followed, the procedure would be to take the witness before the judge who is conducting court, the witness would there be sworn and then taken back to the grand jury to give his testimony. That is a very cumbersome procedure, and a very unsatisfactory one from every standpoint.

Mr. HOMER S. BROWN. Mr. Speaker, I do not think the gentleman has answered my question directly. What I want to find out from the gentleman from Dauphin, is this: is it not a fact that in matters involving consideration before a grand jury of public improvements and public works and certain procedures as to the erection of public buildings, such as a court house and the like, that in all of those proceedings the Judge who impanels the jury ordinarily stays in close touch with the grand jury to answer certain legal questions which might arise in the grand jury proceedings.

Mr. WOODSIDE. Mr. Speaker, I think the Judge is always available in the court house while the grand jury is conducting its investigation, and I think it is important that the judges should be available to the grand jury, yes.

Mr. HOMER S. BROWN. Mr. Speaker, if he is already available to the grand jury, how then can he be inconvenienced by being asked to swear witnesses?

Mr. WOODSIDE. Mr. Speaker, it is not a matter of inconvenience to the judge. In other words, the judge has to be present in the court house while the grand jury is in session. That is what judges are paid for and that is perfectly proper. The inconvenience is in the fact of the judge conducting a trial during the hearing of a grand jury. The witnesses of the grand jury, who may be twenty in number, will have to be taken down before the judge or the judge will have to recess the trial and go before the grand jury and swear the witnesses there. In other words, if the judge is in the midst of a trial he has to swear witnesses. There may be a witness on the witness stand in the trial. The witnesses are brought down from the grand jury, which interrupts the entire proceedings, interrupts the cross-examination of the witness, which is sometimes undesirable at a particular point, and there he has to swear the witnesses for the grand jury. Then the witnesses for the grand jury have to go upstairs again, and the judge proceeds with the trial. The lawyers, the jurors and the public are going to be inconvenienced, and a very unsatisfactory proceeding established.

Mr. HOMER S. BROWN. I thank the gentleman from Dauphin, Mr. Woodside.

Mr. Speaker and members of the House, I simply want to make this point in conclusion. I recognize the force of Mr. Justice Maxey's opinion in the case read by the majority floor leader, but I also direct his attention to the Supreme Court's decision in the Hartranft case, where our learned Chief Justice said it was the duty of the judge to stay close to the grand jury. It does seem to me that inasmuch as trials are interrupted, as we lawyers know for matters of less importance that the occasional swearing in of a witness before the grand jury, the Chair is smiling, perhaps he knows that he runs into court every now and then and interrupts for matters of his own,—it seems to me the interruption of a judge for the important duty of swearing a witness who is to testify in secrecy against a citizen of this Commonwealth, is not too much to impose upon his very sacred and honored duties.

Mr. SWEENEY. Mr. Speaker and members of the House, I rise to answer Mr. Cohen's objection. It is true that the District Attorney of Philadelphia was in Harrisburg last night; it may be that he spoke to Mr. Cohen about this bill; it may be that he personally feels that it would be bad for Philadelphia, but I feel sure that Mr. Kelley is not familiar with the situation in Dauphin County and other small counties, where a bill of this kind would cause a lot of inconvenience. Mr. Kelley is evidently not extremely interested in this bill because he took no occasion to contact any of the Republican members of this House about it, and he has not expressed to the Republican members his displeasure towards it.

The only other objection that Mr. Cohen has is that some unscrupulous lawyer or some defendant may perchance come in before the Grand Jury. Now, if that happens in Philadelphia, Mr. Kelley has an indictment clerk right there. After a man testifies his name is taken down and if he should by some chance get before the grand jury, and the Grand Jury ignores the bill, there is nothing under our law to prevent or stop a district attorney from re-submitting that bill next month, and preventing that witness from testifying, and finding a true bill.

Mr. WOODSIDE. Mr. Speaker and members of the House, I do not like to prolong this debate unduly but I think there are several answers or suggestions to Mr. Cohen which I would like to make.

In the first place, this bill merely clarifies the practice which is now being followed, as I understand it, without exception in the city of Philadelphia, and has been followed without exception for many years.

In the second place, for the benefit of laymen it ought to be explained just how a grand jury operates. In the case of a bill of indictment the District Attorney writes on the back of the bill the names of the people whom he desires the grand jury to call as witnesses. He usually puts his most important witness first, and he may have a string of six or eight or any number. If the grand jury is satisfied after the first witness is called that a prima facie case is made out, they stop right there. If they are not satisfied when they call the first witness, they call the second witness. If they are satisfied after they have called the first two, they then return a true bill and call no more. This is done until they get down to the last name on the indictment, and when the last name on the indictment has been called, and the witnesses whose names appear on the indictment have all been heard, the grand jury then, if it is satisfied that a prima facie case is made out, will return a true bill. It is only in case the grand jury is not satisfied after hearing all the witnesses whose names appear on the back of the indictment that another person can be called before the grand jury to determine whether or not a true bill will be found. So I think that answers absolutely and conclusively the question that fraud might exist in a grand jury by calling in some person as a witness whose name is not on the back of the indictment, and who may be favorable to the defendant.

Now, another point, and this will not change the law as to the right of a person to be called in, the law remains the same. The grand jury now has the right to call in a person. They will in the future, if this becomes a law, have the right to call in a person. Another important point; the judge does not take the time and under the law is not bound to interrogate the witnesses that he swears to ascertain what they are going to say, in order to determine whether or not they are going to be favorable to the defendant. So that the only thing this bill does when it is all summed up is to determine whether or not, a juror shall have the right to administer an oath, and that is all there is to it.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—119.

Ackermann,	Ewing,	Lelsey,	Simons,
Alspach,	Fisher,	Lichtenwalter,	Sloan,
Atkins,	Fiss,	Lyons,	Snyder,
Auker,	Foor,	Madden,	Sollenberger,
Balliet,	Freed,	Marr,	Stambaugh,
Bennett,	Gates,	Matthews,	Stewart,
Boorse,	Gillan,	McClester,	Stockham,
Boose,	Gillette,	McGarrity,	Sweeney,
Bower,	Goll,	McNally,	Tahl,
Boyd,	Habbysba,	McVay,	Taylor,
Bretherick,	Haines,	Montgomery,	Terry,
Bronson,	Hall,	Moser, F. S.,	Thistle,
Brown, S. W.	Hamilton,	Moser, J. L.	Thompson, G. R.,
Brunner,	Harbeson,	Muir,	Tiemann,
Cadwalader,	Henry,	O'Dare,	VanAllesburg,

Carpenter,	Hewitt,	Peacock,	Van Belle,
Christler,	Hocke,	Peale,	Voorhees,
Clark,	Hoffman, J. N.,	Readinger,	Wagner,
Clearwater,	Hoyt,	Reagan,	Watkins,
Cook,	Huntley,	Reese, D. P.,	Webster,
Cooper,	Irvin,	Rhodes,	Wilkinson,
Cordier,	James,	Riley,	Wilson,
Cortese,	Johnston,	Robertson,	Winnier,
Curran,	Jones,	Rose,	Wood, H. M.
Dalrymple,	Kane,	Roseberry,	Wood, L. H.,
Denman,	Kline,	Royer,	Wood, N.,
Dix,	Knoble,	Schrock,	Woodside,
Donahue,	Kowalski,	Seif,	Yeakel,
Eckels,	Krise,	Serrill,	Turner,
Ely,	Lee,	Shearer,	Speaker.

NAYS—62.

Achterman,	DeNote,	Long,	Rooney,
Allen,	Dick,	Malloy,	Rothenberger,
Allmond,	Donohoe,	McKinney,	Sarra,
Andrews,	Fauset,	McLane,	Schrope,
Baker,	Finnerty,	Melchiorre,	Schwab,
Balthaser,	Fleming,	Mooney,	Skale,
Bardes,	Harkins,	Moran,	Stank,
Bois,	Hindman,	O'Brien,	Tarr,
Boney,	Hoffman, S. K.,	O'Connor,	Thompson, E. F.,
Broad,	Holland,	O'Keefe,	Walsh,
Brown, H. S.,	Jirolanio,	Ominsky,	Weiss,
Burns,	Keenan,	Powers,	Welsh, E. B.,
Burns,	Kenehan,	Preston,	Welsh, M. J.,
Check,	Kilroy,	Reynolds,	Westrick,
Chervenak,	Levy,	Rider,	Williams,
Cohen, R. E.,	Leydic,		

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

The SPEAKER. The Chair desires to congratulate and compliment the members of the House on the debate that has just been closed. During the time I have been here, I have rarely heard any finer exposition or opposition to a measure before the House. It is particularly gratifying this afternoon when I notice that we have at the rear of the House a number of young people who I presume have come to visit the Capitol for the purpose of observing the work of the Legislature. It is gratifying to know that we have them here on an occasion like this.

RESOLUTION NO. 24.

Mr. CORDIER. Mr. Speaker, I desire to call up at this time Resolution No. 24, Printer's No. 43, on page 2 of today's calendar.

The resolution was read by the Clerk as follows:

In the House of Representatives, March 6, 1939.

Whereas, The publicity recently given to the amount of money appropriated to the Bureau of Aeronautics, for use during the present biennium, has occasioned much public comment; and

Whereas, An investigation should be made of the activities and expenditures, and also the plans of the Bureau, in order to determine upon its future operations and future appropriations; therefore be it

Resolved, (if the Senate concur) That a joint Legislative Committee is hereby created, consisting of four members of the House of Representatives, one of whom shall be a member of the minority party, to be appointed by the Speaker of the House; and three members of the Senate, one of whom shall be a member of the minority party, to be appointed by the President Pro Tempore of the Senate, whose duty it shall be

(a) To organize immediately after its appointment, by the election, from its membership, of a chairman, vice-chairman and a secretary.

(b) To immediately begin a thorough investigation of the operations of and the expenditures made by the Bureau of Aeronautics since its creation, with the end in

view of suggesting what policy should be adopted in order to make its work more effective and less expensive.

(c) To decide how far the Bureau should proceed as a separate organization and whether cooperation with the Federal Government or other states would be practicable.

(d) To investigate safety devices and make recommendations in regard to the use thereof.

(e) To inquire into possible abuses of the powers of the Bureau heretofore practiced and to make suggestions for the correction thereof.

The committee hereby created shall have power to issue subpoenas under the hand and seal of its chairman requesting and commanding any person or persons to appear before them and to answer such questions touching matters properly being inquired into by the committee, and to produce such books, papers, records and documents as the committee may deem necessary. Such subpoenas may be served upon any person and shall have the force and effect of subpoenas issued out of the courts of this Commonwealth. Each member of said committee shall have power to administer oaths and affirmations to witnesses appearing before the committee. Any person who shall wilfully neglect or refuse to testify before said committee or to produce any books, papers, records or documents shall be subject to the penalties provided by laws of the Commonwealth in such cases.

The said committee shall report to this General Assembly as soon as possible after its investigation is completed, the results thereof accompanied by such suggestions of legislation to be enacted as to the committee seems necessary.

On the question,

Will the House adopt the resolution?

It was adopted.

Ordered, That the Clerk present the same to the Senate for concurrence.

STATEMENT BY MR. HOLLAND

Mr. HOLLAND asked and obtained unanimous consent to address the House.

Mr. Speaker and members of the House, I very kindly thank the House for permitting me to address it about twenty-four hours late. I also want you to know that I missed my sleep as much as you did.

In this morning's Pittsburgh paper, there appears an editorial headed as follows: "Renewed encouragement given for flood control work." It also quotes former Senator William B. Rodgers, Head of the Tri State Flood Control Authority stating, "That the Governor agreed there was nothing in the present status of Federal and State relations on the subject of flood control to jeopardize the interest of the people of the State in any way." For the Governor to make a statement like this, if he made this statement, it might be well to know what interest he has in mind, whether it is interests of the Utilities or the people. For up to date his chief concern has not been to protect flooded areas but has been to protect vested interests. For under date of Feb. 23, he was quoted by the same paper as stating to the Chamber of Commerce of Pittsburgh as well as the Tri State Authority that he would not proceed with further flood control until he had the answer in black and white from the Federal Government. This group pointed out to the Governor that unless he changed his stand this State would not receive sufficient funds to start work on two additional dams in the fiscal year starting July 1 provided in the flood control bill now pending in Congress. This group further told the Governor that it felt the State would be performing a constructed service if it cooperates in advancing the flood control program. However, I

had not intended to make any statements regarding Utilities for I too feel like the Speaker of the House, that there is a lot of "useless time" being consumed in trying to have the Governor see the error of his stand of not cooperating with the Federal Gov., but I do want to point out to the Speaker of this House that my constituents back home who have had the experience of being flooded out would think and use the word "useless" in another way when speaking of me as a representative if I did not voice their objections to the stand taken by Gov. James, and I might add that among the numerous letters received by me and personal phone calls when at home, these objections are not merely from Democrats but are also from Republicans, as they feel that this issue is strictly a non-partisan issue and is not a political one.

Last Monday night, I asked the Members of this House to discharge the Federal Relations Committee from further consideration of Resolution No. 15, Printer's No. 15, so that the Legislature could assert its rights and demand that the Governor should consider first the people of Pennsylvania before any political issue that the Governor might try to inject into Flood Control.

I want to publicly thank the ten Republicans who felt that Flood Control was above any political party's ambitions. However, I feel that as legislators, we should get some definite answer from the Governor, as well as the Secretary of Forests and Waters, as to their future plans in the controlling of floods. Each edition of the newspapers carry a different story. Today we may read Governor James goes along with Flood Control, and tomorrow the Secretary of Forest and Waters may issue a statement "that not one acre of Pennsylvania soil will be surrendered to the Federal Government." Our constituents back home want to know what is being done, and we as Legislators must reply—like the late Will Rogers would say—"All I know I read in the papers." The Tri-State Authority receives one statement from the Governor and the Chamber of Commerce receives another, and the newspapers receive still another.

I personally sympathize with Governor James, for I believe that he has been misinformed by his advisor, the Admiral from Texas, that it is political and the Governor does not know the true existing conditions and the plans to end floods in Pennsylvania. In the last campaign, much was said and much emphasis was placed on Legislators and legislative duties of the Legislator, and I feel that, whether we be Republican or Democrat, the Governor owes us a definite statement on what steps he intends to make in the future to save the lives of the poor unfortunates who must live in flood districts. We have a right to know just what the status of Flood Control is in Pennsylvania, and that is what I want to ask this House to do today.

I believe that this House should appoint a Committee to call upon the Governor and the Secretary of Forests and Waters and secure from them a written statement of their exact stand on Flood Control, as well as a statement of just how much money will be needed to carry out their plans—if any. Then we as Legislators should either give our approval or disapproval. We were elected and sent here to legislate for the people of Pennsylvania—and I know that every one of us wants to serve the people of Pennsylvania to the best of our ability, as well as to protect every inhabitant of the State, whether or not this

inhabitant belongs to the privileged rich who can hire and maintain high priced hobbies—or whether that inhabitant is the poor man or woman who must exist on a meager relief check.

That is the legislation that we should be interested in if we are to uphold the oaths we took on our first day of the Session. I know that if every member of this House was free to sit down, as an individual instead of a member of a political party, we would all be in accord, but unfortunately—for the interests of all the people—we bear tags of being a Republican or a Democrat.

So I am appealing to you, as I have appealed to you numerous times in the past, not to permit Flood Control to be a political issue. Let us treat it as real Pennsylvanians, like real Americans. Let us protect the homes of the people of Pennsylvania from being swept away. Let the government give them the protection today—the same as many of these homes gave up the flower of their manhood to protect this government in time of war. We have a right to expect the Governor of this State to advise us of his plans. We are the Legislative Branch and should get this information direct from the Governor instead of from the newspapers.

Therefore, I am asking this House to appoint a Committee of five to sit in a joint meeting with the Governor and the Secretary of Forests and Waters and receive from him a definite statement and a definite plan on the control of floods for the future. Surely this is not political and should receive no objection from any Member of this House.

RESOLUTION

Mr. HOLLAND. Mr. Speaker, I desire to offer a resolution and ask unanimous consent for its immediate consideration.

The SPEAKER. Will the House give it unanimous consent for the immediate consideration of the resolution? Is there objection?

Mr. WOODSIDE. Mr. Speaker, I object.

The SPEAKER. The Chair hears objection and consent is not granted.

The resolution will be filed with the Clerk under the rules.

RESOLUTION NO. 40.

Mr. WOODSIDE. Mr. Speaker I desire to call up at this time Resolution No. 40.

The resolution was twice read considered and adopted as follows:

In the House of Representatives, March 13, 1939.

Paul W. Houck, veteran Schuylkill County Republican leader, and, for many years, prominent in Pennsylvania politics, died in the Penn-Harris Hotel on March 8th, after an illness of five weeks.

He had passed by two years his allotted span of life, but was still active in the affairs of his county and of the Commonwealth.

He was born at Lebanon, Pennsylvania, May 5, 1866, a son of Henry Houck, who served as Secretary of Internal Affairs for several terms.

Mr. Houck, who for twelve years had been chairman of the Schuylkill County Republican Committee, lived in Shenandoah during the later years of his life.

Mr. Houck's first important political post was that of member of the Pennsylvania Legislature in 1909-10.

In 1916 he became chief clerk of the Schuylkill County Board of Commissioners. In the same year he was named a Workmen's Compensation Board referee.

Governor Brumbaugh appointed him Secretary of Internal Affairs in 1917. Governor Sproul made him a mem-

ber of the Compensation Board in 1919, and he won his first major fight in Schuylkill in 1926 when he was chosen chairman of the Republic County Committee. He had been reelected every two years since then.

Mr. Houck was a director of the First National Bank of Shenandoah and the Shenandoah Heights Construction Company. He was a member of the Pennsylvania Society of New York, the Elks, Eagles, Moose, and belonged to the Ashland Rod and Gun, Mahoning Country, and the Fountain Springs Country Clubs; therefore be it

Resolved, By the House of Representatives of the General Assembly of the Commonwealth of Pennsylvania, That the county of Schuylkill has lost a leader who was forever mindful of its interests and the Commonwealth a faithful officer who faithfully and with marked ability discharged every obligation and duty imposed upon him by the various offices he filled; and be it further

Resolved, That the Members of this House join with that vast number of friends and followers who mourn his loss and extend to the members of his family its most sincere sympathy; and be it further

Resolved, That a copy of this resolution be transmitted by the Chief Clerk of this House to his sons, Paul B. Houck of Pottsville, Pennsylvania and Judge Henry Houck of Shenandoah, Pennsylvania, and to his sister, Miss Susan Houck of New York City.

RESOLUTION NO. 37.

Mr. SCHROCK. Mr. Speaker, I desire to call up at this time Resolution No. 37.

The resolution was twice read, considered and adopted a. follows:

In the House of Representatives, March 13, 1939.

Honorable William Patrick Fenney, a former Member of this House, who served during the Session of 1911, died on Thursday last, March 9, in the Charleroi Hospital.

Shortly after his term as a Member of this House had expired, he entered the employ of the United Mine Workers and within a short time had risen to the position of international representative of that organization. He once served as President of District No. 4 of the United Mine Workers.

Mr. Feeney was born in England of Irish parents, and came to the United States at the age of fourteen. For a long period he resided at California, and twenty-nine years ago moved to Charleroi, where he had made his home since that time. He was employed in coal mines while residing at California.

The veteran union worker became ill while in Harrisburg early during this month, but recovered sufficiently to return to his home from which he later was removed to the Hospital.

Mr. Feeney was a member of St. Jerome's Roman Catholic Church at Charleroi; of the Knights of Columbus of Charleroi; of the Eagles Lodge at California and the Ancient Order of Hibernians at Charleroi; therefore, be it

Resolved, By the Members of the House of Representatives of the General Assembly of the Commonwealth of Pennsylvania that in the passing of the Honorable William Patrick Fenney, the cause of labor has lost a valiant advocate and a staunch supporter and his home community has been deprived of an outstanding citizen; and be it further

Resolved, That the House extends its deepest sympathy to the family of the deceased who survive him, and instructs the Chief Clerk of the House to transmit a copy of this Resolution to his widow.

RESOLUTION NO. 39.

Mr. HAMILTON. Mr. Speaker, I desire to call up at this time Resolution No. 39.

The resolution was twice read, considered and adopted as follows:

In the House of Representatives, March 13, 1939.

Hon. J. Burwood Daly, the first Democrat ever elected

from the fourth congressional district of Pennsylvania to the Congress of the United States died yesterday at the United States Naval Hospital after seven weeks illness, at the age of 67 years.

Mr. Daly was graduated from La Salle College with a degree of Bachelor of Arts. He took his law degree at the University of Pennsylvania Law School.

Later he received the degrees of Master of Arts and Doctor of Laws at La Salle. He was assistant City Solicitor for 12 years. For a number of years Mr. Daly was a member of the faculty of La Salle College.

In Congress he was a member of the important Appropriations Committee, and was instrumental in having the new Federal Building erected at 9th and Chestnut streets.

To his friends he was known for his bright and cheerful disposition, his keen sense of humor and his unflinching loyalty.

He is survived by four sons and a daughter, therefore be it

Resolved, By the House of Representatives of the General Assembly of the Commonwealth of Pennsylvania that in the death of the Hon. J. Burwood Daly, the City of Philadelphia has lost an outstanding citizen and that his congressional district has been deprived of the services of a statesman who fearlessly and conscientiously devoted his best talents to the furtherance of their interests; and be it further

Resolved, That this House extends its most sincere sympathy to the members of his family who survive him.

RESOLUTION NO. 36.

Mr. HAMILTON. Mr. Speaker, I desire to call up at this time Resolution No. 36.

The resolution was twice read, considered and adopted as follows:

In the House of Representatives, March 13, 1939.

Charles Spinelli, 45 years of age, contractor and president of the Spinelli Comic Club, noted mummer's organization, died one week ago of pneumonia in St. Joseph's Hospital.

A native of South Philadelphia, he marched in New Year's Day parade for nearly 30 years. He was sergeant-at-arms of the New Year's Mummer's Association, and former head of the old Zuzu Comic Club, which after its reorganization in 1925 was renamed the Charles Spinelli Comic Club.

His deep interest in the annual mummer's parade in the City of Philadelphia helped make their exhibitions a national institution and brought honor and recognition to the particular club of which he was the head; therefore be it

Resolved, That this House notes with deep regret his passing from this life he loved and the sudden cessation of his work for the city in which he lived, and to his widow and son who survive him, we extend our sincere sympathy; and be it further

Resolved, That the Chief Clerk of the House shall immediately transmit a copy of this resolution to his widow.

STATEMENT BY MR. FINNERTY

Mr. FINNERTY asked and obtained unanimous consent to address the House.

Mr. Speaker and members of the House, I am not going to speak on flood control; I am not going to speak on birth control, but I am going to speak very briefly or the dinner next Tuesday to be given by the Legislative Sons of St. Patrick.

The SPEAKER. I hope that is not food control.

Mr. FINNERTY. Of course you know that the date is March 21st; the place the Penn Harris Hotel and the committee desires that all reservations be made by tomorrow as we must make arrangements with the hotel by next Monday before you come back into session.

When the Irish give a shindig you know it is going to be something worthwhile and this is going to be no exception. We are going to have an A-1 stage show and we are also going to have a floor show and the speeches will be the greatest speeches ever given at a banquet.

The SPEAKER. The Chair accepts the compliment.

Mr. FINNERTY. You will be able to hear them just as clearly in Chicago as you can in the Penn Harris. So don't forget to be present. You can get your reservation from Mr. McGarrity, the Chairman, myself or any member of the committee. We expect everybody there, whether they are Irish or any nationality, so don't forget March 21st will be a great night for the Irish and for all other nationalities in Harrisburg. I thank you.

The SPEAKER. The Chair would ask the gentleman from Philadelphia what is the quid pro quo for the tickets?

Mr. FINNERTY. The tickets will be \$3.00 per.

The SPEAKER. Per what?

Mr. FINNERTY. Perhaps you pay for them and perhaps you won't, but you will.

I forgot to speak of one little item. Arrangements have been made to serve lemonade, cold tea and well—we won't go into that.

There will be no questions asked and no body will be searched. I assure you that you can come there and have a good time. The sky is the limit. If we have a program similar to last year's there will be one feature you will all enjoy which will be a surprise to the new members. I have had a great deal of experience in judging dancing contests in many places and I will say that one of the finest figures, full of grace and everything, that I have ever witnessed was the waltz that was performed by His Honor, the Speaker.

SENATE MESSAGE

HOUSE BILLS CONCURRED IN BY SENATE.

The Clerk of the Senate being introduced, returned bills from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 132.

An Act to repeal the act approved the thirtieth day of July one thousand nine hundred and thirty-eight (P. L. 18) entitled "An act suspending retroactively as well as prospectively any other pending investigation legislative executive or judicial of charges of or involving misdemeanor in office on the part of civil officers liable to impeachment with the House of Representatives undertakes to investigate and providing under what circumstances the suspended investigation may be resumed"

HOUSE BILL No. 131.

An Act to repeal the act approved the thirtieth day of July one thousand nine hundred and thirty-eight (P. L. 13) entitled "An act relating to the investigation of charges of or involving misdemeanor in office made against civil officers subject to impeachment providing that the jurisdiction of the House of Representatives to make such investigations shall have precedence over the jurisdiction of grand juries and limiting the circumstances under which courts of oyer and terminer and general jail delivery or courts of quarter sessions or judges of such courts may authorize grand juries to make such investigations."

HOUSE BILL No. 129.

An Act to repeal the act, approved the thirtieth day of July, one thousand nine hundred and thirty-eight (P. L. 15), entitled "An act defining the procedure for,

and regulating, the investigation by the House of Representatives and its committees of charges of, or involving, misdemeanor in office on the part of civil officers liable to impeachment; authorizing the Speaker of the House to appoint a special committee for any such investigation; authorizing the presentation of evidence by the Attorney General and other counsel and the officers investigated; providing for the summoning of witnesses and for the punishment of persons refusing to appear, produce evidence, or testify; and authorizing the employment and compensation of counsel and other assistants."

HOUSE BILL No. 128.

An Act to repeal the act approved the thirtieth day of July one thousand nine hundred and thirty-eight (P. L. 17) entitled "An act defining the relative powers of the Attorney General and of district attorneys in investigations or proceedings in the criminal courts authorizing the judges thereof to appoint subject to appeal to the Supreme Court special prosecutors in certain cases and providing for their compensation by the county."

With the information that the Senate has passed the same without amendment.

BILLS SIGNED BY SPEAKER

Bills numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the titles were publicly read as follows:

HOUSE BILL No. 132.

An Act to repeal the act approved the thirtieth day of July one thousand nine hundred and thirty-eight (P. L. 18) entitled "An act suspending retroactively as well as prospectively any other pending investigation legislative executive or judicial of charges of or involving misdemeanor in office on the part of civil officers liable to impeachment with the House of Representatives undertakes to investigate and providing under what circumstances the suspended investigation may be resumed."

HOUSE BILL No. 131.

An Act to repeal the act approved the thirtieth day of July one thousand nine hundred and thirty-eight (P. L. 13) entitled "An act relating to the investigation of charges of or involving misdemeanor in office made against civil officers subject to impeachment providing that the jurisdiction of the House of Representatives to make such investigations shall have precedence over the jurisdiction of grand juries and limiting the circumstances under which courts of oyer and terminer and general jail delivery or courts of quarter sessions or judges of such courts may authorize grand juries to make such investigations."

HOUSE BILL No. 129.

An Act to repeal the act approved the thirtieth day of July one thousand nine hundred and thirty-eight (P. L. 15) entitled "An act defining the procedure for and regulating the investigation by the House of Representatives and its committees of charges of or involving misdemeanor in office on the part of civil officers liable to impeachment authorizing the Speaker of the House to appoint a special committee for any such investigation authorizing the presentation of evidence by the Attorney General and other counsel and the officers investigated providing for the summoning of witnesses and for the punishment of persons refusing to appear produce evidence or testify and authorizing the employment and compensation of counsel and other assistants."

HOUSE BILL No. 128.

An Act to repeal the act approved the thirtieth day of July one thousand nine hundred and thirty-eight (P. L. 17) entitled "An act defining the relative powers of the Attorney General and of district attorneys in investigations

or proceedings in the criminal courts authorizing the judges thereof to appoint subject to appeal to the Supreme Court special prosecutors in certain cases and providing for their compensation by the county."

Whereupon,

The SPEAKER, in the presence of the House, signed the same.

ANNOUNCEMENT BY SPEAKER

The SPEAKER. The Chair would call to the attention of the members a new feature of the history. On the second page, immediately back of the seating diagram appears the explanation of symbols used in amending legislative bills. Sometimes it is confusing to know what dark and light brackets mean and what italics mean; what HC and H mean and what SC and S mean, in the amendments—even to those of us who have been here for sometime. The Chair would suggest that the members become familiar with those symbols, especially the Committee Chairmen, in making any amendments to the bills in committees. The Chair called the attention of the Committee Chairmen yesterday to the fact that there were some Chairmen, or members who were striking out parts of the typewritten bills, and the reporting committee struck out language that was in the amendment. The proper way to do it is by brackets as set forth in the symbols.

The Chair would also like to advise the members that it is the intention, always of course with the permission of the House, to meet until Thursday of next week, which will be four days. The Chair would ask the members to govern themselves accordingly.

COMMITTEE MEETINGS

There will be meetings of the Committees on Apportionment, Wednesday, March 15, 1939, at 12 noon, in Room 324.

Boroughs, Wednesday, March 15, 1939, at 11 a. m., in Room 325.

Cities—Third Class, Wednesday, March 15, 1939, at 12 noon, in Room 332.

Counties, Wednesday, March 15, 1939, at 10.30 a. m., in Room 323.

Judiciary General, Wednesday, March 15, 1939, at 11 a. m., in Room 326.

Municipal Corporations, Tuesday, March 14, 1939, immediately after the session in Room 324.

Ways and Means, Wednesday, March 15, 1939, at 10 a. m., in Room 100.

There will be a meeting of the Chairmen of Standing Committees at 4 p. m. in the House Caucus Room.

There will be a meeting of the subcommittee of the Judiciary Special Committee in charge of the Criminal Code on Wednesday, March 15, 1939, at 10 a. m., in Room 323.

Members who do not wish to make use of their copy of House Bill No. 389, the Criminal Code, please hand the same to Mr. Atkins or Mr. Brunner.

STATEMENT BY MR. ANDREWS

Mr. ANDREWS asked and obtained unanimous consent to address the House.

Mr. Speaker I arise to offer some words of sound counsel to the majority floor leader. The minority has apparently discovered the formulae of success. I noticed a short time ago quite a number of the gentlemen on the majority side leaving the House. If we can empty the majority benches simply by talking it will be possible that on various occasions we will take control of the proceedings of this House.

I also call the attention, Mr. Speaker, of the gentlemen on the majority side that when any considerable number of them march out, we might also on this side march out, and the Speaker might find himself without a quorum. I think on the whole it is rather bad practice for the majority leader to fail to hold his cohorts intact when members are speaking. There are some agile minds on this side that might unfortunately take advantage of a situation so created.

ADJOURNMENT

Mr. ELY. Mr. Speaker, I move that this House do now adjourn until tomorrow at 12 noon.

The motion was agreed to, and (at 3:26 p. m.) the House adjourned until Wednesday, March 15, 1939, at 12 noon.

Legislative Journal.

Session 1939.

133d of the General Assembly.

Vol. 23

HARRISBURG, PA., WEDNESDAY, MARCH 15, 1939.

No. 24.

SENATE

WEDNESDAY, March 15, 1939.

The Senate met at 12:00 o'clock, noon.

The PRESIDENT (Lieutenant-Governor Samuel S. Lewis) in the Chair.

PRAYER

The Chaplain, Rev. BURLEIGH A. PETERS, offered the following prayer:

How grateful we all are this day, O blessed God, that the light of another day has become our prized possession, and that in the full vigor of health and strength we may whole-heartedly serve Thee in this Senate in this unique and honorable capacity.

Bless, by Thine enlightening presence, each individual who serves this honorable body in each and every capacity. May we all remember that, while we may deem our particular service as very insignificant in the operation of the whole, yet Thou seest it in its proper evaluation for "Thou dost mark even the sparrow's fall."

May we recall out of the sum total of human experience that the big things of life are eternally composed of the little things superbly and faithfully and conscientiously done.

Then we pray, O Father, give us the zeal to discharge our several duties here honorably and well under Thy scrutinizing eye. In Thy Holy Name, we pray. Amen.

JOURNAL APPROVED

The PRESIDENT. A quorum of the Senate being present, the Clerk will read the Journal of the preceding session.

The Clerk proceeded to read the Journal of the preceding session, when, on motion of Mr. OWLETT and Mr. WALKER, the further reading was dispensed with, and the Journal was approved.

HOUSE MESSAGE

HOUSE RESOLUTION NO. 24 FOR CONCURRENCE

The Clerk of the House of Representatives, being introduced, presented an extract from the Journal of the House of Representatives which was twice read as follows and referred to the Committee on Aeronautics:

In the House of Representatives, March 6, 1939.

Whereas, The publicity recently given to the amount of money appropriated to the Bureau of Aeronautics for use during the present biennium has occasioned much public comment and

Whereas, An investigation should be made of the activities and expenditures and also the plans of the Bureau in order to determine upon its future operations and future appropriations therefore be it

Resolved (if the Senate concur) that a joint Legislative Committee is hereby created consisting of four members of the House of Representatives one of whom shall be a member of the minority party to be appointed by the Speaker of the House and three members of the Senate one of whom shall be a member of the minority party to be appointed by the President Pro Tempore of the Senate whose duty it shall be

(a) To organize immediately after its appointment by the election from its membership of a chairman vice-chairman and a secretary

(b) To immediately begin a thorough investigation of the operations of and the expenditures made by the Bureau of Aeronautics since its creation with the end in view of suggesting what policy should be adopted in order to make its work more effective and less expensive

(c) To decide how far the Bureau should proceed as a separate organization and whether cooperation with the Federal Government or other states would be practicable

(d) To investigate safety devices and make recommendations in regard to the use thereof

(e) To inquire into possible abuses of the powers of the Bureau heretofore practiced and to make suggestions for the correction thereof

The committee hereby created shall have power to issue subpoenas under the hand and seal of its chairman requesting and commanding any person or persons to appear before them and to answer such questions touching matters properly being inquired into by the committee and to produce such books papers records and documents as the committee may deem necessary Such subpoenas may be served upon any person and shall have the force and effect of subpoenas issued out of the courts of this Commonwealth Each member of said committee shall have power to administer oaths and affirmations to witnesses appearing before the committee Any person who shall wilfully neglect or refuse to testify before said committee or to produce any books papers records or documents shall be subject to the penalties provided by laws of the Commonwealth in such cases

The said committee shall report to this General Assembly as soon as possible after its investigation is completed the results thereof accompanied by such suggestions of legislation to be enacted as to the committee seems necessary

REPORT FROM COMMITTEE

Mr. HOMSHER, from the Committee on Education, reported, as amended, Senate Bill No. 45, entitled:

An Act to further amend the act, approved the eighteenth day of May, one thousand nine hundred and eleven (Pamphlet Laws, three hundred nine), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith," by defining probationary professional employe, substitute employe, and temporary employe, providing for a probationary period for professional employes, and further regulating the employment, dismissal, suspension, demotion, and retirement of such employes.

BILL RECOMMITTED

Mr. HOMSHER. Mr. President, I move that Senate Bill No. 45, the bill just read, be recommitted to the Committee on Education, for the purpose of further consideration and to hold a public hearing.

Mr. MALLERY. Mr. President, I second the motion. The motion was agreed to.

REPORTS FROM COMMITTEES

Mr. WOODWARD, from the Committee on Judiciary General, reported as amended, Senate Bill No. 93, entitled:

An Act to validate private sales of real estate of decedent heretofore made under authority of orphans' courts upon petition of executors or administrators for payment of debts.

Mr. LETZLER, from the Committee on Education, reported, as committed, Senate Bill No. 138, entitled:

An Act authorizing counties, cities, boroughs, townships of the first and second class, and school districts to issue and sell bonds for certain purposes and for a certain period of time; providing for a trust fund and a sinking fund for the payment thereof, and defining the duties of the officers and governing bodies of the said municipalities or quasi-municipalities in relation to said funds; and fixing a penalty for the violation thereof.

Mr. OWLETT, from the Committee on Judiciary General, reported, as committed, Senate Bill No. 188, (House Bill No. 80), entitled:

An Act to amend sections one and two of the act, approved the twenty-first day of June, one thousand nine hundred and thirty-seven (P. L. 1937), entitled "An act authorizing the Supreme Court of Pennsylvania to prescribe rules of practice and procedure in civil actions at law and in equity in certain courts of this Commonwealth, to prescribe rules and regulations for the conduct of any general business, either civil or criminal, by judges of any court of record; authorizing the courts of common pleas to prescribe and adopt local rules, not inconsistent with such general rules of the Supreme Court of Pennsylvania; authorizing the Supreme Court of Pennsylvania to appoint a Procedural Rules Committee, and to fix and define its powers and duties; imposing duties on judges and other officers of every court of record," by including the municipal court of Philadelphia.

Mr. HEYBURN, from the Committee on Finance, reported, as committed, Senate Bill No. 206, entitled:

An Act requiring all applications for licenses or permits to be accompanied by a per capita school tax receipt for the last calendar year preceding the year in which the application is made, and making exceptions as to applicants residing without the Commonwealth or in school districts where no such tax is imposed, or those exempt by law or action of the tax levying authorities.

BILLS INTRODUCED

Mr. HEYBURN read in his place and presented to the Chair Senate Bill No. 219, entitled:

An Act prescribing the powers and duties of the Department of Forests and Waters in respect to the Brandywine Battlefield; and making an appropriation.

Which was committed to the Committee on Appropriations.

Mr. EDMONDS read in his place and presented to the Chair Senate Bill No. 220, entitled:

An Act to reenact and further amend the act, approved the ninth day of April one thousand nine hundred and twenty-nine (P. L. 343), entitled "An act relating to the finances if the State government; providing for the settlement, assessment collection, and lien of taxes, bonus, and all other accounts due the Commonwealth the collection and recovery of fees and other money or property due or belonging to the Commonwealth, or any agency thereof, including escheated property and the proceeds of its sale, the custody and disbursement or other disposition of funds and securities belonging to or in the possession of the Commonwealth, and the settlement of claims against the Commonwealth, the resettlement of accounts and appeals to the courts, refunds of moneys erroneously paid to the Commonwealth, auditing the accounts of the Commonwealth and all agencies thereof, of all public officers collecting moneys payable to the Commonwealth, or any agency thereof, and all receipts of appropriations from the Commonwealth and imposing penalties; affecting every department, board, commission, and officer of the State government, every political subdivision of the State, and certain officers of such subdivisions, every person, association, and corporation required to pay, assess, or collect taxes, or to make returns or reports under the laws imposing taxes for State purposes, or to pay license fees or other moneys to the Commonwealth, or any agency thereof, every State depository and every debtor or creditor of the Commonwealth," transferring the powers and duties heretofore exercised and performed by the Department of Revenue and the Secretary of Revenue, and certain powers and duties of the Auditor General and the Department of the Auditor General to the State Revenue Commission; changing the procedure in cases of, and the right to, settlements, resettlements, reviews and appeals, and the interest rates on certain payments due the Commonwealth; and allowing interest on refunds due from the Commonwealth.

Which was committed to the Committee on Finance.

Mr. REED read in his place and presented to the Chair Senate Bill No. 221, entitled:

An Act relating to local taxation; establishing a system in counties of the second, third, fourth, fifth, sixth, seventh and eighth classes for the collection of county, borough, town, township, school, poor and county institution district taxes, with certain exceptions, through the county treasurers, city tax collector in cities of the second class A and third class and township treasurers in townships of the first class; defining the rights, powers, and duties of the collectors of county, borough, town, township, school, poor and county institution district taxes in certain counties; defining the rights, powers, and duties of such taxing units; regulating the date of making and certifying of tax levies; abolishing the office of county, borough, town, township, school, poor, and county institution district tax collectors, except county treasurers, certain tax collectors in cities, and township treasurers in townships of the first class, upon the expiration of existing terms and in cases of vacancies; imposing certain duties upon the Department of Internal Affairs; defining certain criminal offenses; imposing penalties and creating liens; and repealing existing laws.

Which was committed to the Committee on County Government.

He also read in his place and presented to the Chair Senate Bill No. 222, entitled:

An Act to amend sections eight hundred one, eight hundred two, eight hundred five, and one thousand seven hundred nineteen, and to repeal sections eight hundred six and one thousand seven hundred seventeen of the Act approved the twenty-fourth day of June, one thousand nine hundred thirty-one (P. L. 1206), entitled "An act concerning townships of the first class, amending, revising, consolidating, and changing the law relating thereto," by empowering the township commissioners to designate the county treasurer or the township treasurer

as the collector of all taxes levied within the township; and relating to the bonds, compensation, expenses and accounts of township treasurers and of the collectors of such taxes.

Which was committed to the Committee on County Government.

RESOLUTION REQUESTING THE HOUSE TO INTRO- DUCE A REVENUE MEASURE SIMILAR TO INDIANA GROSS RECEIPT TAX

Mr. WOODWARD offered the following resolution, which was twice read as follows and referred to Committee on Finance:

In the Senate, March 15, 1939.

Whereas, The amount of revenue set aside in the budget for the item of relief is inadequate, and

Whereas, The General Assembly may therefore be called into Extraordinary Session to enact further relief revenue measures and thereby place additional burden upon the taxpayers for the cost of the Special Session, and

Therefore Be It Resolved, That the Ways and Means Committee of the House of Representatives be hereby requested to anticipate the situation in the following way: viz, to draft and introduce a revenue measure similar to the Indiana Gross Receipts Tax to become affective at some date prior to the exhaustion of the relief item. At the same time to authorize the Governor to suspend the enforcement of such an act from time to time until the need of additional revenue.

BILLS ON SECOND READING

Agreeably to order.

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 39, as follows:

An Act validating county treasurers sales for delinquent taxes when the reports and returns of such sales were made to the court of common pleas and the deeds thereto were executed and acknowledged by an attache of the office of the county treasurer and not by the county treasurer as required by law

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Whenever heretofore any land has been sold by the county treasurer of any county for the purpose of securing the payment of delinquent taxes which were assessed and levied against such land and the report and return of such sale was made to the court of common pleas of the county and the deed to the purchaser of such land was executed and acknowledged by an attache of the office of the county treasurer as chief deputy treasurer of such county and not by the treasurer of the county as required by law such sale shall not be invalidated after the same has been confirmed by the court by reason of such defect even in counties where there was no lawful authority for a deputy county treasurer at the time of such actions if in all other respects the laws relating to the holding of such sale was fully complied with and all such treasurers sales are hereby ratified confirmed and validated and the title to any such land purchased by any person or by the county commissioners of any county at such treasurers sale and the deed so executed and acknowledged to such purchaser is hereby declared to be as valid as if such defect or error in making the aforesaid report and return had not been made

Section 2 This act shall become effective immediately upon final enactment

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 134, as follows:

An Act requiring aliens to register with the Department of Labor and Industry and to carry and upon proper demand to exhibit identification cards prohibiting the issuing of certain registration and licenses to or the employment of aliens under certain circumstances and prescribing penalties

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 On or before the first days of January one thousand nine hundred and forty and during the month of December of the year one thousand nine hundred and thirty-nine and of each year thereafter every alien eighteen (18) years or over residing in this Commonwealth who has not declared his or her intention to become an American citizen shall register with the Department of Labor and Industry on forms to be prescribed and furnished by the department and every such alien becoming a resident of this Commonwealth after the first day of January one thousand nine hundred and forty shall in like manner register with the department within thirty days after becoming such resident Such registration shall show the name age address occupation name of employer characteristics of appearance name of wife or husband if any of such alien member names and age of all children under eighteen (18) residing with him or her and if not his or her own the names of their parents and such other information and details as the department shall direct

Section 2 For each original registration and for each annual registration thereafter the person registered shall pay to the department a registration fee of five dollars (\$5.00) and shall receive an alien identification card which he or she shall carry at all times and shall exhibit upon demand by any police officer or agent of the Department of Labor and Industry displaying evidence of his authority

Section 3 No Motor vehicle shall be registered in the name of any alien nor shall any license to operate a motor vehicle or any liquor license or malt or brewed beverage license be issued to any alien unless such alien shall exhibit an alien identification card for the current registration period

Section 4 No person copartnership association corporation political subdivision of the Commonwealth or any of its agencies shall employ any alien who is not registered and in possession of an alien identification card for the current period

Any person copartnership association or corporation or any officer or agent of the Commonwealth or any of its political subdivisions violating the provisions of this section shall upon summary conviction be sentenced to pay a fine of not more than one hundred dollars (\$100.00) or in the case of individuals the members of copartnerships and associations and the officers of corporations to undergo imprisonment of not more than sixty (60) days or both

Section 5 The Department of Labor and Industry shall classify such registration in such manner as shall best serve the purpose of ready reference and shall furnish a copy thereof to the Pennsylvania Motor Police All such records shall be retained for a period of at least three years The department shall have power to make and enforce rules and regulations to carry into effect and enforce the provisions of this act

Section 6 Every alien over the age of eighteen (18) who has not declared his or her intention to become an American citizen and who fails to register as provided in this act within any of the periods required hereby shall upon summary conviction thereof be sentenced to pay a fine of not more than one hundred dollars (\$100.00) or

to undergo imprisonment for not more than sixty (60) days or both

Every alien required to be registered who shall fail to carry his or her alien identification card or who shall fail or refuse to exhibit the same when properly required to do so shall upon summary conviction thereof be sentenced to pay a fine of not more than ten dollars (\$10.00) or to undergo imprisonment for not more than ten (10) days or both

Section 7 All acts and parts of acts inconsistent herewith are hereby repealed

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order.

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 215, (House Bill No. 338), entitled:

An Act to amend clause ten of section two and section three hundred one of an act approved the twenty-seventh day of May one thousand nine hundred and thirty-seven (P. L. 1053) known as the "Public Utility Law" by excluding from the definition of "Facilities" as used therein property owned by municipal corporations of the Commonwealth of Pennsylvania when the said act became effective and providing that the Pennsylvania Public Utility Commission shall have power to regulate and fix the rates for service furnished by public utilities owned by municipal corporations of the Commonwealth of Pennsylvania only when the public service being furnished or rendered by any municipal corporations shall be beyond its corporate limits and extending such freedom from regulation and control by the Commission to public utility service furnished or rendered by an operating agency of any such municipal corporation

And said bill having been read at length the second time:

On the question,

Will the Senate agree to the bill on second reading?

Mr. SHAPIRO. Mr. President, this Senate bill No. 215 is intended, I think, to deal specifically with the Philadelphia situation, but in my opinion it covers in effect the whole state, not only with respect to the gas utilities but with respect to all utilities operating in the Commonwealth of Pennsylvania municipally owned or not, municipally operated or not.

It is a very important piece of legislation. It came over from the House yesterday and within a few minutes the Committee on Utilities met and this bill was reported out for the first time. It is now on second reading.

I do not want to make any motion in connection with this bill, because we have an understanding with the party leaders that no matters that are controversial will be taken up today, because of the leaves of absence that have been requested. Therefore, I do not want to raise any question by motion but I do not want to wait until Monday night when this bill comes up for final passage and then have it said I did not make a request in time for what I am now going to ask.

I think the importance of this bill necessitates a public hearing by people who are familiar with this subject and by people who know the effect of this bill upon the Commonwealth. This is one of those bills which is aimed to protect or help in a particular situation, and like all such hurried cases it makes for bad law. Its effect on the rest of the Commonwealth has not been considered

enough and the effect on the City of Philadelphia has not been properly considered by persons who have an opposite view to those who are sponsoring this bill.

In other words, the views of those people have not yet been aired, and I am asking that we have a public hearing on this bill; and I should, therefore, like to interrogate the Senator from Tioga, Mr. Owlett.

Mr. PRESIDENT. Will the Senator from Tioga, Mr. Owlett, permit himself to be interrogated?

Mr. OWLETT. Mr. President, I shall be glad to be interrogated.

Mr. SHAPIRO. Mr. President, will the Senator from Tioga agree that this bill be given second reading and then be recommitted to the Committee on Public Utilities for a public hearing?

Mr. OWLETT. Mr. President, in reply to the inquiry of the Senator from Philadelphia, Mr. Shapiro, I desire to state that this bill is a bill that passed in the House and came over to the Senate yesterday, was considered by the Committee on Public Utilities and was reported out.

The bill, in effect, re-establishes the law such as it was prior to 1937, when the new Public Utility Act was passed, in that it takes out of the control of the Public Utility Commission, just as it always has been out of their control, a wholly-owned municipal utility when it is owned by a municipality, in so far as it applies to servicing consumers in that municipality. In other words, it permits a municipality to control its own property. It is believed that the Act of 1937 was never intended to go as far as some have contended it did in this regard.

Now, with reference to the request of the Senator from Philadelphia, Mr. Shapiro, for a public hearing, if a public hearing is deemed important and necessary in this matter, I see no reason why a motion should not be made on Monday evening for the recommitment of the bill. I think the Senator will bear me out in my statement that we agreed with them that there would be no controversial matters but merely the advancement of the calendar. There are many people, in Philadelphia particularly as the Senator has pointed out, who have a vital interest, that are anxious that this bill be passed Monday. I should like to suggest to the Senator from Philadelphia, Mr. Shapiro, that this bill, as has been suggested, pass second reading, and be permitted to remain on the calendar so that if the Senate as a whole should decide on Monday evening that a public hearing is not required, it can be acted on.

If a public hearing is desired, and the Senate as a whole deems it advisable to grant it, it can be done on Monday; but I do think this bill, in accordance with the understanding we had, should have the second reading, and I do not want to agree at this time that it be referred to committee.

Mr. SHAPIRO. Mr. President, of course I am not going to violate the agreement, and that is the reason I am taking this position now. I should like to interrogate the Senator from Lancaster, Mr. Pierson. I think he is the chairman of the Committee on Public Utilities.

The PRESIDENT. Will the Senator from Lancaster, Mr. Pierson, permit himself to be interrogated?

Mr. PIERSON. Mr. President, I will.

Mr. SHAPIRO. Mr. President, Senator Pierson is chairman of the Committee on Public Utilities; is that correct?

Mr. PIERSON. Mr. President, that is correct.

Mr. SHAPIRO. Mr. President, will the Senator give assurances to those of us from Philadelphia, and on this side of the House, that we may have a public hearing on this bill?

Mr. PIERSON. Mr. President, if it is agreed to by the committee I shall be glad to hold a hearing.

Mr. SHAPIRO. Mr. President, if it were agreed to I would not have to ask. The reason I am asking is that I want to get the Senator's views on the matter. Would the Senator himself favor a public hearing?

Mr. PIERSON. Mr. President, I really do not understand the question. It is beyond my ability to agree to a public hearing.

Mr. SHAPIRO. Mr. President, I am not asking the Senator from Lancaster to agree, but as the Chairman of that committee—I am not a member of the committee—I want to find out whether the Senator feels that the bill is of sufficient importance to have a public hearing; whether he personally will assure us that he will request the committee to hold a public hearing.

POINT OF ORDER

Mr. OWLETT. Mr. President, I rise to a point of order.

The PRESIDENT. The Senator from Tioga will state his point of order.

Mr. OWLETT. Mr. President, it seems to me the inquiry at this time, since this bill is in the control of the Senate, is out of order. No chairman of a committee has a right to say what should be done with this bill. This bill is in control of the Senate, and obviously if the Senate as a whole wants to have it referred back to the committee for a public hearing any chairman must agree to that.

The PRESIDENT. I do not think the point is well taken. My understanding was that the inquiry was as to what the Senator's views were; not the views of the Senate.

Mr. SHAPIRO. Mr. President, that is correct; I am simply asking the views of the Senator himself.

Mr. PIERSON. Mr. President, if the committee wants to call a meeting, I have no objection at all.

Mr. SHAPIRO. Mr. President, do I understand that the Senator has no objection to a public hearing?

Mr. PIERSON. Mr. President, I have no objection to a public hearing if the committee so directs.

Mr. SHAPIRO. Mr. President, for the purpose of the record I state now that in view of our arrangement it would not be fair to have any controversy over the second reading of this bill, and I want the record to show that. I think the proper thing to do in a matter of so grave importance to the Commonwealth of Pennsylvania is not to rush through a bill of this type, not rush this bill through now without a public hearing; and I am reserving my right so that I cannot be questioned when I rise to the point later. I am raising it now, and I will raise it again on Monday, with the suggestion to the members of the Committee on Public Utilities that sometime between now and Monday they determine upon some method of arranging, as quickly as possible, a public hearing. I think this is important. I think there should be no rushing of this bill.

I care not what political party is interested in this bill, the effect of this bill in Philadelphia is to fix and freeze the price of gas for seventeen and a half years, so that nobody, no citizen, who objects to the price of gas, no matter what rate it is, can be heard, he has no redress.

The same thing may happen all over the State. If it is possible to do it in Philadelphia under this bill it is possible to do it all over the State, and in view of that I think my friends on the other side should go slow and we should have a public hearing.

Mr. OWLETT. Mr. President, just to clear the record I want to point out this: I am not objecting to a public hearing at this time. I am not saying that I believe a public hearing is necessary or is not necessary. I do say this, however—and I want to make it clear on the record, and I think the Senator from Philadelphia must agree—that this matter can be referred back to the committee and a public hearing held after it has had second reading just as well as on first reading.

I think if the committee and the Senate want a public hearing—and, if it is a matter of such moment, perhaps it may be necessary to do so—but, I do say we ought to have this bill in position so that it can be passed if the Senate concludes it should be, even after a public hearing. So I am asking the Senator if he will not acquiesce in the suggestion to allow this bill to pass second reading and remain in our control; and if a public hearing is to be held, well and good, it can be referred back on Monday.

Mr. WOODWARD. Mr. President, it has been said of every dictatorship in charge of the State that it is a beautiful ship, but sooner or later it goes on the rocks; that in a Democracy we all ride on a raft, which is a very clumsy sort of ship, and we are suddenly getting very wet on the raft.

I think this is one of those wet resolutions or bills. Philadelphia is in the wet—very red wet—and this bill is a lifesaver for Philadelphia; and time is of the essence of the contract, and I certainly expect to do my share in passing this bill.

At the same time I dislike very much to get in the position of denying a public hearing when it is requested, and I want to suggest to the Senator from Philadelphia, Mr. Shapiro, I am all for the hearing if it can be held this week—this Wednesday—if you could stage a hearing this week. I think if it goes over until Monday night probably there never will be a public hearing. But I would like a public hearing this week if possible. I think we ought to play the game fairly.

Mr. SHAPIRO. Mr. President, the Senator from Tioga said that they can control the situation on Monday night. That is true. I want it distinctly understood I am not charging the Senator from Tioga with any breach of faith or any proceeding in this matter which is other than I had expected. I am merely making this statement to put myself on the record, so that somebody should not come up Monday night and make the statement I am guilty of laches, as we lawyers call it; but I, personally, do not see how a public hearing on this matter can be held this week.

I am not familiar enough with the subject to prepare the witnesses. I know this much about it, that this raises one of the most important questions in the Commonwealth. The sale of gas is incidental. Gas is a by-product of coal, and there are over four hundred derivatives of coal that are being sold in Philadelphia by the people who have the gas contract. That contract is effective for ten years, and the rate has never been approved by any authorized commission. They are selling, today, coke, which is the real by-product to the Koppers Coke people, with nobody fixing the price, nobody controlling the price.

They are selling chemicals and dyes from the coal they buy, and gas is the by-product for which we are paying a big price, without any reference to the earnings of this company from by-products.

Who is going to determine whether or not Koppers Coke—which is sold by a public utility, practically, to all intents and purposes, affiliated with the Mellon interests, which controls Koppers Coke—who is going to control them?—whether the market price is four dollars a ton—and they sell it for two dollars a ton; and who is going possibly to tell, if they sell for four dollars, that the price of gas will necessarily be reduced if they sell it for two dollars?

There are four hundred by-product derivatives from coal about which I know nothing, which will require the calling of witnesses here who can tell you the importance of this situation; and yet you want me to hold a public hearing this week, with all the rest of the work we have to do here in the Senate. This is a full-time job, as I see it; we are going to have a meeting Thursday, and a meeting on Friday—if the suggestion of the Senator from Philadelphia should be adopted. Why the rush?

This is too important to say we should do it tomorrow. This affects the interests of ten millions of people. Some of the men in this very room who have voted to put this bill out of committee will be astounded and startled, they will be amazed at the facts that will be developed at a public hearing with respect to the question of the sale of gas. It has been only in the last two or three weeks, when I made it my business to find out something about this situation, that I ascertained that never in Philadelphia has there been taken into account the sale of these by-products.

POINT OF ORDER

Mr. OWLETT. Mr. President, I rise to a point of order.

The PRESIDENT. The Senator from Tioga will state his point of order.

Mr. SHAPRIO. Mr. President, everybody assumes gas is a major product—it is merely a by-product.

Mr. WOODWARD. Mr. President, a public meeting could be held Monday afternoon.

Mr. OWLETT. Mr. President, since the Senator from Philadelphia, Mr. Shapiro, has stopped, my point of order is not necessary to be raised. I merely want to say this: if this legislation is to be discussed I am ready to discuss it now. I think it is not in order, but I do not want what he said to go unchallenged on the record, because I understand this quite differently than it has been outlined by the Senator from Philadelphia; nevertheless I was about to raise a point of order that this discussion is not now before the Senate.

Mr. SHAPIRO. Mr. President, I was answering a question of the Senator from Philadelphia, Mr. Woodward.

QUESTION OF PERSONAL PRIVILEGE

Mr. WOODWARD. Mr. President, I would like to rise to a question of personal privilege for about two minutes.

The PRESIDENT. The Senator from Philadelphia, Mr. Woodward, will state his question of personal privilege.

Mr. WOODWARD. Mr. President, there is a stated meeting of the Committee on Judiciary General every Wednesday morning at ten o'clock. There are on the Judiciary General Committee twenty-one members and a lot of them are here today. I want to enter a complaint.

There was a meeting at ten o'clock this morning at which there were five lawyers present, and myself. I had a very important bill, with no chance at all, with five lawyers against one man, and I need some friends to come to my help.

And the question recurring,

Will the Senate agree to the bill on second reading?

It was agreed to.

Ordered, To be transcribed for a third reading.

RECESS

Mr. OWLETT. Mr. President, I move that the Senate do now take a recess for fifteen minutes.

Mr. MALLERY. Mr. President, I second the motion.

The motion was agreed to.

AFTER RECESS

The PRESIDENT. The time of recess having elapsed the Senate will be in order.

BILLS INTRODUCED

Mr. CHAPMAN. Mr. President, I ask unanimous consent to introduce bills at this time.

The PRESIDENT. Is there objection? The chair hears none.

Mr. CHAPMAN read in place and presented to the Chair Senate Bill No. 223, entitled:

An Act to further amend section one of the act, approved the thirteenth day of June, one thousand eight hundred and eighty-three (P. L. 119), entitled "An act for the promotion of medical science by the distribution and use of unclaimed human bodies for scientific purposes through a board created for that purpose and to prevent unauthorized uses and traffic in human bodies," by abolishing the Anatomical Board of the State of Pennsylvania; and transferring its powers and duties to the Anatomical Board in the Department of Health.

Which was committed to the Committee on Public Health

He also read in his place and presented to the Chair Senate Bill No. 224, entitled:

An Act to amend the act, approved the ninth day of April, one thousand nine hundred and twenty-nine (P. L. 177), entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments, boards, commissions and officers thereof, including the boards of trustees of State Normal Schools, or Teachers Colleges; abolishing, creating, reorganizing or authorizing the reorganization of certain administrative departments, boards, and commissions; defining the powers and duties of the Governor and other executive and administrative officers, and of the several administrative departments, boards, commissions, and officers, fixing the salaries of the Governor, Lieutenant Governor, and certain other executive and administrative officers, providing for the appointment of certain administrative officers, and of all deputies and other assistants and employes in certain departments, boards, and commissions; and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments, boards, and commissions shall be determined," by re-establishing the Anatomical Board as a departmental administrative board in the Department of Health; and defining its powers and duties.

Which was committed to the Committee on State Government.

He also read in his place and presented to the Chair Senate Bill No. 225, entitled:

An Act abolishing the State Board of Housing; terminating the terms of its members; and transferring its powers and duties to the Department of Health.

Which was committed to the Committee on State Government.

Mr. EDMONDS. Mr. President, I ask unanimous consent to introduce a bill at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. EDMONDS read in place and presented to the Chair Senate Bill No. 226, entitled:

An Act abolishing the Oil Industry Investigation Commission; terminating the terms of its members; and lapsing the unobligated balance of any appropriation made therefor.

Which was committed to the Committee on State Government.

Mr. MILLER. Mr. President, I ask unanimous consent to introduce bills at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. MILLER read in place and presented to the Chair Senate Bills No. 227, entitled:

An Act to further amend section one of the act, approved the seventeenth day of July, one thousand nine hundred nineteen (P. L. 1025), entitled "A Supplement to an act, approved the second day of May, one thousand eight hundred and ninety-nine (P. L. 184), entitled 'An act to provide revenue by imposing a mercantile license tax on vendors of or dealers in goods, wares, and merchandise, and providing for the collection of said tax,' " by providing for the appointment of mercantile appraisers in cities of the first class by the Secretary of Revenue.

Which was committed to the Committee on State Government.

He also read in his place and presented to the Chair Senate Bill No. 228, entitled:

An Act to add section two hundred and fourteen and to repeal section four hundred and six of the act, approved the ninth day of April, one thousand nine hundred and twenty-nine (P. L. 343), entitled "An act relating to the finances of the State government; providing for the settlement, assessment, collection, and lien of taxes, bonus, and all accounts due the Commonwealth, the collection and recovery of fees and other money or property due or belonging to the Commonwealth, or any agency thereof, including escheated property and the proceeds of its sale, the custody and disbursement or other disposition of funds and securities belonging to or in the possession of the Commonwealth, and the settlement of claims against the Commonwealth, the resettlement of accounts and appeals to the courts, refunds of moneys erroneously paid to the Commonwealth, auditing the accounts of the Commonwealth and all agencies thereof, of all public officers collecting moneys payable to the Commonwealth, or any agency thereof, and all receipts of appropriations from the Commonwealth and imposing penalties; affecting every department, board, commission, and officer of the State government, every political subdivision of the State, and certain officers of such subdivisions, every person, association, and corporation required to pay, assess, or collect taxes, or to make returns or reports under the laws, imposing taxes for State purposes, or to pay license fees or other moneys to the Commonwealth, or any agency thereof, every State depository and every debtor or creditor of the Commonwealth," transferring from the Auditor General to the Secretary of Revenue the power to appoint,

approve expense accounts and number and compensation of clerks and assistants of mercantile appraisers.

Which was committed to the Committee on State Government.

He also read in his place and presented to the Chair Senate Bill No. 229, entitled:

An Act to amend section one of the act approved the eighth day of May, one thousand nine hundred and nineteen, (P. L. 159), entitled "A supplement to an act, approved the second day of May, one thousand eight hundred and ninety-nine (P. L. 184), entitled 'An act to provide revenue by imposing a mercantile license tax on vendors of or dealers in goods, wares and merchandise, and providing for the collection of said tax'; providing for the appointment of and the fixing of salaries of mercantile appraisers and clerks in certain counties; and providing for the disposition of moneys collected as fees for mercantile appraisers; and authorizing the mercantile appraisers of such counties, instead of the county commissioners, to have supervision of the publication of the mercantile appraiser lists" by providing for the appointment of mercantile appraisers by the Secretary of Revenue in counties of the second class.

Which was committed to the Committee on State Government.

He also read in his place and presented to the Chair Senate Bill No. 230, entitled:

An Act to further amend section three of an act, approved the second day of May, one thousand eight hundred and ninety-nine (P. L. 184), entitled "An act to provide revenue by imposing a mercantile license tax on vendors of or dealers in goods, wares, and merchandise, and providing for the collection of said tax," by providing for the appointment of mercantile appraisers by the Secretary of Revenue; and deleting provisions no longer effective.

Which was committed to the Committee on State Government.

He also read in his place and presented to the Chair Senate Bill No. 231, entitled:

An Act to add section two hundred fifteen, to repeal section four hundred seven, and to amend section twelve hundred one and clause (b) of section eighteen hundred five of the act approved the ninth day of April, one thousand nine hundred twenty-nine (P. L. 343), entitled "An act relating to the finances of the State government; providing for the settlement, assessment, collection, and lien of taxes, bonus, and all other accounts due the Commonwealth, the collection and recovery of fees and other money or property due or belonging to the Commonwealth or any agency thereof, including escheated property and the proceeds of its sale, the custody and disbursement or other disposition of funds and securities belonging to or in the possession of the Commonwealth, and the settlement of claims against the Commonwealth, the resettlement of accounts and appeals to the courts, refunds of moneys erroneously paid to the Commonwealth, auditing the accounts of the Commonwealth and all agencies thereof, of all public officers collecting moneys payable to the Commonwealth, or any agency thereof, and all receipts of appropriations from the Commonwealth and imposing penalties; affecting every department, board, commission, and officer of the State government, every political subdivision of the State, and certain officers of such subdivisions, every person, association, and corporation required to pay, assess, or collect taxes, or to make returns or reports under the laws imposing taxes for State purposes, or to pay license fees or other moneys to the Commonwealth, or any agency thereof, every State depository and every debtor or creditor of the Commonwealth," transferring from the Auditor General to the Secretary of Revenue the power to ap-

point, approve expense accounts and number and compensation of clerks and assistants of persons assisting registers of wills in collecting transfer inheritance taxes.

Which was committed to the Committee on State Government.

Mr. TALLMAN. Mr. President, I ask unanimous consent to introduce bills at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. TALLMAN read in place and presented to the Chair Senate Bill No. 232, entitled:

An Act to amend the title of and the act, approved the twenty-first day of May, one thousand nine hundred and thirty-seven (P. L. 774), entitled "An act to facilitate vehicular traffic between the eastern and western sections of the Commonwealth by providing for the construction, operation and maintenance of a turnpike from a point at or near Middlesex in Cumberland County to a point at or near Irwin in Westmoreland County, providing for the creation of the Pennsylvania Turnpike Commission, and conferring powers and imposing duties on said commission authorizing the issuance of turnpike revenue bonds of the Commonwealth, payable solely from tolls, to pay the cost of such turnpike; providing that no debt of the Commonwealth shall be incurred in the exercise of any of the powers granted by this act; providing for the collection of tolls for the payment of such bonds and for the cost of maintenance, operation and repair of the turnpike; making such bonds exempt from taxation; constituting such bonds legal investments in certain instances; prescribing conditions upon which such turnpike shall become free, providing for condemnation; granting certain powers and authority to municipal subdivisions and agencies of the Commonwealth to cooperate with the commission; and authorizing the issuance of turnpike revenue refunding bonds," abolishing the Pennsylvania Turnpike Commission; transferring its powers and duties to the General State Authority; providing for the conveyance and transfer of property; and validating and continuing the obligation of bonds and trust indentures heretofore issued or executed.

Which was committed to the Committee on State Government.

He also read in his place and presented to the Chair Senate Bill No. 233, entitled:

An Act to amend clause (k) of section two hundred eight of the act, approved the fifth day of December, one thousand nine hundred and thirty-six, (1937—P. L. 2897), entitled "An act establishing a system of unemployment compensation to be administered by the Department of Labor and Industry and its existing and newly created agencies with personnel (with certain exceptions) selected on a civil service basis; requiring employers to keep records and make reports, and certain employers to pay contributions based on payrolls to provide moneys for the payment of compensation to certain unemployed persons; providing procedure and administrative details for the determination, payment and collection of such contributions and the payment of such compensation; providing for cooperation with the Federal Government and its agencies; creating certain special funds in the custody of the State Treasurer; and prescribing penalties," extending the period of probationary employment of persons employed to administer said act.

Which was committed to the Committee on State Government.

He also read in his place and presented to the Chair Senate Bill No. 234, entitled:

An Act to amend clause (e) of section two thousand five hundred and four A, as added to the act approved the ninth day of April, one thousand nine hundred and

twenty-nine (P. L. 177), entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments, boards, commissions and officers thereof, including the boards of trustees of State Normal Schools, or Teachers Colleges; abolishing, creating, reorganizing or providing for the appointment of certain administrative departments, boards, and commissions; defining the powers and duties of the Governor and other executive and administrative officers, and of the several administrative departments, boards, commissions and officers; fixing the salaries of the Governor, Lieutenant Governor, and certain other executive and administrative officers; providing for the appointment if certain administrative officers, and of all deputies and other assistants and employes in certain departments, boards, and commissions; and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments, boards and commissions shall be determined," by extending the period of probationary employment by the Department of Public Assistance, the State Board of Public Assistance and local public assistance boards.

Which was committed to the Committee on State Government.

Mr. GELTZ. Mr. President, I ask unanimous consent to introduce a bill at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. GELTZ read in place and presented to the Chair Senate Bill No. 235, entitled:

An Act to repeal the act approved the first day of July, one thousand nine hundred and thirty-seven (P. L. 2465), entitled "An act relating to motor vehicles, new and used; creating a motor vehicle dealers' commission; establishing its jurisdiction, powers and duties; and creating and providing for approved motor vehicle appraisers; establishing their powers and duties; regulating the sale, trade-in allowance, appraisals and information furnished the Commonwealth on motor vehicles, new and used, and establishing regulations concerning speedometers; authorizing the commission to establish periodical prices for used motor vehicles, either sold or traded, in establishing the appraisal value of motor vehicles, new or used, either for sale or used trade-in allowances; providing for the licensing of motor vehicle dealers and salesmen and approved motor vehicle appraisers, and the payment of fees therefor; authorizing examination of the business papers and affairs of, and requiring the filing of reports by, licensees; authorizing and empowering the commission to hold hearings and to issue rules and orders, and the issuance of subpoena by the commission or its agents; and conferring jurisdiction upon the courts to punish contempts or to prohibit violations of orders of the commission; providing for appeals to the courts from decisions of the commission; imposing penalties; and making appropriations," and abolishing the motor vehicle dealers' commission; and terminating the terms of its members.

Which was committed to the Committee on State Government.

REPORTS FROM COMMITTEES

RESOLUTION AGAINST INCLUSION OF ECCLESIASTICAL BODIES IN FEDERAL SOCIAL SECURITY SYSTEM

Mr. WOODWARD, from the Committee on Federal Relations, to which was referred on March 14, 1939 the following resolution, reported the same with amendments as follows, viz:

Whereas, the effort now being made in Congress to bring under the Unemployment Compensation and Old Age Pension provisions of the Federal Social Security

Laws ministers, priests, rabbis, and other ecclesiastical officers and persons, constitutes a threat against complete religious freedom as guaranteed under the Constitution, and

Whereas, such a plan is of doubtful advantage in any case and of distinct disadvantage to most churches which now have very satisfactory pension and assistance plans which are administered without cost to the Commonwealth of Pennsylvania and the Federal Government, now be it

Resolved by the Senate of Pennsylvania, that we do earnestly urge that no amendment to the present Social Security Laws be made which would require in any manner that churches pay any taxes into the Federal or State Governments for support of their ministers or employees or for Unemployment Compensation or Old Age Pensions for the same, and be it further

Resolved, that a copy of this resolution be sent by the Secretary of the Senate of Pennsylvania to the Secretary and Chief Clerk of the United States Senate and House of Representatives respectively, with the request that same be read before the said Honorable bodies.

Laid over for one day under the Rules.

Mr. DEITRICK. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. DEITRICK from the Committee on Public Health reported as amended, Senate Bills No. 12, entitled:

An Act for the prevention of congenital syphilis; providing for and regulating the taking of serological tests of women pregnant with child; and requiring notation thereof on the birth and stillbirth certificates of their children; imposing duties upon the Department of Health and upon physicians and other persons attending women pregnant with child.

He also from the Committee on Public Health, reported as amended, Senate Bill No. 13, entitled:

An Act regulating the issuance of marriage licenses; prohibiting the issuance thereof of persons infected with syphilis in certain stages; requiring each applicant to produce certain evidence of freedom from such disease; imposing duties upon the Department of Health and the clerk of the orphans' court of the various counties; and imposing penalties.

QUESTION OF PERSONAL PRIVILEGE

Mr. SIPE. Mr. President, I rise to a question of personal privilege.

The PRESIDENT. The Senator from Armstrong, Mr. Sipe, will state his question of personal privilege.

Mr. SIPE. I rise to make a protest. Last fall there was a vacancy in the Board of Trustees of the Indiana State Teachers College. It was my great pleasure to recommend to Governor Earle the name of Harry C. Golden, Esquire, of my native county of Armstrong, a member of the Kittanning Bar, to be appointed to fill that vacancy, and this Senate unanimously confirmed the appointment.

A word as to the qualifications of Harry C. Golden, Esquire. As to educational qualifications, Mr. Golden was an honor graduate of Trinity College, Hartford, Connecticut, which I am sure Dr. Woodward, as an intelligent and devout Episcopalian will tell you, is one of the leading colleges of the Episcopalian Denomination, and one of the best colleges in the United States.

As a lawyer, Harry C. Golden has always given close attention to the study of law. He keeps in mind the saying of a great English judge that the law is a jealous mistress, that the law does not tolerate much flirtation in politics. Mr. Golden's rating as a lawyer in Martindale's legal

directory has been an "A" rating ever since the early years of his practice.

He is known in Kittanning as a lawyer's lawyer and I believe. Mr. President, Senator Walker, who is also a native of Mr. Golden's native county and mine, will tell you that I am not overstating Mr. Golden's qualifications when I say that he is a high type lawyer and a high type gentleman.

Senator Wolfenden, of Indiana County, of the town of Indiana, where the State Teachers College is located, I believe, knows Mr. Golden. I believe he knows too that Mr. Golden's ancestral roots run back into Brother Wolfenden's county, that his father was born on Philadelphia Street in Senator Wolfenden's town.

Unfortunately, Mr. President, in the eyes of the present Governor of Pennsylvania, Mr. Golden seems to have a damnable taint that utterly disqualifies him as a member of the Board of Trustees of that State-owned educational institution; that damnable taint is the taint of being a registered Democrat.

Let me say that while Mr. Golden is a registered Democrat, he is not a politician. As I said before, he knows that the law is a jealous mistress and he pays little attention to politics.

Well, a few weeks ago, so Mr. Golden tells me, he received a telegram from the Governor of Pennsylvania, the present Governor, asking his resignation. Mr. Golden says that he telegraphed back to the Governor "I hereby resign at your request," and the Governor telegraphed back. "I accept your resignation at your request."

Senator Wolfenden this morning tells me that this policy of removing Democrats from the Boards of Trustees of State Teachers Colleges is not universal over the State under the regime of Governor James. So, I am wondering why the Governor has singled out Armstrong County for a slap in the face. As far as I know, no member of the Board of Trustees of that State Teachers College, either Republican or Democrat, ever came from Armstrong County, and so it was to do a little honor to the county that I recommended to Governor Earle that Mr. Golden be appointed a member of the Board of Trustees of the Indiana State Teachers College.

Now, I want to say that I am, with the vast majority of the people of Armstrong County, highly resenting the Governor's asking for the resignation of Harry C. Golden. No man is better known in Armstrong County; no man favorably known in Armstrong County, among both Democrats and Republicans. We resent that action on the part of the Governor. Now, I do not know who the Governor has in mind to put in Mr. Golden's place, I do not know that, but I am willing to make a substantial wager that whoever the new man is, he is not the superior of Harry C. Golden in qualifications; willing to make a very substantial wager, worth fifteen thousand dollars, that the new man is not superior in qualifications to the old man and, Mr. President, that fifteen thousand dollars wager is the Superior Court shovel upon which the Governor leaned for ten months.

QUESTION OF PERSONAL PRIVILEGE

Mr. WOLFENDEN, Mr. President, I crave the indulgence of the Senate and rise to a question of personal privilege.

The PRESIDENT. The Senator from Indiana, Mr.

Wolfenden, will state his question of personal privilege.

Mr. WOLFENDEN. Mr. President, what the Senator from Armstrong, and Butler, has just said, after all affects Indiana County, so I feel possibly there are some things about this the Senator from Armstrong does not himself understand.

In the first place, Mr. Golden being asked to resign from the Board of Trustees is no personal reflection on Mr. Golden. I might say to the Senator from Armstrong, Mr. President, that there were just as good men on there or better than Mr. Golden, who were asked to resign; there happened to be some very fine fellows on there. If the Senator from Armstrong will investigate the Board of Trustees he will find that to be correct.

Four years ago—I would like to refresh the memory of the Senator from Armstrong—Governor Earle ruthlessly chucked out our entire board. Among the men he threw out was one man named Thomas Sutton, who had been a member of the Board of Trustees for fifty years. It was a shameful proceeding; it was a proceeding that caused innumerable telegrams and letters to be written to the then Governor of the Commonwealth; but there was no consideration to be given them at all.

Now then, we have a situation there, as they have in many other Teachers' Colleges, we have many things done we do not think are right, and I say this to you in all fairness, Mr. President, whether Mr. Golden actually took part in that, he was a part of the board when those things were done, and if he is not guilty of malfeasance he is certainly guilty of nonfeasance. I do not want to impose on the Senate's time by going into detail but we have some situations there that are very, very bad, and they could only be corrected by a complete change in the Board.

For example, we have a situation in which people, after seventeen years of service on the faculty, did not know they were dismissed from that faculty until they picked up the morning paper. Out in our Indiana County we think our scrubwomen are entitled to more courtesy than that.

We had a situation in which a dean of education, a man who has been more than twenty years on that faculty, and who in the morning prepared a schedule for the fall, and then was told an hour later that he had been dismissed. There was no opportunity for a hearing, there was no reason given; it was just "you are dismissed."

I say to the Senator from Armstrong he had better find out the facts about the Board of State Teachers College before the Senator defends his friend Mr. Golden, although I say he is an honorable gentleman, I do say he sat on that board when these things were done.

Mr. SIPE. Mr. President, I wish to interrogate the Senator from Indiana, Mr. Wolfenden.

Mr. PRESIDENT. Will the Senator from Indiana, Mr. Wolfenden, permit himself to be interrogated?

Mr. WOLFENDEN. Mr. President, gladly.

Mr. SIPE. When were these damnable things done about which you are telling us?

Mr. WOLFENDEN. Do you want all of them?

Mr. SIPE. I want to know this: do you know when Mr. Golden received his commission as a member of the Board of Trustees?

The PRESIDENT. The Senator from Tioga, Mr. Owlett, will state his point of order.

Mr. OWLETT. Mr. President, the Senator from Armstrong, Mr. Sipe, is not directing his remarks to the chair.

The PRESIDENT. The point of order is well taken.

Mr. SIPE. Mr. President, will the Senator from Indiana, Mr. Wolfenden, permit himself to be interrogated?

Mr. WOLFENDEN. Mr. President, gladly.

Mr. SIPE. Mr. President, with the permission of your lovable Excellency, I wish to ask the Senator from Indiana, whether he knows the date when Mr. Golden received his commission as a member of the Board of Trustees.

Mr. WOLFENDEN. Mr. President, I do not know that.

Mr. SIPE. You do not know that?

Mr. WOLFENDEN. No, sir.

Mr. SIPE. Then, do you know, Mr. Wolfenden, of your own knowledge, that Mr. Golden was a party to these damnable things which you have told us about?

POINT OF ORDER

Mr. OWLETT. Mr. President, I again rise to a point of order.

The PRESIDENT. The Senator from Tioga, Mr. Owlett, will state his point of order.

Mr. OWLETT. Mr. President, again the Senator from Armstrong, Mr. Sipe, is not directing his remarks to the Chair. He has no right to directly interrogate a member of this Senate.

The PRESIDENT. The Senator from Armstrong will conform to the rule.

Mr. SIPE. Mr. President, every time I ask a question I am perfectly willing to address your Excellency.

The PRESIDENT. It is not that the Chair personally desires that, it is required by the rules.

Mr. SIPE. Then, Mr. President, with the permission of the Chair I will ask the Senator from Indiana, Mr. Wolfenden, whether he knows of his own knowledge that Mr. Golden was a member of the Board of Trustees when these terrible things that you are telling us about happened.

Mr. WOLFENDEN. May I answer and then explain my answer?

Mr. SIPE. You can answer yes or no.

Mr. WOLFENDEN. I cannot answer that question yes or no. I do know—the facts at our college are common knowledge, and I know no member of the old Board of Trustees made any effort to rectify the errors, any or all of which could have been corrected.

Mr. SIPE. Mr. President, in reply to the Senator from Indiana, Mr. Wolfenden, I say that Mr. Golden did not receive his commission, did not become a member of the Board of Trustees, until about the first of last December. I cannot give the exact date. Therefore he was not a party to these reprehensible things that you mention—and which I do not deny. I have no knowledge of them, so I do not deny at all, but even if there were a lot of reprehensible things going on there on the Board of Trustees, under Governor Earle years ago two wrongs do not make a right. Will you agree with that? I can quote Senator Owlett on that, so I renew my protest.

MOTION TO READ BILLS THE FIRST TIME

Mr. OWLETT. Mr. President, I rise to a point of order.

Mr. OWLETT. Mr. President, I move that the Senate

do now proceed to the first reading of all bills reported from committees for the first time at today's session.

Mr. MALLERY. Mr. President, I second the motion.

The motion was agreed to.

BILLS ON FIRST READING

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 12, entitled:

An Act for the prevention of congenital syphilis; providing for and regulating the taking of serological tests of women pregnant with child; and requiring notation thereof on the birth and stillbirth certificates of their children; imposing duties upon the Department of Health and upon physicians and other persons attending women pregnant with child.

And said bill having been read at length the first time,

Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 13, entitled:

An Act regulating the issuance of marriage licenses; prohibiting the issuance thereof to persons infected with syphilis in certain stages; requiring each applicant to produce certain evidence of freedom from such disease; imposing duties upon the Department of Health and the clerk of the orphans' court of the various counties; and imposing penalties.

And said bill having been read at length the first time,

Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 45, entitled:

An Act to further amend the act, approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith," by defining probationary professional employe, substitute employe, and temporary employe, providing for a probationary period for professional employes, and further regulating the employment, dismissal, suspension, demotion, and retirement of such employes.

And said bill having been read at length the first time,

Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 93, entitled:

An Act to validate private sales of real estate of decedent heretofore made under authority of orphans' courts upon petition of executors or administrators for payment of debts.

And said bill having been read at length the first time,

Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 138, entitled:

An Act authorizing counties, cities, boroughs, townships of the first and second class, and school districts to issue

and sell bonds for certain purposes and for a certain period of time; providing for a trust fund and a sinking fund for the payment thereof, and defining the duties of the officers and governing bodies of the said municipalities or quasi-municipalities in relation to said funds; and fixing a penalty for the violation thereof.

And said bill having been read at length the first time,

Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 188, (House Bill No. 80), entitled:

An Act to amend sections one and two of the act approved the twenty-first day of June, one thousand nine hundred and thirty-seven (P. L. 1982), entitled "An act authorizing the Supreme Court of Pennsylvania to prescribe rules of practice and procedure in civil actions at law and in equity in certain courts of this Commonwealth, to prescribe rules and regulations for the conduct of any general business either civil or criminal by judges of any court of record, authorizing the courts of common pleas to prescribe and adopt local rules not inconsistent with such general rules of the Supreme Court of Pennsylvania, authorizing the Supreme Court of Pennsylvania to appoint a Procedural Rules Committee and to fix and define its powers and duties; imposing duties on judges and other officers of every court of record," by including the municipal court of Philadelphia.

And said bill having been read at length the first time,

Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 206, entitled:

An Act requiring all applications for licenses or permits to be accompanied by a per capita school tax receipt for the last calendar year preceding the year in which the application is made, and making exceptions as to applicants residing without the Commonwealth or in school districts where no such tax is imposed, or those exempt by law or action of the tax levying authorities.

And said bill having been read at length the first time,

Ordered, To be laid aside for second reading.

BILL RECOMMITTED

Mr. EDMONDS. Mr. President, I move that Senate Bill No. 45, on first reading, entitled:

An Act to further amend the act, approved the eighteenth day of May, one thousand nine hundred and eleven (Pamphlet Laws, three hundred nine), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith," by defining probationary professional employe, substitute employe, and temporary employe, providing for a probationary period for professional employes, and further regulating the employment, dismissal, suspension, demotion, and retirement of such employes.

be recommitted to the Committee on Education for the purpose of a hearing.

Mr. MALLERY. Mr. President, I second the motion.

The motion was agreed to.

NOMINATIONS BY THE GOVERNOR

NOTARIES PUBLIC

The Secretary to the Governor being introduced presented in writing from His Excellency, the Governor of the Commonwealth, nominations for appointment as Notaries Public, which were laid on the table.

He also presented communications in writing from His Excellency, the Governor of the Commonwealth, which were read as follows, and referred to the Committee on Executive Nominations.

MEMBERS OF EMPLOYMENT BOARD

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, March 15, 1939.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor to nominate for the advice and consent of the Senate the following persons for appointment as members of the Employment Board, until the third Tuesday of January, 1943, and until their successors shall have been appointed and qualified:

Charles Denby, Pittsburgh, Allegheny County, vice Calvin J. Friedberg.

Mrs. Ruth Pennell, Mifflintown, Juniata County, vice Miss Julia M. Kernan.

W. Potter Wear, Penllyn, Montgomery County, vice Walter Pytko.

ARTHUR H. JAMES.

CONSIDERATION OF EXECUTIVE NOMINATIONS

Mr. EDMONDS. Mr. President, I move that the Senate do now proceed to the consideration of nominations for appointment as Notaries Public, sent to the Senate March 14th and 15th, 1939, by His Excellency, the Governor of the Commonwealth.

Mr. MALLERY. Mr. President, I second the motion. The motion was agreed to.

The nominations were read as follows:

NOTARIES PUBLIC

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, March 14, 1939.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for reappointment as Notaries Public, for terms of four years to compute from the date set opposite their names:

LYCOMING COUNTY

Harry Alvan Baird, Williamsport, March 16, 1939.

PHILADELPHIA COUNTY

Frank Fingrutd, Phila., 810 Arch St., March 19, 1939.

WASHINGTON COUNTY

F. R. McCleary, West Alexander, March 19, 1939.

Mrs. Violet K. Stokes, Washington, March 19, 1939.

ALLEGHENY COUNTY

John G. Toth, Pittsburgh, 325 Bakewell Bldg., March 20, 1939.

BRADFORD COUNTY

Martin P. Brennan, Jr., Towanda, March 20, 1939.

DAUPHIN COUNTY

Arthur K. Clemens, Harrisburg, March 20, 1939.

LYCOMING COUNTY

Hugh Gilmore, Williamsport, March 21, 1939.

BLAIR COUNTY

Jno. I. Dewey, Tyrone, March 23, 1939.

ALLEGHENY COUNTY

J. G. Simpson, Pittsburgh, 1648 Shady Ave., March 26, 1939.

GREENE COUNTY

Mrs. Vaetta V. Blaker, Cumberland Twp., Carmichaels, March 26, 1939.

NORTHUMBERLAND COUNTY

Edward Brennan, 3rd., Shamokin, March 26, 1939.

PHILADELPHIA COUNTY

Daniel J. Whalen, Phila., 1619 Arch St., March 30, 1939.

ARTHUR H. JAMES.

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, March 14, 1939.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointment as Notaries Public, for terms of four years to compute from the date of confirmation:

ALLEGHENY COUNTY

Geo. H. Hacke, Pittsburgh, 603 W. Diamond St., N. S.,
Ralph O. Rising, Pittsburgh, 1016 Grant Bldg.,

BUCKS COUNTY

Joseph W. Davenport, Langhorne.

BUTLER COUNTY

Homer J. Hunter, Eau Claire.

CLARION COUNTY

Floyd Seigworth, Twp. of Washington, Sryburg.

FRANKLIN COUNTY

Mrs. Rubye C. Prather, Waynesboro.

LACKAWANNA COUNTY

Michael Solomon, Archbald (Eynon).

MIFFLIN COUNTY

Harry V. Higgins, Lewistown.

PHILADELPHIA COUNTY

Harvey H. M. Barrett, Phila., 1529 Foulkrod St., Frankford.

Joseph A. Gallagher, Phila., 5200 Warren St.

Miss Elizabeth V. Martin, Phila., 1331 Foulkrod St.

VENANGO COUNTY

J. W. Burns, Oil City.

ARTHUR H. JAMES.

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, March 15, 1939.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the

following persons for reappointment as Notaries Public, for terms of four years to compute from the date set opposite their names:

ARMSTRONG COUNTY

Harry L. Murphy, Kittanning, March 16, 1939.

LEHIGH COUNTY

William H. Schneller, Catasauqua, March 17, 1939.

BRADFORD COUNTY

Mahlon C. Cramer, Towanda, March 19, 1939.

CARBON COUNTY

Webster H. German, East Penn Twp., R. D. No. 1, Lehigh, March 19, 1939.

FAYETTE COUNTY

Miss Madeline F. Moran, Uniontown, March 19, 1939.

JEFFERSON COUNTY

Mrs. Fanny M. Adams, Punxsutawney, March 20, 1939.

ALLEGHENY COUNTY

Mrs. Esther Widom Horvitz, Pittsburgh, 2621 Murray Avenue, March 26, 1939.

CRAWFORD COUNTY

F. L. Shaffer, Cambridge Springs, March 26, 1939.

NORTHAMPTON COUNTY

Miss Gwyneth J. Davies, Bethlehem, March 26, 1939.

ARTHUR H. JAMES.

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, March 15, 1939.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointment as Notaries Public, for terms of four years to compute from the date of confirmation:

ALLEGHENY COUNTY

Robert C. Dixon, Millvale.

CHESTER COUNTY

John W. Kenney, West Vincent Twp., Anselma.

LEHIGH COUNTY

Miss Lillian M. Christman, Emaus.

McKEAN COUNTY

Mrs. Kathryn M. Wiles, Bradford.

MONROE COUNTY

Miss Alice M. Hafner, East Stroudsburg.

MONTGOMERY COUNTY

J. L. Tinney, Conshohocken.

PHILADELPHIA COUNTY

Mack S. Ambrozy, Phila., 3571 Richmond St.
Miss Hazel C. Henderson, Phila., 2119 W. Oxford St.
Jerome H. Mallon, Phila., Commercial Trust Bldg.
George Ovington, Jr., Phila., 818 Real Estate Trust Bldg

WASHINGTON COUNTY

Harry E. Zelt, Washington.

ARTHUR H. JAMES.

EXECUTIVE SESSION

By unanimous consent,

A motion was made by Mr. EDMONDS and Mr. HEYBURN,

That Rule 38 which requires nominations made by the Governor be referred to an appropriate committee be dispensed with, and the Senate do now resolve itself into Executive Session, for the purpose of acting on the foregoing nominations.

Which was agreed to.

Whereupon,

A motion was made by Mr. EDMONDS and Mr. HEYBURN,

That the Senate do advise and consent to said nominations.

On the question,

Will the Senate agree to the motion?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—39

Bartlett,	Edmonds,	Mallery,	Sipe,
Cavalcante,	Farrell,	McCreesh,	Snowden,
Chapman,	Frey,	McGinnis,	Stevenson,
Coleman,	Gelder,	Miller,	Stiefel,
Crowe,	Geltz,	Mundy,	Tallman,
Dando,	Haluska,	Owlett,	Thomas,
Detrick,	Heyburn,	Pierson,	Walker,
Dent,	Homsher,	Reed,	Wolfenden,
DiSilvestro,	Kunkel,	Rice,	Woodward,
Ealy,	Letzler,	Shapiro,	

NAYS—0

Two-thirds of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Governor be informed accordingly.

Mr. SHAPIRO. Mr. President, I heard the names of a new Employment Board, who were appointed vice some certain other gentleman, but with no reason given for their new appointments and no reason given for the cause of the vacancies. I should like the Senate to be informed as to how these vacancies were created and I therefore—we are still sitting as a Committee of the Whole, and I can see no objection to the Committee of the Whole doing a little extra work—

MOTION THAT SECRETARY OF THE SENATE INQUIRE AS TO CAUSES OF VACANCIES ON EMPLOYMENT BOARD

Mr. SHAPIRO. Mr. President, I move that the Secretary of the Senate be requested to ask the Governor's office for the causes of the vacancies to which the Governor has now nominated two appointees.

Mr. FREY. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

It was agreed to.

Mr. EDMONDS. Mr. President, I move that the Executive Session do now rise.

Mr. HEYBURN. Mr. President, I second the motion.
The motion was agreed to.

HOUSE MESSAGES

RESOLUTION URGING OBSERVANCE OF FLAG WEEK

The Clerk of the House of Representatives being intro-

duced, presented an extract from the Journal of the House of Representatives which was twice read as follows and referred to the Committee on Education.

In the House of Representatives, March 8, 1939.

Whereas, The whole world, rent asunder by strife and contention, violence and intolerance, is today in a state of turmoil and uncertainty, marked by a titanic struggle between Democracy and Autocracy, while in this Country anti-American forces are striving to discredit and destroy the ideals and institutions symbolized by the American Flag, and social, political and economic forces are Combating one another; and

Whereas, Never before in the history of the Nation has there been greater need among our people for the unity, cooperation and tolerance for which our Country's Flag stands; and

Whereas, With the Stars and Stripes as its emblem. The United States Flag Association, a non-profit, non-partisan and non-sectarian organization incorporated under Federal law and headed by the President of the United States as Honorary President General, is, with the cooperation of various groups, organizations and fields of activity in our National life, conducting a National Patriotic Revival, culminating in FLAG WEEK, June eighth to fourteenth next, for the two-fold purpose (1) of awakening our people to the dangers threatening our National life, thereby causing them to resolve as never before to uphold and preserve our Country's ideals and institutions, and (2) of promoting National Unity, Patriotic Cooperation and Racial and Religious Tolerance; therefore, be it

Resolved, (if the Senate concur) That the General Assembly of the Commonwealth of Pennsylvania hereby heartily indorses the plan for a great National Patriotic Revival, and that the Governor is hereby authorized and requested, first, to direct the Superintendent of Public Instruction to arrange for the suitable observance of FLAG WEEK in all the public schools, and secondly, to issue a proclamation calling upon the State officials to display the United States Flag on all State buildings during FLAG WEEK, and inviting the people of the State to fly the Flag at their homes and other suitable places as well as on their cars, and that in every community they hold special exercises at which means shall be taken to give significant expression to our thoughtful love of America, our pride in its glorious history, our faith in its destiny, our devotion to its ideals and institutions and our determination to uphold and preserve them now and forever.

HOUSE BILLS FOR CONCURRENCE

The Clerk of the House of Representatives being introduced presented for concurrence bills of the House, as follows:

House Bill No. 239, (Senate Bill No. 236), entitled:

An Act authorizing county commissioners in counties of the third class to transfer surplus county moneys to the institution district, and providing for the expenditure of the moneys so transferred for institution district purposes.

Which was committed to the Committee on Education

House Bill No. 259, (Senate Bill No. 237).

An Act to amend section one thousand eight hundred and two of the act, approved the twenty-fourth day of June, one thousand nine hundred and thirty-one (P. L. 1206), entitled "First Class Township Law" as amended, by abolishing the right of taxpayers to prevent the letting of certain contracts, and eliminating certain general regulations in the making of insurance contracts by townships.

Which was committed to the Committee on County Government.

HOUSE RESOLUTION FOR CONCURRENCE

RESOLUTION PROPOSING INVESTIGATION OF STATE OF NEW JERSEY WATER SUPPLY FROM DELAWARE RIVER BASIN

He also presented extract from the Journal of the House, which was twice read as follows, considered and agreed to:

In the House of Representatives, March 14, 1939.

Whereas, The State of New Jersey is now considering a new water supply system which proposes to utilize two hundred million gallons of water daily from the Delaware River Basin, which project may cause substantial damage in the lower Delaware River Basin including the City of Philadelphia and southeastern Philadelphia; and

Whereas, The City of Philadelphia has through its Council adopted a resolution directing its Committee of Council adopted a resolution directing its Committee of Public Works to investigate this proposal in relation to its possible effect upon the present and probable future sources of water supply for Philadelphia; and

Whereas, Copies of this resolution have been sent to the Governor, the President of the Senate, and the Speaker of the House of Representatives in Pennsylvania, with the request that the General Assembly take such action as is necessary to protect the interests of the City of Philadelphia; and

Whereas, The interests of the residents of the City of Philadelphia and southeastern Pennsylvania are likewise the interests of this Commonwealth, therefore be it

Resolved, (if the Senate concur) That it is the opinion of this General Assembly that the Commonwealth should take all steps necessary to afford protection to the protection to the residents of Pennsylvania in the lower Delaware River Basin and that, to avoid a possible legal controversy, these efforts should be directed to the working out of an amicable agreement among the states of this watershed, if such is possible, and be it further

Resolved, That the members representing this Commonwealth on the Interstate Commission on the Delaware River Basin should be requested to devote their efforts to negotiating with the Commissioners from the other states to the end that all interests involved in this question shall be adequately protected.

Mr. OWLETT. Mr. President, I ask unanimous consent that Rule 39, which requires resolutions be referred to an appropriate committee, be suspended and the Senate do now proceed to the consideration of the resolution just read.

The PRESIDENT. Is there objection, the Chair hears none.

On the question,

Will the Senate agree to the resolution,

It was agreed to.

Ordered, That the Clerk notify the House of Representatives accordingly.

Mr. SHAPIRO. Mr. President, a short time ago there was an original resolution from the House, which the Chair referred to Committee. May we have reread, for the information of the Senate, the first resolution that came over? The Clerk began to read it but he was interrupted.

The PRESIDENT. The Clerk will read the resolution for the information of the Senate.

(House Resolution No. 29 was again read by the Clerk)

ADJOURNMENT

Mr. OWLETT. Mr. President, I move that the Senate do now adjourn until Monday, March 20, 1939, at 9,00 o'clock, p. m.

Mr. MALLERY. Mr. President, I second the motion.
The motion was agreed to.

The Senate adjourned at 1:55 o'clock, p. m., until Monday, March 20, 1939, at 9:00 o'clock, p. m.

HOUSE OF REPRESENTATIVES

WEDNESDAY, March 15, 1939.

The House met at 12 noon.

The SPEAKER (Ellwood J. Turner) in the Chair.

PRAYER

The Chaplain, Rev. Walter Evans Deibler, offered the following prayer:

As the days come and go, bringing for us "better or worse," our eyes are set toward the accomplishment of our objectives be they for good or ill. We wait before Thee, O God, to invoke Thy blessing upon the tasks of a new day. Today we celebrate the birthday of Andrew Jackson the seventh President of these United States. The biographies of the leaders of our nation are beacon lights to guide us in our day. To Andrew Jackson, the historian refers as "a man whose life was turbulent and in accord with his generation; by no means a model for others to imitate, yet showing great energy, wonderful power of will and undoubted honesty of purpose; whose faults may be traced to an imperfect education, excessive prejudice, a violent temper, and the incense of flatterers; a man whose influences is felt both for good and evil." Truly, O Lord, we too face the historian who shall chronicle the activities that comprise the scope of our lives. We also face the Tribunal before which all mortals will be finally summoned. Help us, O God, to learn the lines of the poet that we may know how to live—

"Lives of great men all remind us
We can make our lives sublime,
And, departing leave behind us
Footprints in the sands of time."

Bless us to this end, O God. Amen.

JOURNAL APPROVED

The SPEAKER. The Clerk will read the Journal of yesterday.

The Clerk proceeded to read the Journal of yesterday, when, on motion of Mr. FREED, the further reading was dispensed with and the Journal approved.

BILLS INTRODUCED AND REFERRED

By Mr. WILKINSON. HOUSE BILL No. 527.

An Act to amend clause (g) as added to section one thousand one hundred and ten of the act, approved the first day of May, one thousand nine hundred and twenty-nine (P. L. 905), entitled "An act for the protection of the public safety; regulating the use of highways, and the operation of vehicles, tractors, street cars, trackless trolley omnibuses, bicycles, pedestrians, and the riding of animals upon the highways of this Commonwealth; providing for the titling, including liens, encumbrances, and legal claims; registration of certain vehicles and licensing the operators thereof, upon payment of prescribed fees; prescribing and limiting the powers of local authorities to deal with the subject matter of this act; conferring powers and imposing duties upon the Department of Revenue, the Department of Highways, peace officers,

mayors, burgesses, magistrates, aldermen, justices of the peace, the courts and the clerks thereof, owners of vehicles, and garage keepers; providing that records are admissible as evidence; imposing upon owners, counties, cities, boroughs, incorporated towns, townships, within the Commonwealth, liability for damages caused by the negligent operation of their motor vehicles; imposing penalties; imposing certain costs upon counties; providing for the disposition of fines, forfeitures, fees, and miscellaneous receipts; making an appropriation and providing for refunds," removing the time limit within which all electrically operated traffic signals shall be made to conform with provisions of said act and the regulations of the Secretary of Highways.

Referred to the Committee on Motor Vehicles.

By Mr. LLOYD H. WOOD. HOUSE BILL No. 528.

An Act to further amend section one of the act, approved the seventeenth day of June, one thousand nine hundred and thirteen (P. L. 507), entitled "An act to provide revenue for State and county purposes, and, in cities coextensive with counties, for city and county purposes; imposing taxes upon certain classes of personal property; providing for the assessment and collection of the same; providing for the duties and compensation of prothonotaries and recorders in connection therewith; and modifying existing legislation which provided for raising revenue for State purposes," by modifying and further defining certain exemptions from said taxes by including specifically employers' thrift or savings association whether operated by employees or the employer.

Referred to the Committee on Ways and Means.

By Mr. POWERS. HOUSE BILL No. 529.

An act relative to the state, penal and correctional institutions and the care and maintenance of prisoners therein; and to provide for the reimbursement of the State on account thereof, in certain cases.

Referred to the Committee on State Government.

By Mr. TAYLOR. HOUSE BILL No. 530.

An Act to amend the first paragraph of section seven hundred nineteen of the act approved the third day of June, one thousand nine hundred thirty-seven (P. L. 1225), entitled "An act concerning game and other wild birds and wild animals, and amending, revising, consolidating, and changing the law relating thereto," with reference to special seasons for hunting foxes.

Referred to the Committee on Game.

By Mr. HOLLAND. HOUSE BILL No. 531.

An Act to further amend sections five and ten of the act, approved the fourteenth day of June, one thousand nine hundred and twenty-three (P. L. 710), entitled "An act allowing and regulating boxing, sparring, and wrestling matches and exhibitions; establishing a State Athletic Commission; making an appropriation therefor; and appropriating moneys received for monument and memorial purposes; and prescribing penalties," changing the effective period of licenses; and further regulating wrestling matches and exhibitions.

Referred to the Committee on State Government.

By Messrs. WEBSTER and RHODES.
HOUSE BILL No. 532.

An Act making an appropriation to the Trustees of the College of Lincoln University, Chester County.

Referred to the Committee on Appropriations.

By Mr. SNYDER.

HOUSE BILL No. 533.

An Act authorizing political subdivisions of counties of the seventh class to defray the costs of the premium upon bonds to be filed by tax collectors.

Referred to the Committee on Municipal Corporations.

By Mr. VAN ALLSBURG.

HOUSE BILL No. 534.

A Joint Resolution proposing an amendment to article eight, section one, of the Constitution of the Commonwealth of Pennsylvania.

Referred to the Committee on Constitutional Amendments.

By Mr. ROSENFELD.

HOUSE BILL No. 535.

An Act prohibiting the formation of camps, schools or meeting places for the purpose of teaching foreign doctrines; and providing penalties.

Referred to the Committee on Education.

By Mr. ROSENFELD.

HOUSE BILL No. 536.

An Act providing for the regulation, supervision and control of unofficial military organizations; requiring certificates; conferring powers and imposing duties upon the adjutant general; and authorizing the adoption and enforcement of rules and regulations.

Referred to the Committee on Military Affairs.

By Mr. ROSENFELD.

HOUSE BILL No. 537.

An Act prohibiting certain assemblages of persons wearing uniforms, outfits or dress bearing the insignia of a foreign nation; and providing penalties.

Referred to the Committee on Judiciary Special.

By Mr. COOPER.

HOUSE BILL No. 538.

An Act to repeal the act, approved the fifth day of March, one thousand nine hundred and three (P. L. 13), entitled "An act in relation to abandonment of portions of railroads."

Referred to the Committee on Railroads and Railways.

By Mr. LEYDIC.

HOUSE BILL No. 539.

An Act to amend part of section nine hundred and thirteen of the act approved the third day of June, one thousand nine hundred and thirty-seven (P. L. 1333), entitled "An act concerning elections, including general, municipal, special and primary elections, the nomination of candidates, primary and election expenses and election contests; creating and defining membership of county boards of elections; imposing duties upon the Secretary of the Commonwealth, courts, county boards of elections, county commissioners; imposing penalties for violation of the act, and codifying, revising and consolidating the laws relating thereto; and repealing certain acts and parts of acts relating to elections," eliminating the payment of filing fees for nomination petitions for certain offices.

Referred to the Committee on Elections.

By Mr. LEYDIC.

HOUSE BILL No. 540.

An Act to amend the act approved the twenty-ninth day of May, one thousand nine hundred and thirty-one (P. L. 280), entitled "An act relating to delinquent taxes on seated lands, and prescribing interest charges on non-payment thereof; requiring the receivers and collectors of county, city, borough, town, township, school district and poor district taxes to make a return to the county commissioners of such unpaid taxes, and providing for the lien thereof; authorizing the county treasurers to collect such taxes, and to sell seated lands at public sale for

taxes heretofore or hereafter returned as unpaid; and authorizing the county commissioners to purchase such lands and resell the same under certain circumstances," by adding thereto section six and one-tenth, authorizing the taxing authorities to withdraw any of such delinquent taxes from the hands of the county commissioners or the county treasurer for the purpose of collecting them through their own agencies.

Referred to the Committee on Municipal Corporations.

By Mr. LEYDIC.

HOUSE BILL NO. 541.

An Act to further amend section ten of the act, approved the twenty-first day of May, one thousand nine hundred and thirty-one (P. L. 149), entitled "An act imposing a State tax, payable by those herein defined as distributors, on liquid fuels used or sold and delivered within the Commonwealth, which are ordinarily, practically, and commercially usable in internal combustion engines for the generation of power; providing for the collection and lien of the tax, and the distribution and use of the proceeds thereof; requiring such distributors to secure permits to file corporate surety bonds and reports, and to retain certain records; imposing duties on retail dealers, common carriers, county commissioners, and such distributors; providing for rewards; imposing certain costs on counties; conferring powers and imposing duties on certain State officers and departments; providing for refunds; imposing penalties; and making an appropriation," by providing for the making of refunds of the liquid fuel tax to cities, boroughs, incorporated towns and townships and increasing the proportionate amount thereof.

Referred to the Committee on Ways and Means.

By Mr. SNYDER. (By request). HOUSE BILL No. 542.

An Act to provide revenue by imposing a license tax on the owners of all lawful coin or token operated vending machines as herein defined, kept, possessed, used, exhibited or operated for profit, providing for the collection of said tax, imposing certain duties upon the Department of Revenue, prescribing penalties and dedicating the proceeds from such tax to the payment of appropriations for general relief.

Referred to the Committee on Ways and Means.

By Mr. BRETHERICK.

HOUSE BILL No. 543.

An Act to amend the act, approved the twenty-ninth day of May, one thousand nine hundred and thirty-one (P. L. 280), entitled "An act relating to delinquent taxes on seated lands, and prescribing interest charges on non-payment thereof; requiring the receivers and collectors of county, city, borough, town, township, school district and poor district taxes to make a return to the county commissioners of such unpaid taxes, and providing for the lien thereof; authorizing the county treasurers to collect such taxes, and to sell seated lands at public sale for taxes heretofore or hereafter returned as unpaid; and authorizing the county commissioners to purchase such lands and resell the same under certain circumstances," by further regulating the lien of such taxes; removing the right to revive, extend or continue such liens; prescribing the time for selling properties for the nonpayment of such taxes and the effect of such sales upon mortgages and other liens; changing the period of redemption on properties purchased at such sales by the county, and requiring the county commissioners to sell such properties within a certain period of time.

Referred to the Committee on Municipal Corporations.

By Messrs. SEIF and BOYD. (By request).

HOUSE BILL No. 544.

A Supplement to the act approved the third day of May, one thousand nine hundred thirty-three (Pamphlet Laws, two hundred fifty-two), entitled "An act to regu-

late and restrain the traffic in malt, brewed, and vinous and fruit juice beverages, as herein defined; providing for the licensing of the sale and distribution of such beverages; imposing license fees, and providing for collection and distribution thereof; restricting ownership and interest in licensed places; permitting municipalities and townships, by vote of the electors, to prevent the licensing therein of places where such beverages may be sold for consumption on the premises, and regulating elections for this purpose; imposing duties upon county treasurers, the Department of Revenue, quarter sessions courts, district attorneys, proper authorities of political subdivisions of the State, and election officers; providing penalties; and repealing existing acts" as reenacted and amended by the act approved the sixteenth day of June, one thousand nine hundred thirty-seven (Pamphlet Laws, one thousand eight hundred twenty-seven), by prohibiting the granting of any further retail dispensers licenses or the renewal or transfer of such licenses after the end of the current license year.

Referred to the Committee on Liquor Control.

By Mr. ROYER.

HOUSE BILL No. 545.

An Act to amend section one thousand and four of the act, approved the first day of May, one thousand nine hundred and twenty-nine (P. L. 905), entitled "An act for the protection of the public safety; regulating the use of highways, and the operation of vehicles, tractors, street cars, trackless trolley omnibuses, bicycles, pedestrians, and the riding of animals upon the highways of this Commonwealth; providing for the titling, including liens, encumbrances, and legal claims; registration of certain vehicles and licensing the operators thereof, upon payment of prescribed fees; prescribing and limiting the powers of local authorities to deal with the subject matter of this act; conferring powers and imposing duties upon the Department of Revenue, the Department of Highways, peace officers, mayors, burgesses, magistrates, aldermen, justices of the peace, the courts and the clerks thereof, owners of vehicles, and garage keepers; providing that records are admissible as evidence; imposing upon owners, counties, cities, boroughs, incorporated towns, townships, within the Commonwealth, liability for damages caused by the negligent operation of their motor vehicles; imposing penalties; imposing certain costs upon counties, providing for the disposition of fines, forfeitures, fees, and miscellaneous receipts; making an appropriation; and providing for refunds," by excluding from the provisions of said section ridden animals of the National Guard or Regular Army of the United States when actually engaged in training or maneuvers.

Referred to the Committee on Motor Vehicles.

By Mr. TAYLOR.

HOUSE BILL No. 546.

An Act to further amend section six of the act, approved the seventeenth day of May, one thousand nine hundred and twenty-one (P. L. 869), entitled "An act providing for the organization, government, discipline, maintenance, and regulation of the armed land forces of this Commonwealth," by eliminating certain provisions relating to retirement age of a major general in command of the National Guard.

Referred to the Committee on Military Affairs.

By Mr. KANE.

HOUSE BILL No. 547.

An Act authorizing trust companies to make small loans on notes without collateral endorsement.

Referred to the Committee on Banking.

By Messrs. KANE and JIROLANIO.

HOUSE BILL No. 548.

An Act to amend section one of the act, approved the ninth day of April, one thousand eight hundred and forty-nine (P. L. 533), entitled "An act to exempt property to the value of three hundred dollars from levy and

sale on execution and distress for rent," declaring persons incapable of waiving their right to an exemption as to household goods, workmen's tools and personal wearing apparel.

Referred to the Committee on Judiciary General.

By Mr. HERFERD M. WOOD. HOUSE BILL No. 549.

An Act to amend section nine of the act, approved the seventeenth day of May, one thousand nine hundred and twenty-one (P. L. 869), entitled "An act providing for the organization, government, discipline, maintenance, and regulation of the armed land forces of this Commonwealth," as amended, by increasing clothing allowances and requiring a report by commanding officers.

Referred to the Committee on Military Affairs.

By Mr. HERFERD M. WOOD. HOUSE BILL No. 550.

An Act making an appropriation to the Department of Property and Supplies, to provide cases for the display of colors and standards of the World War and expenses connected therewith.

Referred to the Committee on Military Affairs.

By Mr. KANE.

HOUSE BILL No. 551.

An Act providing that neither home ownership nor payment of taxes shall be a bar to public employment or relief of any kind.

Referred to the Committee on Welfare.

By Messrs. HABBYSKAW and TROUT.

HOUSE BILL No. 552.

An Act to further amend clause (a) of section two thousand four hundred and three of the act, approved the ninth day of April, one thousand nine hundred and twenty-nine (P. L. 177), entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments, boards, commissions, and officers thereof, including the boards of trustees of State Normal Schools, or Teachers Colleges; abolishing, creating, reorganizing or authorizing the reorganization of certain administrative departments, boards, and commissions; defining the powers and duties of the Governor and other executive and administrative officers, and of the several administrative departments, boards, commissions, and officers; fixing the salaries of the Governor, Lieutenant Governor, and certain other executive and administrative officers; providing for the appointment of certain administrative officers, and of all deputies and other assistants and employees in certain departments, boards, and commissions; and prescribing the manner in which the number and compensation of the deputies and all other assistants and employees of certain departments, boards and commissions shall be determined," by establishing a standard specification for tobacco.

Referred to the Committee on State Government.

By Mr. ROSE.

HOUSE BILL No. 553.

An Act to amend sections twenty-six and twenty-seven of the act approved the twenty-ninth day of April, one thousand nine hundred and thirty-seven, (P. L. 487), entitled "An act to provide for the permanent personal registration of electors in boroughs, towns, and townships as a condition of their right to vote at elections and primaries, and their enrollment as members of political parties as a further condition of their right to vote at primaries; prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors; requiring the county commissioners of the various counties to act as a registration commission therefor; and prescribing the powers and duties of citizens, parties, political bodies, registration commissions, commissioners, registrars, inspectors of regis-

tration and other appointees of registration commissions, county election boards, election officers, municipal officers, departments and bureaus, police officers, courts, judges, prothonotaries, sheriffs, county commissioners, peace officers, county treasurers, county controllers, registrars of vital statistics, certain public utility corporations, real estate brokers, rental agents, and boards of school directors; and imposing penalties," by providing for the transfer of the registration of electors without personal appearance upon change of residence from a city of the third class to a borough, town or township in the same county; and authorizing the registration commission to amend the registers for such city accordingly.

Referred to the Committee on Elections.

By Messrs. KANE and MORAN. HOUSE BILL No. 554.

An Act validating municipal claims of cities and boroughs where not filed within the time specified by law.

Referred to the Committee on Judiciary General.

By Messrs. ROSE and ROSEBERRY.

HOUSE BILL No. 555.

An Act authorizing the abatement of certain tax penalties, interest and costs on county, city (except city of the first class), borough, town, township, school district (except school district of the first class), and poor district taxes; prohibiting the sale of real property for the nonpayment of any such taxes for a certain period; and preserving certain tax liens, and providing for the extension thereof.

Referred to the Committee on Municipal Corporations.

SENATE MESSAGE

SENATE BILLS FOR CONCURRENCE

The Clerk of the Senate being introduced, presented for concurrence bills numbered and entitled as follows:

SENATE BILL No. 79. (HOUSE BILL No. 556.)

An Act permitting the county treasurer with the consent of the county commissioners or the approval of the court to adjourn county treasurers' sales of seated and unseated lands for nonpayment of taxes in all counties except counties of the first class and preserving the lien of all taxes on such lands.

Referred to the Committee on Municipal Corporations.

SENATE BILL No. 132 (HOUSE BILL No. 557.)

An Act to amend sections one two and four of the act approved the sixteenth day of May one thousand nine hundred nineteen (Pamphlet Laws 180) entitled "An act providing a method of establishing title to land acquired at a sale for unpaid taxes or municipal claims" extending the provisions of said act to include land acquired at county treasurer's sales for unpaid taxes.

Referred to the Committee on Municipal Corporations.

SENATE BILL No. 166. (HOUSE BILL No. 558.)

An Act to authorize cities boroughs incorporated towns townships and school districts to file suggestions of nonpayment and averments of default or to sue out writs of scire facias on certain tax or municipal claims and to revive judgments where the lien of such claims or the judgments thereon have been lost and providing for the reinstatement of the liens of such claims and judgments.

Referred to the Committee on Municipal Corporations.

RESOLUTION INTRODUCED AND REFERRED

By Mr. HOLLAND.

RESOLUTION No. 41.

In the House of Representatives, March 13, 1939.

Whereas, the public press has quoted the Governor of this Commonwealth as making conflicting and inconsistent statements with reference to the completion of flood control programs in Pennsylvania; and

Whereas, statements made by officials of the Tri-State Authority and of the State Chamber of Commerce, after conference with the Governor, have been very vague, indefinite and unenlightening; therefore, be it

Resolved, that the Speaker of this House appoint a special committee composed of five members to confer with the Governor and the Secretary of Forests and Waters, with a view to ascertaining definitely the true position of the present administration in reference to flood control matters; and to report back to the House of Representatives the recommendations of the Governor and Secretary of Forests and Waters for a definite plan of flood control, and the approximate cost of carrying out such plan.

Referred to the Committee on Forestry.

COMMUNICATION

The SPEAKER laid before the House a communication which was read by the Clerk as follows:

VETERANS ADMINISTRATION WASHINGTON

March 14, 1939.

William Ward, Jr., Chief Clerk,
House of Representatives,
Commonwealth of Pennsylvania,
Harrisburg, Pennsylvania.

My dear Mr. Ward:

Colonel Marvin H. McIntyre, Secretary to the President, has referred to me for reply the copy of a resolution adopted March 6, 1939 by the House of Representatives, Commonwealth of Pennsylvania, requesting that a new Veterans Administration Facility be established in the State of Pennsylvania. I also wish to acknowledge receipt of the copy of this resolution which was forwarded to the Veterans Administration.

A Sub-Committee of the Federal Board of Hospitalization recently held hearings regarding the hospital situation in Eastern Pennsylvania. At the present time no decision has been reached relative to this matter; however, careful study is being given all the data which were submitted at the hearings, and the copies of the resolution will be placed on file to be given consideration in this connection.

Very truly yours,

(Signed) FRANK T. HINES,
Administrator.

COMMUNICATIONS

The SPEAKER laid before the House the following communications which were read by the Clerk.

WORK RELIEF

A letter from American Progressive League, Inc. Pittston Junction Branch 23 protesting change in work relief program.

Referred to the Committee on Welfare.

RELIEF

A resolution from the Workers Alliance of Pennsylvania, Waynesboro protesting administration of relief by counties.

Referred to the Committee on Welfare.

LEAVES OF ABSENCE

Mr. Readinger asked and obtained leave of absence for Mr. HESS for today's session.

Mr. Lee asked and obtained leave of absence for Mr. IRVIN for today's session.

REPORTS FROM COMMITTEES

Mr. ROSE from the Committee on Judiciary General reported as committed, House Bill No. 356, entitled

An Act to make void all gifts for religious or charitable uses to take effect on the death of the donor unless made at least thirty days before such death, and to make unenforceable all promises to give real or personal property for such uses unless made at least thirty days before the death of the promisor.

Mr. McKINNEY from the Committee on State Government reported as committed, House Bill No. 282, entitled

An Act to repeal the act, approved the twenty-second day of September, one thousand nine hundred and thirty-eight (P. L. 37), entitled "An act relating to and removing the remaining additional persons now serving as Pennsylvania members of the Delaware River Joint Commission by virtue of appointment by the General Assembly under the act, approved June twelfth, one thousand nine hundred and thirty-one (Pamphlet Laws, five hundred seventy-five), entitled 'An act providing for joint action by Pennsylvania and New Jersey in the development of the ports on the lower Delaware River, and the improvement of the facilities for transportation across the river; authorizing the Governor, for these purposes, to enter into an agreement with New Jersey, creating The Delaware River Joint Commission and specifying the powers and duties thereof, including the power to finance projects by the issuance of revenue bonds, transferring to the new commission all the powers of The Delaware River Bridge Joint Commission; and making an appropriation,' and providing for the appointment of their successors."

Mr. ECKELS from the Committee on State Government reported as committed, House Bill No. 474, entitled

An Act to further amend section three of the act, approved the twenty-eighth day of June, one thousand nine hundred thirty-five (P. L. 452), entitled "An act to promote the welfare of the people of the Commonwealth; creating a General State Authority as a body corporate and politic with power to construct, improve, and operate projects, and to lease the same, and to fix and collect fees, rentals, and charges for the use thereof; authorizing and regulating the issuance of bonds by said Authority, and providing for the payment of such bonds, and the rights of the holders thereof; and to enter into agreements with the Government of the United States or any Federal agency; and authorizing the Department of Property and Supplies to grant, assign, convey, or lease to the Authority lands of the Commonwealth and interests therein, and to acquire lands therefor; granting the right of eminent domain; and providing that no debt of the Commonwealth shall be incurred in the exercise of any of the powers granted by this act," fixing terms for the appointed members of the General State Authority, and terminating the terms of present members.

Mr. COOPER from the Committee on Judiciary General reported as committed, House Bill No. 337, entitled

An Act to authorize cities, boroughs, incorporated towns, townships, and school districts to file suggestions of non-payment and averments of default, or to sue out writs of scire facias on certain tax or municipal claims, and to revive judgments where the lien of such claims or the judgments thereon have been lost; and providing for the reinstatement of the liens of such claims and judgments.

Mr. ALSPACH from the Committee on Judiciary General reported as committed, House Bill No. 441, entitled

An Act to further amend clause (c) of section two of an act, approved the seventh day of June, one thousand nine hundred and seventeen (P. L. 447), entitled as amended "An act relating to the administration and distribution of the estates of decedents and of minors, and of trust estates; including the appointment, bonds, rights, powers, duties, liabilities, accounts, discharge and removal of executors, administrators, guardians, and trustees, herein designated as fiduciaries; the administration and distribution of the estates of presumed decedents; widow's and children's exemptions; debts of decedents, rents of real estate as assets for payment thereof, the lien thereof, sales and mortgages of real estate for the payment thereof, judgments and executions therefor, and the discharge of real estate from the lien thereof; contracts of decedents for the sale or purchase of real estate; legacies, including legacies charged on land; the discharge of residuary estates and of real estate from the lien of legacies and other charges; the appraisal of real estate devised at a valuation; the ascertainment of the curtilage of dwelling houses or other buildings devised; the abatement and survival of actions, and the substitution of executors and administrators therein; the survival of causes of action and suits thereupon by or against fiduciaries; investments by fiduciaries; the organization of corporations to carry on the business of decedents; the audit and review of accounts of fiduciaries; refunding bonds; transcripts to the court for common pleas of balances due by fiduciaries; the rights, powers, and liabilities of non-resident and foreign fiduciaries; the appointment, bonds, rights, powers, duties, and liabilities of trustees durante absentia; the recording and registration of decrees, reports and other proceedings, and the fees therefor; appeals in certain cases; and, also, generally dealing with the jurisdiction, powers, and procedure of the orphans' court in all matters relating to fiduciaries concerned with the estates of decedents," by providing for the distribution by the orphans' court of certain estates of persons dying intestate.

Mr. BREThERICK from the Committee on State Government reported as committed, House Bill No. 400, entitled

An Act to amend the title and the act, approved the nineteenth day of May, one thousand eight hundred and eighty-seven (P. L. 132), entitled "An act to give preference of appointment or employment to honorably discharged soldiers, sailors and marines who fought for the Union cause in the late war of the rebellion," by extending the same preference to veterans and nurses of any war in which the United States has engaged.

Mr. AUKER from the Committee on Judiciary General reported as amended, House Bill No. 243, entitled

An Act regulating the selection, drawing, and summoning of all jurors and talesmen, in counties of the third class, and defining their qualifications in such counties; creating a jury board and defining its powers and procedure; providing for the appointment of a clerk to the jury board and fixing his maximum salary; providing for the custody of the jury wheel, and the filing and custody of jury lists; providing for the public drawing of jurors and the methods thereof; giving the trial judge the right to excuse jurors; prescribing the time of challenging jurors or the array, regulating the procedure if array is quashed; and repealing inconsistent acts.

Mr. LEYDIC from the Committee on Municipal Corporations reported as amended, House Bill No. 38, entitled

An Act to amend Sections Three, Four, Five and Nine of the act, approved the twenty-eighth day of June, one thousand nine hundred and thirty-five (Pamphlet Laws, four hundred sixty-three), entitled (as amended), "An Act providing for the incorporation, as bodies corporate and politic, of 'Authorities' for municipalities, counties, and townships; defining the same; prescribing the rights, powers and duties of such Authorities; authorizing such Authorities to acquire, construct, improve, maintain, and operate projects, and to borrow money and issue bonds therefor; providing for the payment of such bonds, and prescribing the rights of the holders thereof; conferring

the right of eminent domain on such Authorities; authorizing such Authorities to enter into contracts with and to accept grants from the Federal Government or any agency thereof; and for other purposes," as amended, by omitting the requirement that the resolution or ordinance of the intention to organize an Authority shall set forth the proposed Articles of Incorporation; by including gas works, gas manufacturing and gas distributing systems as projects; by authorizing the municipalities to limit the projects to be undertaken by an Authority; by authorizing a longer term for the bonds issued by an Authority and making them legal investments for trust funds, etc.; and by including gas works, gas manufacturing and gas distributing systems and water supply works as facilities which might be transferred to an Authority.

Mr. DENMAN, from the Committee on Judiciary General reported as committed, House Bill No. 355, entitled

An Act to amend clause (c) of section forty-nine of the act, approved the seventh day of June, one thousand nine hundred seventeen (P. L. 447), entitled as amended "An act relating to the administration and distribution of the estates of decedents and of minors, and of trust estates; including the appointment, bonds, rights, powers, duties, liabilities, accounts, discharge and removal of executors, administrators, guardians, and trustees, herein designated as fiduciaries; the administration and distribution of the estates of presumed decedents widow's and children's exemptions; debts of decedents, rents of real estate as assets for payment thereof, the lien thereof, sales and mortgages of real estate for the payment thereof, judgments and executions therefor, and the discharge of real estate from the lien thereof, contracts of decedents for the sale or purchase of real estate; legacies, including legacies charged on land; the discharge of residuary estates and of real estate from the lien of legacies and other charges; the appraisalment of real estate devised at a valuation; the ascertainment of the curtilage of dwelling houses or other buildings devised; the abatement and survival of actions, and the substitution of executors and administrators therein; the survival of causes of action and suits thereupon by or against fiduciaries; investments by fiduciaries; the organization of corporations to carry on the business of decedents; the audit and review of accounts of fiduciaries; refunding bonds; transcripts to the court of common pleas of balances due by fiduciaries; the rights, powers, and liabilities of nonresident and foreign fiduciaries; the appointment, bonds, rights, powers, duties, and liabilities of trustees durante absentia; the recording and registration of decrees, reports and other proceedings, and the fees therefor; appeals in certain cases; and, also, generally dealing with the jurisdiction, powers, and procedure of the orphans' court in all matters relating to fiduciaries concerned with the estates of decedents," by permitting fiduciaries to dispense with formal accounts where estates do not exceed five hundred dollars; and reducing the time for petitions in such cases from one year to six months from the date of granting of letters.

Mr. RHODES from the Committee on Judiciary General reported as committed, House Bill No. 357, entitled

An Act to amend section twenty-one of the act, approved the seventh day of June, one thousand nine hundred seventeen (P. L. 447), entitled as amended "An act relating to the administration and distribution of the estates of decedents and of minors, and of trust estates; including the appointment, bonds, rights, powers, duties, liabilities, accounts, discharge and removal of executors, administrators, guardians, and trustees, herein designated as fiduciaries; the administration and distribution of the estates of presumed decedents; widow's and children's exemptions, debts of decedents, rents of real estate as assets for payment thereof, the lien thereof, sales and mortgages of real estate for the payment thereof, judgments and executions therefor, and the discharge of real estate from the lien thereof; contracts of decedents for the sale or purchase of real estate; legacies, including legacies charged on land; the discharge of residuary estates and of real estate from the lien of legacies and other charges; the appraisalment of real estate devised at a valuation; the ascertainment of the

curtilage of dwelling houses or other buildings devised; the abatement and survival of actions, and the substitution of executors and administrators therein; the survival of causes of action and suits thereupon by or against fiduciaries; investments by fiduciaries; the organization of corporations to carry on the business of decedents; the audit and review of accounts of fiduciaries; refunding bonds; transcripts to the court of common pleas of balances due by fiduciaries; the rights, powers, and liabilities of nonresident and foreign fiduciaries; the appointment, bonds, rights, powers, duties, and liabilities of trustees durante absentia; the recording and registration of decrees, reports and other proceedings, and the fees therefor; appeals in certain cases; and, also, generally dealing with the jurisdiction, powers, and procedure of the orphans' courts in all matters relating to fiduciaries concerned with the estates of decedents," by fixing the rate of interest to be paid on pecuniary legacies, and the time from which it shall be paid.

Mr. FISS from the Committee on State Government reported as committed, House Bill No. 439, entitled

An Act to amend section one of the act approved the fourth day of April, one thousand nine hundred and twenty-five (P. L. 127), entitled, "An act relating to adoption," as amended, by authorizing nonresidents to adopt persons within the Commonwealth, and validating certain adoption proceedings heretofore decreed.

Mr. O'CONNOR from the Committee on Municipal Corporations reported as committed, House Bill No. 189, entitled

An Act providing for and regulating the appointment, promotion, and reduction in rank, and removal of paid members of the bureau of police, bureau of detectives, police women, bureau of electricity in connection with police departments, police telephone operators and their assistants, police radio operators and their assistants, and all other agencies connected with police departments in counties, cities, boroughs, incorporated towns, and townships maintaining a police force; creating a Civil Service Commission in each county, city, borough, incorporated town, and township; defining the powers and duties of such Civil Service Commission; imposing certain duties and expenses on the counties, cities, boroughs, incorporated towns, and townships; imposing penalties and repealing inconsistent laws.

Mr. MARR from the Committee on Counties reported as committed, House Bill No. 74, entitled

An Act to amend section two hundred and seventy-eight of the act approved the second day of May, one thousand nine hundred and twenty-nine (P. L. 1278), entitled "An act relating to the counties of the second, third, fourth, fifth, sixth, seventh and eighth classes; and revising, amending and consolidating the laws relating thereto," as amended, providing for the appointment, the term, and compensation of county detectives in counties of the fifth class.

Mr. HOMER S. BROWN from the Committee on Judiciary General reported as committed, House Bill No. 354, entitled

An Act to amend clause (d) as added to section twenty-one of the act, approved the seventh day of June, one thousand nine hundred seventeen (P. L. 363), entitled "An act relating to the organization, jurisdiction, and procedure of the orphans' courts; the powers and duties of the judges thereof; and appeals therefrom," requiring certification of verdicts and judgments entered in orphans' courts to the prothonotary, and the filing, docketing and indexing the same by him.

Mr. WEISS from the Committee on Judiciary General reported as committed, House Bill No. 351, entitled

An Act to amend section twenty-two of the act approved the seventh day of June, one thousand nine hundred and seventeen, (P. L. 403), entitled "An act relating to the form, execution, revocation, and interpretation of wills; to nuncupative wills; to the appointment of testamentary guardians; to spendthrift trusts; to forfeiture of devise or legacy in case of murder of testator; to elections to take under or against wills, and to the recording and registering of such elections and of decrees relative thereto, and to the fees therefor," by providing for forfeiture of the right to take property under the will of a murdered testator.

Mr. WEISS from the Committee on Judiciary General reported as committed, House Bill No. 352, entitled

An Act to amend section twenty-three of the act approved the seventh day of June, one thousand nine hundred and seventeen, (P. L. 429), entitled "An act relating to the descent and distribution of the real and personal property of persons dying intestate; and to provide for the recording and registering of the decrees of the orphans' court in connection therewith, and the fees therefor," by providing for forfeiture of the right to inherit or to take property of a murdered intestate under the said act.

BILLS ON FIRST READING

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 140, entitled:

An Act to amend section one of the act, approved the twenty-second day of June, one thousand nine hundred and seventeen (P. L. 623), entitled "An act prohibiting the erection of fences or similar structures above a certain height in suburban and similar districts of cities of the first class except under a permit declaring certain fences a private nuisance and their erection a misdemeanor and prescribing penalties for violation of the provisions of this act" by extending the provisions thereof to include fences in suburban and similar districts in cities of the second class.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 424, entitled:

An Act to authorize cities of the first class of this Commonwealth to provide for the payment of certain deficits and indebtedness as herein defined in equal annual instalments of two million five hundred thousand dollars (\$2,500,000) and to authorize the making of contracts the drawing of warrants and the approval thereof without appropriation for the payment of such deficits and indebtedness except as provided by this act and to levy and fix the tax rate and to make appropriations and prepare and formulate the financial programs of such cities upon the basis of the discharge of such deficits and indebtedness in the manner provided by this act requiring annual provision for payment of mandamus executions and suspending inconsistent legislation.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 449, entitled:

An Act to amend clause (a) of section one and section four of the act approved the thirty-first day of March, one thousand nine hundred and thirty-seven (P. L. 160), entitled "An act creating a commission to be known as the Pennsylvania Public Utility Commission defining in part the powers and duties of such commission abolishing The Public Service Commission of the Commonwealth

of Pennsylvania terminating the terms of the members thereof and transferring to the Pennsylvania Public Utility Commission the records employes property and equipment of The Public Service Commission of the Commonwealth of Pennsylvania authorizing the Pennsylvania Public Utility Commission to appear in and complete all pending proceedings legal or otherwise instituted before by or against The Public Service Commission of the Commonwealth of Pennsylvania providing that all certificates of public convenience contracts orders and rules and regulations of the latter commission shall remain effective until repealed changed or modified by the Pennsylvania Public Utility Commission and transferring and appropriating to the Pennsylvania Public Utility Commission any unexpended balance of any existing appropriation to The Public Service Commission of the Commonwealth of Pennsylvania" by changing method of appointing and removing members of the Commission and making political activity a grounds for their removal.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 301, entitled:

An Act providing that sentence shall not be imposed by any court of criminal jurisdiction on any person convicted of any offense before such court until after the expiration of five days from the date of conviction.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 334, entitled:

An Act to amend section two of the act approved the twenty-first day of June, one thousand nine hundred and thirty-five (P. L. 397), entitled "An act making it unlawful to tattoo a minor without the consent of the parents or guardian" by making the violation of the act a misdemeanor and increasing the penalty.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 463, entitled:

An Act to further amend section two hundred and forty-six of the act approved the second day of May, one thousand nine hundred and twenty-nine (P. L. 1278), entitled "An act relating to counties of the second, third, fourth, fifth, sixth, seventh and eighth classes and revising, amending and consolidating the laws relating thereto," changing the qualifications of the district attorney.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 383, entitled:

An Act to amend the title and the act approved the sixteenth day of May one thousand nine hundred thirty-five (Pamphlet Laws 176) entitled "An act requiring cities of the second and third class to allow members of the police departments twenty-four consecutive hours of rest each week and fourteen days vacation each year except in emergency cases" extending the provisions of said act to cities of the second class A.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 175, entitled:

An Act providing for and regulating the assessment and valuation of persons property and subjects of taxation for county city borough township school and poor purposes in counties of the second class creating and prescribing the powers and duties of a Board of Tax Assessment Appeals and Review imposing duties on certain county and city officers abolishing the board for the assessment and revision of taxes in such counties and prescribing penalties.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 466, entitled:

An Act to promote uniformity in the assessment and taxation of properties and persons within the territorial limits of cities of the second class by providing that city and school taxes within such territorial limits shall be assessed levied and collected upon the basis of the assessments for taxation for county purposes imposing duties on county taxing authorities abolishing the department of assessors in cities of the second class and transferring certain property and functions to county taxing authorities.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 473, entitled:

An Act to further amend a part of section one of article three of the act approved the seventh day of March one thousand nine hundred and one (P. L. 20) entitled "An act for the government of cities of the second class" providing for the removal and dismissal of policemen in cities of the second class.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 343, entitled:

An Act to amend section one of the act approved the twenty-second day of May one thousand nine hundred and thirty-three (P. L. 851) entitled "An act fixing the pay and mileage of jurors and witnesses" by authorizing the court to direct additional compensation for jurors in certain cases.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 199, entitled:

An Act to confirm and validate past tax levies or assessments made by school districts of the first class and liens filed thereon.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 183, entitled:

An Act to amend sections five hundred and fifty-seven and five hundred and fifty-eight of the act approved the eighteenth day of May one thousand nine hundred and eleven (P. L. 309) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" as amended by making all employers including governmental agencies liable for delinquent per capita taxes of their employes in school districts of the second third and fourth classes and requiring tax collectors to collect the same from the employers.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 342, entitled:

An Act to further amend section one thousand thirteen of and add section one thousand eleven and one-tenth to the act approved the fifth day of May one thousand nine hundred and thirty-three (P. L. 364) entitled "An act relating to business corporations defining and providing for the organization merger consolidation reorganization winding up and dissolution of such corporations conferring certain rights powers duties and immunities upon them and their officers and shareholders prescribing the conditions on which such corporations may exercise their powers providing for the inclusion of certain existing corporations of the second class within the provisions of this act prescribing the terms and conditions upon which foreign business corporations may be admitted or may continue to do business within the Commonwealth conferring powers and imposing duties on the courts of common pleas and certain State departments commissions and officers authorizing certain State departments boards commissions or officers to collect fees for services required to be rendered by this act imposing penalties and repealing certain acts and parts of acts relating to corporations" authorizing the issuance of subpoenas with clause of duces tecum upon foreign corporations registered to do business within the Commonwealth of Pennsylvania and providing a method of service thereof upon such corporations and its proper officers agents and employes and providing a penalty for noncompliance therewith.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 444, entitled:

An Act to amend section nine of the act approved the twenty-fifth day of May one thousand nine hundred and thirty-three (P. L. 1050) entitled "An act creating and establishing a fund for the care, maintenance, and relief of aged, retired and disabled employes of the bureau of fire in cities of the second class creating a board for the management thereof providing the mode and manner of payment to beneficiaries and for the care and disposition of its funds and providing for the transfer and payment of all moneys and securities in existing funds in similar boards superseded by the fund and board herein created" by changing the amount and method of contributions for and payment of death benefits.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 48, entitled:

An Act to reenact the act approved the second day of June one thousand nine hundred and thirty-seven (P. L. 1182) entitled "An act authorizing courts of common pleas to stay writs of execution against and tax sales of certain real property in certain cases providing for the continuance of return days of writs of execution and authorizing sales thereon without issuance of further writs and exempting mortgages issued under the National Housing Act"

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 442, entitled:

An Act making an appropriation out of the Motor License Fund to the Department of Highways for allocation to and expenditure in the second class townships of the Commonwealth for maintenance construction reconstruction resurfacing or improvement of township roads and bridges during the calendar years one thousand nine hundred forty and one thousand nine hundred forty-one permitting the use of the funds for maintenance and repair of township roads and bridges under certain conditions and providing for the method of payment to townships

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 443, entitled:

An Act to amend the appropriation act approved the fifth day of June one thousand nine hundred thirty-seven (Appropriation Act No. 51-A) entitled "An act making an appropriation out of the Motor License Fund to the Department of Highways for expenditure in the various second-class townships of the Commonwealth for the maintenance of township roads and bridges during the calendar years one thousand nine hundred thirty-eight and one thousand nine hundred thirty-nine apportioning the funds to the several counties on the basis of the maintenance costs for the year one thousand nine hundred thirty-two permitting the use of any surplus funds for construction and reconstruction and resurfacing of township roads and bridges requiring townships to exclude provision for maintenance of roads and bridges from their annual budget and tax levy for road and street purposes for said years authorizing the Department of Highways to rent road building machinery and equipment belonging to such townships in carrying out the provisions of this act and lapsing the unexpended or unencumbered balance of the appropriation remaining on January first one thousand nine hundred forty" by providing that the unexpended and unencumbered balance of such appropriation at the time this act becomes effective shall be allocated to and apportioned among the various second-class townships on the basis of the amount of road mileage in such townships authorizing the township supervisors to expend the moneys allocated to the township for the purpose prescribed under the approval and supervision of the Department of Highways and excluding the provision for expenditure by the Department of Highways of such balances the taxing and budgeting limitations on townships of the second class and the right of the Department of Highways to rent road-building machinery and equipment belonging to such townships

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 478, (Senate Bill No. 16), entitled:

An Act to amend section one as amended of the act approved the third day of June one thousand nine hundred and nineteen (Pamphlet Laws three hundred seventy) entitled "An act to fix the number and salaries of assistant district attorneys in counties of this Commonwealth having over one million five hundred thousand inhabitants and prescribing the powers and duties of said assistant district attorneys" by increasing the number and fixing the salaries of the assistant district attorneys thereof

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 477, (Senate Bill No. 34), entitled:

An Act to further amend section five hundred eight of the act approved the eighteenth day of May one thousand nine hundred and eleven (Pamphlet Laws 309) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" by further regulating the incurring of temporary indebtedness and the repayment thereof in school districts other than school districts of the first class

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 259, entitled:

An Act to amend section one thousand eight hundred and two of the act approved the twenty-fourth day of June one thousand nine hundred and thirty-nine (Pamphlet Laws 1206) entitled "An act concerning townships of the first class amending revising consolidating and changing the law relating thereto" as amended by eliminating certain general regulations in the making of insurance contracts by townships

On the question,

Will the House agree to the bill on third reading?

It was agreed to,

On the question,

Shall the bill pass finally?

Mr. ACHTERMAN. Mr. Speaker, I would like to have the sponsor of this bill explain it for the benefit of the members.

Mr. BREThERICK. Mr. Speaker, the only change in the law as it presently exists is a proviso to eliminate the necessity for advertising for bids for insurance over \$500. The reason for that is that insurance rates are standardized and uniform and in some townships and boroughs the impression has long prevailed that it is not necessary to advertise for bids for insurance, because the rates are standardized. However, some solicitors have thought and the county solicitor of our county feels that where the insurance involves an amount exceeding \$500, that there must be advertising, but in view of the fact that the rates are uniform, it is felt that it is a waste of advertising money and a waste of taxpayers money to advertise for bids when we know that the bids when received are going to be on the basis of standardized rates. That is the only change in the bill, and we think it is a sound one.

Mr. ACHTERMAN. Mr. Speaker, I would like to interrogate the gentleman from Delaware.

The SPEAKER. Will the gentleman from Delaware permit himself to be interrogated?

Mr. BRETHERICK. I will, Mr. Speaker.

Mr. ACHTERMAN. Mr. Speaker, referring to the bill on page 3, is not the proviso clause that had been removed in the previous act now placed back in the act.

Mr. BRETHERICK. Mr. Speaker, the law as it presently exists contains that proviso clause. In preparing this bill I had before me the bill that was presented to this House by I think Representative Cohen in 1937, and that proviso was deleted, at least was put in brackets inadvertently. The law as it now stands contains that proviso which had been removed by the House Committee.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—169.

Achterman,	Downey,	Lelsey,	Schrope,
Ackermann,	Eckels,	Leydic,	Schwab,
Allmond,	Ely,	Lichtenwalter,	Seif,
Alspach,	Ewing,	Long,	Serrill,
Andrews,	Finnerty,	Madden,	Shaw,
Atkins,	Fiss,	Malloy,	Shearer,
Auker,	Flanagan,	Malone,	Simons,
Baker,	Fleming,	Marr,	Sloan,
Balliet,	Foor,	Matthews,	Snyder,
Balthaser,	Freed,	McClester,	Sollenberger,
Bardes,	Fullerton,	McGarrity,	Stambaugh,
Bennett,	Furman,	McKinney,	Stewart,
Bohn,	Gates,	McLane,	Stockham,
Bols,	Gillan,	McNally,	Sweeney,
Boorse,	Gillette,	McVay,	Tahl,
Boose,	Goll,	Montgomery,	Tarr,
Bower,	Habbyshaw,	Mooney,	Taylor,
Bretherick,	Haines,	Moser, F. S.,	Terry,
Bronson,	Hall,	Moser, J. L.,	Thistle,
Brown, H. S.,	Hamilton,	Muir,	Thompson, E. F.,
Brown, S. W.,	Harbeson,	O'Connor,	Thompson, G. R.,
Brunner,	Haudenschild,	O'Keefe,	Tiemann,
Burns,	Henry,	O'Dare,	Trout,
Burris,	Hewitt,	Peacock,	VanAlisburg,
Cadwalader,	Hindman,	Peale,	Van Belle,
Calvin,	Hocke,	Powers,	Voorhees,
Carpenter,	Hoffman, J. N.,	Preston,	Wagner,
Christler,	Hoffman, S. K.,	Readinger,	Walsh,
Clark,	Holland,	Reagan,	Watkins,
Clearwater,	Hoyt,	Reese, D. P.,	Webster,
Cohen, R. E.,	Huntley,	Regan,	Welsh, M. J.,
Cook,	James,	Rhodes,	Westrick,
Cooper,	Johnston,	Rider,	Wilkinson,
Cordier,	Jones,	Robertson,	Williams,
Corrigan,	Kane,	Rooney,	Wilson,
Cortese,	Keenan,	Rose,	Winnor,
Curran,	Keenehan,	Roseberry,	Wood, H. M.,
Dalrymple,	Kline,	Rosenfeld,	Wood, L. H.,
Denman,	Knoble,	Rothenberger,	Wood, N.,
Dick,	Kowalski,	Royer,	Woodside,
Dix,	Krise,	Sarraif,	Yeakel,
Donahue,	Lee,	Schrock,	Turner,

NAYS—2.

Broad, Lovett,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 239, entitled:

An Act authorizing county commissioners in counties of the third class to transfer surplus county moneys to

the institution district and providing for the expenditure of the moneys so transferred for institution district purposes

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—198.

Achterman,	Donohoe,	Leydic,	Sarraif,
Ackermann,	Downey,	Lichtenwalter,	Schrock,
Allen,	Eckels,	Long,	Schrope,
Allmond,	Ely,	Lovett,	Schwab,
Alspach,	Ewing,	Lyons,	Seif,
Andrews,	Fauset,	Madden,	Serrill,
Atkins,	Finnerty,	Malloy,	Shaw,
Auker,	Fisher,	Malone,	Shearer,
Baker,	Fiss,	Marr,	Simons,
Balliet,	Flanagan,	Matthews,	Skale,
Balthaser,	Fleming,	McClester,	Sloan,
Bardes,	Foor,	McGarrity,	Snyder,
Bennett,	Freed,	McKinney,	Sollenberger,
Bohn,	Fullerton,	McLane,	Stambaugh,
Bols,	Furman,	McNally,	Stank,
Boney,	Gates,	McVay,	Stewart,
Boorse,	Gillan,	Melchiorre,	Stockham,
Boose,	Gillette,	Montgomery,	Sweeney,
Bower,	Goll,	Mooney,	Tahl,
Boyd,	Haboyshaw,	Moran,	Tarr,
Brancato,	Haines,	Moser, F. S.,	Taylor,
Bretherick,	Hall,	Moser, J. L.,	Terry,
Broad,	Hamilton,	Muir,	Thistle,
Bronson,	Harbeson,	O'Brien,	Thompson, E. F.,
Brown, H. S.,	Harkins,	O'Connor,	Thompson, G. R.,
Brown, S. W.,	Haudenschild,	O'Dare,	Tiemann,
Brunner,	Henry,	O'Keefe,	Trout,
Burns,	Hewitt,	Ominsky,	VanAlisburg,
Burris,	Hindman,	O'Neill,	Van Belle,
Cadwalader,	Hocke,	Peacock,	Voorhees,
Calvin,	Hoffman, J. N.,	Peale,	Wagner,
Carpenter,	Hoffman, S. K.,	Powers,	Walsh,
Check,	Holland,	Preston,	Watkins,
Chervenak,	Hoyt,	Readinger,	Webster,
Christler,	Huntley,	Reagan,	Weiss,
Clark,	James,	Reese, D. P.,	Welsh, E. B.,
Clearwater,	Jirolanio,	Reese, R. E.,	Welsh, M. J.,
Cohen, R. E.,	Johnston,	Regan,	Westrick,
Cook,	Jones,	Reynolds,	Wilkinson,
Cooper,	Kane,	Rhodes,	Williams,
Cordier,	Keenan,	Rider,	Wilson,
Corrigan,	Keenehan,	Riley,	Winnor,
Cortese,	Kilroy,	Robertson,	Wood, H. M.,
Curran,	Kline,	Rooney,	Wood, L. H.,
Dalrymple,	Knoble,	Rose,	Wood, N.,
Denman,	Kowalski,	Roseberry,	Woodside,
Dick,	Krise,	Rosenfeld,	Yeakel,
Dix,	Lee,	Rothenberger,	Turner,
Donahue,	Lelsey,	Royer,	Speaker,
Donahue,	Levy,		

NAYS—0.

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

RESOLUTION NO. 29

Mr. HERFERD M. WOOD. Mr. Speaker, I desire to call up at this time Resolution No. 29, Printer's No. 44.

The resolution was read by the Clerk as follows:

In the House of Representatives, March 6, 1939

Whereas The whole world rent asunder by strife and contention violence and intolerance is today in a state of turmoil and uncertainty marked by a titanic struggle between Democracy and Autocracy while in this Country anti-American forces are striving to discredit and destroy the ideas and institutions symbolized by the American

Flag and social political and economic forces are combating one another and

Whereas Never before in the history of the Nation has there been greater need among our people for the unity cooperation and tolerance for which our Country's Flag stands and

Whereas With the Stars and Stripes as its emblem The United States Flag Association a non-profit non-partisan and non-sectarian organization incorporated under Federal law and headed by the President of the United States as Honorary President General is with the cooperation of various groups organizations and fields of activity in our National life conducting a National Patriotic Revival culminating in Flag Week June eighth to fourteenth next for the two-fold purpose (1) of awakening our people to the dangers threatening our National life thereby causing them to resolve as never before to uphold and preserve our Country's ideals and institutions and (2) of promoting National Unity Patriotic Cooperation and Racial and Religious Tolerance therefore be it

Resolved (if the Senate concur) That the General Assembly of the Commonwealth of Pennsylvania hereby heartily endorses the plan for a great National Patriotic Revival and that the Governor is hereby authorized and requested first to direct the Superintendent of Public Instruction to arrange for the suitable observance of Flag Week in all the public schools and secondly to issue a proclamation calling up the State officials to display the United States Flag on all State Buildings during Flag Week and inviting the people of the State to fly the Flag at their homes and other suitable places as well as on their cars and that in every community they hold special exercises at which means shall be taken to give significant expression to our thoughtful love of America our pride in its glorious history our faith in its destiny our devotion to its ideals and institutions and our determination to uphold and preserve them now and forever

On the question,

Will the House adopt the resolution?

It was adopted.

Ordered, That the Clerk present the same to the Senate for concurrence.

RESOLUTION

CONGRATULATING AMERICAN LEGION ON 20TH ANNIVERSARY

Mr. DAVID P. REESE offered a resolution which was twice read, considered and adopted as follows:

In the House of Representatives, March 15, 1939.

A score of years ago today, in the city of Paris, France, a band of veterans of the World War, which had but so lately been terminated, met and organized the American Legion.

It was then an appropriate and fitting way to join together those brave remnants of the American Expeditionary Force which had come safely through the terrible conflict in which so many of their comrades had given their all.

During the twenty years that have passed since that memorable day, the American Legion has fully justified the labors of its founders, and has proven itself worthy of the task of living up to the purposes and ideals of the organization.

The American Legion has become a vital force in the affairs of our Country, and has done much to preserve our American form of Government, therefore be it

Resolved, By the House of Representatives of the General Assembly of the Commonwealth of Pennsylvania, That it extends its congratulations to the American Legion on this the twentieth anniversary of the founding of the Legion and its continued sense of gratitude for what its members did twenty years ago, and for our Nation and for us and our posterity, and be it further

Resolved, That a copy of this resolution be transmitted by the Chief Clerk of the House to the Headquarters of

the Department of Pennsylvania, American Legion in Philadelphia.

RESOLUTION

INTERSTATE COMMISSION ON DELAWARE RIVER BASIN

Mr. THISTLE offered a resolution and asked and obtained unanimous consent for its immediate consideration. The resolution was read by the Clerk as follows:

In the House of Representatives, March 15, 1939.

Whereas, That State of New Jersey is now considering a new water supply system which proposes to utilize two hundred million gallons of water daily from the Delaware River Basin, which project may cause substantial damage in the lower Delaware River Basin including the City of Philadelphia and southeastern Philadelphia; and Whereas, The City of Philadelphia has through its Council adopted a resolution directing its Committee of Public Works to investigate this proposal in relation to its possible effect upon the present and probable future sources of water supply for Philadelphia; and

Whereas, Copies of this resolution have been sent to the Governor, the President of the Senate, and the Speaker of the House of Representatives in Pennsylvania, with the request that the General Assembly take such action as is necessary to protect the interests of the City of Philadelphia; and

Whereas, The interests of the residents of the City of Philadelphia and southeastern Pennsylvania are likewise the interests of this Commonwealth, therefore be it

Resolved (if the Senate concur), That it is the opinion of this General Assembly that the Commonwealth should take all steps necessary to afford protection to the residents of Pennsylvania in the lower Delaware River Basin and that, to avoid a possible legal controversy, these efforts should be directed to the working out of an amicable agreement among the states of this watershed, if such is possible, and be it further

Resolved, That the members representing this Commonwealth on the Interstate Commission on the Delaware River Basin should be requested to devote their efforts to negotiating with the Commissioners from the other states to the end that all interests involved in this question shall be adequately protected.

On the question,

Will the House adopt the resolution?

The SPEAKER. The Chair would say for the information of the House that this question is one of immediate importance because of conferences that are being called in the city of Philadelphia on Friday of this week. Under that circumstance I feel that the House should consider the resolution of the gentleman from Philadelphia, Mr. Thistle, immediately.

On the question recurring,

Will the House adopt the resolution?

It was adopted.

Ordered, That the Clerk present the same to the Senate for concurrence.

COMMITTEE MEETING

There will be a meeting of the Committee on Dairy Industries immediately after today's session.

ADJOURNMENT

Mr. PEACOCK. Mr. Speaker, I move that this House do now adjourn until Monday, March 20, 1939, at 8 P. M.

The motion was agreed to, and (at 12:56 P. M.) the House adjourned until Monday, March 20, 1939, at 8 P. M.

Legislative Journal.

Session 1939.

133d of the General Assembly.

Vol. 23

HARRISBURG, PA., MONDAY, MARCH 20, 1939.

No. 25.

SENATE

MONDAY, March 20, 1939.

The Senate met at 9:00 o'clock, p. m.

The PRESIDENT (Lieutenant-Governor Samuel S. Lewis) in the Chair.

PRAYER

The Chaplain, Rev. BURLEIGH A. PETERS, offered the following prayer:

Most Merciful Heavenly Father, let Thy goodness and mercy continue to pervade our land. Let the consciousness of our people continue to be bulwarked in Thee that our liberty, freedom and representative form of government may remain secure.

But our hearts are lifted to Thee tonight filled with genuine concern over the rapidly rising power of totalitarian states, the resurrection of the pagan idea of government that "might makes right," and the continued peace of the nations of the earth.

Gracious God, stem the tide of dictators of the earth "drunk with power" and "loosing wild tongues that have not Thee in awe," and who exercise no consideration morally or otherwise for the integrity and liberty of weaker nations nor for their sovereign rights but only that their controlling passion of personal aggrandizement and political conquest may be appeased.

Annul their avaricious desires, if it be Thy divine will, lest they run amuck in the commonwealth of nations and seriously jeopardize the peace and security of all nations of the earth, if, perchance, this has not already been done.

Let us take the famous words of our immortal Lincoln, making them our prayer—"Let us have faith that right makes might, and in that faith let us to the end dare to do our duty as we understand it."

O God, Thou dost still live: help us to live in Thee. Amen.

JOURNAL APPROVED

The PRESIDENT. A quorum of the Senate being present, the Clerk will read the Journal of the preceding session.

The Clerk proceeded to read the Journal of the preceding session, when, on motion of Mr. OWLETT and Mr. HEYBURN, the further reading was dispensed with, and the Journal was approved.

LEAVE OF ABSENCE

Mr. HEYBURN asked and obtained leave of absence for the Senator from Bucks, Mr. JAMES, for the balance of the week because of illness.

NOMINATIONS BY THE GOVERNOR

The Secretary to the Governor, being introduced, presented communications in writing from His Excellency, the Governor of the Commonwealth, which were read as follows, and referred to the Committee on Executive Nominations.

MEMBER PENNSYLVANIA STATE BOARD OF CENSORS

Commonwealth of Pennsylvania,

Governor's Office, Harrisburg, March 20, 1939.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor to nominate for the advice and consent of the Senate the appointment of Mrs. Edna R. Carroll, 4904 Roosevelt Boulevard, Philadelphia, Philadelphia County, as a member of the Pennsylvania State Board of Censors, until the third Tuesday of January, 1943, and until her successor shall have been appointed and qualified.

ARTHUR H. JAMES.

RECORDER OF DEEDS OF CARBON COUNTY

Commonwealth of Pennsylvania,

Governor's Office, Harrisburg, March 20, 1939.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor to nominate for the advice and consent of the Senate the appointment of Mrs. Anna J. Evans, Lansford, Carbon County, as Recorder of Deeds of Carbon County, until the first Monday in January, 1940, vice Hayden L. Evans, deceased.

ARTHUR H. JAMES.

COUNTY BOARDS OF ASSISTANCE

Commonwealth of Pennsylvania,

Governor's Office, Harrisburg March 20, 1939.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor to nominate for the advice and consent of the Senate the following persons for appointment as members of the County Boards of Assistance, for the terms set opposite their names, and until their successors are duly appointed and qualified:

ADAMS COUNTY

C. A. Wills, Greenstone, until December 31, 1939. (Reappointment)

D. C. Jacobs, Arendtsville, until December 31, 1941. (Reappointment)

Mrs. Maude S. Saby, Gettysburg, until December 31, 1941, vice Mrs. Bess Bixler.

J. H. Weaver, Littlestown, until December 31, 1939, vice Miss Evelyn C. Altoff.

Robert P. Smith, McSherrystown, until December 31, 1940, vice Charles B. Dougherty.

James A. Aumen, Gettysburg, until December 31, 1940, vice F. V. Topper.

Mrs. Mary K. McClean, Gettysburg, until December 31, 1940. (Reappointment)

ALLEGHENY COUNTY

Rev. Francis X. Foley, Pittsburgh, until December 31, 1941, vice Charles Aquadro.
 T. Brown Herron, Aspinwall, until December 31, 1941, vice Mrs. Leanna Thomas.
 Mrs. Augusta Stanley, Pittsburgh, until December 31, 1940, vice Mrs. Blanche M. Barr.
 Rev. E. S. Wallace, Pittsburgh, until December 31, 1939, vice William S. Doty.
 S. Steele Gow, Pittsburgh, until December 31, 1940, vice Mrs. Frances Lutz.
 R. Morris Moss, Pittsburgh, until December 31, 1940, vice Mrs. Nellie C. Wissler.
 Jerome Edlis, Pittsburgh, until December 31, 1940, vice Mrs. Hilda G. Henrici.
 Malcolm McConnell, Homestead, until December 31, 1939, vice Ben G. Graham.
 Norman Alderdice, Sewickley, until December 31, 1939, vice Clinton S. Golden.
 S. Leo Ruslander, Pittsburgh, until December 31, 1941. (Reappointment)
 David L. Starr, Esq., Bellevue, Pittsburgh, until December 31, 1939, vice Bernard L. Flynn.

ARMSTRONG COUNTY

Meyer Greenbaum, Ford City, until December 31, 1941, vice J. P. Turping.
 Francis T. Benson, Kittanning, until December 31, 1941, vice Mrs. Mary McLaughlin.
 Mrs. Elizabeth D. Stanier, Leechburg, until December 31, 1940, vice Samuel Hockenberry.
 Harvey H. Hanna, South Bend, until December 31, 1939, vice Earl Artman.
 Mrs. Alice Marshall, Dayton, until December 31, 1940, vice Mrs. Mary M. Geary.
 P. Thompson, MacDonald, Kittanning, until December 31, 1940, vice Tony G. Badiali.
 Andrew R. Ellenberger, Cowansville, until December 31, 1939, vice Mrs. Edith Dunn.

BEAVER COUNTY

Mrs. Rebecca R. Brown, Rochester, until December 31, 1941, vice O. H. Locke.
 Edwin M. Wallover, Esq., Midland, until December 31, 1941, vice Milton Selkovits.
 Mrs. Agnes Perrott, Beaver Falls, until December 31, 1940. (Reappointment)
 Robert M. Crawford, Aliquippa, until December 31, 1940, vice Mrs. Emily Howe.
 Perry A. Smith, New Brighton, until December 31, 1940, vice Mrs. Bessie Javenc.
 J. Newman Walker, Ambridge, until December 31, 1939.
 vice George L. Werner.
 T. B. Brownlee, New Brighton, until December 31, 1939, vice D. J. Maloney.

BEDFORD COUNTY

G. A. Troutman, Saxton, until December 31, 1941, vice John C. Dibert.
 Mrs. Eva Miller, Mann's Choice, until December 31, 1941, vice Mrs. Anne Ross.
 Walter Clark, Brezewood, until December 31, 1940, vice Herman Barkman.
 Robert Henry, Loysburg, until December 31, 1940, vice Mrs. Mary Smith.
 Albert Hoover, New Paris, until December 31, 1940, vice R. D. Sipes.
 Ransom Beegle, Bedford, until December 31, 1939, vice Herman Fetter.
 A. B. Egolf, Bedford, until December 31, 1939, vice John A. Topper.

BERKS COUNTY

Rev. Clement A. Sienkiewicz, Reading, until December 31, 1941, vice Francis L. Klemmer.
 Charles R. McCann, Reading, until December 31, 1941, vice Mrs. Alice I. Focht.

Mrs. Nellie S. Shook, Mt. Penn, Reading, until December 31, 1939, vice Charles William Hollenbacher.
 Mrs. Bessie B. Worrall, Reading, until December 31, 1940, vice Mrs. Emma H. Dry.
 Andrew P. Bower, Reading, until December 31, 1939, vice Joseph A. Martin.
 Rev. J. D. Edwards, Boyertown, until December 31, 1940, vice Mrs. Florence G. Luft.
 Edward L. Hettinger, Reading, until December 31, 1939, vice Mrs. Minnie M. Mays.

BLAIR COUNTY

Dr. Roy W. Goshorn, Hollidaysburg, until December 31, 1941, vice Lawrence Schrunk.
 Mrs. Eva M. Montgomery, Altoona, until December 31, 1941, vice Claude E. Snyder.
 Mrs. Eliza Emily Garber, Roaring Spring, until December 31, 1940, vice Mrs. Helen Clark.
 Orris G. Chrit, Altoona, until December 31, 1939, vice Mrs. Beatrice Moffitt.
 Mrs. Jennie D. Walter, Claysburg, until December 31, 1939. (Reappointment)
 N. A. Stevens, Altoona, until December 31, 1940, vice John Edward Ardell.
 James C. Davis, Tyrone, until December 31, 1940, vice Mrs. Nellie Hogue.

BRADFORD COUNTY

Captain John F. Beirne, Towanda, until December 31, 1941. (Reappointment)
 Mrs. Charlotte L. Davidson, Towanda, until December 31, 1939. (Reappointment)
 Martin R. Stalford, Wyalusing, until December 31, 1939. (Reappointment)
 Clayton H. Maryott, Monroeeton, until December 31, 1941, vice Alan J. Donlon.
 Mrs. Mary Newman, Canton, until December 31, 1940, vice Mrs. Catherine H. Laux.
 Mrs. Florence S. Schrier, Athens, until December 31, 1940, vice Mrs. Frances K. Murray.
 Eugene W. Osmun, Sayre, until December 31, 1940, vice John Snedeker.

BUCKS COUNTY

Mrs. Lillian Williams, Langhorne, until December 31, 1941, vice Mrs. Gretchen M. Hibbs.
 Mrs. N. Pamela Clymer, Chalfont, until December 31, 1940, vice Mrs. Rose C. Flood.
 Mrs. Elizabeth Mercur Roberts, Southampton, until December 31, 1940, vice Mrs. Mary Elizabeth McKinstry.
 J. Latta Jones, Doylestown, until December 31, 1941. (Reappointment)
 Mrs. Leanore Leattor, Riegelsville, until December 31, 1939, vice Mrs. Della Garver.
 Mrs. Edith Weamer, Quakertown, until December 31, 1940, vice Mrs. Frances A. Rufe.
 Dr. John T. Shaffer, Sellersville, until December 31, 1939, to fill a vacancy.

BUTLER COUNTY

R. J. Ferguson, Butler, until December 31, 1941, vice Mrs. Florence C. Von Krogh.
 F. Carl Anderson, Butler, until December 31, 1941, vice Mrs. Elva F. Beck.
 J. Brady Murrin, Butler, until December 31, 1939, vice Mrs. Maude N. Patterson.
 Ike Levy, Evans City, until December 31, 1940, vice Harry Daly.
 Mrs. Daisy Riddle, Butler, until December 31, 1940, vice Mrs. Callie Knox.
 Miss Helen Campbell, Butler, until December 31, 1940, vice Harry T. Rattigan.
 Mrs. Anita Williams, Butler, until December 31, 1939, vice Mrs. Elizabeth L. Campbell.

CAMBRIA COUNTY

Dr. Charles E. Overberger, Barnesboro, until December 31, 1939. (Reappointment)
 Mrs. Mary M. Hays, Johnstown, until December 31, 1941, vice Elvin Overdorff.
 Dr. David S. Bantley, Johnstown, until December 31, 1941, vice Mrs. Catherine Q. McGuire.
 Evan B. Lloyd, Johnstown, until December 31, 1940, vice Mrs. Naomi VanH. Shettig.
 A. L. Hunt, Cresson, until December 31, 1940, vice Frank J. Pentrack.
 Dr. John Allan Murray, Patton, until December 31, 1940, vice George C. Hoppel.
 A. A. Dietrich, Nanty Glo, until December 31, 1939, vice Blair Pawlowski.

CAMERON COUNTY

Mrs. Perna Gaskill Klees, Emporium, until December 31, 1941. (Reappointment)
 Mrs. Edna Schwab, Emporium, until December 31, 1940. (Reappointment)
 Mrs. Marian Murray, Emporium, until December 31, 1940, vice Charles T. Crone.
 E. P. Larson, Emporium, until December 31, 1941. (Reappointment)
 L. N. Coppersmith, Emporium, until December 31, 1940, vice James Moran.
 Mrs. Maude Muttersbaugh, Driftwood, until December 31, 1939, vice Mrs. Ella Bailey.
 Mrs. Nellie Whiting, Sterling Run, until December 31, 1939. (Reappointment)

CARBON COUNTY

Emerson C. West, Weatherly, until December 31, 1941, vice John Garrett.
 Charles Neast, Mauch Chunk, until December 31, 1941, vice James Kelly.
 George Mitten, Lansford, until December 31, 1940, vice Mrs. Bertha M. Binder.
 Mrs. Marie C. Christman, Lehighton, until December 31, 1940, vice Leon A. Stemler.
 Mrs. Tillie Heiss, Palmerton, until December 31, 1940, to fill a vacancy.
 Roy Remaley, Summithill, until December 31, 1939, vice David S. Kistler.
 John Marzen, East Mauch Chunk, until December 31, 1939, vice Mrs. Josephine Quinn.

CENTRE COUNTY

Newton Hartswick, State College, until December 31, 1941, vice Lloyd Boob.
 James H. Holmes, State College, until December 31, 1941, vice Mrs. Henrietta N. Willard.
 George Gilbert Kneff, Millheim, until December 31, 1940, vice Mrs. Lona Johnson.
 Horatio S. Moore, Bellefonte, until December 31, 1940, vice Mrs. Catherine Kilpatrick.
 Mrs. Helen Oursler Beatty, Bellefonte, until December 31, 1940, vice John Searly.
 Lewis Honka, Philipsburg, until December 31, 1939, vice Swengle Smith.
 H. T. Struble, Bellefonte, until December 31, 1939, vice Russell Spangler.

CHESTER COUNTY

Mrs. Virginia Thomas Galt, Glenmoore, until December 31, 1941, vice Mrs. Emma R. Garrett.
 Mrs. Bertha M. Whitaker, Coatesville, until December 31, 1941, vice Ray Waldron.
 Mrs. Julia Alice Brewer, Kennett Square, until December 31, 1940, vice James C. Coborne.
 Mrs. Laura E. Knauer, West Chester, until December 31, 1940, vice Samuel Dickey.
 Mrs. Edith H. Owens, Parkesburg, until December 31, 1940. (Reappointment)
 Harvey Thomas, Edgemont, until December 31, 1939, vice Mrs. Mabel Baer.
 Dr. Charles Evan Heald, West Grove, until December 31, 1939, vice Mrs. Mary E. O'Donnell.

CLARION COUNTY

Mrs. Sarah C. Rankin, Clarion, until December 31, 1941. (Reappointment)
 Miss Janes H. Orr, Clarion, until December 31, 1931, vice Miss Anna B. Graham.
 Mrs. Elizabeth Cribbs, New Bethlehem, until December 31, 1940, vice Mrs. Minnie Wilson Collner.
 Mrs. Stella Shotts, Leeper, until December 31, 1940, vice A. M. Hepler.
 H. C. Faller, Frysburg, until December 31, 1939, vice Dale Kriebble.
 Eugene Woods, Sligo, until December 31, 1939, vice Mrs. Leda R. Elder.
 Rev. R. K. Atchison, Rimersburg, until December 31, 1940, vice Fred V. Brown.

CLEARFIELD COUNTY

Dr. A. Park Boag, Clearfield, until December 31, 1941, vice Roll B. Thompson.
 Geo. Ohs, Houtzdale, until December 31, 1941, vice Harry S. Tantlinger.
 Dr. J. L. Cornnelly, Morrisdale, until December 31, 1940, vice Miss Mary White.
 John Y. Rafferty, Grampian, until December 31, 1939, vice Joseph Shankle.
 Mrs. Della Neff Patchin, Burnside, until December 31, 1940, vice Mrs. Mary Webb.
 John Helman, Coalport, until December 31, 1940, vice Charles Voinchet.
 Glenn W. Benson, DuBois, until December 31, 1939, vice George B. Kirk.

CLINTON COUNTY

Edward M. Eberhart, Lock Haven, until December 31, 1939, vice Mrs. Edith Bossart.
 E. J. Culmann, Lock Haven, until December 31, 1941, vice George Botts.
 Mrs. Marilla Stouck Gummo, Lock Haven, until December 31, 1941, vice Edw. P. Jones.
 Mrs. Cora Weilder, Renovo, until December 31, 1940, vice Mrs. Mary I. Betts.
 Samuel Williams, Renovo, until December 31, 1940, vice W. A. Morris.
 Mrs. Lulu Schroeder, Avis, until December 31, 1940, vice Mrs. Gertrude Wheeler.
 Ralph Welshans, Booneville, until December 31, 1939, vice J. L. Lubrecht.

COLUMBIA COUNTY

Mrs. Elsie Yorks Jones, Bloomsburg, until December 31, 1941, vice K. L. Pollock.
 Mrs. Jessie F. Herring, Orangeville, until December 31, 1939, vice Mrs. Helen Bernhard.
 Mrs. Marguerite Fortner, Centralia, until December 31, 1941, vice L. G. Weller.
 J. O. Gordner, Millville, until December 31, 1939, vice Mrs. Inez Brewington.
 S. B. Seely, Berwick, until December 31, 1940, vice Ellis Artley.
 Frank A. Creasy, Berwick, until December 31, 1940, vice A. G. Everett.
 Rev. Samuel A. Harker, Bloomsburg, until December 31, 1940, vice Merrill C. Fisher.

CRAWFORD COUNTY

Mrs. Ella H. Bayliss, Titusville, until December 31, 1940. (Reappointment)
 Rev. Wm. A. Cobb, Cambridge Springs, until December 31, 1941. (Reappointment)
 Mrs. Jeannette W. Hood Beatty, Meadville, until December 31, 1939. (Reappointment)
 Rev. John A. McAndrews, Conneautville, until December 31, 1940. (Reappointment)
 Howard L. Moore, Cochranton, until December 31, 1941. (Reappointment)
 Emmett Allen, Townville, until December 31, 1939. (Reappointment)
 Edward I. Bates, Meadville, until December 31, 1940, vice W. C. Arthur.

CUMBERLAND COUNTY

G. R. Fogelsonger, Shippensburg, until December 31, 1941, vice Mrs. Rachael Boyd Hollar.
 Mrs. Louise Bentz Carroll, Carlisle, until December 31, 1941, vice Miss Margaret M. Moser.
 Ray E. Hutter, Mechanicsburg, until December 31, 1940, vice Mrs. Helen S. Faller.
 Mrs. Lottie M. Thompson, Camp Hill, until December 31, 1940, vice Mrs. Merte Kehr.
 Mrs. Emma E. Brownhill, Enola, until December 31, 1940, vice Mrs. Nancy H. Spahr.
 Dr. J. Raymond Snyder, Mount Holly Springs, until December 31, 1939, vice Charles A. Goodyear.
 George H. Fry, Carlisle, until December 31, 1939, vice Charles W. Levan.

DAUPHIN COUNTY

Ezra Hershey, Hershey, until December 31, 1941, vice H. M. Kirkpatrick.
 Dr. David I. Miller, Harrisburg, until December 31, 1941, vice Frank A. Robbins.
 Mrs. Anne Rupp, Steelton, until December 31, 1940, vice Charles S. Davis.
 Mrs. Belle K. Kunkel, Harrisburg, until December 31, 1939, (Reappointment)
 E. R. Eckenrode, Harrisburg, until December 31, 1940, (Reappointment)
 Mrs. Gabriella C. Gilbert, Harrisburg, until December 31, 1940, (Reappointment)
 Charles C. Baker, Halifax, until December 31, 1939, vice Elwood Moffett.

DELAWARE COUNTY

Mrs. Eleanor B. Lloyd, Haverford, until December 31, 1941, vice George W. Wilkins.
 E. Wallace Chadwick, Esq., Chester, until December 31, 1941, vice Leslie P. Hill.
 Rev. M. W. Cohen, Brandywine Summit, Glen Mills, until December 31, 1940, vice Mrs. Winifred Bonner.
 Mrs. Mary Louise Woodruff, Glenolden, until December 31, 1940, vice Mrs. Henrietta G. S. Jaquette.
 Mrs. Ann T. Monihan, Ridley Park, until December 31, 1940, (Reappointment)
 Clarence L. Conner, Chester, until December 31, 1939, vice Raymond Loughhead.
 Raymond Rooke Start, Esq., Upper Darby, until December 31, 1939, vice D. Montford Melchier.

ELK COUNTY

Carl W. Asplund, St. Marys, until December 31, 1941, vice John F. O'Leary.
 Leo Mayer, St. Marys, until December 31, 1940, vice Edward G. Smith.
 Mrs. Kathryn Gardner, Ridgway, until December 31, 1941, vice John H. Cartwright.
 Mrs. Doris Thurston Engstrom, Johnsonburg, until December 31, 1939, vice Mrs. Susan Geary.
 Harrison Beardsley, Johnsonburg, until December 31, 1940, vice Mrs. Anna M. Kaul.
 Mrs. Frances Whamond, Brockport, until December 31, 1939, vice W. Scott Williams.

FAYETTE COUNTY

Charles M. Stone, Connellsville, until December 31, 1940, vice Chas. Weihe.
 Chas. M. Shank, Masontown, until December 31, 1941, vice Mr. Virginia Brown Newell.
 John Farrell, Uniontown, until December 31, 1941, vice Mrs. Alberta Bendik.
 Mrs. Louise L. Whipp, Point Marion, until December 31, 1939, vice John J. Campbell.
 Mrs. Maude S. Reynolds, New Salem, until December 31, 1940, vice Mrs. Alonzo C. Hagan.
 Mrs. Mabel Luman, Uniontown, until December 31, 1940, vice Mrs. Anna Manoli.
 Eli H. Hatfield, Brownsville, until December 31, 1939, to fill a vacancy.

FOREST COUNTY

J. Orr Carson, West Hickory, until December 31, 1941, vice Mrs. Cecile Elizabeth Baughman.
 Robert Pickens, Marienville, until December 31, 1941, vice George H. Reed.
 L. E. Moore, East Hickory, until December 31, 1940, vice Myron Fielman.
 Mrs. Clara Russell, Marienville, until December 31, 1939, vice Mrs. Anna Belle Schall.
 C. A. Weaver, Tionesta, until December 31, 1939, vice Forest Huff.
 Miss Ida S. Paup, Tionesta, until December 31, 1940, vice James C. Bowman.
 Rev. Carroll Smith, Tionesta, until December 31, 1940, vice Miss Helen Landers.

FRANKLIN COUNTY

Lee L. Steiger, Mercersburg, until December 31, 1941, vice W. B. O'Rear.
 Robert C. Gordon, Chambersburg, until December 31, 1941, vice S. G. Coons.
 Mrs. Rose G. Holler, Chambersburg, until December 31, 1940, vice Eckert Miller.
 Howard E. Craig, Waynesboro, until December 31, 1939, vice Mrs. Elizabeth S. Sellers.
 Mrs. E. Viola Hockman, Waynesboro, until December 31, 1940, vice Mrs. Emma Elizabeth W. Hutton.
 Mrs. Anna A. McGee, Spring Run, until December 31, 1940, vice John Holden.
 Mrs. Ruth E. Humbert, Greencastle, until December 31, 1939, vice John W. Warehime.

FULTON COUNTY

Wilson L. Nace, McConnellsburg, until December 31, 1941, vice William J. Lowe.
 Hon. H. P. Barton, Hustontown, until December 31, 1939, vice Mrs. Rebecca Stevens.
 Edward Palmer, Warfordsburg, until December 31, 1941, vice Frank Stinson.
 David A. Washabaugh, McConnellsburg, until December 31, 1940, vice Mrs. Lena McClain.
 George S. Grissinger, McConnellsburg, until December 31, 1940, vice Mrs. Grace Sheets.
 Edgar Hann, Harrisonville, until December 31, 1940, vice Mrs. Ethel Duffy.
 Mrs. Kathryn E. Shimer, McConnellsburg, until December 31, 1939, vice Mrs. Bertha Kirk.

GREENE COUNTY

Miss Jane Sayers, Waynesburg, until December 31, 1941, vice W. Robert Thompson.
 William T. Moore, Waynesburg, until December 31, 1939, vice John Rapchak.
 E. C. Cowell, Waynesburg, until December 31, 1939, vice James Null.
 L. J. Billingsley, Waynesburg, until December 31, 1941, vice Mrs. Ocie H. Clarke.
 A. G. Wiley, Wind Ridge, until December 31, 1940, vice Mrs. Esther Parker Wood.
 Henry W. Hoffmann, Brave, until December 31, 1940, vice Mrs. Edith Bailey Purman.
 Mrs. Zilpha Medley, Nemacolin, until December 31, 1940, vice Mrs. Brenda McClure Donley.

HUNTINGDON COUNTY

James Skinner, Huntingdon, until December 31, 1941, vice Mrs. Elizabeth Adams.
 Mrs. May Bergantz, Huntingdon, until December 31, 1939, vice Boyd Ewing.
 R. E. Long, Mount Union, until December 31, 1941, vice Henry Stafford.
 Dr. J. A. Puckey, Orbisonia, until December 31, 1940, vice G. A. Parker.
 Mrs. Keturah Ketterman, Entriiken, until December 31, 1940, vice Mrs. Fern Neff.
 Rev. Charles H. Stong, Petersburg, until December 31, 1940, vice Mrs. Lillian McGarvey.
 Bruce Abbott, Dudley, until December 31, 1939, vice Roy I. Grove.

INDIANA COUNTY

Dr. W. L. Benz, Blairsville, until December 31, 1941, vice Mrs. Frances Woodburn.
 Paul B. Hasinger, Indiana, until December 31, 1941, to fill a vacancy.
 Mrs. Mary B. Rhodes, Indiana, until December 31, 1940, vice Dr. George C. Martin.
 Ernest C. Fletcher, Saltsburg, until December 31, 1940, vice John Ghizzoni.
 Dr. Wilbur J. Black, Indiana, until December 31, 1940, vice Charles G. Prothero.
 Edward M. Thompson, Home, until December 31, 1939, vice Miss Elizabeth Stoneback.
 W. A. Dorn, Marchand, until December 31, 1939, vice Mrs. Bessie P. Kunkle.

JEFFERSON COUNTY

John McClure, Big Run, until December 31, 1941, vice Mrs. Adeline S. Corbett.
 Mrs. Minnie Thompson, Falls Creek, until December 31, 1940, vice Miss Cynthia Wohrle.
 Rev. Daniel Fitzpatrick, Reynoldsville, until December 31, 1939, vice Thomas C. McQuown.
 Frank Stockdale, Frostburg, until December 31, 1940, vice Mrs. Hazel Edelbluto.
 Ward Dock, Punxsutawney, until December 31, 1939, vice Leo D. Sullivan.
 Mrs. Charlotte Britton, Brockway, until December 31, 1941, (Reappointment)
 Harry G. Smail, Brookville, until December 31, 1940, vice Mrs. Minnie Dillman.

JUNIATA COUNTY

Mrs. Alida Johnson, Mifflin, until December 31, 1941, vice Jacob L. Groninger.
 Ezra C. Doty, Mifflintown, until December 31, 1939, vice Banks L. Swartz.
 Francis L. Cooper, Spruce Hill, until December 31, 1941, vice Mrs. Mary Headings.
 Joseph Sieber, McAlisterville, until December 31, 1940, vice Allen I. Klinger.
 Dr. Geo. G. Dawe, Mifflintown, until December 31, 1940, vice Bryan Crawford.
 Mrs. Isabel A. Howell, Academia, until December 31, 1940, vice Harvey C. Haas.
 Miss Henrietta Baldwin, Mifflintown, until December 31, 1939, vice Mrs. Pearl Basom.

LACKAWANNA COUNTY

James Todesco, Old Forge, until December 31, 1941, vice S. U. Colbassani.
 George Morgan, Scranton, until December 31, 1941, vice John Hart.
 Michael Holod, Dickson City, Scranton, until December 31, 1939, (Reappointment)
 Mrs. Florence Davies, Scranton, until December 31, 1940, vice Mrs. Catherine M. Butler.
 Barry Searle, Jr., Carbondale, until December 31, 1940, vice Mrs. Elizabeth Kraemer.
 Edgar Oliver, Scranton, until December 31, 1940, vice James B. Rosenfeld.
 Thomas Quinn, Scranton, until December 31, 1939, vice Thomas A. Dempsey.

LANCASTER COUNTY

Capt. John M. Groff, Lancaster, until December 31, 1941, vice P. Harry Wohlsein.
 Wm. E. Alexander, Lancaster, until December 31, 1941, (Reappointment)
 George W. Hensel, Jr., Quarryville, until December 31, 1940, (Reappointment)
 Dr. V. W. Dippell, Lancaster, until December 31, 1940, vice Mrs. Eleanor Swift Howell.
 Mrs. Laura Burtz Royce, Columbia, until December 31, 1939, (Reappointment)
 Miss Bess McGowan, Christiana, until December 31, 1940, vice Wallace R. Knerr.
 George L. Heiges, Manheim, until December 31, 1939, vice Mrs. Katherine Flinn Foltz.

LAWRENCE COUNTY

Harry H. Davies, New Castle, until December 31, 1939, (Reappointment)
 Frederick Taylor, Sr., Pulaski, until December 31, 1941, vice D. D. Valiensi.
 J. Preston Flaherty, New Castle, until December 31, 1940, vice G. S. Bennett.
 Charles Z. Bell, New Castle, until December 31, 1940, vice P. F. Butz.
 Ross H. Kirkpatrick, New Castle, until December 31, 1940, vice S. D. Johnston.
 Mrs. Blanche Sampson, Volant, until December 31, 1941, (Reappointment)
 Mrs. Bernice Shannon, New Castle, until December 31, 1939, (Reappointment)

LEBANON COUNTY

Harry C. Moyer, Schaefferstown, until December 31, 1941, vice Elwood Schwenk.
 Ray G. Light, Esq., Lebanon, until December 31, 1941, vice John J. Lawley.
 Edwin P. Rank, Lebanon, until December 31, 1939, vice I. Calvin Fisher.
 George S. Bleistein, Sr., Myerstown, until December 31, 1940, vice Mrs. Helen Krause.
 Mrs. Louise Strickler, Lebanon, until December 31, 1940, vice Mrs. Addie Dinah Brenner.
 Mrs. Anna Blanche Groh, Lebanon, until December 31, 1940, vice Mrs. Ernestine Turner Weber.
 Mrs. Sue E. Marquart, Lebanon, until December 31, 1939, vice Mrs. Clara Johnston.

LEHIGH COUNTY

William A. Gibson, Allentown, until December 31, 1941, (Reappointment)
 Thomas L. Smyth, Allentown, until December 31, 1939, (Reappointment)
 Rev. Henry I. Aulenbach, Allentown, until December 31, 1941, vice Albert D. Gomery.
 Mrs. Eva Krum, Slatington, until December 31, 1940, vice Mrs. Edna Zweifel.
 Mrs. Ruth Siegfried, Allentown, until December 31, 1940, vice Mrs. Cora Gangewere.
 Mrs. Ruth H. Thornburg, Fountain Hill, Bethlehem, until December 31, 1940, vice Mrs. Anna O'Brien.
 Gurney F. Afflerbach, Allentown, until December 31, 1939, vice Mrs. Melba Hennemuth.

LUZERNE COUNTY

Mrs. Sarah Evans Kent, Huntsville, Dallas, until December 31, 1941, vice Frank Correale.
 Mrs. Martha Freeman Galland, Wilkes-Barre, until December 31, 1939, vice John B. Gallagher.
 Frank Cardoni, Plains, Wilkes-Barre, until December 31, 1941, vice Abram Salsburg.
 John Dougherty, Plymouth, until December 31, 1940, vice Franklin Hill.
 Dr. G. J. Bednarik, Wilkes-Barre, until December 31, 1940, vice Mrs. Mary Agnes Gillis.
 Frank Prosser, Hazleton, until December 31, 1940, vice Mrs. May Conlon Mundy.
 Fred Bittenbender, Huntingdon Mills, until December 31, 1939, vice Charles K. Dewees.

LYCOMING COUNTY

Dr. Stuart B. Gibson, Williamsport, until December 31, 1941, vice Mrs. Isabella Fairfax.
 Clair W. Bishop, Williamsport, until December 31, 1941, vice Howard L. Ulman.
 William H. Hough, Williamsport, until December 31, 1940, vice Kenneth D. Poust.
 Rev. Ganse Little, Williamsport, until December 31, 1940, vice Joseph A. London.
 Mrs. Grace Nicholson, Muncy, until December 31, 1940, vice James W. Foresman.
 Mrs. Edna Laurea Younkin, Williamsport, until December 31, 1939, vice Mrs. Sylvia B. Hays.
 Paul J. Egan, Jersey Shore, until December 31, 1939, vice Mrs. Alice Delaney.

MERCER COUNTY

R. E. English, Grove City, until December 31, 1941. (Reappointment)
 Dr. W. W. Richardson, Mercer, until December 31, 1941. (Reappointment)
 Chas. D. Rissel, Greenville, until December 31, 1940. (Reappointment)
 Dr. Myron Murstein, Sharon, until December 31, 1940, vice Stephen B. Doyle.
 Mrs. Mildred Clark, Sharpsville, until December 31, 1939. (Reappointment)
 Mrs. Myrtle L. Allen, Sharon, until December 31, 1939. (Reappointment)
 Mrs. Jane Dear, Farrell, until December 31, 1940, vice Geo. Frankel.

MIFFLIN COUNTY

Mrs. Edith M. Jones, Burnham, until December 31, 1941. (Reappointment)
 W. H. Allison, Lewistown, until December 31, 1939. (Reappointment)
 T. C. Matthews, Lewistown, until December 31, 1940. (Reappointment)
 Rev. James H. Goss, Lewistown, until December 31, 1941. (Reappointment)
 Mrs. Beulah Gill, Burnham, until December 31, 1940, vice P. M. Headings.
 Harold P. Hanna, Lewistown, until December 31, 1940, vice Charles C. Duck.
 E. W. Thomas, Burnham, until December 31, 1939, vice Mrs. Marian U. Hoffman.

MONROE COUNTY

Mrs. Elmira Shafer, Gilbert, until December 31, 1940. (Reappointment)
 Mrs. Hazel S. Achterman, Stroudsburg, until December 31, 1940. (Reappointment)
 Mrs. Leila M. Beers, Stroudsburg, until December 31, 1939. (Reappointment)
 Mrs. Helen W. Hoffman, East Stroudsburg, until December 31, 1940. (Reappointment)
 Harry L. Sutton, East Stroudsburg, until December 31, 1941, vice Montgomery F. Crowe.
 Mrs. Johanna N. Keiper, Stroudsburg, until December 31, 1941, vice Ernest H. Wycoff.
 Mrs. Cornelia Rhodes, Tobyhanna, until December 31, 1939, vice Mrs. Julia C. Henry.

MONTGOMERY COUNTY

Mrs. Lillian L. Strauss, Ashbourne, Philadelphia, until December 31, 1940. (Reappointment)
 Miss Marjorie N. MacCoy, Haverford, until December 31, 1941. (Reappointment)
 William E. Wills, Bridgeport, until December 31, 1941, vice Mrs. Agnes O'Neil.
 Dr. Paul T. Moyer, Lansdale, until December 31, 1940, vice Willis B. Bergey.
 Mrs. Ellen Newbold Jacobs, Norristown, until December 31, 1940, vice Harry K. Bush.
 Lawrence E. Orgill, Pottstown, until December 31, 1939, vice James J. Kane.
 Rev. Nathaniel B. Groton, Whitemarsh, until December 31, 1939, vice Mrs. Jeanne R. French.

MONTGOMERY COUNTY

Mrs. Erma T. Deily, Danville, until December 31, 1941. (Reappointment)
 Mrs. Mary Perry, Danville, until December 31, 1940. (Reappointment)
 Mrs. Mary Peifer, Danville, until December 31, 1941, vice Dr. Harry Hinshillwood.
 Miss Anna Pritchard, Danville, until December 31, 1940, vice Mrs. Mary F. Wagner.
 Mrs. Martha Critchfield Stitler, Danville, until December 31, 1940, vice Mrs. Blanche Baynhan.
 Rev. Walter Brown, Danville, until December 31, 1939, vice Chas. Peifer.
 John F. Tooley, Danville, until December 31, 1939, vice Mrs. Eloise Shultz.

NORTHAMPTON COUNTY

Hon. Henry A. Miller, Northampton, until December 31, 1941, vice Mrs. Jennie Kubilus.
 Arthur Stoddard, Bangor, until December 31, 1941, vice Mrs. Maitland Rainos.
 Wm. P. Gano, Nazareth, until December 31, 1940, vice Mrs. Dora Leyin.
 Orion H. Reeves, Easton, until December 31, 1940, vice Charles P. Warner.
 John F. Oldt, Easton, until December 31, 1939, vice David Brillhardt.
 Morrill Miles Moore, Bethlehem, until December 31, 1940, vice Miss Fannie Henry.
 Miss Catherine McGrath, Easton, until December 31, 1939, vice William H. Price.

NORTHUMBERLAND COUNTY

Francis Reed, Shamokin, until December 31, 1941, vice Mike Kotancick.
 Edwin F. Fish, Milton, until December 31, 1941, vice James Leavens.
 Frank A. Neff, Sunbury, until December 31, 1940, vice Mrs. Loretta Houtz.
 John U. Shroyer, Shamokin, until December 31, 1940, vice Dr. R. B. McCay.
 J. J. Dusick, Shamokin, until December 31, 1939, vice Silas Nayfield.
 Mrs. Ida Butts Morse, Mt. Carmel, until December 31, 1940, vice Mrs. Irene Clinger.
 Joseph Zecoski, Shamokin, until December 31, 1939, vice Dr. Wm. Buckley.

PERRY COUNTY

Edward S. Glass, Duncannon, until December 31, 1941, vice G. E. Thomas, Adams.
 A. E. Deckard, New Bloomfield, until December 31, 1939, vice Miss Mabel O. Ellenberger.
 Herman Shoemaker, Liverpool, until December 31, 1941, to fill a vacancy.
 Lynn McMillen, Loysville, until December 31, 1940, to fill a vacancy.
 Miss Eleanor Shutter, Newport, until December 31, 1940, vice B. Stiles Duncan.
 Paul Ellenberger, Marysville, until December 31, 1939, vice Mrs. May S. Sharp.
 Mrs. Zora Martin, Blain, until December 31, 1940, vice Edward L. Holman.

PHILADELPHIA COUNTY

Dr. Wm. H. Finescriber, Philadelphia, until December 31, 1941, vice Vincent De Vergiliis.
 Rev. W. B. Forney, Philadelphia, until December 31, 1940, vice Louis Heiland.
 Harry V. Daugherty, Philadelphia, until December 31, 1940, vice Mrs. Rose Anna Piekarski.
 Thomas L. Evans, Wynnewood, until December 31, 1940, vice Joseph D. Burke.
 Rgt. Rev. Monsignor Cornelius P. Brennan, Philadelphia, until December 31, 1941, vice Louis Schmidt.
 Cadmus Z. Gordon, Jr., Philadelphia, until December 31, 1939, vice Robert Weinstein.
 Philip Sterling, Esq., Philadelphia, until December 31, 1941, vice Mrs. Elsie Pfaelzer.
 Miss Mary Dercum, Philadelphia, until December 31, 1939, vice Henry P. Cheatham.
 Herbert E. Millen, Philadelphia, until December 31, 1939, vice Philip C. Staples.
 Mrs. Marianna G. Coleman, Bryn Mawr, until December 31, 1939, to fill a vacancy.
 John J. Cregan, Philadelphia, until December 31, 1940. (Reappointment)

PIKE COUNTY

Frank O. LeCompt, Milford, until December 31, 1941, vice Mrs. Virginia S. Black.
 Mrs. Carloyn S. Ludwig, Milford, until December 31, 1941, vice Frank B. Stutsman.

Norman Guillot, Bushkill, until December 31, 1939, vice Joseph Mager.

Mrs. Nina Hopps, Greentown, until December 31, 1940, vice Raymond Hessberger.

Mrs. Gertrude A. Bihl, Lackawaxen, until December 31, 1940, vice Mrs. Katherine Grimm.

Leland Ryder, M. moras, until December 31, 1940, vice George Darragh.

William Soller, Matamoras, until December 31, 1939, vice Mrs. Ethel Schumacher.

POTTER COUNTY

Mrs. Lilah Curry Wandall, Coudersport, until December 31, 1941, vice Mrs. Emma K. Grover.

Carrie W. Benson, Carter Camp, until December 31, 1940, vice E. M. Fischler.

W. Arthur Ham, Galeton, until December 31, 1940, vice Mrs. Mary Burt.

Claude Valentine, Roulette, until December 31, 1939. (Reappointment)

Walter T. Palmer, Shinglehouse, until December 31, 1941. (Reappointment)

Carlton C. Grover, Ulysses, until December 31, 1939, vice Mrs. Lenore Marie Carroll.

Hon. Robert R. Lewis, Coudersport, until December 31, 1940, vice Miss Marian Stone.

SCHUYLKILL COUNTY

Mrs. Bessie Seidell Bechtel, Pottsville, until December 31, 1939, vice Charles B. Williams.

John E. Schlottman, Pottsville, until December 31, 1941, vice I. A. Seltzer.

Bernard McGinley, Middleport, until December 31, 1941, vice Mrs. Ann Pepper.

Dr. A. T. Liachowitz, Mahanoy City, until December 31, 1940, vice Martin Brennan.

Mrs. Mary Cecelia Hagen, St. Clair, until December 31, 1939, vice Mrs. Nan Kenney.

Harvey Luckenbill, Orwigsburg, until December 31, 1940, vice Mrs. Helen Chaikowski.

C. T. Straughn, Shenandoah, until December 31, 1940, vice Ed. Marazas.

SNYDER COUNTY

Charles F. Wagner, McClure, until December 31, 1941, vice John O. Parry.

George Rhoads, Shamokin Dam, until December 31, 1941. (Reappointment)

Oscar E. Letteer, Middleburg, until December 31, 1939, vice Mrs. Phoebe Wetzel.

Leo Fisher, Selinsgrove, until December 31, 1940, vice David Owens.

Mrs. Irene B. Erdley, Middleburg, until December 31, 1940, vice Mrs. Wilhemina Stetler.

Homer VanDevender, Selinsgrove, until December 31, 1939, vice Mrs. Victoria Harrison.

SOMERSET COUNTY

Rev. Charles Blough, Davidsville, until December 31, 1941, vice Mrs. Teresa Laughman.

Miss Olivia Dia, Meyersdale, until December 31, 1941, vice Mrs. Jane G. Brown.

Mrs. Elsie Shaulis, Somerset, until December 31, 1940, vice Mrs. Margaret Gilbert.

Charles Blatt, Somerset, until December 31, 1939, vice John P. Manning.

Harry Rishabarger, Addison, until December 31, 1940, vice Mrs. Louise Miller.

Mrs. Sada Snyder, Stoystown, until December 31, 1940, vice Mrs. Ruey F. Picking.

Mrs. Daryle Heckman, Somerset, until December 31, 1939, vice Frank R. Coder, Sr.

SULLIVAN COUNTY

B. T. Martin, Dushore, until December 31, 1941, vice Mrs. Floye Davis Henning.

C. A. Bahr, Dushore, until December 31, 1941, vice Mrs. Nellie Marie Kanally.

J. H. Dieffenbach, Colley, until December 31, 1940, vice Miss Anna M. Finan.

Edward M. Williams, Wheelerville, until December 31, 1940, vice Ralph Hugo.

Edward B. Wright, Forksville, until December 31, 1940, vice James P. McGee.

Mrs. Marie Hydock, Sonestown, until December 31, 1939, vice Frank V. Rohe.

Miss Anna Speary, Sonestown, until December 31, 1939, vice George Dietrick.

SUSQUEHANNA COUNTY

Mark B. Lake, South Montrose, until December 31, 1941. (Reappointment)

A. D. Kehren, Forest City, until December 31, 1941, vice Miss Laura B. Riley.

E. E. Corey, Meshoppen, until December 31, 1940, vice Michael Skubic.

Mrs. Winifred Meehan, Montrose, until December 31, 1939. (Reappointment)

Frank J. Chapman, Susquehanna, until December 31, 1939, vice John W. Murphy.

Mrs. Nellie Ness, Susquehanna, until December 31, 1940, vice Michael J. O'Reilly.

Miss Mercedes O. Cubria, Montrose, until December 31, 1940, vice Mrs. Mary B. Donnelly.

TIOGA COUNTY

W. N. Smith, Millerton, until December 31, 1941, vice William Trowbridge.

J. D. Seagers, Westfield, until December 31, 1940, vice John J. Preston.

William J. Ordway, Elkland, until December 31, 1940, vice Miss Martha McInroy.

Arthur H. Dartt, Wellsboro, until December 31, 1941. (Reappointment)

Miss Helen A. Blair, Wellsboro, until December 31, 1939, vice Thomas J. Birmingham.

George O'Donnell, Blossburg, until December 31, 1939, vice Stanley J. Hudzinski.

Mrs. Edna Mae Fleitz, Mansfield, until December 31, 1940.

UNION COUNTY

Prof. Chas. F. DeWine, Lewisburg, until December 31, 1941. (Reappointment)

Mrs. Laura VonNeida, Hartley, Laurelton, until December 31, 1941. (Reappointment)

Arthur A. Eisenhauer, Kelly, Lewisburg, until December 31, 1940, vice Harry Barber.

Hiram Walter, East Buffalo, Lewisburg, until December 31, 1940, vice Philip K. Frederick.

Prof. Arthur E. Minnier, Lewisburg, until December 31, 1939, vice Charles Zeller.

Mrs. Blanche A. Ehrhart, Mifflinburg, until December 31, 1939. (Reappointment)

Rev. Floyd A. Huff, White Deer, until December 31, 1940. (Reappointment)

VENANGO COUNTY

Miss Winnie Egbert, Oil City, until December 31, 1940. (Reappointment)

N. L. Ramsey, Oil City, until December 31, 1941, vice Mrs. Eleanor Jenkins McLaughlin.

E. P. Boyle, Oil City, until December 31, 1940, vice Mrs. Lillian Karns.

Rev. W. Robert Webb, Franklin, until December 31, 1941. (Reappointment)

Francis B. Hollister, Franklin, until December 31, 1940, vice Mrs. Agnes F. Carmichael.

Mrs. Gladys Baker Maitland, Franklin, until December 31, 1939, vice Maurice Splain.

J. K. Earp, Oil City, until December 31, 1939, vice Emmett E. Bailey.

WARREN COUNTY

H. P. Stone, Warren, until December 31, 1941, vice Cecil C. Winans.

Fred Shaw, Tidioute, until December 31, 1939, vice Mrs. Nelle G. Walker.

George E. Cowden, North Warren, until December 31, 1940, vice Mrs. Margaret Ceelia Harris.

Leonard Swanson, Warren, until December 31, 1939. (Reappointment)

Mrs. Minnie Haggerty, Sugargrove, until December 31, 1941. (Reappointment)

Mrs. Emma D. Chrisman, Warren, until December 31, 1940, vice Mrs. Mary McCracken.

Mrs. Kathryn M. Frantz, Warren, until December 31, 1940, vice Mrs. Bessie Elder.

WASHINGTON COUNTY

George Grimes, Centerville, West Brownsville, until December 31, 1941, vice Dr. Ralph W. Martin.

Mrs. Eva D. Cummins, Houston, until December 31, 1941, vice Robert Crawford.

James B. Wray, Finleyville, until December 31, 1940, vice Henry Sheaff.

Mrs. Irene Walker, Daisytown, until December 31, 1940, vice Samuel White.

Charles A. Hamilton, Langeloth, until December 31, 1940, vice Mrs. Dorothy Richey.

Mrs. Delia Kelly, Donora, until December 31, 1939, vice Mrs. Gladys Parry.

John E. Cary, Washington, until December 31, 1939, vice W. C. Edwards.

WAYNE COUNTY

Neil Keene, Waymart, until December 31, 1941, vice Lyle Swingle.

Roy N. Howe, Lake Ariel, until December 31, 1941, vice Mrs. Lydia Dietrick.

Hon. George Gilchrist, Lake Como, until December 31, 1939. (Reappointment)

Miss Bridget Corcoran, Hawley, until December 31, 1940. (Reappointment)

Mrs. Hazel Hill, Honesdale, until December 31, 1940, vice Mrs. Emma Martin.

Mrs. Ernestine Haag, Newfoundland, until December 31, 1940, vice Mrs. Mae Thorpe Osborn.

Miss Edith Swift, Honesdale, until December 31, 1939, vice Mrs. Lottie M. S. Brenneman.

WESTMORELAND COUNTY

Dr. John B. Laughery, Sutersville, until December 31, 1941, vice Miss Nell Duke.

B. W. Kerr, Greensburg, until December 31, 1941, vice Mrs. Mary Dinsmore.

J. Claire Manson, Jeannette, until December 31, 1940. (Reappointment)

Mrs. Cecelia R. Jamison, Greensburg, until December 31, 1939. (Reappointment)

James E. Loughery, Greensburg, until December 31, 1940, vice Mrs. Mary Ann Noel.

Edward R. Stirling, Vandergrift, until December 31, 1940. (Reappointment)

Wm. M. Murray, New Kensington, until December 31, 1939, vice Mrs. Margaret Flavin.

WYOMING COUNTY

William A. Kelly, Tunkhannock, until December 31, 1941, vice H. L. Billings.

Cecil P. Allen, Tunkhannock, until December 31, 1939, vice Mrs. Lillian Auvil.

Horace Sick, Tunkhannock, until December 31, 1940, vice Mrs. Hilda C. Vaughn.

Mrs. Lulu Gilmore, Noxen, until December 31, 1940, vice Mrs. Mary Quinn.

Mrs. Maude Ellsworth, Meshoppen, until December 31, 1940, to fill a vacancy.

Miss Nellie Kleinfelter, Factoryville, until December 31, 1939, to fill a vacancy.

Mrs. Helen Smith, Nicholson, until December 31, 1941. (Reappointment)

ARTHUR H. JAMES.

NOTARIES PUBLIC

He also presented in writing from His Excellency, the Governor of the Commonwealth, nominations for appointment as Notaries Public, which were laid on the table.

COMMUNICATION

The Chair directed the Clerk to read a communication to the Secretary of the Senate, from the Department of Public Assistance, written in compliance with Resolution introduced by Senator Stevenson, furnishing information relative to public assistance, and it was directed that mimeographed copies of the communication from the Secretary of the Department of Public Assistance be prepared and placed on the desk of each Senator.

COMMUNICATION FROM DEPARTMENT OF HIGHWAYS

The Clerk read a communication from the Department of Highways, addressed to the Secretary of the Senate, in compliance with a request to the Highway Department, (Legislative Journal, page 573, Extraordinary Session of 1938) requesting a survey of local motor vehicle traffic and traffic municipalities, which was referred to the Committee on Highways.

PETITION

URGING REDUCTION OF TAXES

The Chair cleared his table and laid before the Senate the following:

Berwyn, Penna., March 14, 1939.

Pennsylvania State Senate:

Gentlemen:

For the sake of the poor, but honest citizens of this State, please put through a bill similar to the plan put through not long ago, which will enable us to pay down a certain amount of taxes and the balance by the month. This will help the taxpayers of this State.

Very truly,

THOMAS P. FITZGERALD
CLARA J. FITZGERALD
Woodside Road.

COMMUNICATION IN REFERENCE TO DATE OF SPECIAL ELECTION, 45TH SENATORIAL DISTRICT

The Chair directed that communication of March 7, 1939, addressed to the Board of County Commissioners, Allegheny County, Pittsburgh, Pa., requesting appointment of a time to hold a special election, together with reply thereto, from the Commissioners of Allegheny County, dated March 10, 1939, be noted in the record, as follows:

March 7, 1939

Board of County Commissioners,
Allegheny County,
Pittsburgh, Pennsylvania.

Gentlemen:

In formal opinion 276, under date of March 3, 1939, Attorney General Claude T. Reno, advised that the resignation which Senator P. J. Henney submitted to my predecessor in office terminated and vacated his office as Senator of the Forty-fifth Senatorial District, and that it is my duty under Article II, Section 2 of the Constitution of Pennsylvania to issue formal writ of election by reason of such vacancy.

Section 628, Act 320, page 1358. P. L. 1937, requires that the Presiding Officer of the Senate, shall issue, within ten

days after the happening of said vacancy, a writ of election to the County Board or Boards of Election and to the Secretary of the Commonwealth for a Special Election to fill said vacancy, which election shall be held on a day named in the writ, which shall be not less than thirty days after the issuance of said writ.

Before issuing this writ, I am taking the liberty of requesting that you advise me what date, in your opinion, would be agreeable and proper to designate for the purpose above indicated.

Awaiting an early reply, I am

Yours very truly,

S. S. LEWIS.

SSL:g

WRIT OF ELECTION

COMMONWEALTH OF PENNSYLVANIA, SS:

To the County Board of Elections of Allegheny County:
To Honorable S. M. R. O'Hara, Secretary of the Commonwealth of Pennsylvania:

Greetings: Whereas a vacancy exists in the office of Senator of the Commonwealth of Pennsylvania for the Forty-fifth Senatorial District, within the County of Allegheny, by reason of the resignation of Honorable P. J. Henney, Senator from the said Senatorial District, and in accordance with the ruling contained in Formal Opinion No. 276 of the Department of Justice issued by Attorney General Claude T. Reno under date of March 3, 1939.

Now, therefore, I, Samuel S. Lewis, President of the Senate, by virtue of the authority vested in me by the Constitution of the Commonwealth of Pennsylvania, and by the Acts of Assembly in such case made and provided, do hereby command you: That you cause an election to be held in the said Forty-fifth Senatorial District of the Commonwealth of Pennsylvania, on Tuesday, 7th day of November, A. D. One Thousand Nine Hundred and Thirty-nine, to choose a person to represent said Forty-fifth Senatorial District in the Senate of Pennsylvania for the remainder of the term expiring November 30th, One Thousand Nine Hundred and Forty, and that you give due and public notice of said election throughout the Forty-fifth Senatorial District in form and manner directed by law.

Given under my hand and the seal of the Senate of Pennsylvania at Harrisburg, Pennsylvania, this 15th day of March, 1939.

President of the Senate,

S. S. LEWIS.

COUNTY OF ALLEGHENY

Pittsburgh, Penna., March 10, 1939.

Hon. Samuel S. Lewis,
Lieutenant Governor of the
Commonwealth of Pennsylvania,
Harrisburg, Pennsylvania.

Dear Sir:

Receipt is hereby acknowledged of your letter inviting the Board of County Commissioners of Allegheny County, constituting the Board of Elections, to suggest a date for the holding of a special election to fill the vacancy declared to exist in the Forty-fifth Senatorial District.

We appreciate the courtesy extended to us by your letter. The Board is advised that the expense of holding such special election will be not less than \$25,000.00. We have also noted that the tentative date set for the adjournment of the present Assembly is the thirtieth day of April, 1939. We have further considered the fact that the special election could not be held until thirty days after the issuance of the Writ of Election, as provided in the Election Code, the Act of June 3, 1937, P. L. 1333, Section 6628. It is evident, therefore, that if a special election was held within the next thirty or forty days the Senator elected would have but a few days to serve in the present session.

It would, therefore, appear to be a waste of public money to expend the amount of money stated above to

elect a Senator for the few remaining days of the session.

The Board of Commissioners, therefore, by unanimous vote, respectfully suggest that you, as the presiding officer of the Senate, under the power conferred upon you by the aforesaid section 628 of the Election Code, fix in the Writ of Election the date of the next ensuing Primary or Municipal Election as the date for holding such special election.

Respectfully yours,

JOHN J. KANE,
GEORGE RANKIN, JR.,
JOHN S. HERRON.

Commissioners of Allegheny County,
Constituting the Board of Elections.

Pittsburgh, Penna., March 16, 1939.

This is to certify that I have this date received from John W. Everett, Sergeant-At-Arms of the Senate of Pennsylvania, papers showing Writ of Election in reference to Special Election on account of the Resignation of Honorable P. J. Henney, State Senator from the Forty-fifth Senatorial District, within the County of Allegheny.

Signed,

JOHN L. HERNON.

For the County Board of Elections
of Allegheny County.

COMMONWEALTH OF PENNSYLVANIA } SS:
COUNTY OF ALLEGHENY

John W. Everett, being duly sworn according to law, says that he resides at Indiana, Indiana County, Pennsylvania, that he is Sergeant-at-Arms of the Senate of Pennsylvania:

That he served on the County Board of Elections of Allegheny County, on March 16th, 1939, at 11:30 o'clock A. M., at the office of said County Board of Elections of Allegheny County in the City of Pittsburgh, Allegheny County, Pennsylvania, a special writ of election for the Forty-fifth Senatorial District, within the County of Allegheny, a copy of which is hereto affixed, by the command of the Honorable Samuel S. Lewis, Lieutenant-Governor of the Commonwealth and President of the Senate.

Sworn and subscribed to this 18th day of March, 1939.

JOHN W. EVERETT.
Sergeant-at-Arms.

COMMONWEALTH OF PENNSYLVANIA } SS:
COUNTY OF DAUPHIN

John W. Everett, being duly sworn according to law, says that he resides at Indiana, Indiana County, Pennsylvania, that he is Sergeant-at-Arms of the Senate of Pennsylvania:

That he served on Honorable S. M. R. O'Hara, Secretary of the Commonwealth of Pennsylvania, on March 15th, 1939, at 5 o'clock P. M., at the office of the said Secretary of the Commonwealth of Pennsylvania, Room 308 of the Capitol, in the City of Harrisburg, Dauphin County, Pennsylvania, a special writ of election for the Forty-fifth Senatorial District, within the County of Allegheny, a copy of which is hereto affixed, by the command of the Honorable Samuel S. Lewis, Lieutenant-Governor of the Commonwealth and President of the Senate.

Sworn and subscribed to this 18th day of March, 1939.

JOHN W. EVERETT.
Sergeant-at-Arms.

BILLS INTRODUCED

Mr. FARRELL read in his place and presented to the Chair, by request, Senate Bill No. 238, entitled:

An Act to amend the act, approved the twelfth day of May, one thousand nine hundred and twenty-five (P. L. 618), entitled "An act increasing the powers of certain stock health and accident insurance companies," by providing for the issuance of policies of industrial life and industrial endowment insurance in an amount less than one thousand dollars.

Which was committed to the Committee on Insurance.

He also read in his place and presented to the Chair by request, Senate Bill No. 239, entitled:

An Act to amend clause (2) of subdivision (c) of section two hundred two, and section six hundred eight, of the act, approved the seventeenth day of May, one thousand nine hundred and twenty-one (P. L. 682), entitled "An act relating to insurance; amending, revising, and consolidating the law; providing for the incorporation of insurance companies, and the regulations, supervision, and protection of home and foreign insurance companies, Lloyds associations, reciprocal and inter-insurance exchanges, and fire insurance rating bureaus, and the regulation and supervision of insurance carried by such companies, associations, and exchanges, including insurance carried by the State Workmen's Insurance Fund; providing penalties; and repealing existing laws," by providing in each section for the issuance of policies for insurance against death arising from natural causes for an amount not exceeding one thousand dollars.

Which was committed to the Committee on Insurance.

Mr. EDMONDS read in his place and presented to the Chair Senate Bill No. 240, entitled:

An Act to further amend the act, approved the ninth day of April, one thousand nine hundred and twenty-nine (P. L. 343), entitled "An act relating to the finances of the State government; providing for the settlement, assessment, collection, and lien of taxes, bonus, and all other accounts due the Commonwealth, the collection and recovery of fees and other money or property due or belonging to the Commonwealth or any agency thereof, including escheated property and the proceeds of its sale the custody and disbursement or other disposition of funds and securities belonging to or in the possession of the Commonwealth, and the settlement of claims against the Commonwealth, the resettlement of accounts and appeals to the courts refunds of moneys erroneously paid to the Commonwealth, auditing the accounts of the Commonwealth and all agencies thereof, of all public officers collecting moneys payable to the Commonwealth, or any agency thereof, and all receipts of appropriations from the Commonwealth and imposing penalties; affecting every department, board, commission, and officer of the State government, every political subdivision of the State, and certain officers of such subdivisions, every person association, and corporation required to pay, assess, or collect taxes, or to make returns or reports under the laws imposing taxes for State purposes, or to pay license fees or other moneys to the Commonwealth, or any agency thereof, every State depository and every debtor or creditor of the Commonwealth," changing the procedure in cases of, and the right to, settlements, resettlements, reviews and appeals, and the interest rates on certain payments due the Commonwealth; and allowing interest on refunds due from the Commonwealth.

Which was committed to the Committee on Finance.

Mr. WALKER read in his place and presented to the Chair Senate Bill No. 241, entitled:

An Act authorizing counties of the second class to make appropriations to the State World's Fair Commission.

Which was committed to the Committee on Federal Relations.

Mr. CROWE read in his place and presented to the Chair Senate Bill No. 242, entitled:

An Act authorizing the Commonwealth to loan money to cities, boroughs and townships on the security of uncollected taxes.

Which was committed to the Committee on State Government.

He also read in his place and presented to the Chair Senate Bill No. 243, entitled:

An Act making an appropriation to the General Hospital of Monroe County, East Stroudsburg, Pennsylvania.

Which was committed to the Committee on Appropriations.

Mr. WOLFENDEN read in his place and presented to the Chair Senate Bill No. 244, entitled:

An Act to amend the act, approved the seventh day of June, one thousand nine hundred and seventeen (P. L. 447), entitled "An act relating to the administration and distribution of the estates of decedents and of minors, and of trust estates; including the appointment, bonds, rights, powers, duties, liabilities, accounts, discharge and removal of executors, administrators, guardians, and trustees, hereinafter designated as fiduciaries; the administration and distribution of the estates of presumed decedents; widow's and children's exemptions; debts of decedents, rents of real estate as assets for payment thereof, the lien thereof, sales and mortgages of real estate for the payment thereof, judgments and executions therefor, and the discharge of real estate from the lien thereof; contracts of decedents for the sale or purchase of real estate; legacies, including legacies charged on land; the discharge of residuary estates and of real estate from the lien of legacies and other charges; the appraisal of real estate devised at a valuation; the ascertainment of the curtilage of dwelling houses or other buildings devised; the abatement and survival of actions, and the substitution of executors and administrators therein and suits against fiduciaries; investments by fiduciaries; the organization of corporations to carry on the business of decedents; the audit and review of accounts of fiduciaries; refunding bonds, transcripts to the court of common pleas of balances due by fiduciaries; the rights, powers, and liabilities of non-resident and foreign fiduciaries; the appointment, bonds, rights, powers, duties and liabilities of trustees durante absentia; the recording and registration of decrees, reports, and other proceedings, and the fees therefor; appeals in certain cases; and also, generally dealing with the jurisdiction, powers, and procedure of the orphans' court in all matters relating to fiduciaries concerned with the estates of decedents," as amended, by further modifying the terms and conditions under which the investment of trust funds may be made by fiduciaries.

Which was committed to the Committee on Judiciary General.

He also read in his place and presented to the Chair Senate Bill No. 245, entitled:

An Act limiting the liability of fiduciaries for taxes, assessments and other charges against real property held by them to the assets of the estate, fund, or trust of which such property is a part.

Which was committed to the Committee on Judiciary General.

Mr. EROE read in his place and presented to the Chair Senate Bill No. 246, entitled:

An Act to amend Route 37001 established by the act, approved the twenty-second day of June, one thousand nine hundred and thirty-one (P. L. 594), entitled "An act

establishing certain township roads as State highways; authorizing their construction, maintenance and improvement under certain conditions and restrictions; limiting the obligation of the Commonwealth in the construction of certain structures located on such highways; conferring certain powers upon the Department of Highways and local authorities, persons, associations and corporations for sharing the cost of the maintenance and construction of such highways; and making an appropriation to carry out the provisions of said act."

Which was committed to the Committee on Highways.

Mr. JACOBS read in his place and presented to the Chair Senate Bill No. 247, entitled:

An Act relating to the establishment and jurisdiction of justices of the peace and aldermen's courts in all counties except counties of the first class; providing for a board to create justice of the peace and aldermen districts; providing for the election of such justices of the peace and aldermen; prescribing their powers and duties; imposing upon the counties, the cost of establishment and maintenance of justices' of the peace and aldermen's courts, including the payment of all salaries; fixing salaries and restricting justices of the peace and aldermen to duties of office and repealing inconsistent acts.

Which was committed to the Committee on Judiciary General.

Mr. GELDER read in his place and presented to the Chair Senate Bill No. 248, entitled:

An Act to amend section fifteen of the act, approved the seventh day of June one thousand nine hundred and seventeen (P. L. 363), entitled "An act relating to the organization, jurisdiction, and procedure of the orphans' courts; the powers and duties of the judges thereof; and appeals therefrom," by further clarifying the provisions of said act, as to the powers of the judges of orphans' court to administer the business of the court and to issue process in vacation.

Which was committed to the Committee on Judiciary General.

He also read in his place and presented to the Chair Senate Bill No. 249, entitled.

An Act to amend section twenty-six of the act, approved the second day of May, one thousand nine hundred and twenty-nine (P. L. 1237), entitled "An act affecting marital relations; prescribing grounds and regulating proceedings for divorce and the annulment of bigamous marriages; and amending, revising, and consolidating the law relating thereto," further clarifying the provisions of said act as to the issuance of subpoenas by a judge at chambers during vacation.

Which was committed to the Committee on Judiciary General.

QUESTION OF PERSONAL PRIVILEGE

Mr. REED. Mr. President, I rise to a question of personal privilege.

The PRESIDENT. The Senator from Washington, Mr. Reed, will state his question of personal privilege.

Mr. REED. Mr. President, last week the terrifying subject of relief was brought vividly again to our attention by the gentleman from Westmoreland, Senator Dent, and the preceding week was marked by an able and unbiased discussion by the gentleman from Northumberland, Senator Dietrick, while in a recent issue of the Pennsylvania Legislature, the Senator from Philadelphia, Dr. Woodward, gave consideration to this problem.

It is indeed gratifying to those Senators in the Chamber who have spent much time in wrestling with this difficult problem to know that other Senators are becoming interested in the irrepressible conflict that will determine the life or death of this voracious, bloated economic monster.

From the time relief first raised its head under the Pinchot Administration down through the years to the present time, I have painfully witnessed its rapid and amazing growth. Then it was weak and insignificant requiring only \$12,000,000 to feed it. Now it is strong and powerful, taking its sustenance upwards of \$200,000,000 a biennium, and the end is not yet reached. Consistently have certain members of this Senate contested this alarming growth. Not from the viewpoint of depriving the unfortunate and under-privileged of proper maintenance, but from the long-range economic and political prospect of saving the Commonwealth and the nation from bankruptcy and ruin. Today the ominous spectres of relief hang like a pall over America, confusing and discouraging our people with its dark forebodings.

Recent figures compiled by the International Labor Office at Geneva show the total number of unemployed persons in the world, so far as statistics are available, to be 14,497,529, and that of this number 10,374,741 are in the United States while the rest, or 4,122,788 reside in 21 other nations including the leading nations of Europe, as well as Canada, New Zealand, and Japan. In other words, these figures show the United States to have roughly 70% of the world's unemployed. If we examine conditions in our beloved Commonwealth of Pennsylvania, it will appear that expenditures for relief have rapidly increased. For the week ending November 28, 1936, there was spent \$916,257.60; for the week ending February 13, 1937, there was spent the sum of \$1,167,271.60; that for the week ending February 18, 1939 there was spent \$1,865,413.50; and for the week ending February 25, 1939, there was spent \$1,881,548.60.

Therefore, to those who have studied relief the dangers coiled up within it must surely now be apparent. To suppress the fears arising from the rapid growth of relief, a social-minded group of visionaries appeared before the Senate in 1937 with a plan for the more economic and efficient administration of relief. There were those in the Senate who opposed the plan for the reason that it centralized relief and made its regulation more intricate, complicated and expensive and laid the foundation for its perpetuity. The plan was adopted, but after almost two years of practice, its promised beneficent results have not been attained; and the difficult problem of relief remains unsolved. Onward it rushes, devouring and destroying as it goes. Who shall stay this force of evil; who shall end its rule of destruction? I answer, this solution lies with those who believe in the true, old fashioned, fundamental philosophy of American government, and are willing to give unselfish and courageous service to rehabilitate its practice.

You who believe in America, don't be deceived longer. Unemployment relief is a dangerous antagonist, and if unopposed will soon wreck our beloved ship of State. A great American once said that our nation cannot endure half free and half slave. I say to you tonight that our Republic cannot survive with increasing millions of our good American people enmeshed and enslaved in an intricate and disgraceful system of unemployment relief. The

fundamental principle of our free form of government is based on the independence of man. How can man be independent when he looks to another for the necessities of life? He who accepts a gift from the King puts himself under obligation to his sovereign. If we love our Republic then must we strive to free our people from this devastating bondage of relief.

Any system of relief as it develops and expands breeds many other agencies which in turn send out shoots and branches that in time drink the living substance provided for the preservation of free institutions. Experience of nations of the past teach us the sad lesson that unemployment relief once embedded in the fabric of state portends destruction.

My friends, we must speak frankly, the Republic is in danger. Not as some would have you believe, from without. No, our problem is not European; it is not Asiatic, it is not foreign. It is internal, it is domestic; it is American. Why do we enmesh ourselves in the entangling alliances across the sea, contrary to the announced decree of George Washington many years ago, when our own dear land is full of false doctrines and spurious philosophies dangerous to the future of our free institutions? For the last ten years, the keen observer has seen his beloved Republic pulled nearer and nearer to the edge of the dark and deep abyss that holds below despair, confusion and destruction. In our own State, evidences of demoralization and decay are everywhere present. Unemployment, relief, institutional, deficiencies, high taxes, crime and delinquencies, poverty and suffering, avarice and greed, sloth and ease, are some of the noticeable factors engaged in this work of destruction. And as these forces continue to dig at the roots of our government, the expense of operation daily becomes more burdensome. Let each Senator in this chamber check his own county and community. What will the man from Philadelphia find? An empty treasury, with employees crying for their hire. What will the man from Fayette discover? Public funds exhausted and school teachers working without pay. What will the man from Washington learn? He will see more than 20,000 homes and farms rising to the public auction block to be sold to replenish depleted public treasuries. Go throughout the State you will find like or kindred evidences everywhere. View the budget message of our present governor which recommends the sum of \$537,058,912 to run the State Government for the next two years. This is the biggest budget ever recommended by any Governor to a Pennsylvania Legislature, and this amount will likely prove grossly inadequate even though the Governor has made great slashes for economy. So, my friends, to those truly interested in the future of the Republic, the prospect is dark and uncertain. O tempora O Mores! Laws by the thousands have been enacted in a wild effort to stay the hand of destruction, but this course has proved futile. The work of destruction goes on. Laws will not save us. We need men.

"God give us men. The time demands strong minds, great hearts, true faith and willing hands.

Men whom the lust of office does not kill,
Men whom the spoils of office cannot buy,
Men who possess opinions and a will,
Men who have honor. Men who will not lie,
Men who can stand before a demagogue,
And damn his treacherous flatteries without winking;
Tall men, sun-crowned, who live above the fog
In public duty and in private thinking.

For while the rabble with their thumb-worn creed,
Their large professions, and their little deeds,
Mingle in selfish strife; lo! Freedom weeps
Wrong rules the land, and waiting Justice sleeps."

The preservation of the Republic must be by Men. For inspiration and guidance let us look at the past. Many years ago the early fathers left the comforts of Europe for the wild and unknown shores of America. They were inspired by a sincere desire for freedom; they were encouraged by a sacred sense of devotion. Nothing deterred them. They moved in with the courage of the undaunted. Day by day they labored against multiplying difficulties. Disease and death visited them. Dark clouds of despair hung over them. They would not submit; they would not turn back. The destiny of a great movement for liberty was in their care and keeping. They emerged triumphant—America was born. A people endowed with independent thought and action gave it life. And from this child of freedom there grew in time a strong and powerful Republic known everywhere to-day as the United States of America.

The development of the Republic was materially aided and supported by two important institutions, found in every colonial settlement, namely, the school and the church; the former trained the mind; the latter cared for the soul, both aimed, however, at all times, to foster and promote that devotion to God, that loyalty to country so indispensable to substantial communal life.

With such a foundation and background every early American community produced men of faith, men of vision, men of courage, men of honor, men of thrift, men of power. The pure and devout independence which motivated their conduct, strengthened them for the rough and hard duties of the time, and assisted greatly to make them secure, socially and economically in their own individual spheres of activity, for they had their own individual domains and through necessity were compelled to provide for their own.

"A time there was, ere America's griefs began,
When every road of ground maintained its men;
For him light labour spread her wholesome store,
Just gave what life required, but gave no more;
His best companions, innocence and health,
And his best riches, ignorance of wealth.

Some of our early statesmen, particularly Jefferson, saw in this type of life the chief preserver of the free American form of government, and to aid and stabilize its growth, the Louisiana Purchase was consummated.

Industry, with its large centers of population, was viewed with apprehension as a factor well fitted to throw off balance a nation's economic and social system and bring ruin to democratic institutions. How clear their vision. How true their foresight. America's troubles to-day can be traced, in a great measure, to some of these raw fundamentals. We have little worry to-day over a true agricultural community. Its people do not annoy you with relief. Its institutional problems cause you no trouble, if operated and regulated by the community. Influences of darkness are absent, and crime does not flourish.

Such life should be encouraged. But to-day the cry seems to be, stimulate industry and put men back to work. In Pennsylvania much noise of mouth is being made about the flight of industry from the State. But we can pass this proposition with the brief comment that it is not fundamental. We are not dealing with one state. We are concerned with the national problem, the preservation of

the Republic. In this respect, however, whatever honest, fair, wholesome, constructive assistance that can be given industry in the United States, should be promptly and freely advanced. But whatever that aid may be, let it be great or small, the fundamental problem, the preservation of the Republic, will not be solved. The independence formerly enjoyed by the American people must be reborn. This independence was originally born of the soil, and in so far as it may be possible today with our complex American life, this status must be restored.

But instead of a rebirth of the ideals of the American fathers; instead of a restoration of those fundamental practices that produced the Republic, we have, in pronounced contrast, working among our people perverted and poisonous activities, weak and degenerate tendencies; and each succeeding day brings more concern to those who love the Republic.

"E'en now the devastation is begun,
And half the business of destruction done."

Must the land then reclaim its own? If it were possible at present to return the American people to the conditions of life enjoyed by the early Fathers, our problems would then be solved. This cannot be fully done. Our world moves forward and each advance brings new perplexities. We can however revive and put into practice the homely virtues of the Fathers. We can give encouragement, aid and assistance to those who would claim the soil as their home. This has not been done, and great has been the resulting injury.

"E'en now, methinks, as pondering here I stand
I see the rural Virtues leave the land."

Through the courtesy of Senator Edmonds, I have a bulletin from the Department of Agriculture of the United States, as of January 1, 1938. This bulletin shows that more than 1,000,000 persons in the United States moved to towns and cities in 1937. Other statistics show that this exodus from the farm still goes on. Cash income of Pennsylvania farmers today is nearly \$60,000,000 less than ten years ago, according to Agricultural reports.

What is the reason for these injurious changes?

A new philosophy has appeared, taking from the independent rural community the freedom and security formerly enjoyed, and giving in return a burdensome and destructive system of taxation. A preliminary survey made by the Governmental Research staffs of Pennsylvania, State College, Temple University, University of Pennsylvania, University of Pittsburgh, in 1938, shows a gradual up-trend in township tax delinquencies in Pennsylvania. 1930—18%—1937—28.33%. According to newspapers thousands of farms are to be sold this year for taxes in Pennsylvania.

In order to encourage the farmer and little home owner I have regularly introduced in this Senate the Homestead Exemption Amendment, without success. For the purpose of encouraging manufacturing, this State had for years an exemption for manufacturers. If it helped the manufacturer, it could now aid the farmer. My friends, the work of destruction continues. People leave the land.

"If to the city sped, what waits him there?
To see profusion that he must not share;
To see ten thousand baneful arts combined,
To pamper luxury, and thin mankind
To see each joy the sons of pleasure know,
Extorted from his fellow-creatures woe."

History tells us that the great Roman Republic collapsed because of certain internal causes. One was the decay of the peasant classes. The small farmers were driven from the land and flocked to Rome to enlarge and re-enforce the city rabble.

A second cause was the decay of patriotism. People became interested in themselves and forgot the public good; and further it has been stated that Rome lost its sanctity. Briefly, it has been said,

"Rome perished for want of men."

Are these same forces at work in America? Must we follow Rome to destruction?

True, today, many fiddle while the Republic burns. But all is not lost. We can yet save the Republic if we but return to the American Way. Revive the homely Virtues, restore Sanctity, encourage Patriotism; drive out avarice and greed, and give man once more a chance to regain his self-respect and independence.

Our first concern must be the preservation of the Republic. Selfish interests must be suppressed; political prejudice must be cast aside. Our newspapers, our broadcasting stations, our churches, our schools, our people must join in this great Revolution. Great will be the sacrifice; but likewise great will be the victory. If we work together unselfishly, we shall herald a new day in America, bright with the sublime and eternal hope of Providence, and the darkness that now envelops us shall disappear, and man shall emerge refreshed, his faith and strength restored, prepared once more to take his place as an independent citizen under the flag of the Republic. Otherwise, decay and ruin are before us.

Mr. WOODWARD. I desire to interrogate the Senator from Washington, Mr. Reed.

The PRESIDENT. Will the Senator from Washington, Mr. Reed, permit himself to be interrogated?

Mr. REED. Mr. President, I will.

Mr. WOODWARD. Mr. President, I have listened with great interest to the brief of the Senator from Washington, Mr. Reed, and I would like to ask him a very leading question, which is, Has the Senator from Washington reached the conclusion that the only way out of this dilemma is to return to the old system of taking care of the poor by the old poor board?

Mr. REED. Mr. President, no.

Mr. WOODWARD. Mr. President, do I understand that the Senator from Washington has not reached that conclusion?

Mr. REED. Mr. President, I have not.

Mr. WOODWARD. Mr. President, do I understand that the Senator from Washington has not even approached that conclusion?

Mr. REED. Mr. President, I am against it.

TIME OF NEXT MEETING

Mr. EALY offered the following resolution, which was twice read, considered, and agreed to:

In the Senate, March 20, 1939.

Resolved (if the House of Representatives concur), That when the Senate adjourns this week it reconvene on Monday evening, March 27, 1939, at nine o'clock; and when the House of Representatives adjourns this week it reconvene on Monday evening, March 27, 1939, at eight o'clock.

Ordered, That the Clerk present the same to the House of Representatives for concurrence.

QUESTION OF PERSONAL PRIVILEGE

Mr. CAVALCANTE. Mr. President, I rise to a question of personal privilege.

The PRESIDENT. The Senator from Fayette, Mr. Cavalcante, will state his question of personal privilege.

Mr. President: On Monday, March 6, 1939, the gentleman from Armstrong, Mr. Sipe, and myself introduced a resolution touching upon the impartial, non-partisan and just investigation of milk trusts, milk lobbyists, milk attorneys, milk interests and milk legislators. The Journal will show that the gentleman from Tioga, Mr. Owlett, objected to immediate consideration of the resolution and, upon the motion to suspend the rules, imputed political "hate and malice" to the authors of the resolution. Both the gentleman from Armstrong and myself have concluded that we cannot permit this reflection upon our efforts to remain unchallenged.

It is remarkably astonishing how the gentleman from Tioga adheres with bulldog tenacity to his form of past years. If our memory plays us well, the same imputation was made against the authors of the McClure and Clark resolutions of Senatorial memory. It was imputations of this nature that consigned those resolutions to the "pickling barrel" that seasoned them with a taste that only such imputations can impart. Are we to expect different treatment for our resolution? Are we to be apprehensive that to hope better treatment for our resolution is a consummation strangely out of harmony and oddly in contrast with the intellectual nature and parliamentary form of this Senate?

Mr. President, we denounce the imputation made by the gentleman from Tioga. We proclaim it to be our legitimate right to inquire whether this General Assembly is functioning within the limitations of the Constitution. We regard it our sworn duty to defend activities of this General Assembly against corrupt invasions by outsiders or by members. We fear the remorse that may come, should we inconsiderately do a thing that may reflect upon a member of the General Assembly, and more particularly, members of this Senate. We are appreciative that our resolution if adopted will require the members of the General Assembly to disclose their connections, if any, with the production, distribution and control of milk in this Commonwealth. For us to demand such disclosure, without a justifiable reason, would warrant the gentleman from Tioga, or any other member of the General Assembly, to impute to us political "hate and malice." But, Mr. President, when the very Journals of this General Assembly glare forth the necessity for the disclosure, it is a malingering on the part of the member who remains silent and it is malignity on the part of him who would stifle disclosure.

Let us look at the Journals. On the 28th day of February, 1939, a resolution was offered by Messrs. Scarlett and Heyburn and the same was adopted with but one dissenting vote and sent to the House for concurrence. Since that date nothing has been said or done by the House except to hold the resolution bottled up in Committee. On March 6, 1939, the gentleman from Washington, Mr. Reed, offered a resolution to correct certain omissions contained in the resolution of Messrs. Scarlett and Heyburn and the same was immediately adopted. For good or other reasons Mr. Reed's amending resolution is, at this date, still in the hands of the Senate Clerk.

The gentleman from Armstrong, Mr. Sipe, has already indicated on the Journal of this Senate that certain influences are at work to prevent the investigation of the milk problem proposed in these resolutions. The inactivity of the House to act upon the Scarlett-Heyburn resolution, the uncertain status of the Reed resolution, the malingering attitude of many members on this subject, and the pointed accusations by the gentleman from Armstrong all denote subtle influences at work from the "inside." Why, then, should any member of this General Assembly withhold the information which Article 3, Section 33 of the Constitution requires him to disclose? That section reads as follows:

"A member who has a personal or private interest in any measure or bill proposed or pending before the General Assembly shall disclose the fact to the House of which he is a member, and shall not vote thereon."

Are there members in this General Assembly who fear to turn the light of day upon their "personal or private" interests in the production, distribution and control of milk in this Commonwealth? Are there members who fear to disclose their attorneyship for milk trusts and milk lobbyists? Are there members who are the paid agents or attorneys for milk corporations?

Is it possible, Mr. President, that so many members of this General Assembly are ignorant of the fact that Section 29 of this same Article of the Constitution provides, in the best of language, the following:

"A member of the General Assembly who shall . . . demand or receive, or consent to receive, directly or indirectly, for himself or for another, from any company, corporation or person, any money, office, appointment, employment, testimonial, reward, thing of value or enjoyment, or personal advantage or promise thereof, for his vote or official influence, or for withholding the same, or with an understanding, expressed or implied, that his vote or official action shall be in any way influenced thereby . . . shall be held guilty of bribery within the meaning of this Constitution . . ."

Now that we have read these two sections of our Constitution, it is interesting to review what the Constitutional fathers said about them and the evils they intended to correct. Let us turn to Volume 3, pages 5 to 21, of the "Debates of the Convention to Amend the Constitution."

By Mr. D. N. White:

"One of the chief way corruption in the Legislature arises is from a person acting as an attorney for a corporation that desires legislation to be passed in its interests. If any person or corporation desires to secure legislation at Harrisburg, and to bribe some members of the Legislature, they at once employ an agent under the guise of an attorney who, by means of his influence and money, procures the necessary legislation. I think it is the most important section we have had before us to prevent corruption in our Legislature, and I hope it will be adopted."

By Mr. John R. Read:

"I do not agree with my colleague from Philadelphia (Mr. Biddle) that it is unwise to make such a provision in the Constitution of the State. The object of it, as I understand it, is simply to prevent legislators from having a private or personal interest in the matter upon which they are required to legislate, other than as citizens of

this Commonwealth, and I believe that if we provide that they shall not be specially retained as agent or attorney before they enter the halls of legislation, and that they shall cease such employment from that time, if they have been employed or retained, much evil will be hereafter prevented. Why, we all know that it is one of the most approved ways of bribing a member of the Legislature, to retain him as counsel for a particular interest upon which he is asked to legislate. It is one that seems least repulsive to them. They think that there is no wrong in acting as the counsel for parties or as their lawyer, when they are called upon to pass laws specially affecting the interest of the people whom they represent. Now, Sir, that is all, as I understand it, that is intended to be prevented by this section; that if persons are specially in the employ or if they are retained as counsel before they enter the Legislature, that they shall decline that position, or that they shall not hereafter act as counsel, or as agent or employee of such person or corporation."

By Mr. John R. Read:

"I believe, Mr. Chairman, that this provision, if adopted, will be beneficial. It is not intended to prevent persons from attending to their legitimate business, or from acting as counsel for clients, or in any way to interfere with the ordinary business life of any citizen of this Commonwealth. It is merely to prevent the scandal that has become a by-word with this Union, and with this State, from enlarging and becoming more odious."

By Mr. Alricks:

"Now, I maintain that no honorable lawyer will go into the Legislature when he is the counsel of a corporation having a special interest in Legislation. I maintain that an honorable lawyer would as soon become the counsel for the defendant and the counsel for the plaintiff, at the same time, as he would go into the Legislature and have special laws passed for a corporation which was filling his pockets with fees. Why, Mr. Chairman, a number of years ago, when the Honorable Garrick Mallery was a member of the Legislature, I met him on the boardwalk at the Capitol and said to him: 'you are neglecting your duties. There is a matter before the Legislature in which your constituents have an interest.' 'Why,' said he, 'it would benefit a corporation in our county, and I am the counsel for that corporation, and I would not show my face in the Legislature while that law is being discussed.' He spoke the sentiments of an honest man. He lived, you will doubtless say, in other days, but I maintain now that we should put a veto upon corrupt legislation, and the proper way to put it upon any corruption upon the part of Legislatures is to say that no man shall go there and make laws for a particular party."

By Mr. H. G. Smith:

"If the people of this Commonwealth choose to elect a man known to be an attorney of a corporation, or the special agent of any person or combination whatever, as a member of the Legislature, let them do so. Let him go to the Legislature, occupying the status that he does at home, carrying with him into that body all the relations that he possesses before he is elected. But no man ought to be permitted to become the attorney of any corporation, or the agent of any person desiring to secure special

legislation, when he comes into the legislative body and takes the oath of office. A high sense of honor, a clear perception of duty, ought to prevent a man from doing so, but men may be employed generally when they become members of the Legislature; they may be retained as attorneys without special reference to particular legislation and they may not think this wrong. They may consider it right, as I believe not a few have done. I believe it is a source of evil in our legislature, as it exists today, and if what we have heard from Washington be true, it is a fruitful source of evil in the National Legislature also. Let us, when we are providing against this evil, do so explicitly and clearly. Let us declare in the fundamental law of the State of Pennsylvania that this thing shall continue no longer. Let us put honorable men upon their guard, and let us prohibit men who might be willing, for improper purposes, to be retained by corporations or individuals having an interest in legislation, from doing so. Let us lay the law down so that if men corruptly do this thing it can be proven upon them, and so that they can be punished for it. Let us, if we choose, provide that the fact that a man is attorney for a corporation, or the agent of an individual, shall not prevent the people from electing him to the Legislature, but that after persons are elected and sworn in, they shall not, in any way, consent, while members of the Legislature, to be retained as counsel or agent by corporations, combinations or individuals having a special or personal interest in legislation."

By Mr. J. Price Wetherill:

"Now, in reference to attorneys, I have yet to learn that the attorneys of this State generally act without fee. It seems to me that they understand that part of the business pretty well, and they generally act in that particular with entire satisfaction to themselves, though perhaps, not so much so to their clients. If they desire to go to Harrisburg under the pay of a company, when that company has a special interest in legislation, they ought to be excluded from the Legislature. That is the sense of the section, as I understand it * * * A member of Congress goes to Washington to carry his point, and works under the plea that money must be put where it will do the most good—and where does he put that money? Why, Sir, in the pockets of four or five members of Congress, and gives them money in a certain way, to secure their votes, and they are properly considered guilty because they accept it, and are brought to the bar of the house and condemned, and the stain remains with them for life. But he may give many thousands of dollars to another member of Congress, and because that member of Congress is an attorney-at-law, therefore he can say that he receives a good many thousand dollars more than his reasonable fee, and simply by calling it a retainer he asserts he received it honestly, and he is clear of his guilt, though, perhaps, quite as guilty as the others alluded to. This is an evil that we want to correct, and I do hope that if this section does require amendment, it will be so amended as to reach just such cases."

By Mr. T. H. B. Patterson:

"I cannot understand * * * how any man can go into a Legislature as an attorney for any corporation or person, knowing that they expect to have a personal or spe-

cial interest in the legislation upon which he is to pass as a member of that Legislature * * * The section provides explicitly that it shall only apply to those attorneys who go into the Legislature as the attorneys of corporations and persons, knowing that they expect to have a personal interest or a special interest in the legislation to be passed upon by such attorneys. I ask any attorney of this Convention if he, knowing that a corporation or person was to have a personal or special interest in an act upon which he was to pass as a legislator, would sit in the house and pass upon that act. I do not think there is a single attorney in this Convention who would take that position himself. Why, then, is it wrong to put in a provision that shall call the attention of candidates, and of the people, to this outrageous position? It is simply putting a man in a position, trying to every virtue he has. I say we ought, if possible, to prevent such positions being taken by citizens of this Commonwealth."

By Mr. Newlin:

"I am amazed that any delegate should defend the position of any attorney of a corporation holding a seat in the Legislature. Now, what is wanted in the Legislature is representatives of the people; and it is unfair to the people and unfair to the person or attorney himself to put him in the position of a divided allegiance. It is the old story of trying to serve God and Mammon; and when the choice has to be made in the Legislature, unfortunately in a great many cases the selection will not be such a one as will be beneficial to the public."

By Mr. Ewing:

"Now you, Mr. Chairman, are perfectly familiar with the construction of the act or rule which prohibits a member from having a special interest in any bill pending in that body from voting on the bill. I recollect a few days before the adjournment of Congress, recently, that this precise question came up in that body, and it was decided that a certain member had not the right to vote on a question involving the rights of the Union Pacific railroad because he was a stockholder, and because in that particular bill he had a special interest. Now, that would be the case here. On the other hand, it has been decided, and I recollect, as an illustration of the proper construction of the rule, given to the case to which I refer, that where the act under consideration was a general law, affecting all similar institutions in the United States, the member had a right to vote; and the case of a member who was a stockholder in a National Bank was given by the speaker as a case in point, and the rule would not, in case of such member, being such stockholder, have a special or private interest that would prevent him from voting. I think that is the proper interpretation of this section, and I am surprised to find that any gentleman should give it any different interpretation. I suppose this clause is a matter of very considerable importance, and my impression is that a very large amount of the actual bribery of members of Congress and members of the State Legislature occurs in precisely the way that is prohibited in this section—that is that members upon the floors of these bodies are the paid and retained agents of parties having a special interest in the legislation that is to be enacted."

By Mr. McVeagh:

"I think the point of difference in the minds of many members is this: That if the people choose to elect a person who has antecedently sustained the relation of counsel to corporations, to represent them in the Legislature, they have a perfect right so to elect them, and he would have a perfect right so to serve, if that fact were known, that it was a relation existing antecedent to his election as a member of the Legislature, because otherwise it would narrow the right of the people to elect members of the Legislature."

By Mr. C. A. Black:

"To me it is repulsive; it is shocking to the common sense to say that a man who is elected to the Legislature to legislate for the whole people, independently, and not for any interest or corporation, shall become the paid agent of a person or corporation who has an interest in Legislation. The very thought of bribery or secret and improper influence, operating upon the mind of a public officer, whether Legislative, Judicial or otherwise, is repulsive to every one who desires honest legislation or faithful administration of justice. From the time of Bacon down to the present time, bribery and corrupt influences in high places, in theory at least, have been repulsive to every right minded man. No man who is supposed to represent the people or administer Justice should be the paid agent of any private party having an interest in the administration of Justice or in legislation. . . . After a man is elected, after he is sworn in, after he has promised, on oath, to support the Constitution and represent the people alone, he shall not then become an agent of anybody else but the people, especially any person or persons who have an interest in legislation. . . . I was going to speak as to the policy of electing an agent of a corporation to the Legislature, that the people have the right to do so, if they so desire. They know what they are doing, and act accordingly. But a person who is elected without such previous knowledge, a man who has not been the agent or attorney of any person or corporation, ought under no circumstances to become agent or attorney of any company or individual seeking, or having an interest in legislation."

Mr. Buckalew, one of the ablest and most learned men of the Convention, brought this crucial debate to a head in these significant words:

"I think, Sir, It would look very badly on the face of the Constitution to make the mere fact of attorneyship, continued of the election of a member of the Legislature, under the incorporated law of the State, bribery. Think of it. A mere appearance before a Justice of the Peace in some case where a corporation might be interested, an argument in the Supreme Court upon some question having no relation at all to anything pending before the Legislature, or likely to come before it, that that should be the deep and infamous offense of bribery. I think, Sir, it is one of the most astonishing provisions I have ever heard of. I would be willing to vote for a clause of this sort if the Committee on Legislation will bring it in, that is: that no attorney of any incorporated company shall be permitted to speak or to vote on any question in which his corporation was concerned while a member of either House. That would apply a familiar principle. If we put in the paramount law the doctrine that no member shall act upon any measure in which he is personally

interested, that is a very proper regulation. I consider that it would be a good extension of that rule or principle to apply it to agents of incorporated companies, and say that they shall not represent their corporation by their own vote or their own speech. But I would not disqualify them from acting as agents of the people in the general business of the government of the State. Certainly the section I have indicated would be ample, and it is the only reasonable one which we can impose, if we are to impose any, in the fundamental law."

Mr. Buckalew then offered the section which became part of our Constitution by the narrow vote of 39 Yeas and 37 Noes.

Many cases have occurred in the British Parliament at different periods, which sustain the law stated by Mr. Buckalew and others of the Convention. The first of these cases occurred on the 12th day of June, 1604, in the House of Commons and is recorded on page 237, volume 1 of the Journal of that body as follows:

"Moved, that Mr. Seymour, a member of the House, and a party, might go forth, during the debate: which was conceived to be agreeable with former order and precedent in like cases, and was so ordered. And Mr. Seymour went presently forth at the door."

The second case occurred the 4th day of February, 1664, in the House of Commons and is recorded on page 594, Volume 8 of the Journal of that body. On the passage of a bill the vote stood 81 Yeas and 80 Noes when the following took place:

"But Sir Robert Paston, a member of the House appearing to be somewhat concerned in point of interest . . . ; and being numbered with the Yeas, and the question thereon arising, whether, by the orders of the house he should not have withdrawn; and Sir Robert to avoid engaging the house in debate, freely offered to withdraw; and that no advantage be had by his being told with the Yeas; and that the voices being then equal, Mr. Speaker declared himself to be with the Yeas: and so it was resolved in the affirmative, that the said bill be engrossed."

The third case occurred in December of 1796. This is known as the subscribers to the loyalty loan case, and is recorded on page 632 of Volume 52 of the Journal of the House of Commons and also on pages 684 and 687 of volume 47, Parl. Reg. In this case two members of the House subscribed to certain loans floated for the support of the government. Shortly after the loans, it was discovered that the subscribers were liable to incur a considerable loss from the subsequent depression of the fund out of which the loans were to be redeemed and paid off. The Minister in Parliament moved that a bonus should be paid the subscribers to save them any loss. The Resolution was carried by a vote of 36 Yeas and 35 Noes. Thereupon a motion was made that the votes of two of the members whose names appeared on the list of subscribers, and who had voted for the Resolution should be disallowed. The members in question were then heard in their defense, and having declared their intention not to profit by the bonus proposed to be given them, the motions to disallow their votes were decided in the negative.

The fourth case occurred the 4th day of July, 1800, and is recorded on Page 732, Volume 55 of the Journal of the House of Commons. The case arose out of a bill to incorporate "The London Company for the Manufacture

of Flour, Meal, and Bread." A member who voted with the Yeas was named in the bill as a subscriber to the undertaking. A motion was then made that the vote of such a member be disallowed. He was heard in his place, and stated that he had paid no money towards this plan, but that he intended to subscribe to it, conceiving it to be for the public benefit, and then withdrawing, it was resolved that his vote be disallowed.

The fifth case occurred in the year 1881, and is recorded on Page 463, Volume 76 of the Journal of the House of Commons. This is known as the gold coin bill case. The bill had the tendency to increase the dividend on the Capital Stock of the Bank of England from seven to ten per cent. Various members of the House were members likewise of the corporation of the Bank of England, and owners of Capital Stock. A motion was made that such members had a direct interest in the passing this bill into law, and that their votes in favor of the same ought to be disallowed. The Speaker, in giving his opinion on this point, said:

"The rule was very plain. If they opened their Journals, they would find it established two hundred years ago, and then spoken of as an ancient practice, that a personal interest in a question disqualified a member from voting. But this interest, it should be further understood, must be a direct pecuniary interest, separately belonging to the persons whose votes were questioned, not in common with the rest of his majesty's subjects or on a matter of State policy. So it was, that on the canal bill, a person whose name is down as a subscriber could not vote."

Jefferson's manual says:

"Where the private interest of a member are concerned in a bill or question he is to withdraw. And where such an interest has appeared, his voice has been disallowed, even after a division. In a case so contrary, not only to the laws of decency, but to the fundamental principle of the social compact, which denies to any man to be a judge in his own cause, it is for the honor of the House that this rule of the immemorial observance should be strictly adhered to. (2 Hats., 119, 121; 6 Grey, 368).

For further authorities on this subject see Law and Practice of Legislative Assemblies by Cushing, Part 6, Section 2.

Hence, Mr. President, we submit that the gentleman from Tioga was unwarranted in his accusation wherein he has impudently political "hate and malice" to the gentleman from Armstrong and myself. The resolution requiring the members of this General Assembly to disclose their interests, if any, in the protection, distribution and control of milk in this Commonwealth is firmly entrenched upon the facts and the law now before us. A member of the General Assembly whose interests are without the inhibitions of the Constitution and the Law will not fear to make that fact known to his colleagues. Come, Mr. President, let us not be like so many hearts of geese that, like so many scurvy slaves, flee from the stern call of duty. Let us not, like so many human owlets, be vigilant at night and blind to day. Let us be honest, let us turn the light of day upon our own conduct and let us not confuse political "hate and malice" with the efforts of dutiful members to expose to the public scrutiny to repulsive corruptions that infest the Legislative machinery of our government.

RESOLUTION REQUESTING HOUSE COMMITTEE ON
RULES TO FAVORABLY REPORT RESOLUTION,
SENATE NO. 103.

Mr. DENT offered the following resolution which was twice read, considered, and agreed to:

In the Senate, March 10, 1939.

Whereas, There was introduced in this Senate by Senators Scarlett and Heyburn, February 7, 1939 a Resolution, Serial No. 103, creating a commission to investigate and report on the matter of Milk Control, and

Whereas, There was introduced in this Senate by Senators Reed and Sipe, March 6, 1939 a Resolution, Serial No. 106, increasing the duties of the Joint Legislative Committee to be set up by the Resolution adopted by the Senate, February 28, 1939, and

Whereas, There was introduced in this Senate by Senators Calvacante and Sipe, March 6, 1939, a resolution, Serial No. 107, pertaining to this question of Milk Distribution and Control, and

Whereas, There has been much discussion on the floor of this Senate and in the press of the State relative to this subject and

Whereas, There have been rumors, circulated to the effect that powerful interests are at work to stop the passage of the above mentioned resolution Serial No. 103 in the House of Representatives, and

Whereas, At the present time according to this weeks History, Senate Resolution No. 103 is resting in the Committee on Rules in the House of Representatives since the date of March 1st, and

Whereas, It is vitally important to all concerned particularly the producer and the consumer of Milk and Milk Products, therefore

Be it Hereby Resolved And It Is Hereby Resolved, That the Senate respectfully petition and solicit the Cooperation of the House Committee on Rules and further petition said Committee on Rules in the House of Representatives to report said resolution, Serial No. 103 favorably to the House in order that the Commission may commence this all important work for the benefit of Pennsylvania Producers and Consumers of Milk. Copies of said resolution to be presented to the Speaker of the House of Representatives and the Committee on Rules in the House of Representatives.

Mr. DENT. Mr. President, I ask unanimous consent that Rule 39, which requires resolutions be referred to an appropriate committee, be suspended and the Senate do now proceed to the consideration of the resolution just read.

The PRESIDENT. Is there objection?

The Chair hears none.

On the question,

Will the Senate agree to the resolution?

It was agreed to.

BILL ON THIRD READING AND FINAL
PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 39, entitled:

An Act validating county treasurers sales for delinquent taxes, when the reports and returns of such sales were made to the court of common pleas, and the deeds thereto were executed and acknowledged, by an attache of the office of the county treasurer and not by the county treasurer as required by law.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—44.

Bartlett,
Cavalcante
Coleman,
Crowe,
Dando,
Detrick,
Dent,
DiSilvestro
Ealy,
Edmonds,
Eroe,
Farrell,

Frey,
Geltz,
Gilson,
Haluska,
Heyburn,
Homsher,
Jacobs,
Jaspan,
Kilgallen,
Kunkel,
Lanius,

Letzler,
Mallery,
McCreesh,
McGinnis
Miller,
Owlett,
Piersen,
Reed,
Rice,
Ruth,
Scarlett,

Shapiro,
Sipe,
Snowden,
Stevenson,
Stiefel,
Tallmap,
Thomas,
Walker,
Woodward,
Gelder
Pres. Pro. Tem.

NAYS—0.

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 134, entitled:

An Act requiring aliens to register with the Department of Labor and Industry and to carry, and upon proper demand to exhibit, identification cards; prohibiting the issuing of certain registrations and licenses to, or the employment of, aliens under certain circumstances; and prescribing penalties.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

Mr. SHAPIRO. Mr. President, with reference to this bill, Senate Bill No. 134, this bill provides that every alien over eighteen years of age shall be registered with the Department of Labor and pay an annual tax of five dollars. This is a subject upon which I would not want to be called on to make up my mind at this time. There are a great many things to be said on both sides of this question, but I think the bill passed had rather a hurried course through this Senate. For the information of my colleagues, so that they may know how this subject has been considered before, I should like to read some of the law, on the subject, dealing with cases of this kind.

I think personally that this is a Federal proposition, and not a State proposition.

I am not going to read the whole document which I have prepared. I will offer it in the record, but I merely want to call attention to the particular cases I think are in point tonight, to my colleagues.

In *Limestone Co. vs. Fagley*, 187 Pa. 193 It was held that the Act of 1897 P. L. 166 entitled "An act to regulate the employment of foreign born, unnaturalized male persons over 21 years of age, and imposing a tax on the employer of such person, etc." is unconstitutional because it offends against the Fourteenth Amendment to the Constitution of the United States.

In this case Chief Justice Sterrett said:

"The act in question clearly belongs to a vicious species of class legislation which too often finds its way into our statute books . . ."

He further said, "Evidently the act is intended to hinder the employment of foreign born, unnaturalized persons over 21 years of age. The act is hostile and discriminates against such persons. It interposes to the pursuit by them of their lawful avocations, obstacles to which others in like circumstances are not subjected. It imposes upon these persons burdens which are not laid upon others in the same calling and condition . . . The equal protection of the laws declared by the Fourteenth Amendment to the Constitution secures to each person

within the jurisdiction of a state exemption from any burdens or charges other than such as are equally laid upon all others under like circumstances."

Railroad Tax Cases, 13 Fed. Rep. 722, 733.

In *Truax vs. Raich*, 239 U. S. 33 the constitutionality of a statute of the State of Arizona was questioned. This state law required every employer of more than five workers to employ not less than 80% qualified electors or native born citizens of the United States. The Act imposed a penalty upon employers violating this requirement, to wit: a fine of \$100 or imprisonment for not less than 30 days, and also imposed the same penalty upon any employee who misrepresented or made a false statement as to nativity or citizenship.

Justice Hughes in his opinion said: Being lawfully an inhabitant of Arizona, the complainant is entitled under the Fourteenth Amendment to the equal protection of its laws.

"The description—'any person within its jurisdiction'—as has frequently been held, includes aliens. These provisions, said the Court in *Yick Wo v. Hopkins*, 118 U. S. 356, 369 (referring to the due process and equal protection clause of the amendment), are universal in their application, to all persons within the territorial jurisdiction, without regard to any difference of race, of color or of nationality; and the equal protection of the laws is a pledge of the protection of equal laws."

The Court distinguished this case from *McCready vs. Virginia*, 94 U. S. 391 where the State of Virginia restricted the right to plant oysters to citizens, and from *Patsone vs. Pennsylvania*, 232 U. S. 138 where the state prohibited aliens from hunting wild game and said:

"The discrimination here involved is imposed upon the conduct of ordinary private enterprise."

Justice Hughes further said in his opinion:

"The authority to control immigration—to admit or exclude aliens—is vested solely in the Federal Government. *Fong Yue Ting vs. U. S.*, 149 U. S. 698, 713. The assertion of an authority to deny to aliens the opportunity of earning a livelihood when lawfully admitted to the state would be tantamount to the assertion of the right to deny them entrance and abode, for in ordinary cases they cannot live where they cannot work. And, if such policy were permissible, the practical result would be that those lawfully admitted to the country under the authority of the Acts of Congress instead of enjoying in a substantial sense and in their full scope the privileges conferred by the admission, would be segregated in such of the states as chose to offer hospitality."

Answering the argument that the Arizona law was not a total deprivation of the right of the alien to labor, Justice Hughes said, in effect, if a 20% employment of aliens were sustained, the restriction might be extended to 10%, and further said:

"The restriction now sought to be sustained is such as to subject no limit to the state's power of excluding aliens from employment if the principle underlying the prohibition of the act is conceded. The discrimination is against aliens as such in competition with citizens in the described range of enterprises and in our opinion it clearly falls under the condemnation of the fundamental law."

I want to repeat that I am not so sure this is a wise or a good bill, nor am I certain it is a necessary one. On the other hand, I do not think that it is wise to adopt it with such speed—the question of what we do with aliens, I think will probably affect our right to discuss what is being done with aliens elsewhere. Therefore I am going to move, if the sponsor of this bill does not object, that this bill be referred back again to the committee for further consideration.

MOTION TO RECOMMIT

Mr. SHAPIRO. I move that this bill be referred back

to the Committee on the Labor and Industry, from which it came, for further consideration.

The PRESIDENT. The Senator from Philadelphia, Mr. Shapiro, moves that the bill be recommitted to the Committee on Labor and Industry. Does the sponsor agree?

Mr. GELTZ. Mr. President, as the sponsor of this bill I want to ask my colleagues in the Senate to vote against this motion, so that this bill can come up tonight for final passage.

I am somewhat amazed at our colleague from Philadelphia. Up until this time, I will admit, I had quite some respect for his logic and his reasoning, as well as his sincerity, but after he apparently attempted to deceive the members of this Senate who are not attorneys—and who for that reason may not understand legal opinions as the Senator from Philadelphia, Mr. Shapiro, understands them—then I am afraid I must begin to lose some of this respect.

I would have much more respect for Mr. Shapiro, if he stood up here and told us, all of his colleagues, the truth as to why he objects to this bill. He knows as well as anybody the cases from which he cited, and the opinions from which he read are not in point—because he is astute enough a lawyer to know that the cases cited are absolutely not in point.

In the first place, he knows they are not in point because the first purpose of those statutes was to prevent and to limit employment of the foreign-born, and he knows that the purpose of this bill is not that. He knows that well, because he makes, so I understand, a complete study of all laws of all acts, of all these bills before they come up to a vote, and I take it, that he has also made a study of this bill.

I want to say in connection with my remarks at this time that I was very much impressed by the paper read by our colleague from Washington County, Senator Reed—I think it is very much to the point. I think it is something to which all of us should pay heed. This subject of relief is becoming unquestionably a monster in this Commonwealth and in this Nation. It is becoming what might be considered a Frankenstein, and I am afraid if we do not soon arrive at a solution, that the monster will eat us up.

The thing I cannot understand, however—and about this I spoke once before—is why men of the ability and calibre of the men who sit in this body cannot forget this strict partisanship; why there immediately arises on the other side of this body a determined effort to interfere with and to impede everything, apparently, that is proposed on this side. It seems to me that common decency itself would command and demand that we take into consideration the fact that there is something much greater to be considered than whether one is a Democrat or whether one is a Republican. Something above that, certainly, is Americanism; something above that is a Greater Power, that is, the Divine Power above. When this Senate convenes the Chaplain has given us, on each occasion, such a prayer that we should remember and should consider in our attempts to arrive at things which will accomplish good in this Commonwealth; but I am afraid that is becoming something of a matter of course to us; it is just something which, according to custom, is done, and, when it is said, "let it flee our minds" and forget it until the next time it is said.

I say that it is becoming increasingly important that the

decent citizens of this country realize this: That there is now not only insidious propaganda permeating this nation, but there is determined action upon the part of many individuals to undermine Democracy in the government of this country. Coupled with that we have what we can see across the seas, where Democracy has gone out, where Nazi-ism, Fascism or Communism or any other isms has come up and where religion has gone down. How can any of the members of this Senate say that they would want to live in this nation or in this country if we had no religion in the country excepting the idolitry of some leader who has been strong enough to step out?

Isn't it something to ponder about? Isn't it something to pay heed to? Isn't it something that goes into your very homes, into your churches and into your schools? Isn't it something that becomes for you and yours the most important thing in your life? Yet we all know this. We have all thought about this, but what have we done? We do nothing!

This, I say—this bill for the purposes of compelling the registration of aliens is our first step for the purpose of getting some check on those individuals who are in this country not for the purpose of becoming Americanized, not for the purpose of becoming American citizens, not for the purpose of building up our American ideals and our American principles, but solely for the purpose of destruction, solely for the purpose of tearing down and undermining the government, nationally and in this Commonwealth.

For that reason I believe this bill is of great importance; it is the first step we can take on the right road to guard this nation and this State against those things which are boring from within.

Oh, some of you say, "How does this have anything to do with the relief situation; how does it have anything to do with the great picture?" Well, of course we have no statistics, and that is another purpose of this registration—so that we can get statistics. There is no way for anyone in this nation to determine how many aliens there are in this country or in this State at this time. We have our estimates, of those who are dealing with those figures, and I am informed that there are approximately one million such aliens in this nation at this time.

I am told that in Farview, an institution for the criminally insane, 16% of those who are committed there are aliens or unnaturalized citizens.

I am told that according to a survey made in New York State between 20% and 25% are such. Now, just think, as you are considering this matter tonight, that if this relief, as Senator Reed said, is becoming such a huge monster the thing to do is to start to cut down, to tear down, to start cutting out, at least, to cut out the rotten stuff in connection with that great load which this nation and this state are carrying?

This bill does not discriminate against naturalized citizens. I regard the naturalized citizen who believes in the American ideals and principles of Government as just as good a citizen as the American-born citizen; but I hold no brief for the alien who comes to this country and comes here solely for the purpose of securing the benefits and the blessings of this great nation of ours, and then has not enough common decency within himself that he is also

willing to assume some at least some of the burdens of citizenship.

Is it right that you or I who are natural-born naturalized citizens should be penalized? Is it right that aliens should receive the same benefits as we receive and assume and carry none of the burdens of citizenship. You would not say that is right, and no fair-minded person would say it is right.

The purpose of this bill is to get some check on the aliens who are in this State. Those who intend to become citizens are exempt from this bill; it is only those aliens who do not declare their intention to become American and to become American citizens, and for that reason ask my colleagues to vote against this motion, and, when the bill comes up for final passage, vote in favor of the bill.

Mr. SHAPIRO. Mr. President, there is not very much that anybody gets out of six or eight years in the Senate except the friendships that he makes and the respect that he can gather from his colleagues, and I am sorry to learn that my friend from Allegheny has begun to lose respect for me. I want to assure him that I will not lose any respect for him at all for so unwarrantedly attacking my motives and integrity. I would rather attribute it to his newness in the Senate, where he has not learned to even though the Senator from Tioga and myself may bitterly fight on a bill, we never attack each other's integrity. We may question the arguments, but I am quite sure, as he gets older in the Senate and he finds what people who have been in the Senate have been doing—he has not had the good fortune to have had a bill introduced on the 28th of January, and have it reported out the 1st of March, have it given first reading the fourteenth of March, and according to the Calendar, second reading the 14th of March—that only innures to a Senator who has been here some years and not to the younger members of the Senate; but I attribute that to the enthusiasm and also the youth of the Senator from Allegheny in his term in the Senate. I am quite sure that his future experience will enable him to find out that when I deal with a matter of this kind I usually try to state my opinion, and I promise not to lose any of my respect for him. In fact I am quite sure my respect and admiration for him will grow, because as he grows older he will find he has done me a grave injustice and it may be that he may apologize.

I am not going to discuss the terms of the bill except to say for that many years this country has permitted aliens to come in, they have been in this country for a great many years, and I don't see any such importance in the matter of their being permitted to stay here a few days longer without registering and paying a five dollar tax. As a matter of fact, the bill does not go into effect until December 31, 1939.

Now, isn't it a terrible request to make, that a bill which cannot become effective until December 31, 1939, should be reported back to the committee which I think the Republicans control, and of which I think the Senator from Allegheny is a member? I am sure he can get it out within a few days without any difficulty. No chicanery on my part and no ulterior motives can keep that bill in committee. I may have a hard time getting it out if the other side do not want it out, but I am sure I have control over keeping the bill in committee.

I assure the members of the Senate that this is a very

important subject. I am sure when they vote for this bill and pass it, they will get a lot of complaints from a number of people when they find that the Department of Labor and Industry has a right to make those people furnish such information about themselves as the Department sees fit—any information at all. They may require these people to give their color, their religion, or anything else that suits them, according to the way this bill is drawn.

If they don't give it they do not get this yellow ticket which they carry around in their pocket and must have ready to exhibit at all times upon the demand of any particular person when called upon to.

If it is necessary to register aliens for any specific purpose, that is one thing; but is it necessary to license them? Is it necessary to go to the extent that his bill seems to go.

On the other hand, does this bill give aliens a license which gives them some of the rights other people have, greater rights than others have—those who are not aliens.

These are the things I want to consider. Certainly I read the bill, certainly I know what the bill provides, and certainly I know and realize the seriousness of the picture which we are trying to correct; but I do not believe that there is such great importance about this matter that a request, which is ordinarily granted and has been for many years on both sides of this Senate, made by a Senator who has some obligation and some knowledge of his responsibility, who wants to look into the subject matter a little longer—in view of the fact that passage of this bill or its operation cannot be hurt because it does not begin to operate until December of this year; and I think the rest of the members of this Senate, who have been here a little longer, will not hesitate to join in the motion to allow this bill to come to receive a little further consideration and study from members of this Senate.

QUESTION OF PERSONAL PRIVILEGE

Mr. GELTZ. Mr. President, I rise to a question of personal privilege.

The PRESIDENT. The Senator from Allegheny, Mr. GELTZ, will state his question of personal privilege.

Mr. GELTZ. Mr. President, at this time, since some reference has been made by my colleague from Philadelphia, Mr. Shapiro as to my immaturity as a State Senator, and the fact that I am somewhat of a novice—which I admit, of course—I do want to say that I am doing my very best to learn; and, of course, we can only learn properly in proper surroundings, and at this time I would like my colleague from Philadelphia, as well as some of our other colleagues, to take heed of the fact that they are setting a rather bad example as teachers and instructors of the new members of this Senate.

Mr. DENT. Mr. President, I would like to ask the Senator from Allegheny, Mr. GELTZ, to reconsider his argument and allow this bill to go over; and I will give my reasons, which may be different from those already expressed.

I come from immigrant stock, who unfortunately did not catch the Mayflower. It seems that my people did not have drag enough to get on the first boat but came along a century or so later.

Nevertheless, I am still an American and I intend to be one as long as the Lord provides me with life and

breath. However, I think of the many so-called aliens whom I have personal knowledge of, who came to this country, were taken in flat cars out to the coal-mining communities, sent into the bowels of the earth, dug the coal, never had opportunity to attend any kind of school; never at any time did they get any training from anybody to enable them to pass examinations to become citizens, and after thirty-five or forty and even fifty years in this country—never having done anything contrary to law in this country, find themselves now ostracized because of the fact that through misfortune of their birth they are not permitted to be respectable inhabitants of the land to which they have given so much.

I do not hold any brief for any person able to read and write, who has had the facilities to enable himself to learn to read and write, who has not become a citizen.

I believe in the licensing, or, rather, a registration proposition, but I believe some consideration should be given to those men who came to this country in the early days and who at no time out and no opportunity to go in and get citizenship papers. I know, from stories told to me by my father, who happens to be a citizen—he came here when he was sixteen years of age—who was a citizen when he was in this land seven years, as required by law. I want to say that I ask the Senator from Allegheny, Mr. GELTZ, to allow a few days so that we can discuss the question a little further and make provisions for those people who are not citizens but who are not aliens in the sense he would have us believe them.

I know we have a dangerous group in this nation, who would destroy the very foundations of Democracy, and I am against them; but I am not against these innocent old coal-miners who have but a few years to live, who have never done any wrong, and do not intend to do any wrong; and I think some consideration should be given to those people. They do not go out and try to destroy this country; they helped to build it up.

Why, in the early days there were agents who went around and tried to get these men to take out citizenship papers and those who could afford to pay those agents received their citizenship papers, and those who could not did not receive them, and I know that to be the truth.

I ask the Senator from Allegheny, Mr. GELTZ, as a fellow Senator, to allow this bill go back into Committee, so that if it is necessary, the full committee can give consideration to the problem. I do not want to vote against this proposition, but I will vote to send it back to committee.

Mr. KUNKEL. Mr. President, I desire to interrogate the Senator from Allegheny, Mr. GELTZ.

The PRESIDENT. Will the Senator from Allegheny, Mr. GELTZ, permit himself to be interrogated?

Mr. GELTZ. Mr. President, I will.

Mr. KUNKLE. Mr. President, I would like to know whether or not the Senator from Allegheny, or the committee that considered this bill has given any consideration as to whether or not the provisions of this bill conflict with any federal law.

Mr. PRESIDENT. I know of no federal law with which this bill conflicts. I do not believe that the subject matter of this bill has anything to do with the federal rights or federal law; it is a matter of regulation of responsibility within the confines of the Commonwealth of Pennsylvania,

Mr. KUNKEL. Mr. President, The Senator from Allegheny has not answered my question; he has given his personal opinion and he has not answered as to whether he or the committee heretofore have discussed or considered the question.

Mr. GELTZ. Mr. President, I tried to answer for myself. I can only answer for myself, and not for the committee. It might be well if the Senator from Dauphin, Mr. Kunkel, would interrogate the members of the committee.

Mr. KUNKEL. Mr. President, I desire further to interrogate the Senator from Allegheny.

The PRESIDENT. Will the Senator from Allegheny, Mr. Geltz, permit himself to be interrogated further?

Mr. GELTZ. Mr. President, I will.

Mr. KUNKEL. Mr. President, I desire to know from the Senator from Allegheny whether he or any member of the committee have given consideration to the question as to whether or not the provisions of this bill conflict with the provisions of any treaty between the United States and a foreign power?

Mr. GELTZ. Mr. President, I do not know about the committee, but I have given no consideration to that fact, because this bill has nothing to do with immigration into this country, it has only to do with regulation of aliens within the confines of the Commonwealth of Pennsylvania.

Mr. KUNKEL. Mr. President, I desire further to interrogate the Senator from Allegheny.

The PRESIDENT. Will the Senator from Allegheny, Mr. Geltz, permit himself to be interrogated further?

Mr. GELTZ. Mr. President, I will.

Mr. KUNKEL. Mr. President, I desire to know whether the Senator from Allegheny, or any of the members of the Committee, have heretofore given any consideration whatsoever as to the constitutionality or unconstitutionality of this bill?

Mr. GELTZ. Again, Mr. President, I cannot answer for the committee, but I can answer for myself—that I believe that this bill will be declared constitutional, if tested.

Mr. KUNKEL. Mr. President, I desire further to interrogate the Senator from Allegheny.

The PRESIDENT. Will the Senator from Allegheny, Mr. Geltz, permit himself to be interrogated further?

Mr. GELTZ. Mr. President, I will.

Mr. KUNKEL. Mr. President, if the Senator from Allegheny is vitally interested in this bill, I desire to know whether or not the Senator from Allegheny would object to consideration as to the constitutionality of this bill.

Mr. GELTZ. Mr. President, I have no objections; and I might say at this time that I have no objections to this bill's going over on the postponed calendar; but I do have objection to it being recommitted, and I would ask my colleagues to vote against this motion to recommit.

POINT OF ORDER

Mr. OWLETT. Mr. President, I rise to a point of order.

The PRESIDENT. The Senator from Tioga, Mr. Owlett, will state his point of order.

Mr. OWLETT. Mr. President, the motion to recommit has not been seconded.

The PRESIDENT. The point of order is well taken.

Mr. CAVALCANTE. Mr. President, I second the motion. On the question,

Will the Senate agree to the motion?

Mr. SHAPIRO. Mr. President, I desire to interrogate the Senator from Allegheny, Mr. Geltz.

The PRESIDENT. Will the Senator from Allegheny permit himself to be interrogated?

Mr. GELTZ. Mr. President, I will.

Mr. SHAPIRO. Will the Senator from Allegheny, Mr. Geltz, agree that this bill be placed upon the postponed calendar?

Mr. GELTZ. Mr. President, I will agree.

Mr. SHAPIRO. Mr. President, I do not want to embarrass any of the members of this Senate, and I am perfectly willing to withdraw my motion, and I will ask the Senator from Fayette, Mr. Cavalcante, who seconded the motion, to withdraw his second.

Mr. CAVALCANTE. Mr. President, I withdraw my second of the motion.

The PRESIDENT. The motion is withdrawn.

And the question recurring,

Shall the bill pass finally?

BILL POSTPONED

Mr. SHAPIRO. Mr. President, I move that the question together with the further consideration of the bill be postponed for the present.

Mr. REED. Mr. President, I second the motion.

The motion was agreed to.

BILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 215, (House Bill No. 338), entitled

An Act to amend clause ten of section two and section three hundred one of an act approved the twenty-seventh day of May, one thousand nine hundred and thirty-seven (P. L. 1053), known as the "Public Utility Law" by excluding from the definition of "Facilities" as used therein property owned by municipal corporations of the Commonwealth of Pennsylvania when the said act became effective and providing that the Pennsylvania Public Utility Commission shall have power to regulate and fix the rates for service furnished by public utilities owned by municipal corporations of the Commonwealth of Pennsylvania only when the public service being furnished or rendered by any municipal corporations shall be beyond its corporate limits and extending such freedom from regulation and control by the Commission to public utility service furnished or rendered by an operating agency of any such municipal corporation.

And said bill having been read at length the third time and agreed to,

On the question,

Shall the bill pass finally?

BILL POSTPONED

Mr. OWLETT. Mr. Speaker, I move that the question together with the further consideration of the bill, be postponed for the present—for the purpose of a public hearing tomorrow morning at ten o'clock, by the Committee on Public Utilities.

Mr. WOODWARD. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

QUESTION OF PARLIAMENTARY INQUIRY

Mr. SHAPIRO. Mr. President, I rise to a question of parliamentary inquiry.

The PRESIDENT. The Senator from Philadelphia, Mr. Shapiro, will state his question of parliamentary inquiry.

Mr. SHAPIRO. Mr. President, I understand that a committee cannot consider a bill which is not in its possession. Since the bill is on the calendar and not in the possession of the committee they cannot hold a public hearing.

The PRESIDENT. The Senator from Philadelphia is correct.

POINT OF ORDER

Mr. SHAPIRO. Mr. President, I therefore rises to a point of order and suggest that the Senator from Tioga is out of order, in view of my parliamentary inquiry, and the ruling of the Chair thereon.

The CHAIRMAN. The point of order is well taken.

Mr. OWLETT. Mr. President, before the Chair rules on that motion, I desire to state that my motion has the affect of keeping this bill on the calendar. I might state at this time, Mr. President, that we understand there is a concerted effort to delay consideration of this bill.

If at the time of the hearing by the Committee on Public Utilities it is found necessary to again take charge of the bill, for the purpose of amendment, it will only be necessary that the bill be recommitted to the Committee on Public Utilities. We do not propose however, by tactics to produce delay, to have the final action of this bill delayed, and if the Senate decides it is a good bill and the committee considers it should remain on the calendar and should be enacted.

I want to call attention of this Senate to the fact that if this bill is referred back to committee, recommitted to the committee after a hearing, and re-referred to the Senate, it cannot be acted upon until Wednesday, and if there is not a quorum here Wednesday it will mean the bill cannot be passed until next Monday night. This bill vitally affects the City of Philadelphia, and we want to keep this bill on the calendar so that if the Senate desires to act upon it it will be before them for action.

Mr. SHAPIRO. Mr. President, I do not want to set any more mad examples to my colleague from Allegheny, Mr. Geltz. He knows or has learned in this short time, that no bill can be handled by a committee, or a public hearing held on it, if that bill is on the calendar.

Can you imagine the consternation of the Senator from Allegheny if he should find that I had joined with the Senator from Philadelphia, Senator Owlett, in moving that the committee consider a bill that it does not have?

The applause the Senator from Allegheny received convinces me that we want to be careful how we teach these younger students, and I suggest the Chair should not fall into error, because the Chair may be criticized even from the other side.

If you break all the rules we have set up on this side for twenty-five years—I do not know of any other instances during the past twenty-five years in which a bill on the calendar was given to a committee, for a public hearing—unless it was referred back to that committee.

Now, the Chair has already ruled that the motion is out of order, and I hope the Senator from Allegheny will not get any more bad lessons.

Mr. OWLETT. Mr. President, my motion was to place

this bill on the postponed calendar, which motion is always in order. For the information of the Senate, I stated to the Senator that the Committee on Public Utilities intends to have a hearing on this bill tomorrow. If those opposing the bill do not care to appear before the Committee, they need not appear. If the Senate wishes, it can refer it to committee tomorrow.

I submit, Mr. President, that the point of order of the Senator from Philadelphia is not well taken, because my motion is merely to place this bill on the postponed calendar. I stated the purpose of it merely for the information of this Senate.

Mr. JASPAN. I desire to interrogate the Senator from Tioga, Mr. Owlett.

The PRESIDENT. Will the Senator from Tioga, Mr. Owlett, permit himself to be interrogated?

Mr. OWLETT. Mr. President, I will be glad to be interrogated.

Mr. JASPAN. Mr. President, is this bill an emergency bill?

Mr. OWLETT. Mr. President, apparently it is. It has passed the house and it is now in the Senate. It was considered by the Committee on Public Utilities and reported out last Tuesday. It has had two readings and is now on final passage. Last Wednesday when this bill passed second reading the statement was made by some of our Democratic colleagues that they wanted a hearing on this bill, that it vitally affected Philadelphia, and they wished to be heard on it. We wanted to give them the hearing requested, but we do not propose that, through a motion to recommit, the opportunity of the Senate to finally pass this bill, if it is determined it should be passed, should be prevented by this motion to recommit.

Mr. OWLETT. Mr. President, for the purpose I have just stated I now move that this bill be placed on the postponed calendar, where it can be called up at any time.

Mr. MALLERY. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

Mr. JASPAN. Mr. President, I desire to interrogate the Senator from Tioga.

The PRESIDENT. Will the Senator from Tioga permit himself to be further interrogated?

Mr. OWLETT. I will, Mr. President.

Mr. JASPAN. Mr. President, will the Senator from Tioga state wherein that bill affects Philadelphia and to what extent?

Mr. OWLETT. Mr. President, I take it a motion to place a bill on the postponed calendar is not debatable. If the Senator desires discussion on this bill it can be done when it is up for final passage. The motion now before the Senate is that it be placed on the postponed calendar.

The PRESIDENT. The point of order is well taken.

Mr. SHAPIRO. Mr. President, the Supreme Court has before it a question which, unless it is passed on by the Supreme Court, makes this bill, so far as Philadelphia is concerned, innocuous. We asked for a public hearing because we believed—at least I believed—it not only affected Philadelphia but also the Commonwealth of Pennsylvania.

I am sure the Senator from Tioga, Mr. Owlett, knows that I am over twenty-one years of age. It is now half-past eleven, if that clock has not been stopped. If anybody is to come here from Philadelphia to attend this hearing—which the Senator from Philadelphia graciously offers us for ten o'clock tomorrow morning, I suggest—

I hope it is not necessary—but I suggest that he realize that I am not fooled by that. My purpose in objecting to the motion is because he said, in connection with the motion, that it was for the purpose of holding a public hearing. That is no public hearing. Let the Senator from Tioga either say he wants to give us a public hearing or he does not, and then I will discuss the merits of this bill or agree that the bill be recommitted.

The Senator from Tioga knows we can not have a hearing on this bill tomorrow, not if we are going to follow parliamentary law, and I think we should follow these parliamentary laws in connection with these bills, and I ask the Senator from Tioga to answer the question I now want to put to him. Will the Senator from Tioga permit himself to be interrogated.

The PRESIDENT. Will the Senator from Tioga permit himself to be interrogated.

Mr. OWLETT. I will.

Mr. SHAPIRO. My understanding, Mr. President, from the Senator from Tioga is that the purpose of placing this bill on the postponed calendar is to have a public hearing at ten o'clock tomorrow morning.

Mr. OWLETT. Mr. President, for the information of the Senator from Philadelphia, and for the information of other members of the Senate, I desire to state that I advised the Senator from Philadelphia at nine o'clock, when he returned from the Republican caucus, that we proposed to have a public hearing on this bill. I did that so that he would have opportunity to notify his people in Philadelphia to be here, so, first I want to get clearly on the record that he is not getting his first notice of the public hearing at eleven-thirty; he got it at nine o'clock tonight, which was the first opportunity we had to advise him.

Secondly, my understanding is that the Committee on Public Utilities proposes to invite before it tomorrow at ten o'clock, those that have professed an interest in this bill, and who wish to oppose it, and the committee will hear anything that they have to say. If the Committee at that time concludes that the bill should be recommitted, a proper amendment can be made. If it decides that the bill should pass it is on the Calendar, and these tactics will not have delayed final passage of the bill.

Mr. SHAPIRO. Mr. President, do I understand the Senator from Tioga, to say that a hearing will be held at ten o'clock tomorrow morning?

Mr. OWLETT. Mr. President, I repeat what I told the Senator at nine o'clock this evening, that the Committee on Public Utilities proposes to have a hearing tomorrow morning at ten o'clock.

Mr. SHAPIRO. Mr. President, that is quite true, the Senator from Tioga told me that at nine o'clock this evening. He said a hearing was going to be arranged for ten o'clock tomorrow, and I think the Senator from Tioga will remember I said to him that is ridiculous, because it is impossible to get anybody here now or get any notice to anybody in the event that they should be here at ten o'clock in the morning.

I think that we are entitled to a little more consideration on this bill. This is another one of the bills that came over here last week, was in committee five minutes and then was reported out. I am not going to get angry about it, because hasty legislation of this kind bears its own toll. But I suggest to the Senator from Tioga that he read this

bill very carefully before it is passed, because if I know anything about it, this bill takes away from the Public Utility Commission any power over any utilities. I suggest that before this bill is passed—I want to be on record—as having called attention of the committee to the fact that that bill should be given a little more study.

This is the kind of legislation to which the other side referred when the Democrats were passing legislation in a hurry, as the kind that would come home to roost. I am interested in the legislation, not in the position of having to say I told you so, but I am suggesting that for the record, and, secondly, I am suggesting to the Senator from Tioga, he can have a hearing on this matter on Wednesday and give some reasonable opportunity to those who are interested in the bill to be notified to appear, and therefore, I am going to ask my colleagues to vote "no" on the postponement of this bill, because we cannot—and the Senator from Tioga knows we are not going to put him in the embarrassing position of asking him whether he doesn't know that no committee can consider a bill without it being in their possession.

Mr. OWLETT. Mr. President, in order that this record may be kept straight I do not want it to appear that the Senate is preventing a proper hearing on this bill, I would like to call the attention of the Senate to the debate that took place in this Senate on March 15th, when this bill came up for second reading.

It was at that time that the Senator from Philadelphia, Senator Shapiro stated that a public hearing should be held on this bill, and it was then suggested by my colleague from Philadelphia, Senator Woodward, that a hearing be held last Wednesday. The Senator from Philadelphia, Mr. Shapiro, at that time protested that that was too soon, and it was pointed out that this bill would be in control of the Senate on Monday night, and a hearing could be held, but it was clearly indicated to the Senator from Philadelphia, Mr. Shapiro, that it was supposed to have a prompt hearing, as in the words of Dr. Woodward, "time was of the very essence of this bill."

It is totally unfair, Mr. President, as I see it, for the Senator from Philadelphia to infer that proper notice has not been given. If they wanted a hearing on this bill they should have been here tonight, and I submit that anybody that heard that debate in the Senate last Wednesday, and was really interested in bringing before this Senate whatever objections they might have to this bill would be prepared for a hearing today or tomorrow, because the whole tenor of that debate indicated that was when a hearing would be held. I do not propose, Mr. President, to have the Senator from Philadelphia, put the majority in the position of having stifled any hearing on this bill.

Mr. SHAPIRO. Mr. President, I am very sorry, but I will have to put the majority in exactly that sort of position. I asked, Mr. President, last week, that we be given a hearing, and the Senator from Tioga said—and the record will show—that we could take up the question of a hearing next week, and Dr. Woodward suggested a hearing the next morning, which is just as good as we are getting now, and no more. I asked that a hearing be held a day or two after I made my motion, which was refused. I interrogated the Chairman of the Public Utility Commission as to whether he would grant a public hearing. The Senator from Lancaster, Mr. Pierson, stated he

could only answer for himself; that he would be in favor of a public hearing, if the Committee was in favor of it. How could I possibly get a public hearing without action of the Committee?

Neither the Senator nor myself is in position to give a public hearing in this matter unless the committee wants it. The Committee is the only one that can fix a time for a public hearing, and here the Senator from Tioga is breaking all the rules and precedents. He stands up on the floor of the Senate and says he will see to it that I get a hearing tomorrow morning at ten o'clock. I will place the majority in the position they have placed themselves by telling me and my colleagues we could have a hearing tomorrow morning. They have no authority to fix a hearing. Only the Committee can fix the time and place of a public hearing, and here is an important matter, taking away from the Public Utility Commission the right to fix rates for every city in the State. I am particularly interested in Philadelphia. The passage of this bill will make it possible for a rate—in a particular industry—to be fixed for seventeen years.

POINT OF ORDER

Mr. OWLETT. I rise to a point of order.

The PRESIDENT. Will the Senator from Tioga state his point of order.

Mr. OWLETT. Mr. President, the Senator from Philadelphia, Mr. Shapiro, is not talking on the motion.

Mr. SHAPIRO. Mr. President, I think I am. It is very important in discussing the effect of placing a bill on the postponed calendar—but when you are talking about giving us a hearing tomorrow at ten o'clock I would call that ridiculous. I say to my friends on the other side I am sorry that I must place the majority in the position in which they are placing themselves. You talk about the delay, I asked for a hearing last week and I was told to renew my motion tonight. I kept faith last week with the other side by saying we had agreed that there should be no controversial questions raised. If we had raised the question last week we had enough votes to carry the motion but I would not take advantage of the situation, any more than my friend from Tioga would take advantage of it and he certainly should not stand up here tonight and say I am placing him in the position in which he finds himself by his own conduct.

And the question recurring,

Will the Senate agree to the motion,

The yeas and nays were required by Mr. OWLETT and were as follows, viz:

YEAS—25

Bartlett,	Eroe,	Mallery,	Stevenson,
Chapman,	Farrell,	Miller,	Tallman,
Crowe,	Gelder,	Owlett,	Thomas,
Dando,	Heyburn,	Pierson,	Walker,
Detrick,	Homsher,	Scarlett,	Wolfenden,
Ealy,	Letzler,	Snowden,	Woodward,
Edmonds,			

NAYS—21

Calvacante,	Haluska,	Lanus,	Rice,
Coleman,	Jacobs,	McCreesh,	Ruth,
Dent,	Jaspan,	McGinnis,	Shapiro,
DiSilvestro,	Kilgallen,	Mundy,	Sipe,
Frev,	Kunkel,	Reed,	Stiefel,
Gilson,			

So the question was determined in the affirmative.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 12, entitled:

An Act for the prevention of congenital syphilis providing for and regulating the taking of serological tests of women pregnant with child and requiring notation thereof on the birth and stillbirth certificates of their children imposing duties upon the Department of Health and upon physicians and other persons attending women pregnant with child.

The first section of the bill was read as follows and agreed to.

Section 1 Every physician who attends any women pregnant with child for conditions relating to pregnancy during the period of gestation or at delivery shall take or cause to be taken a sample of blood of such woman at the time of first examination or within fifteen (15) days thereof and shall submit such sample to an approved laboratory as hereinafter defined for a standard serological test for syphilis. All other persons permitted by law to attend women pregnant with child but not permitted by law to take blood samples shall cause a sample of the blood of every such pregnant woman attended by them to be taken by a duly licensed physician of the Commonwealth of Pennsylvania and submit it to an approved laboratory for a standard serological test for syphilis.

The second section of the bill was read as follows:

Section 2 For the purpose of this act a standard serological test for syphilis shall be a test approved by the State Department of Health and shall be made at a serological approved to make such tests by the State Department of Health. Such laboratory tests as are required by this act shall on request of the physician submitting the sample and on his certificate that the patient is unable to pay be made without charge by the State Department of Health.

On the question,

Will the Senate agree to the section?

Mr. WOLFENDEN. Mr. President, I move to amend sec. 2, page 2, line 14, by striking out the word S "serological" and insert in lieu thereof "laboratory." Amend sec. 2, page 2, line 15, by striking out the word S "laboratory" and insert in lieu thereof "serological"

Mr. MALLERY. Mr. President, I second the motion.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

The third and fourth sections of the bill were read as follows and agreed to:

Section 3 In reporting every birth and stillbirth physicians and others required to make such reports shall state on the certificate whether a serological test for syphilis has been made upon a specimen of blood taken from the woman who bore the child for which a birth or stillbirth certificate is filed and the approximate date when the specimen was taken and if the test was not made the reason why it was not made.

Section 4 This act shall become effective one (1) year after final enactment.

The title of the bill was read as follows and agreed to:

An Act for the prevention of congenital syphilis; pro-

viding for and regulating the taking of serological tests of women pregnant with child; and requiring notation thereof on the birth and stillbirth certificates of their children; imposing duties upon the Department of Health and upon physicians and other persons attending women pregnant with child.

And said bill as amended having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 13, as follows:

An Act regulating the issuance of marriage licenses prohibiting the issuance thereof to persons infected with syphilis in certain stages requiring each applicant to produce certain evidence of freedom from such disease imposing duties upon the Department of Health and the clerk of the orphans' court of the various counties and imposing penalties

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 No license to marry shall be issued until there shall be in the possession of the clerk of the orphans' court a statement or statements signed by a duly licensed physician of the Commonwealth of Pennsylvania that each applicant within thirty days of the issuance of the marriage license has submitted to an examination to determine the existence or non-existence of syphilis which examination has included a standard serological test or tests for syphilis and that in the opinion of the examining physician the applicant is not infected with syphilis or if so infected is not in a stage of that disease which is likely to become communicable. The physician's statement shall be accompanied by a statement from the person in charge of the laboratory making the test or from some other person authorized to make such statement setting forth the name of the test the date it was made the name and address of the physician to whom a report was sent and the exact name and address of the person whose blood was tested but not setting forth the result of the test

Section 2 For the purpose of this act a standard serological test for syphilis shall be a test approved by the State Department of Health and shall be made at a laboratory approved to make such tests by the State Department of Health. Such laboratory tests as are required to be made by this act shall on request of the physician submitting the sample and on his certificate that the applicant is unable to pay be made without charge by the State Department of Health.

Section 3 Any applicant for a marriage license having been denied a physician's statement as required by this act shall have the right of appeal to the Department of Health of the Commonwealth of Pennsylvania for a review of the cases and the said Department shall after appropriate investigation issue or refuse to issue a statement of lieu of the physician's statement required by section one of this act

Section 4 The statements of the physician who examined the applicant and the laboratory which made the serological test shall be uniform throughout the State and shall be upon forms provided therefor by the State Department of Health. These forms shall be filed by the clerk of the orphans' court separately from the applications for marriage licenses and shall be regarded as absolutely confidential by any and every person whose duty it may be to obtain make transmit or receive such information or report

Section 5 Any applicant for a marriage license physician or representative of a laboratory who shall misrepresent any of the facts prescribed by this act or any licensing officer failing to receive the statements prescribed by this act or who shall have reason to believe that any of the facts thereon have been misrepresented and shall nevertheless issue a marriage license or any person who shall

disregard the confidential character of the information or reports required by this act or any other person who shall otherwise fail to comply with the provisions of this act shall upon conviction thereof in a summary proceeding before any justice of the peace or alderman of the county wherein such offense was committed be sentenced to pay a fine of not less than twenty dollars (\$20.00) nor more than one hundred dollars (\$100.00) to be paid to the use of said county and the costs of prosecution and upon failure to pay such fine and costs shall be imprisoned not less than ten (10) nor more than thirty (30) days

Section 6 All acts and parts of acts inconsistent with the provisions of this act are hereby repealed. Provided That nothing in this act shall be construed to repeal the provisions of section four of the act approved the twenty-fourth day of July one thousand nine hundred and thirteen (Pamphlet Laws 1013) which provides for a hearing by the orphans' court in those cases when the right to a license is not made to appear

Section 7 This act shall become effective one (1) year after final enactment

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 93, as follows:

An Act to validate private sales of real estate of decedents heretofore made under authority of orphans' courts upon petition of executors or administrators for payment of debts

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 All private sales of real estate of decedents heretofore made under and by virtue of decrees of orphans' courts upon petition of executors or administrators for payment of debts of such decedents respectively shall and the same are hereby declared to be valid and effectual to vest in the purchasers the title of such decedents in the real estate so decreed to be sold notwithstanding any defect whatever in the procedure under which such sales were had. Provided That adequate security conditioned for the faithful application of the purchase money shall have been given by such executors or administrators as the case may be in accordance with such decrees. Provided further That this act shall not apply to any case heretofore judicially adjudicated

Section 2 This act shall become effective immediately upon final enactment

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 138, as follows:

An Act authorizing counties cities boroughs townships of the first and second class and school districts to issue and sell bonds for certain purposes and for a certain period of time providing for a trust fund and a sinking fund for the payment thereof and defining the duties of the officers and governing bodies of the said municipalities or quasi municipalities in relation to said funds and fixing a penalty for the violation thereof

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 That to meet the emergency occasioned by the extraordinary decrease in tax collections due to business depression and widespread unemployment it shall be

lawful for any county city borough township of the first and second class and school districts to issue and sell at not less than par bonds bearing interest at a rate not exceeding six per cent (6%) per annum payable in not more than ten (10) years from the date of said bonds in an amount not exceeding the amount of uncollected taxes due on real estate at the date of the enactment of the ordinance or the adoption of the resolution authorizing such action less a sum sufficient to pay the interest and taxes covenanted to be paid thereon. Any subsequent borrowing under the provisions of this act shall be limited to an amount which when added to the amount or amounts previously borrowed shall not exceed the amount of the uncollected taxes less a sum sufficient to pay the interest and taxes covenanted to be paid on the amounts previously borrowed and proposed to be borrowed and the proceeds of any bonds created under the provisions of this act by any such municipality or quasi municipality shall be used only for the payment of the operating expenses of such municipality or quasi municipality.

Section 2 For the purpose of creating a sinking fund for the payment of the principal and interest of the bonds created under the provisions of this act and any taxes covenanted to be paid thereon the governing bodies of the municipalities or quasi municipalities issuing same shall annually (until payment of the said bonds and the interest thereon and any taxes covenanted to be paid thereon be fully provided for) levy and collect in addition to the other taxes a tax sufficient to pay the interest and principal of said indebtedness and any taxes covenanted to be paid thereon within ten (10) years from the date of said bonds. Such taxes shall be called the "Emergency Sinking Fund Tax" and shall be paid into the treasury of such municipality or quasi municipality and shall be kept separate and distinct from all other funds in a fund to be called "Emergency Sinking Fund" and shall be applied to the redemption of said bonds and the payment of the interest and taxes if any thereon and to no other purpose whatsoever and said bonds when so redeemed shall be cancelled.

Section 3 Each ordinance or resolution authorizing the issuing of said bonds shall recite an amount of the uncollected taxes then due at least equal to the amount of the proposed issue of bonds which amount of uncollected taxes so recited shall become a trust fund for the redemption of said bonds and the payment of the interest and taxes if any thereon and it shall be the duty of the secretary or clerk of the governing body to credit the emergency sinking fund with such taxes and of the treasurer of such municipality or quasi municipality to deposit in the emergency sinking fund immediately upon receipt thereof any and all said uncollected taxes provided that the amount of said uncollected taxes received and deposited in the emergency sinking fund in any year may be deducted from the amount of the annual tax levied for the year following to be levied and collected for the redemption of said bonds and the payment of the interest and taxes if any thereon.

Section 4 Any person who shall directly or indirectly apply or use any of said uncollected taxes to or for any purposes other than to deposit the same in the emergency sinking fund shall be guilty of a misdemeanor and upon conviction thereof shall be fined in a sum not exceeding one thousand dollars (\$1,000) or imprisoned for a term not exceeding one (1) year or either or both in the discretion of the court.

Section 5 The trust fund and the emergency sinking fund covering each issue of bonds under the provisions of this act shall be alike numbered and in consecutive order and the amount thereof as well as the uncollected taxes due and collectible shall be deducted from the gross indebtedness in ascertaining the net indebtedness of such municipality or quasi municipality.

Section 6 The temporary emergency power hereby granted shall be in addition to the powers granted to such municipalities or quasi municipalities to issue and create indebtedness under existing law.

Section 7 Any bonds issued under the provisions of this act shall be issued in accordance with the provisions of the Constitution of this Commonwealth and the act

approved the twentieth day of April one thousand eight hundred and seventy-four (Pamphlet Laws sixty-five) entitled "An act to regulate the manner of increasing the indebtedness of municipalities to provide for the redemption of the same and to impose penalties for the illegal increase thereof" as supplemented and amended and shall require the approval of the Department of Internal Affairs.

Section 8 This act shall become effective immediately upon its approval by the Governor and remain in force and effect only for six (6) years thereafter.

And said bill having been read at length the second time,

On the question,

Will the Senate agree to the bill on second reading?

Mr. SHAPIRO. Mr. President, I should like to interrogate the Senator from Lancaster, Mr. Homsher.

The PRESIDENT. Will the Senator from Lancaster, Mr. Homsher, permit himself to be interrogated?

Mr. HOMSHER. I will, Mr. President.

Mr. SHAPIRO. Mr. President, I should like to ask the Senator from Lancaster, Mr. Homsher, as the sponsor of this bill, whether or not he believes this bill is a tax increasing bill.

Mr. HOMSHER. No, Mr. President, it is in connection with the enactment of the Mansfield Act.

Mr. SHAPIRO. Mr. President, does the Senator from Lancaster know that this bill authorizes cities to increase taxation because of the bill?

Mr. HOMSHER. Mr. President, it is against uncollected taxes.

Mr. SHAPIRO. Mr. President, that is right. I do not know whether the members of the Senate know it or not but I should like to call attention of the sponsor of the bill to the fact that this bill not only permits cities of the first and second class to borrow money on delinquent taxes but it also authorizes them to increase taxes to an amount sufficient to pay off that borrowed money.

In other words, in your city, or my city, Philadelphia, after we borrow \$12,000,000 or \$15,000,000 on the delinquent taxes we can impose additional taxes on the tax payers to pay that money off, notwithstanding the fact that these taxes would never be collectible, and I therefore—if the Senator from Lancaster has no objections—I would suggest that he refer this bill back to committee for further study because I understood it was not his intention to introduce a bill which would increase taxes, and I am quite sure he would want to study this a little further.

And the question recurring,

Will the Senate agree to the bill on second reading?

BILL RECOMMITTED

Mr. SHAPIRO. Mr. President, I move that Senate Bill No. 138, the bill just read, be recommitted to the Committee on Education, for the purpose of further consideration.

Mr. FREY. Mr. President, I second the motion.

The motion was agreed to.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 188, (House Bill No. 80), entitled:

BILL ON SECOND READING

An Act to amend sections one and two of the act, approved the twenty-first day of June, one thousand nine hundred and thirty-seven (P. L. 1982), entitled "An act authorizing the Supreme Court of Pennsylvania to prescribe rules of practice and procedure in civil actions at law and in equity in certain courts of this Commonwealth, to prescribe rules and regulations for the conduct of any general business, either civil or criminal, by judges of any court of record; authorizing the courts of common pleas to prescribe and adopt local rules, not inconsistent with such general rules of the Supreme Court of Pennsylvania; authorizing the Supreme Court of Pennsylvania to appoint a Procedural Rules Committee, and to fix and define its powers and duties; imposing duties on judges and other officers of every court of record," by including the municipal court of Philadelphia.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeable to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 206, as follows:

An Act requiring applications for licenses or permits to be accompanied by a per capita school tax receipt for the last calendar year preceding the year in which the application is made and making exceptions as to applicants residing without the Commonwealth or in school districts where no such tax is imposed or those exempt by law or action of the tax levying authorities. The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1 No license or permit shall be issued or granted by any department agency board of commission of the Commonwealth to any person over twenty-two years of age unless the application for such license or permit shall be accompanied by a per capita school tax receipt for the last calendar year preceding the year in which the application is made issued in the name of the applicant.

Section 2 The provisions of this act shall not apply where the applicant is not a resident of this Commonwealth or is a resident of a school district which does not impose a per capita school tax or is exempted by law or by action of the tax levying authorities.

Section 3 All acts or parts of acts inconsistent herewith are hereby repealed.

Section 4 This act shall become effective the first day of September one thousand nine hundred and thirty-nine.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILL ON FINAL PASSAGE

Mr. SHAPIRO. Mr. President, I move that the Senate do now proceed to the consideration of Senate Bill No. 215, (House Bill No. 338), postponed.

Mr. FREY. Mr. President, I second the motion.

It was agreed to

MOTION TO RECOMMIT

Mr. SHAPIRO. Mr. President, I move that Senate Bill No. 215, (House Bill No. 338), on final passage be recommitted to the Committee on Public Utilities for the purpose of a public hearing.

Mr. FREY. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

Mr. OWLETT. Mr. President, this is the bill we have just been discussing, Senate bill No. 215, that was just put on the postponed calendar a short while ago. I ask the Senate to vote "no" on the motion to recommit.

Mr. SHAPIRO. Mr. President, I desire to interrogate the Senator from Tioga.

The PRESIDENT. Will the Senator from Tioga permit himself to be interrogated?

Mr. OWLETT. Mr. President, I will.

Mr. SHAPIRO. Will the Senator from Tioga, Mr. Owlett, state whether or not it is not fact a few moments ago he said that he intended there should be a public hearing on this bill?

Mr. OWLETT. Mr. President, I understood from the members of the Senate they proposed to have a public hearing on this bill tomorrow morning at ten o'clock, and I so notified the Senator from Philadelphia, Mr. Shapiro, at nine o'clock this evening.

Mr. SHAPIRO. Mr. President, will the Senator from Tioga tell the members of the Senate if it is possible to have a public hearing on a bill which is not in possession of a committee.

Mr. OWLETT. Mr. President, it is entirely possible and it has been done in this Senate. In the last session of this Senate a hearing was held on a bill which remained on the calendar. The committee can ask the Senate to recommit the bill after the hearing, if they desire to have it in the committee for further action. I thought I made that clear.

Mr. SHAPIRO. Mr. President, I still do not understand that the Senator from Tioga, Mr. Owlett has answered my question. My question, Mr. President, is whether it is in accordance with parliamentary law that a hearing should be held by a committee when a bill is not in their possession?

Mr. OWLETT. Mr. President, I know of no law of parliamentary procedure which prohibits such action.

Mr. SHAPIRO. Mr. President, I suggest again to that the Senator from Allegheny that he should not pay any attention to this lesson we are having in school tonight, because it is a bad lesson.

Mr. GELDER. Mr. President, I would like to call the attention of the Senator from Philadelphia, Mr. Shapiro, to the fact that tomorrow morning the bill can be sent to the committee, so that it will have possession of the bill when the hearing is held.

Mr. CAVALCANTE. Mr. President, I would like to interrogate the Senator from Susquehanna.

The PRESIDENT. Will the Senator from Susquehanna, Mr. Gelder, permit himself to be interrogated?

Mr. GELDER. Mr. President, I will.

Mr. CAVALCANTE. Mr. President, what is the objection to sending this bill back to the committee tonight?

Mr. GELDER. Frankly, Mr. President, the objection is that we want the bill to be on the calendar so that it will be noted on the calendar tomorrow, and then it can go back. We do not want our friends on the other side to retard the passage of the bill. While we do want to extend to them the courtesy of a hearing that was suggested last week, the Senator from Philadelphia, Mr. Shapiro, was on notice last week that there would be action at this time.

Mr. SHAPIRO. Mr. President, I should like to serve notice on my colleagues that I do not propose to attend

any public hearing on any bill that has not been handled in a proper parliamentary manner. I am not going to subject myself to criticism from the new members of this Senate, from the younger members of this Senate, nor am I going to set any bad example.

QUESTION OF PARLIAMENTARY INQUIRY

Mr. OWLETT. Mr. President, I rise to a question of parliamentary inquiry.

The PRESIDENT. The Senator will state his question of parliamentary inquiry.

Mr. OWLETT. Mr. President, I should like to inquire from the chair as to what motion we are voting on?

The PRESIDENT. The question is on the motion to recommit Senate Bill 215, (House Bill 338), to the Committee on Public Utilities for a public hearing.

The yeas and nays were required by Mr. Shapiro and Mr. Frey, and the clerk proceeded with the call.

Mr. JASPAN. Mr. President, I should like to state the reasons for my vote on this bill.

POINT OF ORDER

Mr. OWLETT. Mr. President, I rise to a point of order.

The PRESIDENT. The Senator from Tioga will state his point of order.

Mr. OWLETT. Mr. President, I suggest there is nothing before the Senate but the roll call.

The PRESIDENT. The point of order is well taken.

APPEAL FROM DECISION OF CHAIR

Mr. JASPAN. Mr. President, I appeal from the decision of the Chair.

POINT OF ORDER

Mr. OWLETT. Mr. President, I rise to a point of order.

The PRESIDENT. The Senator from Tioga will state his point of order.

Mr. OWLETT. Mr. President, an appeal from the decision of the Chair must be in writing.

The PRESIDENT. The point of order is well taken, the appeal must be in writing.

The yeas and nays were as follows, viz:

YEAS—20

Cavalcante,	Gilson,	Lanlus,	Rice,
Coleman,	Haluska,	McCreesh,	Ruth,
Dent,	Jaspan,	McGinnis,	Shapiro,
DiSilvestro,	Kilgallen,	Mundy,	Sipe,
Frey,	Kunkel,	Reed,	Stiefel.

NAYS—26

Bartlett,	Eroe,	Mallery,	Stevenson,
Chapman,	Farrell,	Miller,	Tallman,
Crowe,	Gelder,	Owlett,	Thomas,
Dando,	Geltz,	Pierson,	Walker,
Deltrick,	Heyburn,	Scarlett,	Wolfenden,
Ealy,	Homsher,	Snowden,	Woodward,
Edmonds,	Letzler,		

So the question was determined in the negative.

And the question recurring shall the bill pass finally.

QUESTION OF PERSONAL PRIVILEGE

Mr. JASPAN. Mr. President, I rise to a question of personal privilege.

The PRESIDENT. The Senator from Philadelphia, Mr. Jaspan, will state his question of personal privilege.

Mr. President: The bill before us, Bill No. 338, is designed to amend the Pennsylvania Public Utility Law of 1937. If this bill was just one of the many offered to this Session, it would perhaps pass unnoticed, and be unworthy of special mention.

But the bill is distinctive in that it was introduced at the instance of the Phila. City Council as part of a scheme that has little counterpart in Penna. Legislative history. To picture the background of the bill, I shall recite a few earlier facts that occurred in connection with it.

The City of Phila. now receives \$4,215,000 annually, as rental for the lease of the City owned Gas Works to the Phila. Gas Works Co., a subsidiary of the United Gas Improvement Co. In one of its many make-shift efforts to avoid bankruptcy and in its desperate effort to balance its budget for the present year, the City has offered to sell its gas rentals for a number of years in order to obtain \$50,000,000. The only bid received was that by the Phila. Corporation headed by one A. Webster Dougherty. Dougherty's proposal in brief is:

That his Company would pay the City of Phila. \$50,000,000 for all rentals due and to become due the City for the next 17 years 4½ months, and interest on all unpaid balances, but in any event if the \$73,500,000 in accumulated rentals demanded by Mr. Dougherty for the payment of the \$50,000,000 to the City was not paid by August 1, 1955, the City will forthwith (1) levy a special tax to provide for the payment to the Corporation of such deficiency out of current revenues of the City, and (2) irrevocably appropriate to such payment all revenues received by the City from such tax. In short, Mr. Dougherty demands \$73,500,000 in accumulated rentals for the payment of \$50,000,000 to the City, assuming that there is no default in payments. Mr. Dougherty further insists it shall be determined by a final decision of the Supreme Court of Pennsylvania or counsel for the Corporation shall be otherwise satisfied:

(a) That the City has power to enter into the transaction herein contemplated and that the same will not result in an unauthorized increase of the indebtedness of the City.

(b) That during the period of the assignment neither the General Assembly of the Commonwealth of Pennsylvania, nor the Pennsylvania Public Utility Commission, nor the City of Philadelphia, nor any other governmental agency (other than the Gas Commission) shall have power, without changes in the present Constitution to modify, reduce, or regulate the rates for gas.

(c) Unless the approval of the Pennsylvania Public Utility Commission to the Agreement, to the Amendment, to the Assignment, and to all other instruments, if any, involved in the transaction be obtained, that such approval is unnecessary.

7. The Pennsylvania Public Utility Commission, unless it shall be determined as provided in paragraph 6 hereof that its approval is unnecessary, shall approve of the Agreement, of the Amendment, of the Assignment, and of all other instruments, if any, involved in the transaction.

Now to effectuate this fantastic scheme, House Bill No. 338 was introduced by Representative Tahl ostensibly to deprive the P. U.C. of jurisdiction over the Phila. Gas Works, but actually stripping the Commission of all authority over all municipally owned but privately operated

plants throughout the city and state. According to this legislation the Gas Company will be allowed to fix any rates it chooses without supervision or regulation by any agency in the state except the Gas Commission of Phila., a body made up of five members, two of whom shall be elected by City Council from amongst its members, one shall be appointed by the Mayor of the city, one by the Gas Company and one shall be the City Controller. In other words, the City of Phila. in its desperate exigency is called upon not only to sell the future of its most valuable piece of property, but is asked to join in a scheme to remove from the citizens of Philadelphia their last safe-guard against increased gas rates already burdensome, in order to guarantee Dougherty's company the unrestricted right to collect heavy fees from the users of gas while at the same time giving the U. G. I. and its subsidiaries access to a gold mine of its own.

A representative of the City, appearing before the Public Utility Committee of the Senate last Tuesday when this bill came up for discussion, attempted to convey the impression that the lease as entered into by the U. G. I. and the City was not a lease agreement and further, did not call for the payment of any rentals to the city and tried to emphasize very strongly the fact that the P. U. C. had refused to take any action on the 1937 lease for the past 15 months and therefore it was necessary to present this bill. He also tried to convey the impression that the Phila. Gas Works as a party to the agreement where hirelings of the City and should not be considered as a public utility, private utility or operating company.

I am sorry to say that the City's representative was not very truthful with our committee. The fact is that the agreement entered into between the City and the Gas Works was a lease agreement, and further, it called for the payment of rentals by the operating company, the Phila. Gas Works, a subsidiary of the U. G. I. The fact of the matter is that the P. U. C. did not hold up the approval of the lease for 15 months, but it was passed by Council in December, 1937, and was not approved by the Mayor of the City of Phila. until October, 1938, when it was sent to the P. U. C. for approval. This very representative who appeared before our Committee represented the Mayor in proceedings before the Court to have the Gas Works, returned to the city, alleging waste and mismanagement by the Phila. Gas Works, and further, demanded the return of moneys he claimed that the Phila. Gas Works owed the City. Another reason for the Mayor's refusal to sign until October, 1938, was that the Mayor felt that the reduction of 5c was too small (.90 to .85) and that the rate payers of Phila. were entitled to a better break. These are facts and I have before me an extended agreement indicating the dates when the Mayor signed the 1937 lease and sent it to the P. U. C.

If anything, the Gas Works Company has prevented the signing of the new lease by having questioned the right of the P. U. C. to assume jurisdiction and fix rates under the temporary rate clause. The fact is that the P. U. C. assumed jurisdiction and reduced the rates to \$.85, the amount set forth as the rate in the lease of 1937. The Phila. Gas Works Co. stayed these proceedings by an appealing to the Dauphin County Court where the matter is now pending. If this matter is decided in favor of the Phila. Gas Works, there is no need for this bill, insofar as Phila. is concerned. The City of Phila., however, is not

willing to bide its time, but in desperation will attempt to deceive and cajole the Legislature into the belief that there is immediate need for passage of this bill. Their complaint against the P. U. C. is ill-founded. If anything, through the efforts of the P. U. C. the City of Phila. has obtained reductions in electric rates to the extent of \$5,000,000, and that certainly is helping our rate payers. The Phila. Elec. Co. did not object to these reductions. However, the City Council and U. G. I., believing that a careful examination of the books, records and equipment of the Phila. Gas Works will cause the P. U. C. to order a substantial reduction, are moving heaven and earth to prevent this by stripping of authority over the Gas Works Co. so that the U. G. I., City Council in connivance with the Gas Commission will keep the rates up so as to assure Mr. Webster Dougherty's company his money.

AND WHO IS This company sponsored by A. Webster Dougherty that by a flourish of his finger asks that the Supreme Court of Penna. and the Legislature and Council to do his bidding? AND who is A Webster Dougherty? Who are the men behind him? No one knows and there exist the startling possibility that the men for whom he is fronting might well provide by the right to fix future gas rates in the City without restraint. May I ask, "Are A. Webster Dougherty and the U. G. I. two arms of the same body?"

It is the significant that A. Webster Dougherty and his company will not trust the P. U. C. to fix rates but will trust the Phila. Gas Commission. It is equally significant that City Council want the Public Utility Law also amended that the portion which provides for inspection of, and access to facilities of the utilities shall be thereafter nullified and that thereafter these functions be performed by the Phila. Gas Commission which lacks the funds and experts with which to do these things without aggravating an already overburdened City treasury, aside from the loss of that great administrative experience which the Public Utility Commission has been able to provide. Instead of the impartial, thorough and able supervision by the P. U. C. we are to have by this proposal an unholy alliance between a Gas Commission controlled by the agencies presenting this proposal and the men who are to most profit by it.

A. Webster Dougherty and his company has given no assurance against an increase in the gas rates. We can hardly expect that. If anything, the rates will remain the same for the next 17½ years and probably go higher in order to guarantee his money. Further, without any supervision by the P. U. C., what would happen to the affairs of the Company? What would happen to the City-owned property if in desperation to collect back its rentals, A. Webster Dougherty's company connived at running down the plant and destroying its efficiency?

Nor is Bill No. 338 introduced by Mr. TAHL FREE from other vices. While presumably aimed at freeing the Phila. Gas Works from Public Utility Commission control by its very words it also releases from that same control a score of other companies operating municipally owned property including our own P. R. T. which operates the city-owned Frankford L. and Broad St. Subway. In their mad haste to enact this legislation, the architects of the plan overlooked the fact that the P. R. T. also could fix higher fares with approval of Council and without any regulation by the P. U. C. There is no commission—Mr.

Dougherty has struck a hard bargain, not conceding a single point to the City or its gas-users for he even dictated in his proposal that he reserved the right to change its terms until all his demands were first satisfied and even after the city accepted his offer and the Supreme Court declared that plan legal he could still refuse to fulfill his end of the bargain without any penalty. Are we to stand by and permit our chosen representatives both in Council and in the Legislature to lend themselves to a scheme engineered by A. Webster Dougherty, the U. G. I. and the City to further exploit the rate-payers of our city. City Council has just applied its stamp of approval to this nefarious scheme.

Bill No. 338 makes no express reference to the municipally owned gas plant in Phila. nor to the proposed sale of the rentals for \$50,000,000. And further, the so-called proposal dated March 13, 1939, submitted to the Phila. City Council by the Phila. Corporation of which A. Webster Dougherty is the head does not require the enactment of House Bill No. 338 as a condition precedent to the \$50,000,000 deal. So why the haste and rush. This bill affects every family in the City of Phila. and certainly their interests should be considered. The rate-payers of Phila. have already lost 600,000 by reason of the fact that they paid \$.90 for the gas for the past when in fact they should have only paid \$.85 and this will continue for at least 17½ years with a possibility of an increase over the \$.90. If Council is sincere, why not sell the Gas Works for approximately \$70,000,000, and free it from control of the U. G. I., a company that is also the holding company for the Phila. Elec. Co. The U. G. I. would object to it fearing open and free competition in both commodities (Gas and Electricity). As it is the U. G. I. has been scuttling the Gas Works for the benefit of the Phila. Elec. Co. from whom they obtained annually \$20,000,000 as against \$800,000 they have been receiving from the Phila. Gas Works Co. The gas sales in the city of Phila. during the year 1937, the city deviated a total of 18% below the national curve, but the electric sales of the Phila. Elec. Co. was in harmony with the national rate of growth. This, I attribute to the deliberate policy of gas sales strangulation pursued by the Phila. Gas Works Co. for the sole enrichment of its affiliate, the Phila. Elec. Co. With unrestricted competition between gas and electricity, statistics definitely show that it results in lower rates for both commodities. Cleveland is an outstanding example. Again I repeat, let Council sell the Gas Works, and if \$70,000,000 can be obtained for it, at least we will have \$20,000,000 additional to the \$50,000,000 and interest of \$23,500,000 will be saved and interest on unpaid balances, and further, will do away with necessity of raising taxes in the year 1955 to meet any deficiency in rental payments to Mr. Dougherty, and above all, the rate-payers of Phila. will obtain a substantial reduction in the rate of gas.

The Public Utility Holding Company Act of 1935, which was enacted as a result of, and shortly after, the FEDERAL TRADE COMMISSION inquiry, clearly disavows the common control and operation of gas and electric facilities in the same community. And, according to sections 8 and 11 (b) of this Act, the operation of the City-owned gas works by the United Gas Improvement Company, a registered holding company, is repugnant to the letter, spirit and intent of the Federal law.

While this bill is designed ostensibly to deprive the Penna. Public Utility Commission of jurisdiction over the municipally owned but privately-operated gas works in Philadelphia, it actually removes all municipally-owned utilities in the State from the protection and benefits of the Public Utility Law of 1937. Several hundred municipal corporations—operating water works, lighting plants, etc., affecting hundreds of thousands of consumers—are thereby adversely affected.

Let's examine the amendment and ask why it was so amended so as to include the word expressly. True enough, the Act of 1913 exempted property owned by a municipal corporation except as elsewhere provided herein, but did not include the word "expressly". Do the Senators of this body appreciate the significance of the word "expressly" which excludes any implications whatsoever as to the meaning of any section of the act where a municipal corporation is referred to? This bill vitiates the following important sections of the present Public Utility Law insofar as municipally-owned utilities are concerned:

(a) Section 501, which prescribes a system of accounts for municipal corporations for the efficient management of their utility property and the proper protection of the consumers.

(b) Section 503, which embraces depreciation and the depreciation reserve to be maintained by municipal corporations in order to adequately safeguard the utility property and assure a high standard of service in accordance with modern engineering practice and experience.

(c) Section 507, which gives the P. U. C. the right to inspect the books and records or all municipally-owned utilities, thereby insuring the high quality of service essential for the safety, health and welfare of all consumers.

(d) Section 903, which enables the Commission to enforce satisfactory standards of service by municipally-owned utilities.

(e) Section 910,

Few, if any, municipal corporations can afford to maintain engineers, accountants and other experts which the Public Utility Commission now provides for the supervision of utility services. And without such expert supervision, the health and safety of hundreds of thousands of our citizens are seriously jeopardized.

Under the Public Service Company Law of July 26, 1913, effective, January 1, 1914 (predecessor of the present Public Utility Law), in Article 2, Section 1 (i), and Article 5, Section 15, municipally-owned utilities under the protection and supervision of our State regulatory body. So you can see that under the laws of 1913 and 1937, municipalities owning utilities and municipality-owned utilities operated by private utilities and utilities generally had the protection and supervision of the State Regulatory body, and House Bill No 338 removes that protection of the P. U. C. over municipally-owned plants and municipally-owned but privately operated plants setting the clock back more than 25 years and forcing hundreds of communities in our State to be governed by primitive utility standards.

This bill is of a general nature and vitally affects every municipally-owned utility in Pennsylvania. It might be argued that it offends, Art. 3, Section 20:

"Section 20. The General Assembly shall not delegate to any special commission, private corporations or association, any power to make supervise, or interfere with any municipal improvement, money, property or effects, whether held in trust or otherwise, or to levy taxes or

perform any municipal function whatever," but the Supreme Court of the United States in testing the constitutionality of such sections, held time and again that the General Assembly may delegate to a power to a special commission within defined limits and the setting up of P. U. laws and Public Utilities Commission to supervise municipalities offering public utility service is proper and does not offend the Constitution of the State. This bill, if enacted, will perpetrate a gross fraud on an unsuspecting public and municipalities as well. As to Phila., it is a deliberate steal. Unquestionably, the City council is selling its rate-payers down the river. City council, needless to say, through this nefarious scheme that will bind the people to a contract over which subsequent legislatures and councils will have no power to modify unless the courts come to their aid. I am not the Supreme Court, nor is anybody else in this chamber a member of that Court, and there is no telling as to what they might do next? Penna. Supreme Court has fixed today as the date for argument on the legality of the plan of the City of Phila. to sell the gas rentals to the Phila. Corporation, and assuming for argument sake that this bill is intended to apply to Phila. only and the Court should declare that the plan as to the sale of the gas rentals legally defective, what would then be done about House Bill No 338 if it becomes law.

If the Legislature is desirous of assisting the city of Phila. in the solution of its chaotic financial situation, the bill should be amended so as to apply only to the Phila. Gas Works. Personally, I doubt its constitutionality. However, if the financial plight of Phila. is merely a convenient excuse for the enactment of House Bill No 338 which affects the entire state, it is only fair, decent and honorable to allow every municipality embraced by the bill an opportunity to be heard at a public hearing, as well as the P. U. C., the utilities themselves and last but not least, the rate-payer, who in the final analysis "foots the bill". Decency and common sense dictates that so important a bill be given special study and consideration, especially in view of the fact that it affects millions of rate-payers in the state of Pennsylvania, notwithstanding the fact that some members of City Council, frantic with rage, is leaving no stone unturned in a desperate attempt to rush it through both Houses without giving the public chance or the municipalities to be heard on the bill. This is no emergency bill. I, personally have contacted certain members of the Council who have advised me that they see no reason why a public hearing should not be had. Gentlemen of the Senate, this is not a politically inspired bill and let us forget politics with respect to this bill and vote our consciences. I plead with you to allow a public hearing in the matter so that the cause of the rate-payer and municipalities can be heard.

And the question recurring,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution and were as follows, viz:

YEAS—28

Bartlett,	Eroe.	Letzler,	Stevenson,
Chapman,	Farrell,	Mallery,	Tallman,
Crowe,	Geltz,	Miller,	Thomas,
Dando,	Gilson,	Owlett,	Walker,
Detrick,	Heyburn,	Piereson,	Wolfenden,
Ealy	Homsher,	Scarlett,	Woodward,
Edmonds,	Lanlus,	Snowden,	Gelder.
			Pres. Pro. Tem.

NAYS—18

Cavalcante,	Haluska,	McGinnis,	Ruth,
Coleman,	Jaspan,	Mundy,	Shapiro,
Dent,	Kilgallen,	Reed,	Sipe,
DIST. Castro,	Kunkel,	Rice,	Stiefel,
Frey,	McCreesh,		

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

ANNOUNCEMENT BY THE SECRETARY

I am instructed by the chairman of the Committee of Municipal Government, Senator Stevenson, to announce that the committee will hold a second public hearing on the proposed new Charter for the City of Philadelphia, on Thursday March 23, at ten o'clock a. m. in the Forum, Board of Education Building, Philadelphia. All the members of the Senate are cordially invited to be present.

ADJOURNMENT

Mr. OWLETT. Mr. President, I move that the Senate do now adjourn until Tuesday, March 21, 1939, at 3.00 o'clock, p. m.

Mr. GELDER. Mr. President, I second the motion.

The motion was agreed to.

The Senate adjourned at 11:59 o'clock, p. m. until Tuesday, March 21, 1939, at 3:00 o'clock, p. m.

HOUSE OF REPRESENTATIVES

MONDAY, March 20, 1939.

The House met at 8 p. m.

The SPEAKER (Ellwood J. Turner) in the Chair.

PRAYER

The Chaplain, Rev. Walter Evans Deibler, offered the following prayer:

At the beginning of another critical week in the history of civilization, when statesmen of democratic nations stand agape at the march of a dictator. Grant we beseech Thee, O God, to guide the saner nations of the world in the mobilization of opinions rather than armies. Our minds should be free to solve our own problems of human welfare. Grant, O God, to endure these Thy servants, elected by the citizens of this Commonwealth with a sense of divine wisdom that they may chart the course of our Ship of State so that the ports of real accomplishment may be reached in safety.

Protect our native land, O God, and spare us, if possible, from the carnage of warfare. We reaffirm our faith in the democratic ideals which have blest our country through its history. We love and appreciate our freedom. Help us, O God, to maintain this freedom. In the language of Irving Berlin, we pray—

"While the storm clouds gather
Far across the sea,
Let us swear allegiance
To a land that's free;
Let us all be grateful
For a land so fair,
And we raise our voices
In a solemn prayer.

"God bless America,
Land that I love,
Stand beside her and guide her
Thru the night, with a light from above;
From the mountains, to the prairies,
To the oceans white with foam,
God bless America
My home sweet home."

Amen.

JOURNAL APPROVED

The SPEAKER. The Clerk will read the Journal of Wednesday, March 15, 1939.

The Clerk proceeded to read the Journal of Wednesday, March 15, 1939, when, on motion of Mr. BROAD the further reading was dispensed with and the Journal approved.

BILLS INTRODUCED AND REFERRED

(Referred March 15, 1939)

By Mr. O'CONNOR. HOUSE BILL No. 559.

An Act to reenact and further amend section two hundred five of the act, approved the eighteenth day of May, one thousand nine hundred eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith," by providing for the election of school directors in school districts made up of two or more cities, boroughs, incorporated towns, or townships or any combination thereof.

Referred to the Committee on Education.

By Mr. FRANK S. MOSER. HOUSE BILL No. 560.

An Act abolishing sheriffs' inquisitions on real estate taken in execution, and repealing certain acts and parts of acts relating thereto.

Referred to the Committee on Judiciary General.

By Mr. FRANK S. MOSER. HOUSE BILL No. 561.

An Act to amend clause B of Section 1109-5, as added, of the act approved the fifteenth day of May, one thousand nine hundred and thirty-three (P. L. 624), entitled "An act relating to the business of banking, and to the exercise of fiduciary powers by corporations; providing for the organization of corporations with fiduciary powers, and of banking corporations, with or without fiduciary powers, including the conversion of National banks into State banks, and for the licensing of private bankers; defining the rights, powers, duties, liabilities, and immunities of such corporations, of existent corporations authorized to engage in a banking business, with or without fiduciary powers, of private bankers, and of the officers, directors, trustees, shareholders, attorneys, and other employees of all such corporations or private bankers, or of affiliated corporations, associations, or persons, restricting the exercise of banking powers by any other corporation, association, or person, and of fiduciary powers by any other corporation; conferring powers and imposing duties upon the court, prothonotaries, recorders of deeds, and certain State departments, commissions, and officers; imposing penalties; and repealing certain acts and parts of acts," making it discretionary with the Secretary of Banking whether mortgage investment funds shall be closed under certain circumstances.

Referred to the Committee on Banking.

By Mr. EDWIN F. THOMPSON. HOUSE BILL No. 562.

An Act providing for the organization under certain conditions of one colored battalion of infantry; and making an appropriation therefor.

Referred to the Committee on Military Affairs.

By Messrs. SEIF and TROUT. HOUSE BILL No. 563.

An Act to further amend sections eight, ten, and clause (a) of section fourteen of the act, approved the tenth day of June, one thousand nine hundred and thirty-one (Pamphlet Laws 485) entitled "An act to provide for the better protection of life and health of the citizens of this Commonwealth by requiring and regulating the examination, licensure, and registration of persons, and registration of corporations, engaging in the care, preparation, and disposition of the bodies of deceased persons, and providing penalties," by providing additional grounds for refusing, suspending or revoking licenses; further regulating the procedure of the board; giving associations of funeral directors the right to appeal in certain cases; and extending the power of the board to make rules and regulations.

Referred to the Committee on Professional Licensure.

By Mr. FULLERTON. HOUSE BILL No. 564.

A Joint Resolution proposing an amendment to article eight, section one, of the Constitution of the Commonwealth of Pennsylvania.

Referred to the Committee on Constitutional Amendments.

By Mr. CURRAN. HOUSE BILL No. 565.

An Act to regulate the practice of the Natural Healing Arts in the State of Pennsylvania; to provide for the establishment of a State Board of Natural Healing Arts Examiners; to define the powers and duties of said Board of Natural Healing Arts Examiners; to provide for the examining and licensing of Natural Healing Arts Practitioners in this State; and to provide penalties for the violation of this Act.

Referred to the Committee on Professional Licensure.

By Messrs. KENEHAN and O'NEILL.
HOUSE BILL No. 566.

An Act to assist in lessening unemployment by prohibiting the employment in the service of the Commonwealth and political subdivisions thereof at a salary or compensation of any married person whose spouse is regularly employed in a gainful occupation; and providing certain penalties and exceptions.

Referred to the Committee on Labor.

By Mr. HALL. HOUSE BILL No. 567.

An Act to amend section one of the act, approved the nineteenth day of May, one thousand nine hundred and twenty-three (P. L. 275) entitled, "An act fixing the salary of sheriffs in counties of the eighth class; providing for the payment for the care and maintenance of prisoners, where the sheriff is the keeper or warden of the jail; requiring all fees and mileage earned by sheriffs in such counties to be paid into the county treasury for the use of the county; and prescribing penalties," increasing the salary of sheriffs in such counties and providing for the payment of mileage thereto by the counties.

Referred to the Committee on Counties.

By Mr. REAGAN.

HOUSE BILL No. 568.

An Act to amend sections one thousand two hundred two and one thousand six hundred seven of the act, approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith," as amended, requiring teachers to be native born citizens of the United States except in certain cases, and making a teacher liable for dismissal for seditious teaching.

Referred to the Committee on Education.

By Mr. REAGAN.

HOUSE BILL No. 569.

An Act legalizing fishing for a certain period of time in the waters of the Commonwealth and on the boundaries of the Commonwealth with out-lines and set-lines, with cut bait, dead bait and non-living bait.

Referred to the Committee on Fisheries.

By Mr. REAGAN.

HOUSE BILL No. 570.

An Act to amend sections two hundred twenty and two hundred twenty-five of the act, approved the second day of May, one thousand nine hundred and twenty-five (P. L. 448), entitled "An act relating to fish; and amending, revising, consolidating, and changing the law relating to fish in the inland waters and the boundary lakes and boundary rivers of the Commonwealth," as amended, by providing for the issuing of certain licenses under the provisions of the said act by the county treasurers and agents appointed throughout the respective counties by the county treasurers.

Referred to the Committee on Fisheries.

By Mr. TAYLOR.

HOUSE BILL No. 571.

An Act providing for the erection, construction and equipment of new cottages at the Pennsylvania Soldiers' Orphan School; conferring powers and imposing duties upon certain departments; and making an appropriation.

Referred to the Committee on Appropriations.

By Mr. TAYLOR.

HOUSE BILL No. 572.

An Act providing for the erection, construction and equipment of new buildings at the Pennsylvania Soldiers' and Sailors' Home; conferring powers and imposing duties upon certain departments; and making an appropriation.

Referred to the Committee on Appropriations.

By Mr. STAMBAUGH.

HOUSE BILL No. 573.

An Act to amend section four hundred and forty-six of the act, approved the ninth day of April, one thousand nine hundred and twenty-nine (P. L. 177) entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments, boards, commissions, and officers thereof, including the boards of trustees of State Normal Schools, or Teachers Colleges; abolishing, creating, reorganizing or authorizing the reorganization of certain administrative departments, boards, and commissions; defining the powers and duties of the Governor and other executive and administrative officers, and of the several administrative departments, boards, commissions, and officers; fixing the salaries of the Governor, Lieutenant Governor, and certain other executive and administrative

officers; providing for the appointment of certain administrative officers, and of all deputies and other assistants and employes in certain departments, boards, and commissions; and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments, boards and commissions shall be determined," authorizing the members of the Board of Commissioners of Public Grounds and Buildings to act on said board through deputies.

Referred to the Committee on State Government.

By Mr. WOODSIDE.

HOUSE BILL No. 574.

A Supplement to the act, approved the second day of July, one thousand nine hundred thirty-seven, (Appropriation Acts, page seventy-four), entitled "An act to provide for the ordinary expenses of the Executive, Legislative, and Judicial Departments of the Commonwealth, interest on the public debt, and the support of the public schools for two years beginning June first, one thousand nine hundred and thirty-seven; and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending May thirty-first, one thousand nine hundred and thirty-seven," providing for deficiencies in certain appropriations for the fiscal biennium ending May thirty-first, one thousand nine hundred thirty-nine and providing for the payment of certain of the deficiency appropriations out of revenues of the fiscal biennial period beginning June first, one thousand nine hundred thirty-nine.

Referred to the Committee on Appropriations.

By Mr. WOODSIDE.

HOUSE BILL No. 575.

An Act authorizing the Commonwealth to negotiate temporary emergency loans to defray the current and other expenses of the State government during the two fiscal years beginning the first day of June, one thousand nine hundred thirty-nine, evidenced by tax anticipation notes secured by and payable from current revenues, levied, assessed, collectible, and accruing during such two fiscal years; defining the powers and duties of the Governor, the Auditor General, and the State Treasurer in relation thereto; providing for the payment of interest on and the repayment of such loans; and making an appropriation.

Referred to the Committee on Appropriations.

By Mr. JACOB L. MOSER.

HOUSE BILL No. 576.

An Act to further amend section seven of the act, approved the fifth day of January, one thousand nine hundred and thirty-three (P. L. 223, 1933-34), entitled "An act providing compensation to certain persons who served in the military or naval forces of the United States during the World War, the war between the United States and Spain, the China Relief Expedition, or in the Philippines or Guam; providing the method of making payment to representatives of persons who, because of death or incapacity cannot personally receive compensation; imposing certain duties on the Adjutant General; making an appropriation; and repealing inconsistent legislation; and providing penalties," as amended, extending the time during which application may be filed for veterans' compensation.

Referred to the Committee on Military Affairs.

By Mr. KENEHAN.

HOUSE BILL No. 577.

An Act making an appropriation to the Department of Welfare for the use of the Scranton State Hospital.

Referred to the Committee on Appropriations.

By Mr. KENEHAN.

HOUSE BILL No. 578.

An Act making an appropriation to the Johnson Industrial School of Scranton, Pennsylvania.

Referred to the Committee on Appropriations.

By Messrs. ROSE and ANDREWS. HOUSE BILL No. 579.

An Act to amend section sixteen of the act, approved the twenty-ninth day of May, one thousand nine hundred thirty-one (P. L. 280), entitled "An act relating to delinquent taxes on seated lands, and prescribing interest charges on nonpayment thereof; requiring the receivers and collectors of county, city, borough, town, township, school district and poor district taxes to make a return to the county commissioners of such unpaid taxes and providing for the lien thereof; authorizing the county treasurers to collect such taxes, and to sell seated land at public sale for taxes heretofore or hereafter returned as unpaid; and authorizing the county commissioners to purchase such lands and resell the same under certain circumstances," as amended by giving county commissioners the right to recover possession of real property purchased at tax sales, and to rent such lands; and providing for the disposition of moneys received from such rentals.

Referred to the Committee on Municipal Corporations.

By Messrs. REYNOLDS and ALLEN.

HOUSE BILL No. 580.

An Act making an appropriation to the Moore Institute of Art, Science and Industry, formerly Philadelphia School of Design for Women at Philadelphia, Pennsylvania.

Referred to the Committee on Appropriations.

By Mr. KNOBLE.

HOUSE BILL No. 581.

An Act abating certain interest charges, expenses and fees added to county, city, borough, town, township, school district or poor district claims imposed or assessed for improvements, or for the abatement of nuisances; prohibiting the sale of real property for the nonpayment of such claims for a certain period; preserving the liens of such claims, and providing for the extension thereof.

Referred to the Committee on Municipal Corporations.

By Mr. HABBYSYAW.

HOUSE BILL No. 582.

An Act abolishing the Pennsylvania Securities Commission; terminating the terms of its members; and transferring its powers and duties to the Department of Banking.

Referred to the Committee on State Government.

By Mr. DAVID P. REESE.

HOUSE BILL No. 583.

An Act to further amend the act, approved the ninth day of April, one thousand nine hundred and twenty-nine (P. L. 177), entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments, boards, commissions and officers thereof, including the boards of trustees of State Normal Schools, or Teachers Colleges; abolishing, creating, reorganizing or authorizing the reorganization of certain administrative departments, boards, and commissions; defining the powers and duties of the Governor and other executive and administrative officers, and of the several administrative departments, boards, commissions and officers; fixing the salaries of the Governor, Lieutenant Governor, and certain other executive and administrative officers; providing for the appointment of certain administrative officers, and of all deputies, and other assistants and employes in certain departments, boards, and commissions; and prescribing the manner in which the number and compensation of

the deputies and all other assistants and employes of certain departments, boards, and commissions shall be determined," by abolishing or transferring certain departmental administrative boards and commissions; changing or adding to the personnel thereof; abolishing certain advisory boards and commissions; and transferring or eliminating certain powers and duties.

Referred to the Committee on State Government.

COMMUNICATIONS

The SPEAKER laid before the House the following communications which were read by the Clerk.

CITY CHARTER, PHILADELPHIA

Resolutions from:

Investment Womens' Club of Philadelphia.

Frankford Grocers' Association, Philadelphia.

The Womens' Interdenominational Union of Philadelphia and vicinity.

Charles Morris Price Forum, Philadelphia.

favoring submission of new City Charter to the voters of Philadelphia.

Referred to the Committee on Cities—First Class.

SCHOOL LAW

A Resolution from the Board of Education, Sharon Hill approving passage of Senate Bill No. 45 and House Bills 162, 50 and 51.

Referred to the Committee on Education.

EQUALITY OF CLASSES

A Resolution from Philadelphia Industrial Union Council favoring passage of House Bill No. 103.

Referred to Committee on Judiciary Special.

RELIEF

A Resolution from Local Glass Workers Alliance No. G1005 protesting return of Administration of Relief to counties.

Referred to the Committee on Welfare.

A Resolution from the American Progressive League Branch 33 Olyphant urging appropriation of \$250,000,000 for Relief.

Referred to Committee on Welfare.

SENATE MESSAGE

RESOLUTION CONCURRED IN BY SENATE

The Clerk of the Senate being introduced, informed that the Senate has concurred in the resolution from the House of Representatives, as follows:

In the House of Representatives, March 15, 1939.

Whereas, The State of New Jersey is now considering a new water supply system which proposes to utilize two hundred million gallons of water daily from the Delaware River Basin, which project may cause substantial damage in the lower Delaware River Basin including the City of Philadelphia and southeastern Philadelphia; and

Whereas, The City of Philadelphia has through its Council adopted a resolution directing its Committee of Public Works to investigate this proposal in relation to its possible effect upon the present and probable future sources of water supply for Philadelphia; and

Whereas, Copies of this resolution have been sent to the Governor, the President of the Senate, and the Speaker of the House of Representatives in Pennsylvania, with the request that the General Assembly take such

action as is necessary to protect the interests of the City of Philadelphia; and

Whereas, The interests of the residents of the City of Philadelphia and southeastern Pennsylvania are likewise the interests of this Commonwealth, therefore be it

Resolved, (if the Senate concur) That it is the opinion of this General Assembly that the Commonwealth should take all steps necessary to afford protection to the residents of Pennsylvania in the lower Delaware River Basin and that, to avoid a possible legal controversy, these efforts should be directed to the working out of an amicable agreement among the states of this watershed, if such is possible, and be it further

Resolved, That the members representing this Commonwealth on the Interstate Commission on the Delaware River Basin should be requested to devote their efforts to negotiating with the Commissioners from the other states to the end that all interests involved in this question shall be adequately protected.

LEAVES OF ABSENCE

Mr. McClester asked and obtained leave of absence for Mr. IMBRIE for the week on account of illness.

Mr. Sweeney asked and obtained leave of absence for Mr. IRVIN for the week on account of illness.

Mr. Sweeney asked and obtained leave of absence for Mr. CORTESE for the week on account of death in the family.

Mr. Preston asked and obtained leave of absence for Mr. FULLERTON for tonight's session.

REPORTS FROM COMMITTEES

Mr. OMINSKY from the Committee on Ways and Means reported as committed, House Bill No. 312, entitled:

An Act to reenact and amend the title and the act, approved the ninth day of June, one thousand nine hundred thirty-six (Special Session of one thousand nine hundred thirty-six Pamphlet Laws, thirteen), entitled "An act imposing an emergency State tax for a limited period of time on liquor, as herein defined, sold by the Pennsylvania Liquor Control Board; providing for the collection and payment of such tax; and imposing duties upon the Department of Revenue and the Pennsylvania Liquor Control Board," as previously reenacted and amended, by extending the provisions thereof for a further limited period of time.

Mr. TAHL from the Committee on Ways and Means reported as committed, House Bill No. 313, entitled:

An Act to further amend section one of the act, approved the thirteenth day of June, one thousand nine hundred seven (Pamphlet Laws, six hundred forty), entitled "An act to provide revenue by levying a tax upon the shares of stock of companies incorporated under the provisions of section twenty-nine of an act, entitled 'An act to provide for the incorporation and regulation of certain corporations,' approved April twenty-ninth, one thousand eight hundred and seventy-four, and the supplements thereto; for the insurance of owners of real estate, mortgages, and others interested in real estate, from loss by reason of defective titles, liens, and encumbrances; and of companies entitled to the benefit of, and of companies having any of the powers of, companies entitled to the benefits of an act, entitled 'An act conferring upon certain fidelity, insurance, safety deposit, trust, and savings companies the powers and privileges of companies incorporated under the provisions of section twenty-nine of an act, entitled "An act to provide for the incorporation and regulation of certain corporations," approved April twenty-ninth, Anno Domini one thousand eight hundred and seventy-four, and of the supplements thereto,' approved June twenty-seventh, one thousand eight hundred and ninety-five, commonly known as title insurance or trust companies," by continuing the increased rate of tax for

a further limited period of time, and reducing the rate of tax after such limited period of time.

Mr. HALL from the Committee on Ways and Means reported as committed, House Bill No. 314, entitled:

An Act to further amend the act, approved the first day of June, one thousand eight hundred eighty-nine (Pamphlet Laws, four hundred twenty), entitled "A further supplement to an act, entitled 'An act to provide revenue by taxation,' approved the seventh day of June, Anno Domini one thousand eight hundred and seventy-nine," by increasing for a further limited period of time the rate of tax imposed by the act upon the gross receipts of certain companies, limited partnerships, associations, joint-stock associations, co-partnerships, and persons.

Mr. COOPER from the Committee on Ways and Means reported as committed, House Bill No. 315, entitled:

An Act to further amend section one of the act, approved the fifteenth day of July, one thousand eight hundred ninety-seven (Pamphlet Laws, two hundred ninety-two), entitled "An act to provide revenue by taxation," by increasing the rate of tax for a further limited period of time.

Mr. KLINE from the Committee on Ways and Means reported as committed, House Bill No. 316, entitled:

An Act to further amend section four of the act, approved the twenty-first day of May, one thousand nine hundred thirty-one (Pamphlet Laws, one hundred forty-nine), entitled "An act imposing a State tax, payable by those herein defined as distributors, on liquid fuels used or sold and delivered within the Commonwealth, which are ordinarily, practically, and commercially usable in internal combustion engines for the generation of power providing for the collection and lien of the tax, and the distribution and use of the proceeds thereof; requiring such distributors to secure permits, to file corporate surety bonds and reports, and to retain certain records; imposing duties on retail dealers, common carriers, county commissioners, and such distributors; providing for rewards imposing certain costs on counties; conferring powers and imposing duties on certain State officers and departments providing for refunds; imposing penalties; and making an appropriation," by imposing and continuing the additional emergency tax on liquid fuels for a further limited period of time.

Mr. JOHN N. HOFFMAN from the Committee on Ways and Means reported as committed, House Bill No. 317, entitled:

An Act to reenact and amend the title and the act, approved the sixteenth day of May, one thousand nine hundred thirty-five (Pamphlet Laws, two hundred eighty), entitled, as amended, "An act to provide revenue for State purposes by imposing an excise tax, for a limited period of time, on the net incomes of certain corporations, joint-stock associations, and limited partnerships; providing for the assessment, collection, settlement and review of taxes, and reviews and appeal therefrom conferring powers, and imposing duties on certain persons, corporations, joint-stock associations, limited partnerships, State, and county officers, boards, and departments; making an appropriation; and providing penalties," as previously reenacted and amended, by extending the provisions of the act for a further limited period of time exempting title insurance companies; and making certain changes in the procedure for the collection and adjustment of the tax.

Mr. ACHTERMAN from the Committee on Ways and Means reported as committed, House Bill No. 318, entitled:

An Act to reenact and amend the title and the act, approved the twenty-second day of June, one thousand nine

hundred thirty-five (Pamphlet Laws, four hundred fourteen), entitled "An act to provide revenue for State purposes; imposing taxes upon certain classes of personal property; providing for the assessment, collection, and lien of the same, and the distribution of the proceeds thereof; imposing duties on executors, administrators, registers of wills, recorders of deeds, prothonotaries, and court clerks, and on persons, copartnerships, associations, banks, national banks, trust companies, and other corporations receiving deposits of money, and on certain corporations and limited partnerships; conferring powers and imposing duties on certain State officers and departments; imposing penalties; and making an appropriation," as previously reenacted and amended, by continuing the State personal property tax for a further limited period of time.

Mr. TROUT from the Committee on Ways and Means reported as committed, House Bill No. 319, entitled:

An Act to reenact and amend the title and the act, approved the fourteenth day of June, one thousand nine hundred thirty-five (Pamphlet Laws, three hundred forty-one), entitled, as amended, "An act to provide revenue by imposing a State tax upon sales of cigarettes by dealers as herein defined, requiring persons engaged in the sale of cigarettes at wholesale and retail to secure permits; prescribing the method and manner of collecting such tax; conferring powers and imposing duties on the Department of Revenue, and persons, as herein defined, engaged in the sale of cigarettes at retail or wholesale; and providing penalties," as previously reenacted and amended, by extending the provisions of the act for a further limited period of time.

Mr. SCHRECK from the Committee on Rules, reported as amended Senate Concurrent Resolution Serial No. 103. (Concurrent Resolution No. 3)

Mr. HAMILTON from the Committee on Rules reported as committed House Resolution No. 38.

BILL ON FIRST READING

Mr. OMINSKY asked and obtained unanimous consent to have the following bill read for the first time.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 312, entitled:

An Act to reenact and amend the title and the act, approved the ninth day of June, one thousand nine hundred thirty-six (Special Session of one thousand nine hundred thirty-six Pamphlet Laws, thirteen), entitled "An act imposing an emergency State tax for a limited period of time on liquor, as herein defined, sold by the Pennsylvania Liquor Control Board; providing for the collection and payment of such tax; and imposing duties upon the Department of Revenue and the Pennsylvania Liquor Control Board", as previously reenacted and amended, by extending the provisions thereof for a further limited period of time.

And said bill having been read at length the first time,

Ordered, To be laid aside for second reading.

BILL RECOMMITTED

Mr. OMINSKY. Mr. Speaker, I move that this bill be recommitted to the Committee on Ways and Means for further study.

The motion was agreed to.

BILL ON FIRST READING

Mr. TAHL asked and obtained unanimous consent to have the following bill read for the first time.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 313, entitled:

An Act to further amend section one of the act, approved the thirteenth day of June, one thousand nine hundred seven (Pamphlet Laws, six hundred forty), entitled "An act to provide revenue by levying a tax upon the shares of stock of companies incorporated under the provisions of section twenty-nine of an act, entitled 'An act to provide for the incorporation and regulation of certain corporations', approved April twenty-ninth, one thousand eight hundred and seventy-four, and the supplements thereto; for the insurance of owners of real estate, mortgages, and others interested in real estate, from loss by reason of defective titles, liens, and encumbrances; and of companies entitled to the benefit of, and of companies having any of the powers of, companies entitled to the benefits of an act, entitled 'An act conferring upon certain fidelity, insurance, safety deposit, trust, and savings companies the powers and privileges of companies incorporated under the provisions of section twenty-nine of an act, entitled 'An act to provide for the incorporation and regulation of certain corporations,' approved April twenty-ninth, Anno Domini one thousand eight hundred and seventy-four, and of the supplements thereto', approved June twenty-seventh, one thousand eight hundred and ninety-five, commonly known as title insurance or trust companies", by continuing the increased rate of tax for a further limited period of time, and reducing the rate of tax after such limited period of time.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

BILL RECOMMITTED

Mr. TAHL. Mr. Speaker, I move that this bill be recommitted to the Committee on Ways and Means for further study.

The motion was agreed to.

BILL ON FIRST READING

Mr. HALL asked and obtained unanimous consent to have the following bill read for the first time.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 314, entitled:

An Act to further amend the act, approved the first day of June, one thousand eight hundred eighty-nine (Pamphlet Laws, four hundred twenty), entitled "A further supplement to an act, entitled 'An act to provide revenue by taxation', approved the seventh day of June, Anno Domini one thousand eight hundred and seventy-nine", by increasing for a further limited period of time the rate of tax imposed by the act upon the gross receipts of certain companies, limited partnerships, associations, joint-stock associations, co-partnerships, and persons.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

BILL RECOMMITTED

Mr. HALL. Mr. Speaker, I move that this bill be recommitted to the Committee on Ways and Means for further study.

The motion was agreed to.

BILL ON FIRST READING

Mr. COOPER asked and obtained unanimous consent to have the following bill read for the first time.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 315, entitled:

An Act to further amend section one of the act, approved the fifteenth day of July, one thousand eight hundred ninety-seven (Pamphlet Laws, two hundred ninety-two), entitled "An act to provide revenue by taxation," by increasing the rate of tax for a further limited period of time.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

BILL RECOMMITTED

Mr. COOPER. Mr. Speaker, I move that this bill be recommitted to the Committee on Ways and Means for further study.

The motion was agreed to.

BILL ON FIRST READING

Mr. KLINE asked and obtained unanimous consent to have the following bill read for the first time.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 316, entitled:

An Act to further amend section four of the act, approved the twenty-first day of May, one thousand nine hundred thirty-one (Pamphlet Laws, one hundred forty-nine), entitled "An act imposing a State tax, payable by those herein defined as distributors, on liquid fuels used or sold and delivered within the Commonwealth, which are ordinarily, practically, and commercially usable in internal combustion engines for the generation of power; providing for the collection and lien of the tax, and the distribution and use of the proceeds thereof, requiring such distributors to secure permits, to file corporate surety bonds and reports, and to retain certain records; imposing duties on retail dealers, common carriers, county commissioners, and such distributors; providing for rewards; imposing certain duties on certain State Officers and departments; providing for refunds; imposing penalties; and making an appropriation", by imposing and continuing the additional emergency tax on liquid fuels for a further limited period of time.

And said bill having been read at length the first time,
Ordered, To Be laid aside for second reading.

BILL RECOMMITTED

Mr. KLINE. Mr. Speaker, I move that this bill be recommitted to the Committee on Ways and Means for further study.

The motion was agreed to.

BILL ON FIRST READING

Mr. JOHN N. HOFFMAN asked and obtained unanimous consent to have the following bill read for the first time.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 317, entitled:

An Act to reenact and amend the title and the act, approved the sixteenth day of May, one thousand nine hundred thirty-five (Pamphlet Laws, two hundred eight), entitled, as amended, "An act to provide revenue for State purposes by imposing an excise tax, for a limited period of time, on the net incomes of certain corporations, joint-stock associations, and limited partnerships; providing for the assessment, collection, settlement and resettlement of taxes, and reviews and appeal therefrom; conferring powers, and imposing duties on certain persons, corporations, joint-stock associations, limited partnerships, State, and county officers, boards, and departments; making an appropriation; and providing penalties," as previously reenacted and amended, by extending the provisions of the act for a further limited period of time; exempting

title insurance companies; and making certain changes in the procedure for the collection and adjustment of the tax.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

BILL RECOMMITTED

Mr. JOHN N. HOFFMAN. Mr. Speaker, I move that this bill be recommitted to the Committee on Ways and Means for further study.

The motion was agreed to.

BILL ON FIRST READING

Mr. ACHTERMAN asked and obtained unanimous consent to have the following bill read for the first time.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 318, entitled:

An Act to reenact and amend the title and the act, approved the twenty-second day of June, one thousand nine hundred thirty-five (Pamphlet Laws, four hundred fourteen), entitled "An act to provide revenue for State purposes; imposing taxes upon certain classes of personal property; providing for the assessment, collection, and lien of the same, and the distribution of the proceeds thereof; imposing duties on executors, administrators, registers of wills, recorders of deeds, prothonotaries, and court clerks, and on persons, copartnerships, associations, banks, national banks, trust companies, and other corporations receiving deposits of money, and on certain corporations and limited partnerships; conferring powers and imposing duties on certain State officers and departments; imposing penalties; and making an appropriation," as previously reenacted and amended, by continuing the State personal property tax for a further limited period of time.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

BILL RECOMMITTED

Mr. ACHTERMAN. Mr. Speaker, I move that this bill be recommitted to the Committee on Ways and Means for further study.

The motion was agreed to.

BILL ON FIRST READING

Mr. TROUT asked and obtained unanimous consent to have the following bill read for the first time.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 319, entitled:

An Act to reenact and amend the title and the act, approved the fourteenth day of June, one thousand nine hundred thirty-five (Pamphlet Laws, three hundred forty-one), entitled, as amended, "An act to provide revenue by imposing a State tax upon sales of cigarettes by dealers as herein defined; requiring persons engaged in the sale of cigarettes at wholesale and retail to secure permits; prescribing the method and manner of collecting such tax; conferring powers and imposing duties on the Department of Revenue, and persons, as herein defined, engaged in the sale of cigarettes at retail or wholesale; and providing penalties," as previously reenacted and amended, by extending the provisions of the act for a further limited period of time.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

BILL RECOMMITTED

Mr. TROUT. Mr. Speaker, I move that this bill be recommitted to the Committee on Ways and Means for further study.

The motion was agreed to.

COMMITTEE MEETINGS

There will be a Democratic Caucus in the House Caucus Room during the recess.

A meeting of the Select Committee on Public Assistance will be held during the recess in Room 324.

RECESS

The SPEAKER. If there are no objections the Chair is about to declare a recess until 9:15 p. m. Are there objections? The Chair hears none and declares a recess until 9:15 p. m.

AFTER RECESS

The House reconvened at 9:15 p. m.

The SPEAKER (Ellwood J. Turner) in the Chair.

MR. ANDREWS IN THE CHAIR

BILLS ON FIRST READING

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 356, entitled:

An Act to make void all gifts for religious or charitable uses to take effect on the death of the donor unless made at least thirty days before such death, and to make unenforceable all promises to give real or personal property for such uses unless made at least thirty days before the death of the promisor.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 282, entitled:

An Act to repeal the act, approved the twenty-second day of September, one thousand nine hundred and thirty-eight (P. L. 37), entitled "An act relating to and removing the remaining additional persons now serving as Pennsylvania members of the Delaware River Joint Commission by virtue of appointment by the General Assembly under the act, approved June twelfth, one thousand nine hundred and thirty-one (Pamphlet Laws, five hundred seventy-five), entitled 'An act providing for joint action by Pennsylvania and New Jersey in the development of the ports on the lower Delaware River, and the improvement of the facilities for transportation across the river; authorizing the Governor, for these purposes, to enter into an agreement with New Jersey, creating The Delaware River Joint Commission and specifying the powers and duties thereof, including the power to finance projects by the issuance of revenue bonds, transferring to the new commission all the powers of The Delaware River Bridge Joint Commission; and making an appropriation,' and providing for the appointment of their successors."

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 474, entitled:

An Act to further amend section three of the act, approved the twenty-eighth day of June, one thousand nine hundred thirty-five (P. L. 452), entitled "An act to promote the welfare of the people of the Commonwealth; creating a General State Authority as a body corporate and politic with power to construct, improve, and operate projects, and to lease the same, and to fix and collect fees, rentals, and charges for the use thereof; authorizing and regulating the issuance of bonds by said Authority, and providing for the payment of such bonds, and the rights of the holders thereof; and to enter into agreements with the Government of the United States or any Federal agency; and authorizing the Department of Property and Supplies to grant, assign, convey, or lease to the Authority lands of the Commonwealth and interests therein, and to acquire lands therefor; granting the right of eminent domain; and providing that no debt of the Commonwealth shall be incurred in the exercise of any of the powers granted by this act," fixing the terms for the appointed members of the General State Authority, and terminating the terms of present members.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 337, entitled:

An Act to authorize cities, boroughs, incorporated towns, townships, and school districts to file suggestions of non-payment and averments of default, or to sue out writs of scire facias on certain tax or municipal claims, and to revive judgments where the lien of such claims or the judgments thereon have been lost; and providing for the reinstatement of the liens of such claims and judgments.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 441, entitled:

An Act to further amend clause (c) of section two of an act, approved the seventh day of June, one thousand nine hundred and seventeen (P. L. 447), entitled as amended "An act relating to the administration and distribution of the estates of decedents and of minors, and of trust estates; including the appointment, bonds, rights, powers, duties, liabilities, accounts, discharge and removal of executors, administrators, guardians, and trustees, herein designated as fiduciaries; the administration and distribution of the estates of presumed decedents; widow's and children's exemptions; debts of decedents, rents of real estate as assets for payment thereof, the lien thereof, sales and mortgages of real estate for the payment thereof, judgments and executions therefor, and the discharge of real estate from the lien thereof; contracts of decedents for the sale or purchase of real estate; legacies, including legacies charged on land; the discharge of residuary estates and of real estate from the lien of legacies and other charges; the appraisement of real estate devised at a valuation; the ascertainment of the curtilage of dwelling houses or other buildings devised; the abatement and survival of actions, and the substitution of executors and administrators therein; the survival of causes of action and suits thereupon by or against fiduciaries; investments by fiduciaries; the organization of corporations to carry on the business of decedents; the audit and review of accounts of fiduciaries; refunding bonds; transcripts to the court of common pleas of balances due by fiduciaries; the rights, powers, and liabilities of non-resident and foreign fiduciaries; the appointment, bonds, rights, powers, duties, and liabilities of trustees durante absentia; the recording and registration of decrees, reports and other proceedings, and the fees therefor; appeals in certain cases; and, also, generally dealing with the jurisdiction, powers, and procedure of the orphans' court in all matters relating to fiduciaries concerned with the estates of decedents," by providing for the distribution by the orphans' court of certain estates of persons dying intestate.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 400, entitled:

An Act to amend the title and the act, approved the nineteenth day of May, one thousand eight hundred and eighty-seven (P. L. 132), entitled "An act to give preference of appointment or employment to honorably discharged soldiers, sailors and marines who fought for the Union cause in the late war of the rebellion," by extending the same preference to veterans and nurses of any war in which the United States has engaged.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 243, entitled:

An Act regulating the selection, drawing, and summoning of all jurors and talesmen, in counties of the third class, and defining their qualifications in such counties; creating a jury board and defining its powers and procedure; providing for the appointment of a clerk to the jury board and fixing his maximum salary; providing for the custody of the jury wheel, and the filing and custody of jury lists; providing for the public drawing of jurors and the methods thereof; giving the trial judge the right to excuse jurors; prescribing the time of challenging jurors or the array, regulating the procedure if array is quashed; providing for the drawing of names of jurors from wheels heretofore filled and repealing inconsistent acts.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 38, entitled:

An Act to amend Sections Three, Four, Five, Nine and Eleven of the act, approved the twenty-eighth day of June, one thousand nine hundred and thirty-five (Pamphlet Laws four hundred sixty-three), entitled (as amended), "An Act providing for the incorporation, as bodies corporate and politic, of 'Authorities' for municipalities, counties, and townships; defining the same; prescribing the rights, powers and duties of such Authorities; authorizing such Authorities to acquire, construct, improve, maintain, and operate projects, and to borrow money and issue bonds therefor; providing for the payment of such bonds, and prescribing the rights of the holders thereof; conferring the right of eminent domain on such Authorities; authorizing such Authorities to enter into contracts with and to accept grants from the Federal Government or any agency thereof; and for other purposes," as amended, by omitting the requirement that the resolution or ordinance of the intention to organize an Authority shall set forth the proposed Articles of Incorporation regulating the publication of such resolutions and ordinances by including waterworks water distribution systems and parts of sewer systems as projects by authorizing the municipalities to limit the projects to be undertaken by an Authority by authorizing a longer term for the bonds issued by an Authority and making them legal investments for trust funds etc. and by including waterworks water supply works water distribution systems and parts of sewer systems as facilities which may be transferred to an Authority.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 355, entitled:

An Act to amend clause (c) of section forty-nine of the act, approved the seventh day of June, one thousand nine hundred seventeen (P. L. 447), entitled as amended "An act relating to the administration and distribution of the estates of decedents and of minors, and of trust estates; including the appointment, bonds, rights, powers, duties, liabilities, accounts, discharge and removal of executors, administrators, guardians, and trustees, herein designated as fiduciaries; the administration and distribution of the estates of presumed decedents widow's and children's exemptions; debts of decedents, rents of real estate as assets for payment thereof, the lien thereof, sales and mortgages of real estate for the payment thereof, judgments and executions therefor, and the discharge of real estate from the lien thereof, contracts of decedents for the sale or purchase of real estate; legacies, including legacies charged on land; the discharge of residuary estates and of real estate from the lien of legacies and other charges; the appraisal of real estate devised at a valuation; the ascertainment of the curtilage of dwelling houses or other buildings devised; the abatement and survival of actions, and the substitution of executors and administrators therein; the survival of causes of action and suits thereupon by or against fiduciaries; investments by fiduciaries; the organization of corporations to carry on the business of decedents; the audit and review of accounts of fiduciaries; refunding bonds; transcripts to the court of common pleas of balances due by fiduciaries; the rights, powers, and liabilities of nonresident and foreign fiduciaries; the appointment, bonds, rights, powers, duties, and liabilities of trustees durante absentia; the recording and registration of decrees, reports and other proceedings, and the fees therefor; appeals in certain cases; and, also, generally dealing with the jurisdiction, powers, and procedure of the orphans' court in all matters relating to fiduciaries concerned with the estates of decedents," by permitting fiduciaries to dispense with formal accounts where estates do not exceed five hundred dollars; and reducing the time for petitions in such cases from one year to six months from the date of granting of letters.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 357, entitled:

An Act to amend section twenty-one of the act, approved the seventh day of June, one thousand nine hundred seventeen (P. L. 447), entitled as amended "An act relating to the administration and distribution of the estates of decedents and of minors, and of trust estates; including the appointment, bonds, rights, powers, duties, liabilities, accounts, discharge and removal of executors, administrators, guardians, and trustees, herein designated as fiduciaries; the administration and distribution of the estates of presumed decedents; widow's and children's exemptions, debts of decedents, rents of real estate as assets for payment thereof, the lien thereof, sales and mortgages of real estate for the payment thereof, judgments and executions therefor, and the discharge of real estate from the lien thereof; contracts of decedents for the sale or purchase of real estate; legacies, including legacies charged on land; the discharge of residuary estates and of real estate from the lien of legacies and other charges; the appraisal of real estate devised at a valuation; the ascertainment of the curtilage of dwelling houses or other buildings devised; the abatement and survival of actions, and the substitution of executors and administrators therein; the survival of causes of action and suits thereupon by or against fiduciaries; investments by fiduciaries; the organization of corporations to carry on the business of decedents; the audit and review of accounts of fiduciaries; refunding bonds; transcripts to the court of common pleas of balances due by fiduciaries; the rights, powers, and liabilities of nonresident and foreign fiduciaries; the appointment, bonds, rights, powers, duties, and liabilities of trustees durante absentia; the recording and registration of decrees, reports and other proceedings,

and the fees therefor; appeals in certain cases; and, also, generally dealing with the jurisdiction, powers, and procedure of the orphans' court in all matters relating to fiduciaries concerned with the estates of decedents," by fixing the rate of interest to be paid on pecuniary legacies, and the time from which it shall be paid.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 439, entitled:

An Act to amend section one of the act approved the fourth day of April, one thousand nine hundred and twenty-five (P. L. 127), entitled, "An act relating to adoption," as amended, by authorizing nonresidents to adopt persons within the Commonwealth, and validating certain adoption proceedings heretofore decreed.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 189, entitled:

An Act providing for and regulating the appointment, promotion, and reduction in rank, and removal of paid members of the bureau of police, bureau of detectives, police women, bureau of electricity in connection with police departments, police telephone operators and their assistants, police radio operators and their assistants, and all other agencies connected with police departments in counties, cities, boroughs, incorporated towns, and townships maintaining a police force; creating a Civil Service Commission in each county, city, borough, incorporated town, and township; defining the powers and duties of such Civil Service Commission; imposing certain duties and expenses on the counties, cities, boroughs, incorporated towns, and townships; imposing penalties and repealing inconsistent laws.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 74, entitled:

An Act to amend section two hundred and seventy-eight of the act approved the second day of May, one thousand nine hundred and twenty-nine (P. L. 1278), entitled "An act relating to counties of the second, third, fourth, fifth, sixth, seventh and eighth classes; and revising, amending and consolidating the laws relating thereto," as amended, providing for the appointment, the term, and compensation of county detectives in counties of the fifth class.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 354, entitled:

An Act to amend clause (d) as added to section twenty-one of the act, approved the seventh day of June, one thousand nine hundred seventeen (P. L. 363), entitled "An act relating to the organization, jurisdiction, and procedure of the orphans' courts; the powers and duties of the judges thereof; and appeals therefrom," requiring certification of verdicts and judgments entered in orphans' courts to the prothonotary, and the filing, docketing and indexing the same by him.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 351, entitled:

An Act to amend section twenty-two of the act approved the seventh day of June, one thousand nine hundred and seventeen, (P. L. 403), entitled "An act relating to the form, execution, revocation, and interpretation of wills; to nuncupative wills; to the appointment of testamentary guardians; to spendthrift trusts; to forfeiture of devise or legacy in case of murder of testator; to elections to take under or against wills, and to the recording and registering of such elections and of decrees relative thereto, and to the fees therefor," by providing for forfeiture of the right to take property under the will of a murdered testator.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 352, entitled:

An Act to amend section twenty-three of the act approved the seventh day of June, one thousand nine hundred and seventeen, (P. L. 429), entitled "An act relating to the descent and distribution of the real and personal property of persons dying intestate; and to provide for the recording and registering of the decrees of the orphans' court in connection therewith, and the fees therefor," by providing for forfeiture of the right to inherit or to take property of a murdered intestate under the said act.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

THE SPEAKER (Ellwood J. Turner) IN THE CHAIR

The SPEAKER. The Chair thanks the gentleman from Cambria, Mr. Andrews for presiding.

BILL INTRODUCED AND REFERRED

By Mr. WOODSIDE. HOUSE BILL No. 610.

A Supplement to the act, approved the twenty-first day of July, one thousand nine hundred and thirty-seven (Appropriation Acts page 74), entitled "An act to provide for the ordinary expenses of the Executive, Legislative, and Judicial Departments of the Commonwealth, interest on the public debt, and the support of the public schools for two years beginning June first, one thousand nine hundred and thirty-seven; and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending May thirty-first, one thousand nine hundred and thirty-seven," by lapsing a portion of the unobligated balance of the appropriation made to the Chief Clerk of the House of Representatives for the use of the Commission on Interstate Cooperation, and re-appropriating such lapsed moneys to the said Chief Clerk for the use of the Interstate Commission on the Delaware River Basin.

Referred to the Committee on Appropriations.

CONGRATULATIONS

The SPEAKER. The Chair at this time desires to welcome back to the House Mr. Sarge who has been absent most of the session because of illness. It is a great pleasure to the members of the House to see their colleague back and looking so well.

BILLS ON SECOND READING

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 28, as follows:

An Act to regulate the sale of sulfanilamide and its derivatives in the interest of public health

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The drug known as sulfanilamide and any of its derivatives shall not be sold at retail or dispensed to any person except upon the written prescription of a duly licensed physician dentist or veterinarian compounded or dispensed by a registered pharmacist or under the immediate personal supervision of a registered pharmacist and no pharmacist shall dispense any such drug without affixing to the container in which the drug is sold or dispensed a label bearing the name and address of the pharmacist the date compounded and the consecutive number of the prescription under which it is recorded in his prescription files together with the name of the physician dentist or veterinarian prescribing it Provided That the provisions of this section of this act shall not apply to a duly licensed physician dentist or veterinarian Provided however That they keep a record of the amount of such drugs purchased and a dispensing record showing the date name of the quantity of the drugs dispensed and the name and address of the patient No physician dentist or veterinarian shall dispense any such drug without affixing to the container in which the drug is sold or dispensed a label bearing the name and address of the dispenser the date dispensed the name and address of the patient and the directions for the use of the drug by the patient

Section 2 No manufacturer pharmacist jobber dealer in drugs or any other person shall sell or have in his possession any sulfanilamide or its derivatives unless the container bears a label securely attached thereto stating conspicuously the specific name of the drug and the proportion of amount thereof Such label shall not be necessary when such a drug is dispensed by a pharmacist upon a prescription or dispensed by a physician dentist or veterinarian and the container is labeled in the manner described in section two hereof

Section 3 The provisions of this act shall be enforced by the Department of Health of the Commonwealth of Pennsylvania and for that purpose the Secretary of Health is hereby authorized to make such rules and regulations as may be deemed necessary for the proper enforcement of this act and to employ such assistants and employees as in said Secretary of Health's opinion may be necessary and to fix their compensation

Section 4 Any person who shall violate or fail to comply with any of the provisions of this act shall be guilty of a misdemeanor and upon conviction shall be sentenced to pay a fine of not less than twenty-five dollars (\$25.00) nor more than fifty dollars (\$50.00) for the first offense not less than fifty dollars (\$50.00) nor more than one hundred dollars (\$100.00) for the second offense and not less than one hundred dollars (\$100.00) for the third and each subsequent offense If the violation is by a corporation copartnership or association the officers and directors of such corporation or the members of such copartnership or association their agents and employees with guilty knowledge of the fact shall be deemed guilty of a violation of the provisions of this act to the same extent as though said violations were committed by them personally

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 140, entitled:

An Act to amend section one of the act approved the twenty-second day of June one thousand nine hundred and seventeen (Pamphlet Laws 623) entitled "An act prohibiting the erection of fences or similar structures above a certain height in suburban and similar districts of cities of the first class except under a permit declaring certain fences a private nuisance and their erec-

tion a misdemeanor and prescribing penalties for violation of the provisions of this act" by extending the provisions thereof to include fences in suburban and similar districts in cities of the second class

The first section was read as follows:

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section one of the act approved the twenty-second day of June one thousand nine hundred and seventeen (Pamphlet Laws 623) entitled "An act prohibiting the erection of fences or similar structures above a certain height in suburban and similar districts of cities of the first class except under a permit declaring certain fences a private nuisance and their erection a misdemeanor and prescribing penalties for violation of the provisions of this act" is hereby amended to read as follows

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That it shall be unlawful for the owner or occupant of any improved premises in any suburban district of a city of the first or second class (whether the premises concerned be assessed at rural suburban or city rates) to erect any fence or structure resembling a fence upon any part of the front yard lawn or space of said premises or on or along the boundary line thereof of a greater height than four feet if the height in excess of the said four feet is unnecessary or if the same is maliciously erected elevated and maintained for the purpose of annoying the owner or occupant of the adjoining premises Every such fence or structure so maliciously erected elevated and maintained in excess of four feet in height shall be deemed and is hereby declared to be a private nuisance

On the question,

Will the House agree to the section?

Mr. BARDES. Mr. Speaker, I desire to offer the following amendments.

The SPEAKER. The amendments will be read by the Clerk.

The amendments were read by the Clerk as follows:

Amend sec. 1 (Sec. 1), page 2, lines 11 and 12, by striking out with light-faced brackets the words H "of the first"

Amend sec. 1 (Sec. 1), page 2, line 12, by striking out with heavy-faced brackets the words H "or second"

Amend sec. 1 (Sec. 1), page 2, line 12, by striking out with light-faced brackets the word H "class" and insert in lieu thereof "or borough"

Amend sec. 1 (Sec. 1), page 2, line 14, by inserting after word "fence" the following: "or to re-erect during the process of repairing any fence previously erected"

On the question,

Will the House agree to the amendments?

They were agreed to.

On the question,

Will the House agree to the section as amended?

It was agreed to.

The title was read as follows:

An Act to amend section one of the act, approved the twenty-second day of June, one thousand nine hundred and seventeen (P. L. 623), entitled "An act prohibiting the erection of fences or similar structures above a certain height, in suburban and similar districts of cities of the first class, except under a permit; declaring certain fences a private nuisance, and their erection a misdemeanor; and prescribing penalties for violation of the provisions of this act," by extending the provisions thereof, to include fences in suburban and similar districts in cities of the second class.

On the question,

Will the House agree to the title?

Mr. BARDES. Mr. Speaker, I desire to offer the following amendments.

The SPEAKER. The amendments will be read by the Clerk.

The amendments were read by the Clerk as follows:

Amend title, page 1, line 11 of title, by inserting after the word "in" the following: "all"

Amend title, page 1, lines 11 and 12 of title, by striking out the words "of the second class" and insert in lieu thereof "and boroughs"

On the question,

Will the House agree to the amendments?

They were agreed to.

On the question,

Will the House agree to the title as amended?

It was agreed to.

And said bill having been read at length the second time and agreed to as amended.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 449, as follows:

An Act to amend clause (a) of section one and section four of the act approved the thirty-first day of March one thousand nine hundred and thirty-seven (Pamphlet Laws 160) entitled "An act creating a commission to be known as the Pennsylvania Public Utility Commission defining in part the powers and duties of such commission abolishing The Public Service Commission of the Commonwealth of Pennsylvania terminating the terms of the members thereof and transferring to the Pennsylvania Public Utility Commission the records employes property and equipment of The Public Service Commission of the Commonwealth of Pennsylvania authorizing the Pennsylvania Public Utility Commission to appear in and complete all pending proceedings legal or otherwise instituted before by or against The Public Service Commission of the Commonwealth of Pennsylvania providing that all certificates of public convenience contracts orders and rules and regulations of the latter commission shall remain effective until repealed changed or modified by the Pennsylvania Public Utility Commission and transferring and appropriating to the Pennsylvania Public Utility Commission any unexpended balance of any existing appropriation to The Public Service Commission of the Commonwealth of Pennsylvania" by changing method of appointing and removing members of the Commission and making political activity a grounds for their removal

The General Assembly, of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Clause (a) of section one and section four of the act approved the thirty-first day of March one thousand nine hundred and thirty-seven (Pamphlet Laws 160) entitled "An act creating a commission to be known as the Pennsylvania Public Utility Commission defining in part the powers and duties of such commission abolishing The Public Service Commission of the Commonwealth of Pennsylvania terminating the terms of the members thereof and transferring to the Pennsylvania Public Utility Commission the records employes property and equipment of The Public Service Commission of the Commonwealth of Pennsylvania authorizing the Pennsylvania Public Utility Commission to appear in and complete all pending proceedings legal or otherwise instituted before by or against The Public Service Commission of the Commonwealth of Pennsylvania providing that all certificates of public convenience contracts orders and rules and regulations of the latter commission shall remain effective until repealed changed or modified by the Pennsylvania Public Utility Commission and transferring and appropriating to the Pennsylvania Public Utility Commission any unexpended balance of any existing appropria-

tion to The Public Service Commission of the Commonwealth of Pennsylvania" are hereby amended so as to read as follows

Section 1 (a) A commission to be known as the Pennsylvania Public Utility Commission is hereby created The commission shall consist of five members who shall be appointed by the Governor by and with the advice and consent [of two-thirds of all the members] of the Senate The commissioners first appointed under this act shall continue in office for terms of two four six eight and ten years respectively from the effective day of this act and until their respective successors shall be duly appointed and shall be qualified but their successors shall each be appointed for a term of ten years Each commissioner at the time of his appointment and qualification shall be a resident of the Commonwealth of Pennsylvania and shall have been a qualified elector therein for a period of at least one year next preceding his appointment and shall also be not less than thirty years of age

Section 4 The Governor by and with the consent [of two-thirds of all of the members] of the Senate may remove any commissioner for inefficiency neglect of duty political activity or misconduct in office giving him a copy of the charges against him and affording him an opportunity to be publicly heard in person or by counsel in his own defense upon not less than ten days' notice If such commissioner shall be removed the Governor shall file with the Department of State a complete statement of all charges made against such commissioner and his finding thereon together with a complete record of the proceedings

Section 2 The provisions of this act shall become effective immediately upon final enactment

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 301, entitled:

An Act providing that sentence shall not be imposed by any court of criminal jurisdiction on any person convicted of any offense before such court until after the expiration of five days from the date of conviction

The first section was read as follows:

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Whenever any person shall be convicted in any court of this Commonwealth of any crime it shall not be lawful for said court or any judge specially presiding in said court to pass sentence on said person until after the expiration of five (5) days from the date of rendition of verdict by a jury or the finding of guilty by the court when said person is tried before the court without a jury Nothing in this act shall be construed to limit the power of the court to order said person detained in the county jail of the county where said person is tried pending sentence but nevertheless such convicted person shall be entitled to be admitted to bail as now provided by law

On the question,

Will the House agree to the section?

Mr. REUBEN E. COHEN. Mr. Speaker, I desire to offer the following amendments.

The SPEAKER. The amendments will be read by the Clerk.

The amendments were read by the Clerk as follows:

Amend sec. 1, page 1, lines 2 and 3, by striking out the words "it shall not be lawful for" and insert in lieu thereof "the"

Amend sec. 1, page 1, line 4, by striking out the word "to" and insert in lieu thereof "upon application of such person or his counsel, shall not"

On the question,

Will the House agree to the amendments?

They were agreed to.

On the question,

Will the House agree to the section as amended?

It was agreed to.

The second section and title were separately read and agreed to as follows:

Section 2 All acts and parts of acts inconsistent herewith are hereby repealed

An Act providing that sentence shall not be imposed by any court of criminal jurisdiction on any person convicted of any offense before such court until after the expiration of five days from the date of conviction

And said bill having been read at length the second time and agreed to as amended.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill 383, as follows:

An Act to amend the title and the act approved the sixteenth day of May one thousand nine hundred thirty-five (Pamphlet Laws 176) entitled "An act requiring cities of the second and third class to allow members of the police departments twenty-four consecutive hours of rest each week and fourteen days vacation each year except in emergency cases" extending the provisions of said act to cities of the second class A

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 That the title and the act approved the sixteenth day of May one thousand nine hundred thirty-five (Pamphlet Laws 176) entitled "An act requiring cities of the second and third class to allow members of the police departments twenty-four consecutive hours of rest each week and fourteen days vacation each year except in emergency cases" are hereby amended to read as follows

AN ACT

Requiring cities of the second second A and third class to allow members of the police departments twenty-four consecutive hours of rest each week and fourteen days vacation each year except in emergency cases

Section 1 Be it enacted by the Senate and House of Representatives in General Assembly met and it is hereby enacted by the authority of the same That any city of the second second A and third class having a police department shall allow and permit every member of such police department to have at least twenty-four consecutive hours of rest in every calendar week except in emergency cases for the suppression of riots or tumults or the preservation of the public peace in times of war riot conflagration or public celebrations and to have an annual vacation of not less than fourteen days without diminution of the salary or compensation fixed by ordinance or resolution of such city

Section 2 This act shall become effective on the first day of January one thousand nine hundred forty

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 175, entitled:

An Act providing for and regulating the assessment and valuation of persons property and subjects of taxation for county city borough township school and poor pur-

poses in counties of the second class creating and prescribing the powers and duties of a Board of Tax Assessment Appeals and Review imposing duties on certain county and city officers abolishing the board for the assessment and revision of taxes in such counties and prescribing penalties

The first section was read as follows:

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 In order to more efficiently and equitably assess and value persons property and subjects of taxation for county purposes in counties of the second class and for the use of those municipal and quasi-municipal corporations which levy their taxes on county assessments and valuations there is hereby created in such counties a board to be known as the "Board of Tax Assessment Appeals and Review" hereinafter referred to as the "board"

On the question,

Will the House agree to the section?

Mr. CHRISTLER. Mr. Speaker, I desire to offer the following amendment.

The SPEAKER. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend sec. 1, page 1, line 3, by inserting after the word "county" the following: "and institution."

On the question,

Will the House agree to the amendment?

It was agreed to.

On the question,

Will the House agree to the section as amended?

It was agreed to.

The second section was read and agreed to as follows:

Section 2 (a) The Board of Tax Assessment Appeals and Review shall consist of seven members five of whom shall have had not less than five years practical experience in real estate transactions building construction real estate appraisals or as a registered architect one of whom shall not have had less than five years practical experience in securities transactions necessitating a knowledge of the values of stocks bonds and other securities and the seventh of whom shall have had not less than five years practical experience necessitating a knowledge of the value of new and used machinery and equipment

(b) The members of the board shall be appointed by the county commissioners In the event that there is within the county one or more cities of the second class three of the members required to be experienced in real estate building construction real estate appraisals or as a registered architect shall be appointed on the nomination of the mayor or mayors of such cities acting jointly

(c) The board shall organize each year by electing a chairman who shall be one of the members required to be experienced in real estate building construction real estate appraisals or as a registered architect In the absence of the chairman one of the other members required to be so qualified who shall be designated by the chairman shall act as chairman The board shall also elect one of its members as secretary who shall also act as chief clerk and shall have the custody of the records and accounts of the board Four members shall constitute a quorum to do business

(d) The chairman of the board shall receive a salary of ten thousand dollars (\$10,000.00) per annum The secretary shall receive a salary of seven thousand five hundred dollars (\$7,500.00) per annum Each of the other members shall receive a salary of six thousand dollars (\$6,000.00) per annum

(e) The board shall appoint to serve at its pleasure (1) five special land assessors (2) five special building assessors (3) one special coal assessor (4) one special machinery assessor (5) such number of ward and district

assessors as the board shall deem requisite who shall have had not less than three years practical experience in the field of real estate building architecture appraisals or assessments (6) such number of clerks stenographers and other employes as the board shall deem requisite

(f) The salaries or compensation of all employes of the board shall be fixed by the salary board of the county and together with the salaries of the chairman and members of the board shall be paid out of the county treasury When acting on the salary or compensation of any employe of the board the chairman of the board shall sit as a member of the salary board

(g) All persons appointed by the board shall be qualified according to standards not inconsistent with the provisions of this act adopted by the board and pursuant to such oral or written examinations as the board shall prescribe

The third section was read as follows:

Section 3 The Board of Tax Assessment Appeals and Review shall have power and its duty shall be

(a) To Make and supervise the making of all assessments and valuations of property in the county whether real or personal taxable under any general special or local law for county city borough township school or poor purposes and of all lists of residents and inhabitants as required by existing law

(b) To revise and equalize all such assessments and valuations

(c) To hear all cases of appeals from assessments and all complaints as to assessments errors exonerations and refunds

(d) To pass upon and determine the amount of property of any organization or institution which is under the provisions of existing law entitled to exemption from taxation

(e) To establish and maintain in its office records of cubical contents of buildings surveys maps sales and assessments and to permit inspection thereof by the public at all times during office hours

(f) To perform and exercise all the powers and duties heretofore imposed or conferred upon the board for the assessment and revision of taxes in counties of the second class under the provisions of any existing law not repealed hereby

(g) To perform and exercise such other powers and duties as may be conferred or imposed upon it by the provisions of this act or any other act of assembly

On the question,

Will the House agree to the section?

Mr. CHRISTLER. Mr. Speaker, I desire to offer the following amendments.

The SPEAKER. The amendments will be read by the Clerk.

The amendments were read by the Clerk as follows:

Amend sec. 3, page 4, line 6, by striking out the words "city, borough, township, school"

Amend sec. 3, page 4, line 6, by striking out the word "poor" and insert in lieu thereof "institution"

Amend sec. 3, page 4, line 7, by inserting after the part-word "poses" the following: "or for the use of those municipal and quasi-municipal corporations which levy their taxes on county assessments and valuations".

On the question,

Will the House agree to the amendments?

They were agreed to.

On the question,

Will the House agree to the section as amended?

It was agreed to.

The fourth and fifth sections were separately read and agreed to as follows:

Section 4 The board shall establish and maintain in its office a register which shall show the present assessment of all property in the county both real and per-

sonal and from time to time as the same are made all additions thereto and changes thereof together with the signatures of all persons responsible for any changes in the assessment or valuation of any such property and the reasons for any such changes

Section 5 It shall be the duty of the recorder of deeds in each county of the second class to keep a daily record separate and apart from all other records of every deed or conveyance of land in said county entered in his office for recording which record shall set forth the following information to wit The date of the deed or conveyance the names of the grantor and grantee the consideration mentioned in the deed the location of the property as to city borough ward town or township the acreage of the land conveyed if mentioned and if the land conveyed be a lot or lots on a recorded plan the number or numbers by which the same may be designated on the plan if mentioned in the deed and it shall be the further duty of the recorder on the first Monday of each month to file the aforesaid daily record in the office of the board together with his certificate appended thereto that such record is correct and the recorder of deeds shall charge and collect from the person presenting a deed of conveyance for record the sum of fifteen cents (15c) when it contains but one description of land and ten cents (10c) for each additional description therein described which sum shall be in full compensation for his services under this act

The sixth section was read as follows:

Section 6 The proper assessors shall make the assessment and valuations of all property taxable for county city borough township school and poor purposes together with a list of all persons within their respective districts as provided by existing law and in so doing shall view all property in their district taxable for such purposes The assessors shall make a personal house-to-house canvass of their district in order that such lists of persons may be accurate and correct in so far as it is possible to so make them Any assessor who shall fail to make such assessments and lists in the manner as herein provided or who shall knowingly and wilfully make any false assessment shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding five hundred dollars (\$500.00) and in default of the payment of such fine and costs to undergo an imprisonment not exceeding ninety days

On the question,

Will the House agree to the section?

Mr. CHRISTLER. Mr. Speaker, I desire to offer the following amendments.

The SPEAKER. The amendments will be read by the Clerk.

The amendments were read by the Clerk as follows:

Amend Sec. 6, page 6, line 6, by striking out the words "city, borough, township, school".

Amend Sec. 6, page 6, line 6, by striking out the word "poor" and insert in lieu thereof "institution".

Amend Sec. 6, page 6, line 6, by inserting after the word "purposes" the following: "and for the use of those municipal and quasi-municipal corporations which levy their taxes on county assessments and valuations".

On the question,

Will the House agree to the amendments?

They were agreed to.

On the question,

Will the House agree to the section as amended?

It was agreed to.

The seventh section was read and agreed to as follows:

Section 7 The assessors shall make such assessments of property and occupations each year preceding the triennial assessment in such counties and shall file the same with the board on or before the first Monday of November of such year But assessments of occupations after being once fixed shall not be changed except by the board upon the appearance and affidavit of the taxpayer

The eighth section was read as follows:

Section 8 The board shall as provided by this act and by the provisions of existing law examine and revise the assessments and valuations increasing or decreasing the same as in their judgment may seem proper and shall add thereto such property or subjects of taxation as may have been omitted

After such revision the board shall by rule fix convenient times for the hearing of appeals from said assessments and valuations and after the hearing of said appeals and the making of whatever changes may be considered proper the valuations as so ascertained and revised unless changed in the manner hereinafter provided or as provided by existing law shall stand as the valuations for the assessments of all county city borough township school and poor taxes until the next triennial assessment

On the question,

Will the House agree to the section?

Mr. CHRISTLER. Mr. Speaker, I desire to offer the following amendments.

The SPEAKER. The amendments will be read by the Clerk.

The amendments were read by the Clerk as follows:

Amend Sec. 8, page 7, lines 12 and 13, by striking out the words "city, borough, township, school".

Amend Sec. 8, page 7, line 13, by striking out the word "poor" and insert in lieu thereof: "institution".

Amend Sec. 8, page 7, line 13, by inserting after the word "taxes" the following: "and for those municipal and quasi-municipal corporations which levy their taxes on county assessments and valuations".

On the question,

Will the House agree to the amendments?

They were agreed to.

On the question,

Will the House agree to the section as amended?

It was agreed to.

The ninth to the twelfth sections inclusive were separately read and agreed to as follows:

Section 9 When the triennial assessments shall be fixed either for the whole county or in districts thereof notice of that fact shall be given by publication in at least two newspapers of the county of the time when appeals will be heard and a copy of the assessments made in boroughs and townships shall be placed in some public place in each such borough or township by the assessor After the hearing of appeals the board shall take such action in regard thereto as may be right and proper

Section 10 After action on such assessments by the board any taxpayer dissatisfied with the assessment of his property may appeal therefrom to the court of common pleas of the county as provided by existing law and it shall be the duty of the court at once to hear and determine said appeal and if necessary to make such changes therein as may be right and proper Only one such appeal may be taken during the period of any triennial assessment unless the assessed valuation of the property has been changed during such period No such appeal shall affect the amount of any tax which has been paid before such appeal was taken

Section 11 The proper assessors shall between the triennial assessments revise any assessment or valuation according to right and equity by correcting errors and by adding thereto any property or subjects of taxation which may have been omitted or any new property or subjects of taxation which may have come into being since the last triennial assessment

They shall also add thereto the names of any persons who may have moved into such district and strike therefrom the names of any persons who have removed from such districts since the last triennial assessment

The proper assessors shall also revise assessments and valuations between the triennial assessments by increasing or decreasing the same where the value of the prop-

erty or subjects of taxation assessed or valued has changed by reason of any change of conditions thereon or adjacent thereto or in the vicinity thereof or for the reason that the property assessed or valued has been subdivided or laid out into a plan of lots or other subdivisions or for the reason that improvements have been placed thereon or added thereto or for the reason that any public or other improvement has been made adjacent thereto or in the vicinity thereof or where for any other reason whatsoever the value of the property has changed and it seems to the board necessary and equitable to make a change in the valuation thereof The assessors shall also between the triennial assessments in all cases where it is apparent that any assessment is not in accord with the generality or uniform standard of assessments revise and correct the same by increasing or decreasing the same where the value of the property or subjects of taxation assessed do not conform to the generality or uniform standard of assessments Provided however That if such revision or correction of such assessment shall increase the amount thereof the owner of such subjects of taxation whose assessment has been so increased between the triennial assessments shall be given at least ten days written notice of such revision or correction and have the right of appeal to the court of common pleas in the same manner as provided in section sixteen of this act

All assessments required to be made by the proper assessors in the years between the triennial assessment shall be returned to the board not later than the first Monday of November of the year preceding the one for which it is made

Section 12 At least ten days' written notice shall be given to any taxable person whose assessment shall be changed between triennial assessments setting forth any change which has been made and the time and place set for hearing objections thereto

Such notice shall be served by the board or any member thereof or by any assessor or by any other person authorized so to do by the board upon said taxable person if he or she can be found in the county or upon any adult person residing upon the property in question in case the taxable person cannot be found in the county

When no service is made upon the taxable person or upon an adult person residing upon the property assessed said notice shall be deemed to have been properly served if tacked or conspicuously posted upon the property assessed

No defect in service of any such notice shall be sufficient ground for setting aside any assessment so made but upon proof thereof being made the taxable person shall have the right to a rehearing before the board relative to said assessment and to appeal therefrom to the court of common pleas as hereinafter provided

The thirteenth section was read as follows:

Section 13 After the hearing of any objections thereto and the making of any changes that may be deemed proper the valuation as so ascertained shall unless changed in the manner herein provided or as provided by existing law stand as the valuation for the assessments for county city borough township school and poor taxes in such county until the next triennial assessment

On the question,

Will the House agree to the section?

Mr. CHRISTLER. Mr. Speaker, I desire to offer the following amendments.

The SPEAKER. The amendments will be read by the Clerk.

The amendments were read by the Clerk as follows:

Amend sec. 13, page 10, line 24, by striking out the words "city, borough, township, school."

Amend sec. 13, page 10, line 24, by striking out the word "poor" and insert in lieu thereof "institution."

Amend sec. 13, page 10, line 24, by inserting after the word "taxes" the following: "and for those municipal and quasi-municipal corporations which levy their taxes on county assessments and valuations."

On the question,

Will the House agree to the amendments?

They were agreed to.

On the question,

Will the House agree to the section as amended?

It was agreed to.

The fourteenth to the sixteenth sections inclusive were separately read and agreed to as follows:

Section 14 Any taxable person dissatisfied with changes made in any assessment in the years between the triennial may within thirty days after the final fixing of the same appeal to the court of common pleas of said county and it shall be the duty of the court at once to hear and determine said appeal and if necessary make such changes therein as may be right and proper

Section 15 No appeal taken from any such assessments shall affect the validity of any taxes assessed but if such assessment shall thereafter be reduced an exoneration shall be granted or restitution ordered for the excess of taxes paid by reason of any improper increase in the assessment

Section 16 Upon request by any taxpayer he shall at any time receive from the board a statement of his taxable property and its valuation

The seventeenth section was read as follows:

Section 17 When the valuations and assessments have been made all taxation for county city borough township school and poor purposes within the limits of such county shall be based upon such valuations

On the question,

Will the House agree to the section?

Mr. CHRISTLER. Mr. Speaker, I desire to offer the following amendments.

The SPEAKER. The amendments will be read by the Clerk.

The amendments were read by the Clerk as follows:

Amend sec. 17, page 11, lines 15 and 16, by striking out the words "city, borough, township, school."

Amend sec. 17, page 11, line 16, by striking out the word "poor" and insert in lieu thereof "institution."

Amend sec. 17, page 11, line 16, by inserting after the word "purposes" the following: "and for those municipal and quasi-municipal corporations which levy their taxes on county assessments and valuations."

On the question,

Will the House agree to the amendments?

They were agreed to.

On the question,

Will the House agree to the section as amended?

It was agreed to.

The eighteenth to the twenty-second sections inclusive were separately read and agreed to as follows:

Section 18 On the first Monday of January one thousand nine hundred and forty-one the terms of all members of the board for the assessment and revision of taxes and of all subordinate assessors and clerks employed by the board in counties of the second class shall cease and terminate and the board for the assessment and revision of taxes as now constituted in counties of the second class is hereby abolished On said date all books records maps plans equipment and supplies in the possession of the board for the assessment and revision of taxes shall be turned over and delivered to the board of tax assessment appeals and review created by this act

Section 19 The provisions of this act shall be severable and if any of the provisions shall be held to be unconstitutional such decision shall not affect the validity of any of the remaining provisions of this act It is hereby declared as the legislative intent that this act would have been adopted had such unconstitutional provision not been included therein

Section 20 Except where inconsistent therewith this

act does not repeal any of the provisions of the act approved the twenty-second day of May one thousand nine hundred and thirty-three (Pamphlet Laws 853) entitled 'An act relating to taxation designating the subjects property and persons subject to and exempt from taxation for all local purposes providing for and regulating the assessment and valuation of persons property and subjects of taxation for county purposes and for the use of those municipal and quasi-municipal corporations which levy their taxes on county assessments and valuations amending revising and consolidating the law relating thereto and repealing existing laws' or its amendments

Section 21 The act approved the twenty-second day of July one thousand nine hundred and nineteen (Pamphlet Laws 1093) entitled 'An act creating in counties having a population of from eight hundred thousand to one million five hundred thousand a board for the assessment and revision of taxes providing for the appointment of the members of such board by the county commissioners fixing their salaries payable by the county defining the powers and duties of such board and regulating the assessment of property and occupations for State and county purposes authorizing the appointment of subordinate assessors and clerks defining their duties and providing for their compensation payable by such counties imposing a penalty on subordinate assessors for failure to comply with certain provisions of this act and abolishing the office of ward borough and township assessors in so far as respects the assessment of property and occupations for State and county purposes' and its amendments are hereby repealed

All other acts and parts of acts inconsistent herewith are hereby repealed

Section 22 Except as to the appointment of the first members of the Board of Tax Assessment Appeals and Review which shall be done during the year one thousand nine hundred and forty the provisions of this act shall become effective on the first Monday of January one thousand nine hundred and forty-one

The title was read as follows:

An Act providing for and regulating the assessment and valuation of persons, property and subjects of taxation for county, city, borough, township, school and poor purposes in counties of the second class; creating and prescribing the powers and duties of a Board of Tax Assessment, Appeals and Review; imposing duties on certain county and city officers; abolishing the board for the assessment and revision of taxes in such counties; and prescribing penalties.

On the question,

Will the House agree to the title?

Mr. CHRISTLER. Mr. Speaker, I desire to offer the following amendments.

The SPEAKER. The amendments will be read by the Clerk.

The amendments were read by the Clerk as follows.

Amend title, page 1, line 3 of title, by striking out the words "city, borough, township, school".

Amend title, page 1, line 3 of title, by striking out the word "poor" and insert in lieu thereof "institution".

Amend title, page 1, line 4 of title, by inserting after the word "class" the following: "and for the use of those municipal and quasi-municipal corporations which levy their taxes on county assessments and valuations".

On the question,

Will the House agree to the amendments?

They were agreed to.

On the question,

Will the House agree to the title as amended?

It was agreed to.

And said bill having been read at length the second time and agreed to as amended.

Ordered, To be transcribed for a third reading.

BILL RECOMMITTED

Mr. CHRISTLER. Mr. Speaker, I move that this bill be recommitted to the Committee on Cities—Second Class for the purpose of further study and possible amendment.

The motion was agreed to.

BILL ON SECOND READING

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 466, entitled:

An Act to promote uniformity in the assessment and taxation of properties and persons within the territorial limits of cities of the second class by providing that city and school taxes within such territorial limits shall be assessed levied and collected upon the basis of the assessments for taxation for county purposes imposing duties on county taxing authorities abolishing the department of assessors in cities of the second class and transferring certain property and functions to county taxing authorities.

The first section was read as follows:

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1 All city taxes in cities of the second class to be assessed levied and collected for the year one thousand nine hundred and forty and subsequent years shall be based upon the assessment of properties and persons made for said years for taxation for county purposes. It shall be the duty of the proper county taxing authorities to assess all property in cities of the second class whether real or personal taxable under any general special or local law for city purposes and to classify all real property in such cities in such manner and upon such testimony as may be adduced before them so as to distinguish between the buildings on land and the land exclusive of the buildings. It shall be the further duty of such county taxing authorities to furnish annually to the city controller of said cities and to the board of school directors of the school districts co-terminous therewith a properly certified duplicate of the last adjusted valuation of all properties and persons taxable for county purposes within the territorial limits of said cities excepting only such assessments of intangible personal property as shall not be subject to the payment of city or school taxes.

On the question,

Will the House agree to the section?

Mr. CHRISTLER. Mr. Speaker, I desire to offer the following amendments.

The SPEAKER. The amendments will be read by the Clerk.

The amendments were read by the Clerk as follows.

Amend sec. 1, page 1, line 3, by inserting after the word "forty" the following: "one".

Amend sec. 1, page 1, line 4, by inserting after the word "the" the following: "county".

Amend sec. 1, page 1, line 5, by striking out the words "for taxation for county purposes".

Amend sec. 1, page 2, line 9, by inserting after the word "annually" the following: "on or before the first day of November".

Amend sec. 1, page 2, line 13, by striking out the word "county" and insert in lieu thereof "city and school".

Amend sec. 1, page 2, lines 14, 15 and 16, by striking out the words: "excepting only such assessments of intangible personal property as shall not be subject to the payment of city or school taxes".

On the question,

Will the House agree to the amendments?

They were agreed to.

On the question,

Will the House agree to the section as amended?

It was agreed to.

The second section was read as follows:

Section 2 From and after the first day of January one thousand nine hundred and thirty-nine the department of assessors in cities of the second class shall be abolished and all books records maps plans equipment and supplies in its possession shall be turned over and delivered to the county taxing authorities for their use.

On the question,

Will the House agree to the section?

Mr. CHRISTLER. Mr. Speaker, I desire to offer the following amendments.

The SPEAKER. The amendments will be read by the Clerk.

The amendments were read by the Clerk as follows.

Amend sec. 2, page 2, line 18, by striking out the words "thirty-nine" and insert in lieu thereof "forty-one".

Amend sec. 2, page 2, line 20, by inserting after the word "maps" the following: "and".

Amend sec. 2, page 2, lines 20 and 21, by striking out the words "equipment and supplies in its possession" and insert in lieu thereof "use in connection therewith".

On the question,

Will the House agree to the amendments?

They were agreed to.

On the question,

Will the House agree to the section as amended?

It was agreed to.

The third section was read and agreed to as follows:

Section 3 Article six of the act approved the seventh day of March one thousand nine hundred and one (Pamphlet Laws twenty) entitled "An act for the government of cities of the second class" and its amendments are hereby repealed.

All other acts and parts of acts general local or special inconsistent herewith are hereby repealed.

The title was read as follows:

An Act to promote uniformity in the assessment and taxation of properties and persons within the territorial limits of cities of the second class, by providing that city and school taxes within such territorial limits shall be assessed, levied and collected upon the basis of the assessments for taxation for county purposes; imposing duties on county taxing authorities; abolishing the department of assessors in cities of the second class and transferring certain property and functions to county taxing authorities.

On the question,

Will the House agree to the title?

Mr. CHRISTLER. Mr. Speaker, I desire to offer the following amendments.

The SPEAKER. The amendments will be read by the Clerk.

The amendments were read by the Clerk as follows.

Amend title, page 1, line 5 of title, by inserting after the word "the" where it appears at the end of said line, the following: "county".

Amend title, page 1, line 6 of title, by striking out the words "for taxation for county purposes".

On the question,

Will the House agree to the amendments?

They were agreed to.

On the question,

Will the House agree to the title as amended?

It was agreed to.

And said bill having been read at length the second time and agreed to as amended.

Ordered, To be transcribed for a third reading.

BILL RECOMMITTED

Mr. CHRISTLER. Mr. Speaker, I move that this bill be recommitted to the Committee on Cities—Second Class for the purpose of further study and possible amendment. The motion was agreed to.

BILLS ON SECOND READING

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 343, as follows:

An Act to amend section one of the act approved the twenty-second day of May one thousand nine hundred and thirty-three (Pamphlet Laws 851) entitled "An act fixing the pay and mileage of jurors and witnesses" by authorizing the court to direct additional compensation for jurors in certain cases

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section one of the act approved the twenty-second day of May one thousand nine hundred and thirty-three (Pamphlet Laws 851) entitled "An act fixing the pay and mileage of jurors and witnesses" is hereby amended to read as follows

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That from and after the time this act takes effect the pay of jurors in this Commonwealth shall be three dollars (\$3) per day together with mileage at the rate of six cents (6c) for each mile going to and returning from the county seat and the pay of witnesses shall be two dollars (\$2) per day together with the mileage at the rate of three cents (3c) for each mile going to and returning from the county seat Provided however that after any grand jury petit jury or panel of jurors has been in actual service in court for a period of two (2) weeks or more the judge or judges having charge of the proceedings in which the said grand jury petit jury or panel of jurors has been engaged is authorized and empowered to order and direct that the compensation of the jurors who are members of such grand jury petit jury or panel of jurors be increased to a sum to be fixed by such judge or judges not to exceed five dollars (\$5) per day for each day thereafter actually served

Section 2 This act shall become effective immediately upon final enactment

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 199 as follows:

An Act to confirm and validate past tax levies or assessments made by school districts of the first class and liens filed thereon

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 All taxes for public school purposes heretofore levied or assessed by or through the instrumentality of the board of public education in any school district of the first class in this Commonwealth which for any reason or in any manner or to any extent exceeded the millage or amount which might have been levied or assessed validly or otherwise exceeded the power of the Board that acted in the matter of such levies or assessments are hereby ratified validated and confirmed with like effect as if the General Assembly itself alone had annually levied or assessed said taxes and had determined the amounts thereof

Section 2 All such taxes shall constitute valid liens on the real estate against which said taxes were levied or assessed as in the case of taxes lawfully imposed or as-

sessed on real estate by other public authorities or municipalities in this Commonwealth

Section 3 This act shall become effective immediately upon final enactment

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 342, as follows:

An Act to further amend section one thousand thirteen of and add section one thousand eleven and one-tenth to the act approved the fifth day of May one thousand nine hundred and thirty-three (Pamphlet Laws 364) entitled "An act relating to business corporations defining and providing for the organization merger consolidation reorganization winding up and dissolution of such corporations conferring certain rights powers duties and immunities upon them and their officers and shareholders prescribing the conditions on which such corporations may exercise their powers providing for the inclusion of certain existing corporations of the second class within the provisions of this act prescribing the terms and conditions upon which foreign business corporations may be admitted or may continue to do business within the Commonwealth conferring powers and imposing duties on the courts of common pleas and certain State departments commissions and officers authorizing certain State departments boards commissions or officers to collect fees for services required to be rendered by this act imposing penalties and repealing certain acts and parts of acts relating to corporations" authorizing the issuance of subpoenas with clause of duces tecum upon foreign corporations registered to do business within the Commonwealth of Pennsylvania and providing a method of service thereof upon such corporations and its proper officers agents and employees and providing a penalty for non-compliance therewith

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Article ten of the act approved the fifth day of May one thousand nine hundred and thirty-three (Pamphlet Laws 364) entitled "An act relating to business corporations defining and providing for the organization merger consolidation reorganization winding up and dissolution of such corporations conferring certain rights powers duties and immunities upon them and their officers and shareholders prescribing the conditions on which such corporations may exercise their powers providing for the inclusion of certain existing corporations of the second class within the provisions of this act prescribing the terms and conditions upon which foreign business corporations may be admitted or may continue to do business within the Commonwealth conferring powers and imposing duties on the courts of common pleas and certain State departments commissions and officers authorizing certain State departments boards commissions or officers to collect fees for services required to be rendered by this act imposing penalties and repealing certain acts and parts of acts relating to corporations" is hereby amended by adding thereto after section one thousand eleven a new section to be known as section one thousand eleven and one-tenth and to read as follows

Section 1011.1 Subpoena to Foreign Corporations to Produce Records Service Any court having jurisdiction of the subject matter in any county of the Commonwealth may issue its subpoena with clause of duces tecum upon any foreign corporation registered to do business within the Commonwealth under this act directing such foreign corporation its proper officers agents or employees to produce before such court having jurisdiction any books papers records or documents in the possession of such foreign corporation as shall be designated in such subpoena Such subpoena with clause of duces tecum may be served upon such foreign corporation in the manner provided by this act for the service of process upon foreign corporations

Section 2 Section one thousand thirteen of the said act as amended by the act approved the second day of July one thousand nine hundred and thirty-seven (Pamphlet Laws 2828) is hereby further amended to read as follows

Section 1013 Revocation of Certificate of Authority Whenever the Department of State shall find that a foreign business corporation authorized by a certificate of authority to do business in this Commonwealth is engaged in this Commonwealth in any business which it is not authorized to transact by its certificate of authority or by any amended certificate of authority or has changed its name without first securing an amended certificate of authority as required by this act or has changed the location of its registered office without filing a statement with the Department of State as required by this act or has failed neglected and refused to appear by its proper officers agents or employees or otherwise comply with any subpoena issued by any court having jurisdiction in the subject matter or to produce such books papers records or documents as required by any such subpoena or is violating any of the laws of this Commonwealth the Department of State shall give notice by registered mail to such corporation that such default exists and that its certificate of authority including any amendments thereto will be revoked and cancelled unless such default shall be cured within thirty days after the mailing of such notice If such default shall not be cured within such period of thirty days the Department of State shall revoke and cancel the certificate of authority of such foreign corporation including any amendments thereto Upon revoking and cancelling any such certificate of authority the Department of State shall mail to such corporation at its registered office in this Commonwealth a certificate of revocation Upon the issuance of such certificate of revocation the authority of the corporation to transact business in this Commonwealth shall cease and such corporation shall not thereafter transact any business in this Commonwealth unless it applies for and receives a new certificate of authority

Section 3 This act shall become effective immediately upon its final enactment

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 444, as follows:

An Act to amend section nine of the act approved the twenty-fifth day of May one thousand nine hundred and thirty-three (Pamphlet Laws 1050) entitled "An act creating and establishing a fund for the care maintenance and relief of aged retired and disabled employees of the bureau of fire in cities of the second class creating a board for the management thereof providing the mode and manner of payment to beneficiaries and for the care and disposition of its funds and providing for the transfer and payment of all moneys and securities in existing funds in similar boards superseded by the fund and board herein created" by changing the amount and method of contributions for and payment of death benefits

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section nine of the act approved the twenty-fifth day of May one thousand nine hundred and thirty-three (Pamphlet Laws 1050) entitled "An act creating and establishing a fund for the care maintenance and relief of aged retired and disabled employees of the bureau of fire in cities of the second class creating a board for the management thereof providing the mode and manner of payment to beneficiaries and for the care and disposition of its funds and providing for the transfer and payment of all moneys and securities in existing funds in similar boards superseded by the fund and board herein created" is hereby amended to read as follows

Section 9 Any individual eligible to membership in such fund as aforesaid shall be required

(1) To sign an acceptance of the provisions of this act which acceptance shall contain an agreement on the part of the one so signing that upon resignation or dismissal from the employ of said bureau of fire he shall thereby relinquish and forfeit all rights to participate in said fund and no employment shall be granted an applicant to a position which would make him eligible as a member of said fund until such acceptance and agreement is signed by him

(2) To contribute to said fund three per centum of his rated monthly salary or wages which shall be deducted from his salary or wages by the city controller from the payroll for the last half of each month and paid into the fund [In addition such members shall contribute the sum of one dollar to the beneficiary of a deceased member of the fund which amount in the case of an active member shall be deducted in the month following the death of such member by the city controller from the payroll for the last half of each month and in the case of a pensioner shall be deducted from the amount paid each pensioner by the secretary of the fund in the month following the death of such member and paid into the fund] All beneficiaries of the fund shall in addition thereto pay the sum of one dollar a month into the said fund and in the case of active members the city controller shall deduct said contribution from the payroll of the last half of each month and the secretary of the fund shall deduct the sum of one dollar from the pension paid each pensioner The amount so collected shall be paid into the firemen's relief and pension fund and out of the funds of the firemen's relief and pension fund there shall be paid to the beneficiary of such deceased member of the fund the sum of one thousand two hundred dollars

When any member of the fund shall resign or be dismissed from service or shall die while in active service there shall be paid to him or to his executor or administrator if his service has been terminated by death from the fund all dues paid by him into the fund Substitute employees of the bureau of fire shall be credited for pension and pay on the basis of actual days served in the bureau of fire Regular and substitute employees shall serve at least fifteen days in each month and appear on both semi-monthly payrolls of said bureau of fire in said month in order to be credited for one month's service for pension under this act

Section 2 This act shall become effective immediately upon final enactment

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 442, entitled:

An Act making an appropriation out of the Motor License Fund to the Department of Highways for allocation to and expenditure in the second class townships of the Commonwealth for maintenance construction reconstruction resurfacing or improvement of township roads and bridges during the calendar years one thousand nine hundred forty and one thousand nine hundred forty-one permitting the use of the funds for maintenance and repair of township roads and bridges under certain conditions and providing for the method of payment to townships

The first to the fifth sections inclusive were separately read and agreed to as follows:

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The sum of eight million five hundred thousand dollars (\$8,500,000) is hereby appropriated to the Department of Highways for the two calendar years beginning January first one thousand nine hundred forty out of the Motor License Fund for allocation to and

expenditure in the townships of the second class of the Commonwealth in the amounts upon the terms in the manner and for the purposes hereinafter set forth in this act

Section 2 The moneys hereby appropriated shall be allocated and apportioned among the second class townships of this Commonwealth in the ratio which the mileage of township roads in each township of the second class bears to the total mileage of township roads in all of the townships of the second class in the Commonwealth as of January first one thousand nine hundred forty

The funds so apportioned shall be expended by the township supervisors of each township under the supervision and subject to the approval of the Department of Highways and in compliance with such rules and regulations which the Department of Highways may prescribe in carrying out the provisions of this act

The funds allocated by this act shall be used for the maintenance construction reconstruction resurfacing and improvement of township roads and the maintenance construction and reconstruction of township bridges in townships of the second class excepting that in townships which do not have sufficient funds from other sources for the maintenance and repair of all the roads and bridges under their jurisdiction the allocations to such townships shall be used in whole or in part for such maintenance and repair purposes

Section 3 Before any of the funds allocated to townships by this act shall be expended for [maintenance] construction reconstruction resurfacing or improvement the supervisors of the respective townships shall by resolution specify the location and type of construction of the highway proposed to be [maintained] constructed reconstructed resurfaced or improved or the bridge to be constructed or reconstructed and shall submit the same to the Department of Highways together with estimates plans if any and specifications for the approval of said Department

Section 4 Nothing in this act shall be constructed to relieve any of the second class townships from any obligation they may have incurred under any contract or agreement entered into prior to January first one thousand nine hundred forty for the construction or repair of any highway or structure now under their jurisdiction

Section 5 The supervisors of each township shall appoint a foreman who may be a member of the board of supervisors to supervise the work to be done under the provisions of this act and in the event more than one foreman is required the Department of Highways may authorize the supervisors to appoint one or more additional foremen The Secretary of Highways shall have the right to remove any foreman so appointed for incompetency or for neglect or refusal to comply with the rules and regulations of the Department of Highways prescribed for the work under this act Said supervisors shall also employ any laborers required for said work and fix their wages

Nothing herein contained shall be construed to prevent work under the act being done by contract let by the township supervisors and approved by the Department of Highways

The sixth section was read as follows:

Section 6 No payment shall be made from moneys allocated under this act to the townships of the second class except on warrants drawn by the Auditor General upon the State Treasurer as provided by the Act of Assembly to the treasurer of the board of supervisors on vouchers approved by the Secretary of Highways and such payment if approved by the Secretary of Highways shall be made in four equal installments payable the first day of March the first day of June the first day of September and the first day of December of each year

There shall be submitted to the Department of Highways by the board of township supervisors a semi-annual report on the last days of February May August and November of each year showing the cost of the work done under the provisions of this act in such detail as may be required by the Department of Highways

Nothing in this act shall be construed to permit the

funds appropriated by the act to be paid for other than labor and equipment rental payrolls material purchases including repair parts for equipment small tools road drags and snow fence on road and bridge work performed by the townships under the provisions of this act

Nothing herein contained shall be construed to prevent the use of any of the funds allocated under this act for Federal projects sponsored by the townships and approved by the Department of Highways or for county-aid work relating to the improvement of roads and bridges

On the question,

Will the House agree to the section?

Mr. GILLETTE. Mr. Speaker, I desire to offer the following amendment.

The SPEAKER. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend Sec. 6, page 4, line 15, by striking out the words "semi-annual".

On the question,

Will the House agree to the amendment?

It was agreed to.

On the question,

Will the House agree to the section as amended?

It was agreed to.

The title was read and agreed to as follows:

An Act making an appropriation out of the Motor License Fund to the Department of Highways for allocation to and expenditure in the second class townships of the Commonwealth for maintenance, construction, reconstruction, resurfacing, or improvement of township roads and bridges during the calendar years one thousand nine hundred forty and one thousand nine hundred forty-one; permitting the use of the funds for maintenance and repair of township roads and bridges under certain conditions; and providing for the method of payment to townships.

And said bill having been read at length the second time and agreed to as amended.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 443, as follows:

An Act to amend the appropriation act approved the fifth day of June one thousand nine hundred thirty-seven (Appropriation Act No. 51-A) entitled "An act making an appropriation out of the Motor License Fund to the Department of Highways for expenditure in the various second-class townships of the Commonwealth for the maintenance of township roads and bridges during the calendar years one thousand nine hundred thirty-eight and one thousand nine hundred thirty-nine apportioning the funds to the several counties on the basis of the maintenance costs for the year one thousand nine hundred thirty-two permitting the use of any surplus funds for construction and reconstruction and resurfacing of township roads and bridges requiring townships to exclude provision for maintenance of roads and bridges from their annual budget and tax levy for road and street purposes for said years authorizing the Department of Highways to rent road building machinery and equipment belonging to such townships in carrying out the provisions of this act and lapsing the unexpended or unencumbered balance of the appropriation remaining on January first one thousand nine hundred forty" by providing that the unexpended and unencumbered balance of such appropriation at the time this act becomes effective shall be allocated to and apportioned among the various second-class townships on the basis of the amount of road mileage in such townships authorizing the township supervisors to expend the moneys allocated to the township for the purpose prescribed

under the approval and supervision of the Department of Highways and excluding the provision for expenditure by the Department of Highways of such balances the taxing and budgeting limitations on townships of the second class and the right of the Department of Highways to rent roadbuilding machinery and equipment belonging to such townships

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The appropriation act approved the fifth day of June one thousand nine hundred thirty-seven (Appropriation Act No 51-A) entitled "An act making an appropriation out of the Motor License Fund to the Department of Highways for expenditure in the various second-class townships of the Commonwealth for the maintenance of township roads and bridges during the calendar years one thousand nine hundred thirty-eight and one thousand nine hundred thirty-nine apportioning the funds to the several counties on the basis of the maintenance costs for the year one thousand nine hundred thirty-two permitting the use of any surplus funds for construction and reconstruction and resurfacing of township roads and bridges requiring townships to exclude provision for maintenance of roads and bridges from their annual budget and tax levy for road and street purposes for said years authorizing the Department of Highways to rent road building machinery and equipment belonging to such townships in carrying out the provisions of this act and lapsing the unexpended or unencumbered balance of the appropriation remaining on January first one thousand nine hundred forty" is hereby amended to read as follows

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the sum of eight million five hundred and fifty thousand dollars (\$8,550,000) is hereby appropriated to the Department of Highways for the two calendar years beginning January first one thousand nine hundred thirty-eight out of the Motor License Fund for expenditure in the various townships of the second class of the Commonwealth in the amounts upon the terms in the manner and for the purposes herein-after set forth in this act

Section 2 [The moneys hereby appropriated shall be apportioned by the Department of Highways among the several counties of this Commonwealth on the basis of the average per mile cost of maintaining the township roads and bridges in the townships of the second class in each county as reported in the annual financial reports of the boards of supervisors to the Department of Highways for the year one thousand nine hundred thirty-two multiplied by the number of miles of second class township roads in such county as of January first one thousand nine hundred thirty-eight

Of the amount apportioned to the several counties as hereinbefore provided the Department of Highways shall expend in each of the townships of the second class for the maintenance and repair of township roads and bridges therein not repaired and maintained by the Department of Highways under the provisions of any other law such portion of the amount apportioned to the county as the Secretary of Highways shall deem necessary for the proper maintenance and repair of the township roads and bridges in any such county] Any balance of the funds appropriated by this act which at the time this amendment becomes effective remains unexpended and unencumbered shall be allocated and apportioned among the second-class townships of this Commonwealth in the ratio which the mileage of township roads in each township of the second class bears to the total mileage of township roads in all of the townships of the second class in the Commonwealth as of January first one thousand nine hundred thirty-nine

The funds so apportioned shall be expended by the township supervisors of each township under the supervision and subject to the approval of the Department of Highways and in compliance with such rules and regulations which the Department of Highways may prescribe in carrying out the provisions of this act

The funds allocated by this act shall be used for the maintenance construction reconstruction resurfacing and improvement of township roads and the maintenance construction and reconstruction of township bridges in townships of the second class excepting that in townships which do not have sufficient funds from other sources for the maintenance and repair of all the roads and bridges under their jurisdiction the allocations to such township shall be used in whole or in part for such maintenance and repair purposes

Section 3 [Any surplus of the funds apportioned to a county under this act over the amount required for maintenance and repair may with the approval of the Secretary of Highways be expended in any such county by the Department of Highways in the construction and reconstruction and resurfacing of any township road or bridge in the townships of the second class which is not maintained by the Department of Highways under the provisions of any other law Nothing herein contained shall prevent the use of any of the aforesaid surplus for Federal projects sponsored by the township supervisors and approved by the Secretary of Highways] Before any of the funds allocated to townships by this act shall be expended for construction reconstruction resurfacing or improvement the supervisors of the respective townships shall by resolution specify the location and type of construction of the highway proposed to be constructed reconstructed resurfaced or improved or the bridge to be constructed or reconstructed and shall submit the same to the Department of Highways together with estimates plans if any and specifications for the approval of said Department

Section 4 Nothing in this act shall be construed to relieve any of the second-class townships from any obligation they may have incurred under any contract or agreement entered into prior to January first one thousand nine hundred thirty-eight for the construction or repair of any highway or structure now under their jurisdiction

Section 5 [The board of supervisors of townships of the second class shall at the time of the adoption of the annual budget and at the time of fixing the road tax levy for the years one thousand nine hundred thirty-eight and one thousand nine hundred thirty-nine exclude from the said annual budget and tax levy for road and street purposes any provision for the maintenance and repair of the roads and bridges Nothing herein contained shall prevent any township from making proper provision for interest sinking fund debt repayment charges snow removal resurfacing construction reconstruction obligations incurred under any contract or agreement such other administrative and overhead expenses as may be necessary and for any other purposes other than for maintenance and repair of the roads and bridges] The supervisors of each township shall appoint a foreman who may be a member of the board of supervisors to supervise the work to be done under the provisions of this act and in the event more than one foreman is required the Department of Highways may authorize the supervisors to appoint one or more additional foremen The Secretary of Highways shall have the right to remove any foreman so appointed for incompetency or for neglect or refusal to comply with the rules and regulations of the Department of Highways prescribed for the work under this act Said supervisors shall also employ any laborers required for said work and fix their wages

Nothing herein contained shall be construed to prevent work under the act being done by contract let by the township supervisors and approved by the Department of Highways

Section 6 [The Department of Highways is hereby authorized to rent from the several second-class townships any road building machinery or equipment now or hereafter owned by such municipality for use under the provisions of this act in the maintenance resurfacing reconstruction and construction of any township road or bridge either in or outside of the legal limits of the township owning the equipment at such rentals or rates as the Department of Highways shall deem reasonable The duly elected road supervisors of each township subject to the

approval of the Secretary of Highways may be employed by the Department of Highways in the work to be done under the provisions of this act. No payment shall be made from moneys allocated under this act to the townships of the second class except on warrants drawn by the Auditor General upon the State Treasurer as provided by the act of Assembly to the treasurer of the board of supervisors on vouchers approved by the Secretary of Highways and such payment if approved by the Secretary of Highways shall be made in three equal installments payable on May first August first and November first one thousand nine hundred thirty-nine.

There shall be submitted to the Department of Highways by the board of township supervisors a [semi-annual] report on [April first and] July thirty-first and October thirty-first showing the cost of the work done during the preceding months under the provisions of this act in such detail as may be required by the Department of Highways.

Nothing in this act shall be construed to permit the funds appropriated by the act to be paid for other than labor and equipment rental payrolls material purchases including repair parts for equipment small tools road drags and snow fence on road and bridge work performed by the townships under the provisions of this act.

Nothing herein contained shall be construed to prevent the use of any of the funds allocated under this act for Federal projects sponsored by the townships and approved by the Department of Highways or for county-aid work relating to the improvement of roads and bridges.

Section 2 This act shall become effective immediately upon final enactment.

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 478 (Senate Bill No. 16), entitled:

An Act to amend section one as amended of the act approved the third day of June one thousand nine hundred and nineteen (P. L. 370) entitled "An act to fix the number and salaries of assistant district attorneys in counties of this Commonwealth having over one million five hundred thousand inhabitants and prescribing the powers and duties of said assistant district attorneys" by increasing the number and fixing the salaries of the assistant district attorney thereof.

The first section was read as follows:

Section 1 The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows That section one of the act approved the third day of June one thousand nine hundred and nineteen (Pamphlet Laws three hundred seventy) entitled "An act to fix the number and salaries of assistant district attorneys in counties of this Commonwealth having over one million five hundred thousand inhabitants and prescribing the powers and duties of said assistant district attorneys" as amended by the act approved the twenty-ninth day of April one thousand nine hundred and twenty-five (Pamphlet Laws three hundred and fifty one Act Number 204) is hereby amended to read as follows

Section 1 Be it enacted et cetera That in every county of this Commonwealth having over one million five hundred thousand inhabitants the district attorney shall have the power to appoint one or more assistants learned in the law not exceeding [twenty] thirty in number to assist him in the discharge of his duties. One of said assistant district attorneys shall receive a salary of seven thousand five hundred dollars per annum one of said assistant district attorneys shall receive a salary of six thousand five hundred dollars per annum three of said assistant district attorneys shall receive salaries of six thousand dollars per annum each eight of said assistant district attorneys shall receive salaries of five thousand dollars per annum

each four of said assistant district attorneys shall receive salaries of four thousand dollars per annum each and [three] thirteen of said assistant district attorneys shall receive salaries of three thousand dollars per annum each. In the event of the appointment of a less number of assistants than [twenty] thirty the district attorney shall have the power to determine in which class as to salaries the appointee or appointees shall be placed. Said salaries shall be paid out of the county treasury.

On the question,

Will the House agree to the section?

Mr. WOODSIDE. Mr. Speaker, I desire to offer the following amendments.

The SPEAKER. The amendments will be read by the Clerk.

The amendments were read by the Clerk as follows:

Amend section 1, page 1, line 1 by striking out at the end of the line the following: "[The General Assembly of the Commonwealth]".

Amend section 1, page 1, line 2 by striking out at the beginning of the line the following: "[of Pennsylvania hereby enacts as follows That section]" and inserting in lieu thereof the following: "Section".

On the question,

Will the House agree to the amendments?

They were agreed to.

On the question,

Will the House agree to the section as amended?

It was agreed to.

The second section was read and agreed to as follows:

Section 2 This act shall become effective immediately upon its final enactment.

The title was read as follows:

An Act to amend section one as amended of the act approved the third day of June, one thousand nine hundred and nineteen (P. L. 370) entitled "An act to fix the number and salaries of assistant district attorneys in counties of this Commonwealth having over one million five hundred thousand inhabitants, and prescribing the powers and duties of said assistant district attorneys" by increasing the number and fixing the salaries of the assistant district attorneys thereof.

On the question,

Will the House agree to the title?

Mr. WOODSIDE. Mr. Speaker, I desire to offer the following amendment.

The SPEAKER. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend page 1 by inserting after line 10 of the title the following enacting clause: "The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:"

On the question,

Will the House agree to the amendment?

It was agreed to.

On the question,

Will the House agree to the title as amended?

It was agreed to.

And said bill having been read at length the second time and agreed to as amended.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 477 (Senate Bill No. 34), entitled:

An Act to further amend section five hundred eight of the act approved the eighteenth day of May one thousand nine hundred and eleven (P. L. 309) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" by further regulating the incurring of temporary indebtedness and the repayment thereof in school districts other than school districts of the first class

The first section was read as follows:

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section five hundred eight of the act approved the eighteenth day of May one thousand nine hundred and eleven (Pamphlet Laws 309) entitled "An Act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" as last amended by section three of the act approved the second day of July one thousand nine hundred and thirty-seven (Pamphlet Laws 2860) is hereby further amended to read as follows

Section 508 Any school district having no indebtedness or whose indebtedness incurred or created without the assent of the electors thereof is less than two (2) per centum of the total valuation of the taxable property for school purposes therein may at any time for the purpose of providing funds in any fiscal year for current expenses and debt service for permanent improvements or in anticipation of proceeds from a bond issue already officially authorized and approved by the Department of Internal Affairs with such limitations and for such length of term as hereinafter provided by or through its board of school directors incur in addition to any bonds therein authorized a temporary debt or borrow money and issue an obligation or obligations therefor under the seal of the district if any properly attested by the president and secretary thereof and bearing interest not exceeding the legal rate but no such obligation shall be sold for less than par Provided That the incurring of any such temporary debt or borrowing money upon such obligation shall receive the affirmative vote of not less than two-thirds of the members of the board of school directors therein

The total amount of temporary indebtedness incurred for current expenses and debt service in school districts other than school districts of the first class shall at no time exceed an amount equal to the State appropriations not received but payable during the fiscal year and the tax levied upon taxable property within such school district for school purposes and remaining uncollected for the current fiscal year Provided That any temporary indebtedness incurred for current expenses and debt service at any time during a period of five years from the effective date of these amendments shall at no time exceed an amount equal to the State appropriations not received but payable during the fiscal year and the tax levied upon taxable property within such school district for school purposes and remaining uncollected and unpledged All such loans shall be paid out of the receipts available or pledged for the repayment thereof when and as the said funds are received Provided That the total amount of the temporary indebtedness for such purpose remaining unpaid at the close of the fiscal year shall become an obligation upon the following year's budget and be included therein

The total amount of temporary indebtedness incurred in any school district for the purpose of permanent improvements shall at no time in school districts of the first and second class exceed one-half of one (1) per centum of the last assessed valuation of taxable property for school purposes therein and in school districts of the third

and fourth class two (2) per centum of such assessed valuation Provided That at or before the time of incurring such indebtedness for such purpose provision shall be made for the collection of an annual tax sufficient to pay the interest and also the principal thereof within the term of such indebtedness as hereinafter provided Provided That the total indebtedness in any school district of the first class including all bonded indebtedness and temporary indebtedness shall never exceed two (2) per centum of the last assessed valuation of taxable property for school purposes therein and in school districts of the second third and fourth class shall not exceed seven (7) per centum of such assessed valuation

The total amount of temporary indebtedness incurred in anticipation of proceeds from a bond issue already officially authorized and approved by the Department of Internal Affairs as hereinafter provided shall not exceed seventy-five (75) per centum of the full amount of bonds authorized by such bond issue

All money borrowed for the purpose of current expenses and debt service as hereinbefore provided and remaining unpaid at the close of any fiscal year shall be paid out of the receipts of the following fiscal year for school districts as heretofore provided but in all events not later than the first day of July of such following year in school districts of the first class and not later than the first day of November in school districts of the second third and fourth class Provided That all temporary indebtedness for such purpose existing prior to the first day of July one thousand nine hundred [thirty-seven] thirty-nine shall be payable at any time not to exceed three years thereafter

All money borrowed for permanent improvements for which no bond issue has been provided and for which an obligation or obligations other than bonds have been issued shall be paid within three years from date of issue of such obligation together with interest and at least one-third of the total principal of the original loan shall be paid annually Such obligation or obligations may be paid in full or in part each year when the taxes are received and reborrowed again the latter part of the fiscal year Provided That the amount reborrowed is less than the amount borrowed the preceding year by at least one-third of the total amount of the original loan Provided further That each time the money is reborrowed the date and purpose for which it was originally borrowed shall be restated Provided further That the amount of the original loan shall be paid in full within a maximum term of three years from the date of the original loan for such purpose

All obligations other than bonds issued by any school district in anticipation of proceeds from a bond issue already officially authorized and approved by the Department of Internal Affairs shall be paid in full together with interest out of the proceeds of such bond issue within one year six months from the date of authorization of such bond issue

In case of an emergency any school district in this Commonwealth in any fiscal year after incurring temporary indebtedness for current expenses and debt service to the full extent of the provisions hereinbefore provided and finding the receipts from said temporary loans together with all other receipts to be inadequate to meet the expenditures of the official fiscal year's budget may appeal to the State Department of Public Instruction for permission to increase the temporary indebtedness of such school district beyond the amount hereinbefore provided and shall present to the State Superintendent of Public Instruction or his agent such financial statements or reports as he may require to give him adequate facts relative to the necessity of such increase in indebtedness The State Superintendent of Public Instruction is hereby authorized after due examination of the need of such school district either to refuse or grant permission to such school district to borrow additional funds beyond the provisions hereinbefore provided and in case of approval he shall set a maximum limit of the total amount of additional temporary indebtedness that such school district may incur during the fiscal year in addition to all temporary indebtedness outstanding at the time of such approval Provided That such additional amount of temporary indebtedness together with all other temporary indebtedness at any time for the purpose of payments on current expenses and

debt service in school districts of the first [and second] class shall not exceed four-tenths of one (1) per centum and in school districts of the second class shall not exceed three-fourths of one (1) per centum and in school districts of the third and fourth class shall not exceed one (1) per centum of the total amount of taxable property in such district and the total indebtedness for such purposes together with all other indebtedness incurred without authorization by vote of the electors of the district shall at no time exceed two (2) per centum of the last total assessed valuation of the taxable property therein. All temporary indebtedness remaining unpaid at the end of the fiscal year shall be paid in the same manner as hereinbefore provided.

On the question,

Will the House agree to the section?

BILL POSTPONED

Mr. AUKER. Mr. Speaker, I move that this bill be placed on the postponed calendar.

The motion was agreed to.

ADDRESS BY MR. BAKER

Mr. BAKER asked and obtained unanimous consent to address the House.

Mr. Speaker and members of the House:

Mr. Speaker, when I addressed this House last week I hoped I would find it within my power to hold my peace thereafter.

I admit my mistake, Mr. Speaker, with shame.

Shame not for myself, but for the Republican party in Pennsylvania, for its alleged former breaker-boy who heads the present Administration, and for his boon companion and adviser, the mystery man from Texas.

Mr. Speaker, I would have been better advised if I had added six words to last week's address. Those six words would have shown me a keener student of public affairs, understanding better the Republican Party and the present State Administration.

I should have placed three of those six words at the beginning of my address. Those three words are:

"The James Catastrophe."

And at the end of my remarks, I should have placed these three words:

"To be continued."

Tonight, I find myself forced to present Chapter 2 of "The James Catastrophe—a story of Bad Faith, Broken Promises, and the Texas Bull."

Bad faith was with the Republican party in the fall campaign when it made promises it well knew were impossible to keep.

Broken promises, product of Republican bad faith, are everywhere in Harrisburg today.

The Texas Bull was in Pennsylvania last fall under one name as a friend of Judge James and is with us today under his real name as minister without portfolio to Governor James.

Bad faith, broken promises, and the Texas Bull are "fellow travellers" of the Republican Party in Pennsylvania.

Mr. Speaker, it was bad faith which lead Judge James and his satellites to promise lower taxes last fall.

Many were deceived, as the election returns will show you, into thinking that by some sleight-of-hand the Republican Party could go right on supplying necessary public services demanded on all sides today without making anyone pay for it.

You can't blame the people.

They saw a judge of our Superior Court, and a former lieutenant governor at that, promising he would cut taxes.

The people thought his word was good. They thought he knew how.

But today the people of Pennsylvania face a tax increase.

The same daily press which once so enthusiastically reported the Judge's promises to cut taxes now calmly quotes the Governor's remark that it may be necessary to impose an amusement tax.

Why doesn't he tax the utilities?

Why doesn't he tax Pew's oil riches?

Why doesn't he tax Annenberg's dope sheet profits?

Why doesn't he tax Grundy's money bags?

Mr. Speaker he can't, any more than he can tax Col. Estes' Texas ranch.

The utilities, Pew, Annenberg, and Grundy own the governor and the gentleman from Texas keeps his property out of the Governor's reach.

So now it would appear we are to be asked to tell the tired steel worker, the underpaid clerk, and the weary housewife:

"Pay the state another nickel so big business can cut another mellon."

I wonder if any of the majority party's leaders know what it's like to be poor?

I wonder if Governor James ever stood hungry in front of a lunch stand, wondering whether to buy a bowl of soup or a cup of coffee with his last nickel?

I wonder if Joe Grundy ever scrimped and saved and went without lunch once a week so he could see a movie Saturday night and forget his cares?

I wonder if Col. Estes thinks of a nickel as anything more than a monument to the buffalo which was crowded off the Texas plains by the cattle barons?

I wonder if any of these gentlemen think of a nickel in terms of a cup of coffee, a sandwich, or a bar of candy for the baby?

I wonder if they know that a nickel—or whatever the James amusement tax may be—is a big sum to many workers in this state?

A sum big enough to keep thousands from the movies?

A sum not to be spared from thousands and thousands of domestic budgets in towns and cities of Pennsylvania?

The rich man can spend a nickel extra to see a movie and never miss it.

A nickel is only a nuisance to a man with an income of \$10,000 to a million a year.

But how much more is a nickel to John Jones, who supports his wife and three young children on \$25 a week?

The Jones family can't afford an extra quarter to see their neighborhood movie each week, but that doesn't bother the Republican party and its Governor, the alleged former breaker-boy from Luzerne County.

It might be better, Mr. Speaker, to institute a gross receipts tax such as that suggested by a Republican in the other chamber of this Assembly, if the Republican Party simply must break its eat-your-cake-and-have-it-too promises.

But I predict that the Big Business men who put the

Republican Party in power never will permit enactment of such a statute.

If new taxes are levied, they will be levied against the poor man.

That item in the James Catastrophe, Mr. Speaker, is companion to another. I refer to Mr. James' newest, wrapped-in-cellophane gift to Boss Pew.

I say wrapped-in-cellophane because you can see right through it.

The gift to which I refer is the repeal of the Oil Industry Investigation Commission.

Properly conducted, within the framework prescribed by the courts, that Commission could unearth many of the evils of the demoralized oil industry in Pennsylvania and propose remedies for their correction.

Properly conducted, and let alone by the Republican Party, that Commission could be a life-saver to the 28,000 hard-pressed filling station owners in the state.

Properly conducted, that Commission could discover anew that a brand name on gasoline means little or nothing, that the big oil companies never lose in a price war, that the oil companies are launching their propaganda over the state under phoney, high-sounding names sponsoring news releases and radio speeches.

But Oil Man Pew makes a profit the way things are, so breaker-boy James and Estes, the Texas Bull, are going to burn a law.

Thus the James Catastrophe.

Nor did the utilities go empty-handed last week.

The Public Utility Commission was demoralized by a payless payday.

Governor James made further strides in his sabotaging of the Commission with a two-third cut in staff.

Mr. Speaker, why not be honest about it? Why doesn't the Republican party introduce a bill abolishing regulation and allowing the utilities to charge the homeowner as much as they want for light, gas, and power?

Thus the James Catastrophe.

Nor did the Grundy interests, financial and industrial, go empty handed.

A Republican bill seeks to abolish the Securities Commission and hand its duties to the State Banking Department.

Mr. Speaker, if that bill is jammed through this legislature, the widows and aged of this state again will be prey to the stock jobbers.

Republican administrations of the past permitted Pennsylvania's banking structure to become honeycombed by dry rot, loose practices, and downright fraud.

Republican Banking Departments in the past lacked the courage to police the banking fraternity.

This Republican administration is no different from past Republican administrations: there is no reason to suspect that a party which feared the banker will spank the broker.

The administration would abolish the Pennsylvania Turnpike Commission and turn its powers over to the General State Authority.

Then the Administration would seize control of the Authority and, at the same time, of the Commission.

They say this is just a plan to seize a fistful of patronage.

I wonder if it could be a subtle, devious way for the Governor to wipe out 10,000 potential jobs for Pennsyl-

vania workingmen by blocking the all-weather highway?

You will remember the governor first threatened to cancel the highway project. Then he promised he would let this great program proceed.

I wonder if that promise means any more than his other promises?

I wonder what's in back of the impending bill to abolish the State Housing Board? Do the great estates which own our slums also have a share in the governor?

Is the governor preparing to sabotage our housing projects, that the rich landlords may keep their slum tenants at the expense of decent American living standards for the poor?

Mr. Speaker, when Judge James last summer promised to "burn" all progressive legislation passed by this House in the last four years, he panicked his advisers.

They denied their alleged former breaker boy ever said that. They tried to blot out this glimmer of truth in a campaign of falsity.

We who voted for the Democratic candidates knew he meant it.

We predicted just what Judge James is trying to do today.

Quietly as possible, indirectly, deviously, he is working to nullify every decent piece of legislation enacted in the last four years.

Generally, as with the Public Utility Commission, he works under the disguise of economy. That is not economy, Mr. Speaker, but sabotage.

The Democrats promised and delivered to the people enlightened public utility legislation. Now the Republicans, afraid to erase it from the books, thwart the act and the Commission by firing men and women whose salaries were paid, not by the taxpayer, but by the utilities they regulated.

The Democrats promised and sought ways of relieving the Pennsylvanians independently engaged in the oil industry. Taking refuge in a court decision, the Republicans remove this peril from the big oil interests.

The Democrats promised and are delivering decent housing to the underprivileged. The Republicans will, if they can, destroy these projects.

The Republicans promised to balance the budget and cut taxes; they are doing neither. Rather, they will raise taxes.

The Democrats promised and delivered flood control; the Republicans under their man James seek to wipe it out under the guise of "states rights," but actually hope to aid the utilities at the expense of the millions whose homes and earnings will be jeopardized.

The Democrats promised and delivered humane, progressive legislation for the people; the Republicans promised but have and never had any intention of delivering excepting to their board of directors.

Mr. Speaker, the James Catastrophe is here.

We cannot flee, for we are Pennsylvanians.

We were born here, we live here, and we hope, when the day comes that we must pass from this earthly scene, that we will die here.

But long before that day comes, we will drive away the jackals that gnaw at the prostrate people of Pennsylvania.

We will drive off the Grundys, the Annenbergs, and the Pews.

We will send Estes, that man of many names, back to Texas.

We will end the James Catastrophe.
To be continued.

BILL RE-REFERRED

Mr. OMINSKY returned from Select Committee on Public Assistance, with a recommendation that it be re-referred to a standing committee, House Bill No. 7, entitled:

An Act terminating the legislative authority given certain political subdivisions of this Commonwealth to impose a tax upon sales of tangible personal property.

The SPEAKER. The bill is re-referred to the Committee on Welfare.

REPORTS FROM COMMITTEES

Mr. WILKINSON from the Committee on Municipal Corporations reported as committed, House Bill No. 24, entitled:

An Act prohibiting any political subdivision from imposing any income or occupation tax upon non-residents.

Mr. WILKINSON from the Committee on Municipal Corporations reported as amended, House Bill No. 556, (Senate Bill No. 79), entitled:

An Act permitting the county treasurer, with the consent of the county commissioners or the approval of the court, to adjourn county treasurers' sales of seated and unseated lands for non-payment of taxes in all counties, except counties of the first class, and preserving the lien of all taxes on such lands.

UNANIMOUS CONSENT REQUESTED

Mr. HERBERT B. COHEN. Mr. Speaker, I desire to request unanimous consent of the House to call up on the First Reading Calendar, page 2, House Bill No. 474, Printer's No. 65, which passed first reading, for the purpose of moving that said bill be recommitted to the Committee on State Government for the purpose of further study and amendment.

The SPEAKER. The Chair would request the gentleman from York to withdraw his request for the moment. The Chair will recognize the gentleman subsequently, in order that we may save time. We are on the business of resolutions.

QUESTION OF PARLIAMENTARY INQUIRY

Mr. HERBERT B. COHEN. Mr. Speaker, I rise to a question of parliamentary inquiry.

The SPEAKER. The gentleman will state his question of parliamentary inquiry.

Mr. HERBERT B. COHEN. Mr. Speaker, I rose to ask unanimous consent of the House to make a motion. If the Chair desires that I delay the request for unanimous consent, I shall do so.

The SPEAKER. The Chair does so request, because the Chair is somewhat in doubt whether the gentleman needs to ask for unanimous consent. If the gentleman will yield for a moment we will take up the order of business and subsequently recognize the gentleman.

ADDRESS BY MR. HARKINS

Mr. HARKINS asked and obtained unanimous consent to address the House.

Mr. Speaker and Ladies and Gentlemen of the House of Representatives. May I call your attention to a matter which has caused grave concern to the citizens of Western Pennsylvania during the past few days. I refer, members of the House, to the proposal of the Peoples Natural Gas Company made public last Friday that the rates charged small consumers be increased.

This increase would adversely affect 90% of the people using gas furnished by the Peoples Gas Company because it provides that the greatest boost in price shall be borne by those consumers using 15,000 cubic feet or less of gas per month. The protests of the City of Pittsburgh, through its Council, is expected to take the form of a resolution to empower the City Solicitor to enter the case in protest of any increase. County Commissioner, John Kane, has already indicated that the services and personnel of the Allegheny County Law Department and the Engineering Department will be made available to Allegheny County Municipalities which may intervene in litigation opposing such an increase.

The Commonwealth of Pennsylvania is vitally interested in this situation as this rate increase, which it is estimated will add \$1,200,000 annually to the coffers of the Peoples Natural Gas Company, will be absorbed in a large measure at least by persons who are unemployed and who are on relief. This means that as a relief client's gas bills increase his expenditures for food must decrease. These people are defenseless against such a rate increase unless protected by a Governor interested in proper utility regulation, a legislature in preventing those on the relief rolls from being gouged to fill the treasuries of the utility companies, and a Public Utility Commission which has the courage to block such brazen attempts to increase rates before any justification of the present rate has been made.

My friends I do not fear the Pennsylvania Public Utility Commission as it is today constituted. It has been and is doing an excellent job since reorganized with the proper powers as set forth in the 1937 Act. But my friends, not only I but many of the people of Pennsylvania are wondering where Governor James stands on this issue. While many who are loyal supporters of Governor James consider such an action by this large Utility Concern to raise rates as an affront to the Governor, Governor James stands by idly and says nothing. Or maybe he is standing silently in the background ready to take a position which the shifting winds of political convenience indicate would be most favorable to a presidential candidate.

To Governor James I would only say: Governor, why stand you mute on the utility question as you did on Flood Control. Would you have Allegheny County Republicans desert your utility program as they deserted your Flood Control policy? Would you stand by speechless, if this rate increase, increased the rates to be paid by business and industrial concerns instead of slightly reducing their rates? Or would you then have rushed to the aid of the industries when you now leave the home owners and renters to be plundered at will by such increases? May I ask, Governor James, have you called the attention of the Pennsylvania Public Utility Commission to this rate increase?

Let us now see what the attitude of the House of Representatives is towards this question. But pause for a moment fellow members and check your House History where on Page 140 there appears House Resolution No. 30, Serial No. 54, introduced by me on March 8, 1939 and referred to the Committee on Rules. While I know you can easily see at a glance that this resolution applies to the Philadelphia Company and not to the Peoples Natural Gas Company, nevertheless, a real similarity exists between the Equitable Gas Company, a subsidiary of the Philadelphia Company, and the Peoples Natural Gas Company. It is expected also that the Equitable Gas Company, which I am informed now charges rates comparable to those of the Peoples Natural Gas Company, will soon seek to increase its rates if the Peoples Company is successful.

It is clear to me that all of the subsidiary operating companies of the Philadelphia Company pay exorbitant sums to companies also owned by the Philadelphia Company, and whose profits are not regulated or limited by the Public Utility Commission, which, therefore, have readily been adopted into convenient agencies by which the operating companies are milked of all possible revenues, thereby causing such financial crises as the Pittsburgh Railways Company now finds itself in, namely, bankruptcy.

If the Equitable Gas Company can afford to have its profits diverted and milked by reason of intricate corporate set ups, and if its rates are presently comparable to those of the Peoples Natural Gas Company, why then it naturally follows that the rates of the Peoples Natural Gas Company are at least high enough, if not already too high.

May I take this opportunity to implore of all the members of the Rules Committee that they give serious consideration to House Resolution No. 30, Serial No. 54, and that they report it out. You of the majority have nothing to fear, as the House and Senate are now controlled by members of your Party. If the evidence cannot be found to show that these involved and intricate corporate combinations are only set up for the purpose of maintaining unjustifiably high rates, then this committee can give such holding companies a clean bill of health.

Now Mr. Speaker, in order that the people of Pennsylvania may know where we as legislators stand on this issue, of increasing utility rates, I have prepared a resolution and I now ask unanimous consent of the House to present it, and I ask that it be read for the information of the members.

The SPEAKER. The gentleman from Allegheny is out of order. The gentleman asked unanimous consent to address the House.

Mr. HARKINS. Mr. Speaker, I offer a resolution and ask unanimous consent of the House to have it read for information of the members.

The SPEAKER. Will the House give its unanimous consent for the reading of the resolution at this time? Is there objection?

Mr. WOODSIDE. Mr. Speaker, I object.

The SPEAKER. The Chair hears objections and consent is not granted.

The resolution will be filed with the Clerk under the rules.

ADDRESS BY MR. WAGNER

Mr. WAGNER asked and obtained unanimous consent to address the House.

Mr. Speaker and ladies and gentlemen of the House, may I first allay your fears and suspicions by telling you that I have no intention to read this voluminous amount of information which I hold in my left hand. However, I may refer to it occasionally to quote from some figures which I feel are pertinent, not only to you but to me and to all the citizens of this Commonwealth, and particularly to those who have children in our public schools.

I am speaking especially tonight for my colleagues and friends in Schuylkill County about a condition with which I am thoroughly familiar, and which generally I have no doubt, exists in other parts of the state as well. First I want to tell you of conditions among our school districts in Schuylkill County; then I would like to tell you what I have done to try to alleviate the serious ills of our school districts, particularly our teachers, and finally I want to ask our friends: Are there not measures that we may take to help where help is needed, very seriously needed and genuinely deserved?

First of all, in the county of Schuylkill, in about thirty-nine out of sixty some school districts, school bonds are in default, employes other than teachers, as well as the teachers, have not been paid for months; fuel, light, text books, and supplies have not been paid, in many cases, for the same length of time.

Tuitions due and owing are in default; transportation payments are in arrears. The total amount, Mr. Speaker and members of the House, for a little over half of Schuylkill county, default and arrearages amounts to \$487,818.18. That is the picture in Schuylkill county, in many parts of which the teachers have not been paid for two, three and four months, and in some cases as far back as last May.

Now, what is the cause of this situation? Well, there are a number of contributing factors, not the least of which is the fact that each succeeding session of this House insists on making it easy to evade the payment of taxes, which the people will continue to do, whether they can or cannot afford to pay them, as long as the Commonwealth sees fit to encourage them in that delinquency.

Another argument is the fact that three coal companies in Schuylkill County owe for school purposes alone, taxes in arrears to the following extent:

Philadelphia and Reading Coal and Iron Company	\$790,571
Lehigh Valley Coal Company	138,393
Hudson Coal Company	40,002

Now, if you please, this condition may be due to lack of profits on the part of the coal companies, but there are, in addition to the coal companies, individual taxes due and owing and in arrears, in the sum of one hundred ninety-two thousand dollars to county institutions, and two hundred and three thousand dollars in municipal taxes, and twice that much in school taxes.

Will you just bear with me for a moment until I tell you the amount of unpaid teachers' salaries. In forty out of sixty some school districts in Schuylkill County, on December first, if you please, we owed our school teachers but have not yet paid them, one hundred thirty-eight thousand two hundred and twenty-two dollars. On March

first that sum had grown to two hundred sixty-six thousand eighty-eight dollars, and on a most conservative estimate, if you please, the amount of teachers' salaries that will not have been paid and which will be due up to the first of June, 1939, is somewhere between five hundred fifty thousand and six hundred thousand dollars, in Schuylkill County alone.

Now, members of the House, we have taken some measures to see if we could get help. We have taken our situation to the Department of Public Instruction; we have laid before them the seriousness of this situation, and all that we found available to help all of these teachers, all of the school districts in all parts of the Commonwealth was eight thousand dollars. We have had our committee meet with the Speaker of the House and with the Governor of Pennsylvania, and while he listened to them very sympathetically and very understandingly, he proceeded to point out the fact that there was very little that he could do until he had authorization, unless the money was provided. I presented a resolution in this House which called upon the Department of Justice to find some way to intervene in these bankruptcy cases to see if some corporation tax money could not be released, and just the other day in conference with Attorney-General Reno he summed up the situation as far as he could as it exists legally which amounted to the declaration that there is practically nothing legal that the Department of Justice can do as the set-up now exists. He recommended and I in turn recommended to the school districts that their attorneys intervene in the Federal court that is hearing the bankruptcy cases and ask for the release of any moneys that might be liquid, but I know the answer they are going to get. They are going to be told that the limited amount of money on hand can be used in only one of two ways; they can either pay their taxes and stop operations, or they can use the cash which they have to maintain the pay-rolls until receipts are greater, and thereby keep people employed.

I don't relish the idea of standing here addressing you at length on this subject this evening; the more speeches I hear the less inclined I am to make one. I certainly have no intention of ham-stringing the Governor. I am not even going to blame this on the minority party, because it is a situation which does not call for abuse but which calls for aid to the most necessary type of citizen for which the legislature is responsible.

I stood enraptured by that beautiful prayer of the Chaplain this evening in which he expressed the fact with which we are all familiar, the awful condition that exists in European countries, and that we and the other democracies should pray that the democracies might be sustained. Can we sustain them, I ask you, by letting teachers try to live up to the standards that the teaching profession exacts from them, and then let them go for six, eight or ten months without wages? Do you know that in Schuylkill county alone, six weeks ago, fifty-five members of the teaching profession were receiving public assistance? In other words, they were on relief. Six teachers have already resigned their positions because they simply cannot sustain themselves economically on what the Commonwealth doesn't see that they get. Do you know that teachers have come to my house with an experience of six, eight and ten years, with degrees of more significance than just plain B.S., who have earned

their increments, who should be sitting pretty and protected by tenure and yet they are continually asking me to use my influence to get them a clerkship at \$1040, if that is the best we can do for them in Harrisburg. I don't have the heart to tell them what little political influence we Representatives have, because they are in such distressed circumstances.

Now truly I approach you on this subject this evening, my friends, quite reluctantly. I have a lot of respect for the Vice President of the United States, Mr. Jack Garner, far more respect for him than the particular party that he represents, but that is neither here nor there. Mr. Garner, I understand, has been telling his colleagues during elections for the past twenty or thirty years that the two sure rules for progress and success in politics in Congress, are first, to make sure that you stay there, and secondly, to let seniority do its work. Now, I would be perfectly satisfied to take that course here if it were not for the fact that I am not yet fully persuaded that I want to stay here. That depends on developments and I am not sure that if I care to stay, the citizens of my legislative district would care to have me come back two or three times. Now, if all those things were true, those people for whom I speak tonight will be emaciated and starved long before seniority could do its work.

I ask you tonight, isn't there something that we can do eventually to put an end to this condition in this great Democracy, about which the Chaplain prayed, since it is going to depend upon the boys and girls of the coming generation, who in turn depend upon the teachers who are sustained by public funds to teach them? Can we sustain this Democracy by tearing down the morale and by lowering the standards of existence that are expected from these professional people?

I ask your indulgence for just five more minutes, as I read to you an editorial. This editorial has my approval, because it was written by the same man who wrote an editorial four weeks ago, and I think it must have been after he heard of the bill that was introduced here. If a man wants his water pipes repaired he dare not legally take the top of his pajamas and stop the leak, he must get a licensed plumber to do the job. He said, "Most people think there are four seasons in the year. There is autumn, winter, spring and summer, but," he said, "they fail to take into consideration the fifth season, which is the silly season, when the Legislature is in session."

And now I say gentlemen, we too often find that is true.

THE SPEAKER. The gentleman is advised that under the rules he cannot make any remarks that reflect upon the character or conduct of his fellow colleagues.

MR. WAGNER. I desire to apologize, Mr. Speaker.

I realize that possibly I should be a little more careful in my maiden speech. However, the previous statement I made in all seriousness, because I want you to know this was written by somebody who was very seriously considering the situation facing Pennsylvania, and it bespeaks my sentiments so accurately that I would like to read it. It is brief.

"We have never been able to see any good reason why school teachers, more than any other class of public servants, should be forced to go month after month in many instances without receiving any salaries.

"We can think of many reasons, on the contrary, why they above all others should be paid on time, and paid more than they now receive—when they are lucky enough to get it. Theirs is an exacting profession, requiring years of preparation, continued study and improvement. Theirs is the responsibility of leading the youth of the nation into becoming good citizens.

"Yet many of them, even when they are paid regularly, must live in genteel poverty or worse. And in some cases, thanks to peculiar conditions existing in some counties and townships, like those about us, they are reduced to the point of accepting charity or the assistance of friends and neighbors.

Teachers in Schuylkill and Blythe Townships have not received a penny for four months. And their plight is no worse than that of some teachers elsewhere. True, some townships are nearly bankrupt through failure of coal companies to pay their taxes.

"But the point we want to make here is this: Money seems always to be found to pay for other things. It can and should be found to pay the teachers—even if other bills have to wait. And if the towns and townships can't do it, then it is up to the State.

"The plight of unpaid teachers is intolerable and disgraceful. Something must be done at once to correct it. Teachers are worthy of their hire."

That editorial is taken from the Saturday issue of the Tamaqua "Evening Courier."

I have one more letter that came to me a few hours ago from a distressed teacher,—one of the hundreds that I have received, and one of the hundreds which my colleague must have gotten, asking if there is something we can do. I have been to the Committee on Education; I have been to the Department of Justice; I, in company with others, have been to the Governor. There is a resolution in this House asking for help; there is a bill in some Committee calling for a deficiency appropriation of \$2,500,000 which could not possibly come out of this biennium. It would have to be in the next budget and I feel that is not expected. I believe if the relief situation known as Public Assistance is sufficiently important to have a Select Committee, which is preparing to provide a fund in order to take care of those who cannot get work, and incidentally some who do not want to get work, I feel that our teachers in the Commonwealth of Pennsylvania should be assured that this House is going to do its part to find a way, if they can find a way, and if they can't find a way to provide a way to see that they get their wages before the end of this school term.

COMMUNICATION

THANKS EXTENDED

The SPEAKER laid before the House a communication which was read by the Clerk as follows:

March 10, 1939.

Honorable Ellwood J. Turner and Members of the General Assembly:

We thank you for the copy of a resolution, as introduced by the Honorable Glenn W. Ely and adopted by the House of Representatives, relative to the passing of our husband and father, Dr. Albert F. Merrell.

We are deeply appreciative for your tribute to the

memory of our loved one and for the kindly sympathy expressed to us in our great bereavement.

Very sincerely yours,

(Signed) LOTTIE A. MERRELL and children
(Mrs. A. F.)

SENATE MESSAGE

TIME OF NEXT MEETING

The Clerk of the Senate being introduced presented an extract from the Journal of the Senate, which was read as follows:

In the Senate, March 20, 1939.

Resolved (if the House of Representatives concur), That when the Senate adjourns this week it reconvene on Monday evening, March 27, at nine o'clock; and when the House of Representatives adjourns this week it reconvene on Monday evening, March 27, at eight o'clock.

Ordered, That the Clerk present the same to the House of Representatives for its concurrence.

On the question,

Will the House concur in the resolution of the Senate?

It was concurred in.

Ordered, That the Clerk inform the Senate accordingly.

RESOLUTION INTRODUCED AND REFERRED

By Mr. HALL.

RESOLUTION No. 42.

In the House of Representatives, March 20, 1939.

Whereas, on June 5, 1937, the General Assembly appropriated approximately \$5,000,000 for flood control and clothed the Department of Forests and Waters with broad authority in the use of this money; and

Whereas, almost two years have lapsed and no substantial progress has been made in flood control; and

Whereas, almost \$2,000,000 of this fund is reported to have been spent or committed; and

Whereas, there is a sincere public interest in the subject of flood control and an equally sincere interest in the proper use of money appropriated for such an important purpose; and

Whereas, it is reported that there is a conflict between the State and the Federal Government with respect to impounding reservoirs now being built and to be built; and

Whereas, a recent change in the Federal Flood Control Act is reported to have a serious effect on the basic interest of this Commonwealth; therefore, be it

Resolved, That the House of Representatives request of the Secretary of Forests and Waters a comprehensive report on the condition of the Flood Control funds, of the accomplishments with the fund, expenditures and commitments thereunder, of the use of the funds, of the effect of the operation of the amended Federal Flood Control Act on Pennsylvania's present and future interests, and of such other related matters as will afford useful information on Flood Control; and be it further

Resolved, That copies of these resolutions be certified by the Chief Clerk and transmitted to the Secretary of Forests and Waters.

Referred to Committee on Forestry.

COMMITTEE MEETINGS

There will be meetings of the Committees on Agriculture, Tuesday, March 21, 1939, at 10 a. m. in Room 325.

Appropriations, Tuesday, March 21, 1939, at 12:45 p. m. in Room 326B.

Cities—Second Class, Tuesday, March 21, 1939, at 11:30 a. m. in Room 546.

Counties, Tuesday, March 21, 1939, at 11 a. m. in Room 100.

Education, Tuesday, March 21, 1939, at 11 a. m. in Room 323.

Forestry, Tuesday, March 21, 1939, at 11 a. m. in Room 147.

Judiciary General, Tuesday, March 21, 1939, at 11 a. m. in Room A.

Judiciary Special, Tuesday, March 21, 1939, at 12 noon, in Room 333.

Printing, Tuesday, March 21, 1939, at 10:30 a. m. in Room 147.

Professional Licensure, Tuesday, March 21, 1939, at 10:30 a. m. in Room 541.

Public Health and Sanitation, Tuesday, March 21, 1939, at 10 a. m. in Room 323.

Ways and Means, Tuesday, March 21, 1939, at 10 a. m. in the House Caucus Room.

ADJOURNMENT

Mr. GOLL. Mr. Speaker, I move that this House do now adjourn until tomorrow at 1 p. m.

The motion was agreed to, and (at 10:48 p. m.) the House adjourned until Tuesday, March 21, 1939, at 1 p. m.

Legislative Journal.

Session 1939.

133d of the General Assembly.

Vol. 23

HARRISBURG, PA., TUESDAY, MARCH 21, 1939.

No. 26.

SENATE

TUESDAY, March 21, 1939.

The Senate met at 3:00 o'clock, p. m.

The PRESIDENT (Lieutenant-Governor Samuel S. Lewis) in the Chair.

PRAYER

The Chaplain, Rev. BURLEIGH A. PETERS, offered the following prayer:

In these days of rapid succession of events in the world without, so vital to the affairs and destiny of men and nations, Blessed Father, give us and our leaders the ability and foresight to keep our Ship of State on an even keel.

May we be undisturbed by the propaganda of other nations and unmoved by their threat of reprisals against us.

May we set our houses in order, provide for the common defense and, tending to our own business, lend every effort from the three component branches of government—national and state—to the solving of our internal problems so vexing and perplexing that sound economic regimes in all may produce a real prosperity firmly undergirded by the proper evaluation of spiritual realities.

And God forbid that, having out our hands to the plough, we should ever look back. We would develop a citizenship here in this life that is fit for Thy Kingdom beyond. In Jesus' Name we pray. Amen.

JOURNAL APPROVED

The PRESIDENT. A quorum of the Senate being present the Clerk will read the Journal of the preceding session.

The Clerk proceeded to read the Journal of the preceding session, when, on motion of Mr. GELDER and Mr. HEYBURN, the further reading was dispensed with, and the Journal was approved.

BILL SIGNED

The PRESIDENT (Lieutenant-Governor Samuel S. Lewis) announced that the Chief Clerk having reported that the following bills had passed both houses of the General Assembly and the same thing being correct, the titles were publicly read as follows:

House Bill No. 338, entitled:

An Act to amend Article One, Section Two, Subsection Ten and Article Three, Section Three Hundred One of an act approved the Twenty-seventh day of May, one thousand nine hundred and thirty-seven (P. L. 1053), known as the "Public Utility Law," by excluding from the defini-

tion of "Facilities" as used therein property owned by municipal corporations of the Commonwealth of Pennsylvania when the said act became effective and providing that the Pennsylvania Public Utility Commission shall have power to regulate and fix the rates for service furnished by public utilities owned by municipal corporations of the Commonwealth of Pennsylvania only when the public service being furnished or rendered by any municipal corporations shall be beyond its corporate limits and extending such freedom from regulation and control by the Commission to public utility service furnished or rendered by an operating agency of any such municipal corporation.

Whereupon,

The PRESIDENT (Lieutenant-Governor Samuel S. Lewis) in the presence of the Senate signed the same.

NOMINATIONS BY THE GOVERNOR

NOTARIES PUBLIC

The Secretary to the Governor being introduced presented in writing from His Excellency, the Governor of the Commonwealth, nominations for appointment as Notaries Public which were laid on the table.

HOUSE MESSAGES

TIME OF NEXT MEETING.

The Clerk of the House of Representatives being introduced informed the Senate that the House has concurred in Resolution from the Senate as follows:

In the Senate, March 20, 1939.

Resolved (if the House of Representatives concur), That when the Senate adjourns this week it reconvene on Monday evening, March 27, 1939 at nine o'clock; and when the House of Representatives adjourns this week it reconvene on Monday evening, March 27, 1939, at eight o'clock.

HOUSE BILLS FOR CONCURRENCE

He also presented for concurrence bills of the House, as follows:

House Bill No. 28, (Senate Bill No. 250), entitled:

An Act to regulate the sale of sulfamidamide and its derivatives in the interest of public health.

Which was committed to the Committee on Public Health.

House Bill No. 140, (Senate Bill No. 251), entitled:

An Act to amend section one of the act, approved the twenty-second day of June, one thousand nine hundred and seventeen (P. L. 623), entitled "An act prohibiting the erection of fences or similar structures above a certain height in suburban and similar districts of cities of the first class except under a permit declaring certain fences a private nuisance and their erection a misdemeanor and

prescribing penalties for violation of the provisions of 'his act' by extending the provisions thereof to include fences in suburban and similar districts in cities of the second class.

Which was committed to the Committee on Municipal Government.

REPORT FROM COMMITTEE

Mr. THOMAS, from the Committee on County Government reported as committed, Senate Bill No. 186, entitled:

An Act to amend subsection twelve of section seven hundred and two of the act approved the first day of May, one thousand nine hundred and thirty-three (P. L. 103), entitled "An act concerning townships of the second class; and amending, revising, consolidating, and changing the law relating thereto," by empowering townships of the second class to prohibit the storage of abandoned and junked automobiles.

QUESTION OF PERSONAL PRIVILEGE

Mr. SIPE. Mr. President, may I rise for just a few minutes on a question of Personal Privilege?

The PRESIDENT. The Senator from Armstrong, Mr. Sipe, will state his question of Personal Privilege.

Mr. SIPE. For the fourth time I protest against the Governor's decision to keep the new Butler Tuberculosis Sanatorium closed for the next four years. On the floor of this Senate I have asked the Pennsylvania State Medical Society to give a little help in an effort to cause the Governor to change his mind about keeping this modern institution of mercy closed, as an economy measure, for two years, knowing as he does, that the expenses of keeping it running are only a drop in the bucket compared to the total expense of running the Commonwealth.

I want to say that I have received a lot of communications from womens' clubs in different parts of Pennsylvania, asking me to be interested in eradicating syphilis in Pennsylvania. I say to the ladies that I am deeply interested, but I am also interested in eradicating tuberculosis in Pennsylvania. Therefore, I appeal to the womens' clubs of this State to give us some help in this effort to change the mind of our Governor about keeping this Butler Tuberculosis Sanatorium closed for two long years.

On the floor of this Senate, Mr. President, I have quoted leading tuberculosis specialists, in Pittsburgh, in the great Hospitals of Pittsburgh, to the effect that there are enough needy tuberculosis sufferers in Western Pennsylvania alone to fill this Sanatorium within thirty days of its opening, and I have not heard these figures denied.

And now, Mr. President, I wish to read the closing paragraph of the Governor's Inaugural Address, in which he said:

"The spirit that shall guide my every act as Governor of this great Commonwealth was voiced more than two thousand years ago by the Prophet Micah: 'To do justly, and to love mercy and to walk humbly with thy God.'"

I say to the Governor of this Commonwealth that God is a God of mercy; that he is a God of love; that he is a friend of the friendless; that he is a friend of the poor, yes, the tubercular poor; I say to you that God never walks away from the suffering and distress of the poor, never walks away from the suffering and distress of the tubercular poor.

Now, Mr. President, I hope that these beautiful words of Sacred Scripture did not fall idly from the Governor's lips. I hope that, falling from his lips, they were not mere

sounding of brass and tinkling of cymbals and, therefore, I further hope that when this modern institution of mercy is completed—as it will be in a few weeks—the Governor of this Commonwealth will "walk humbly with his God, right up to its very doors, and open those doors with the golden key of God's love for the tubercular poor."

Mr. President, another word of protest, against the Governor's action in bringing politics into education, in requesting the resignation of the scholarly, cultured lawyer Harry C. Golden, of Kittanning, Armstrong County, as a member of the Board of Trustees of the Indiana State Teachers College.

I made this protest last Wednesday, and my good friend Mr. Wolfenden from Indiana county, who is such a pleasant gentleman that I wish he had a seat nearer mine, attempted to justify the Governor's political action by stating that soon after the Earle administration went into power a new Board of Trustees was created at the Indiana State Teachers College, and that they did certain damnable things.

Mr. Wolfenden connected Harry C. Golden with those damnable things in his statement, on Page 666 of the Legislative Journal, the first column, on that page, where he says, after enumerating these reprehensible and damnable things that he alleged took place, "I do say he (that is Mr. Golden) sat on the Board when these things were done."

Mr. President, I hold no brief for what reprehensible things may have been committed by the Board of Trustees of the Indiana State Teachers College in the early days of the administration of Governor Earle—I know nothing about that. I will neither confirm nor deny the statement of Brother Wolfenden, but I do say to him that he is altogether mistaken when he says that the scholarly and cultured lawyer from Armstrong county was a member of the Board of Trustees at that time.

Therefore, I want to insert the fact into the record for today, that the date of the commission of Harry C. Golden as a member of the Board of Trustees of Indiana State Teachers College in September 20, 1938. Therefore, he was not a member in those former days when the alleged reprehensible things were carried on by the Board of Trustees. I might also say that if he had been a member he would not have stood for any reprehensible things; he is not a man of that type.

I wish to read into the record, Mr. President, the telegram of Governor James to Harry C. Golden, requesting his resignation, dated February 7, 1939, reading as follows:

"As it is my intention to make some changes in the membership of the Board of Trustees of the Indiana State Teachers College, I shall appreciate it if you will send me promptly, by collect telegram, your resignation as a member of the Board. Signed Arthur H. James, Governor of Pennsylvania."

I wish also to read into the record copy of Mr. Golden's reply to that telegram, dated Kittanning, February 8, 1939, and reading as follows:

"Honorable Arthur H. James, Governor of Pennsylvania, Harrisburg, Pa. As requested in your wire of February 7th, I resign as trustee of the Indiana State Teachers College. Signed, Harry C. Golden."

Next I wish to read into the record the telegram that Mr. Golden received from Governor James in reply to his telegram just quoted:

"Harrisburg, Pa., February 8, 1939. Harry C. Golden,

Kittanning, Pa. As requested in your telegram of today I hereby accept your resignation as a member of the Board of Trustees of the Indiana State Teachers College. Signed Arthur H. James, Governor of Pennsylvania."

Well, you see, Mr. President, and gentlemen of the Senate, Mr. Golden did not request his resignation. I want to say to the members of this Senate that I had no hell-born evil malicious design against the Indiana State Teachers College when I recommended Harry C. Golden to Governor Earle as a member of the Board of Trustees. I have always been on very friendly terms with the Indiana State Teachers College; I was a good friend of the president of the college, Dr. Faushold, who resigned a few weeks ago; and also a good friend of the former president of the college, Dr. Foster, who died a year or so ago.

My sister was educated there, a number of my relatives have been educated there, and I have lectured there to a packed auditorium, so I had no evil designs against the college when I recommended Harry C. Golden for membership on the Board of Trustees, and I am sure Mr. Golden had no hell-born designs against the institution. If I thought he had I would never have recommended him to Governor Earle, and Mr. Golden advises me that owing to circumstances over which he had no control he was able to attend only one meeting of the Board of Trustees after he received his commission, so that even if he had hell-born designs against the institution, he surely could not have accomplished much damage at one meeting of the Board.

BILLS INTRODUCED

Mr. STIEFEL read in his place and presented to the Chair, Senate Bill No. 252, entitled:

An Act to amend section two of the act, approved the thirty-first day of May, one thousand nine hundred and thirty-three (P. L. 1116), entitled "An act for the protection of the public health and to prevent fraud and deception in the manufacture, sale, offering for sale, exposing for sale, and having in possession with intent to sell, of adulterated or deleterious ice cream, custard ice cream, french ice cream, french custard, frozen custard, sherbet, ice and fruit ice, including coated ice cream and the coating thereof; fixing standards for ice cream, custard ice cream, french ice cream, french custard, frozen custard, sherbet, ice and fruit ice, and to prevent the sale of imitation ice cream and defining said imitation ice cream; providing penalties for the violation thereof; and providing for the enforcement thereof," as amended; making it unlawful for manufacturers or wholesale dealers to sell ice cream and other products affected by said act, except by weight; and requiring each container to be accurately labeled as to the weight of the contents.

Which was committed to the Committee on Public Health.

Mr. EDMONDS read in his place and presented to the Chair, Senate Bill No. 253, entitled:

An Act to further amend clause nineteen of section one thousand two hundred ten of the act, approved the eighteenth day of May, one thousand nine hundred eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof that are or may be inconsistent therewith," increasing share

of full-time teachers' salaries to be paid by Commonwealth.

Which was committed to the Committee on Education.

Mr. KILGALLEN read in his place and presented to the Chair, Senate Bill No. 254, entitled:

An Act making an appropriation to the Trustees of the University of Pittsburgh for the general maintenance of, and the purchase of apparatus and equipment for the University of Pittsburgh; and for the maintenance of teaching facilities in hospitals for students in the School for Medicine.

Which was committed to the Committee on Appropriations.

He also read in his place and presented to the Chair, Senate Bill No. 255, entitled:

An Act making an appropriation to the Presbyterian Hospital, Pittsburgh, Pennsylvania.

Which was committed to the Committee on Appropriations.

He also read in his place and presented to the Chair, Senate Bill No. 256, entitled:

An Act making an appropriation to the Western Pennsylvania Hospital, Pittsburgh, Pennsylvania.

Which was committed to the Committee on Appropriations.

He also read in his place and presented to the Chair, Senate Bill No. 257, entitled:

An Act making an appropriation to the Women's Hospital of Pittsburgh, Pittsburgh, Pennsylvania.

Which was committed to the Committee on Appropriations.

Mr. McCREESH read in his place and presented to the Chair, Senate Bill No. 258, entitled:

An Act making an appropriation to the Home for Veterans of Grand Army of the Republic and Wives, Philadelphia, Pennsylvania.

Which was committed to the Committee on Appropriations.

Mr. TALLMAN read in his place and presented to the Chair, Senate Bill No. 259, entitled:

An Act to amend section thirty-eight of the act, approved the thirty-first day of March, one thousand eight hundred and sixty (P. L. 382), entitled "An act to consolidate, revise and amend the penal laws of this Commonwealth," by changing the place of trial for the offense of fornication and bastardy.

Which was committed to the Committee on Judiciary General.

Mr. WOLFENDEN read in his place and presented to the Chair, Senate Bill No. 260, entitled:

An Act to further amend section four hundred four of the act, approved the seventeenth day of May, one thousand nine hundred and twenty-one (P. L. 682), entitled "An act relating to insurance; amending, revising, and consolidating the law providing for the incorporation of insurance companies, and the regulation, supervision, and protection of home and foreign insurance companies, Lloyds associations, reciprocal and inter-insurance ex-

changes, and fire insurance rating bureaus, and the regulation and supervision of insurance rating bureaus, and the regulation and supervision of insurance carried by such companies, associations, and exchanges, including insurance carried by the State Workmen's Insurance Fund; providing penalties; and repealing existing laws," by changing requirements relating to the investment of the capital and reserve of mutual and stock life insurance companies organized under the laws of this Commonwealth.

Which was committed to the Committee on Insurance.

He also read in his place and presented to the Chair, Senate Bill No. 261, entitled:

A Joint Resolution proposing an amendment to Section One of Article Fourteen of the Constitution of the Commonwealth of Pennsylvania, by making Sheriffs eligible to succeed themselves.

Which was committed to the Committee on Judiciary General.

BILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 12, entitled:

An Act for the prevention of congenital syphilis; providing for and regulating the taking of serological tests of women pregnant with child; and requiring notation thereof on the birth and stillbirth certificates of their children; imposing duties upon the Department of Health and upon physicians and other persons attending women pregnant with child.

And said bill having been read at length the third time,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Will the Senate agree to the bill?

Mr. SHAPIRO. Mr. President, I would like to say a word or two in behalf of this bill, Senate Bill No. 12. I am assuming that the amendments which were made last night correct the misuse of a particular word which was in the bill, and if that is so I would particularly like to see the Senate vote in favor of this bill, because it is a step in the right direction.

I do not know how many people know just what this situation is, but I would like to read an article which will give some idea of just what we are aiming to correct with this bill and how far-reaching it is.

Addressing a Conference on Better Care for Mothers and Babies at Washington in January, 1938, the Surgeon General said: "The 12,544 mothers who died as a result of conditions of pregnancy and childbirth in 1935 do not represent the whole of the loss from child bearing—for there were more than sixty thousand babies who died two weeks after birth and more than seventy-seven thousand recorded still births. In other words there occur in the country each year more than a hundred and fifty thousand deaths, sixty per cent of which are needlessly lost, because of the mismanagement of the child-bearing function." He also stated: "Approximately one million children are born each year to families on relief or with an annual income of less than \$1,000."

Now, the gentleman who made that quotation pointed out that in "breaking down those 150,000 deaths, 90,000 of which are unnecessary, with the aid of statistics from

the Public Health Service, we find that five out of every six babies born to untreated syphilitic mothers will be born dead or infected; one out of every eleven babies will die or be born syphilitic, even if mothers have received adequate treatment before the fifth month of pregnancy; two out of every five babies will die or be infected even if adequate treatment is given the mother after the fifth month of pregnancy; there were twenty-five thousand still-births in one recent year because the mothers suffered from venereal disease."

This bill aims to provide, at the proper time, proper examination and treatment of mothers in the State of Pennsylvania. It may be well to call attention to the fact that on the question of the cost that in United States House Bill 9047, in the House of Representatives, there is appropriated for the purpose of allocation amongst the various States who adopt measures of this kind the sum of six million dollars for the fiscal year ending June 30, 1940; the sum of twelve million dollars for the fiscal year ending June 30, 1941; and for each of the ten fiscal years thereafter the sum of twenty-five million dollars; and it seems to me that this is a fine piece of legislation.

I want to say to my colleague, Senator Wolfenden, that he will deserve and undoubtedly receive the praise of a great many people for having sponsored this bill. It is the kind of legislation, that we can, I think, all vote for without any feeling except that we are doing a real piece of work, and I am sure that my colleagues in after years, when they see the results of this bill, will be proud of the fact that they voted for it.

I have been in touch with some other states which have adopted similar methods, and I have been in touch with them for the reason that I am associated as a member on a board of a hospital which has been making some efforts in this work, and we have made some real strides.

In all states where these measures have been adopted we have been receiving encouraging reports as to the number of lives that have been saved and the check on the spread of the disease in question, and I hope my colleagues will join in voting for this bill.

Mr. WOLFENDEN: Mr. President, I want to say I appreciate what the gentleman on the other side has said, because so much legislation here has been partisan. This bill, and the one that will follow, are not partisan measures. The information the Senator from Philadelphia has given you is entirely correct, and I appreciate his support of the bill.

And the question recurring,

Will the Senate agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—42

Bartlett,	Farrell,	Lanlus,	Ruth,
Cavalcante,	Frey,	Letzler,	Shapiro,
Chapman,	Gelder,	Mallery,	Sipe,
Coleman,	Geltz,	McCreesh,	Snowden,
Crowe,	Gilson,	McGinnis,	Stevenson,
Detrick,	Haluska,	Miller,	Tallman,
Dent,	Heyburn,	Cwlett,	Thomas,
DiSilvestro	Homsher,	Pierson,	Walker,
Ealy,	Jacobs,	Reed,	Wolfenden,
Edmonds,	Jaspan,	Rice,	Woodward,
Eroe,	Kilgallen,		

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 13, entitled:

An Act regulating the issuance of marriage licenses; prohibiting the issuance thereof of persons infected with syphilis in certain stages; requiring each applicant to produce certain evidence of freedom from such disease; imposing duties upon the Department of Health and the clerk of the orphans' court of the various counties; and imposing penalties.

And said bill having been read at length the third time, And the amendments made thereto having been printed as required by the Constitution,

Will the Senate agree to the bill?

On the question,

Mr. MALLERY. Mr. President, in making the few remarks I desire to make concerning this bill, I do not want it to be construed that I am opposing the measure. I am very much in favor of doing everything that can be done to eradicate syphilis within our State, but I do not think that this bill will accomplish the purpose that is intended.

In fact, I am fearful that it might possibly result in some harm. I had hoped that the bill might be made to apply to every person of at least twenty-one years of age in Pennsylvania; I think the bill should be made to apply at least to every one of that age, and while I do not want my remarks to be construed in opposition to the bill, I simply make them by way of explanation of my failure to vote in favor to the bill.

Mr. CAVALCANTE. Mr. President, I think that the purpose of this bill is very meritorious, like the Senator from Blair, Mr. Mallery, I am deeply apprehensive as to whether or not it will bring about the results intended. This bill deals with marriage, and the aim is to prevent the spreading of syphilis, but it seems to me that it is objectionable from this angle, that it will encourage the citizens of this Commonwealth to go to adjoining states to be married and then come back into our State to live.

There is no safeguard that I know of in this bill—or that the legislature could have placed in the bill that would correct a situation where a resident of this State, who wanted to circumvent the provisions of this bill would only have to travel a few miles down into Maryland, and there he could obtain his license and be married and come back into our State.

For that reason, it does seem to me that, although the primary objective of the act is very meritorious, I doubt very seriously whether the bill can bring that about, and like the gentleman from Blair, Mr. Mallery, I do not want to be understood as being opposed to the bill—I am for the bill, and the purposes for which it seeks to accomplish—but I do not think that it will work very effectively.

Mr. WOLFENDEN. Mr. President, I am very much interested in what the Senator from Fayette said, and there is something to that; but as a matter of fact New York State already has such a law; New Jersey has such a law; Ohio has such a bill before it; and you will find that this movement is spreading all over the United States.

Now, Mr. President, if anything the bill does not go far enough, but, as Senator Shapiro has said, I believe it is a step in the right direction. This is a bill that has been very carefully gone over by experts in this State, and in the Nation, and they have placed their mark of approval on it. I feel that by voting for this bill you will be voting for forward-looking legislation—not necessarily perfect legislation, but legislation in the right direction.

Mr. SIPE. Mr. President, I wish to propound a very friendly interrogation to the pleasant gentleman from Indiana, Mr. Wolfenden.

The PRESIDENT. Will the Senator from Indiana, Mr. Wolfenden, permit himself to be interrogated?

Mr. WOLFENDEN. Mr. President, I will.

Mr. SIPE. Mr. President, will the Senator from Indiana, Mr. Wolfenden tell us whether, as far as he knows, there is any such law as this in contemplation in Maryland.

Mr. WOLFENDEN. Mr. President, I am informed that there is.

And the question recurring,

Will the Senate agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—40

Bartlett,	Eroe,	Lanlus,	Scarlett,
Cavalcante,	Farrell,	Letzler,	Shapiro,
Chapman,	Gelder,	McCreesh,	Sipe,
Coleman,	Geltz,	McGinnis,	Snowden,
Crowe,	Gilson,	Miller,	Stiefel,
Detrick,	Haluska,	Owlett,	Tallman,
Dent,	Homsher,	Pierson,	Thomas,
DiSilvestro,	Jacobs,	Reed,	Walker,
Ealy,	Jaspan,	Rice,	Wolfenden,
Edmonds,	Kilgallen,	Ruth,	Woodward,

NAYS—1

Mallery,

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 93, entitled:

An Act to validate private sales of real estate of decedent heretofore made under authority of orphans' courts upon petition of executors or administrators for payment of debts

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—44

Bartlett,	Farrell,	Lanlus,	Scarlett,
Cavalcante,	Frey,	Letzler,	Shapiro,
Chapman,	Gelder,	Mallery,	Sipe,
Coleman,	Geltz,	McCreesh,	Snowden,
Crowe,	Gilson,	McGinnis,	Stevenson,

Deitrick,
Dent,
DiSilvestro,
Ealy,
Edmonds,
Eroe,

Haluska,
Heyburn,
Homsher,
Jacobs,
Jaspan,
Kilgallen

Miller,
Owlett,
Pierson,
Reed,
Rice,
Ruth,

Stiefel,
Tallman,
Thomas,
Walker,
Wolfenden,
Woodward.

NAYS— 0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 188, entitled:

An Act to amend sections one and two of the act approved the twenty-first day of June, one thousand nine hundred and thirty-seven (P. L. 1982), entitled "An act authorizing the Supreme Court of Pennsylvania to prescribe rules of practice and procedure in civil actions at law and in equity in certain courts of this Commonwealth, to prescribe rules and regulations for the conduct of any general business either civil or criminal by judges of any court of record, authorizing the courts of common pleas to prescribe and adopt local rules not inconsistent with such general rules of the Supreme Court of Pennsylvania, authorizing the Supreme Court of Pennsylvania to appoint a Procedural Rules Committee and to fix and define its powers and duties; imposing duties on judges and other officers of every court of record," by including the municipal court of Philadelphia.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—45

Bartlett,
Cavalcante,
Chapman,
Coleman,
Crowe,
Dando,
Deitrick,
Dent,
DiSilvestro,
Ealy,
Edmonds,
Eroe,

Farrell,
Frey,
Gelder,
Geltz,
Gilson,
Haluska,
Heyburn,
Homsher,
Jacobs,
Jaspan,
Kilgallen,

Lanius,
Letzler,
Mallery,
McCreesh,
McGinnis,
Miller,
Mundy,
Owlett,
Pierson,
Reed,
Rice,

Ruth,
Shapiro,
Sipe,
Snowden,
Stevenson,
Stiefel,
Tallman,
Thomas,
Walker,
Wolfenden,
Woodward,

NAYS— 0

Ordered, That the Clerk present said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 206, entitled:

An Act requiring all applications for licenses or permits to be accompanied by a per capita school tax receipt for the last calendar year preceding the year in which the application is made, and making exceptions as to applicants residing without the Commonwealth or in school districts where no such tax is imposed, or those exempt by law or action of the tax levying authorities.

And said bill having been read at length the third time, and agreed to,

On the question,

Will the Senate agree to the bill?

Mr. SHAPIRO. Mr. President, I desire to interrogate the Senator from Indiana, Mr. Wolfenden.

The PRESIDENT. Will the Senator from Indiana, Mr. Wolfenden, permit himself to be interrogated?

Mr. WOLFENDEN. I will, Mr. President.

Mr. SHAPIRO. Mr. President does the Senator from Indiana agree that if a man wanted to get a marriage license he would have to comply with the provisions of this act and pay the school tax first?

Mr. WOLFENDEN. Mr. President, yes, I think so.

Mr. SHAPIRO. Mr. President, does the Senator also agree if, in Philadelphia, a man wanted to get a marriage license he would not have to bother about that?

Mr. WOLFENDEN. Mr. President, I presume that the Senator from Philadelphia, Mr. Shapiro is driving at the constitutionality of the act.

Mr. SHAPIRO. No, Mr. President, I am just wondering if the Senator from Indiana, Mr. Wolfenden, agrees if we do pass this act, before a man gets married he must secure a certificate from a doctor, before he can get married he must have a receipt for his school tax—so, therefore, instead of having his bride with him he had better bring a brief case.

Mr. WOLFENDEN. Mr. President, I feel to answer the question it would take so long that I would have to answer under personal privilege. The gentleman from Philadelphia is obviously taking me for a ride. He knows, Mr. President, as well as everyone else, that the rural school districts, particularly, have difficulty in collecting their per capita school tax.

If that bill in particular had been written to only take in what will be, obviously, the largest source of revenue, namely automobile drivers' licenses, it would have been discriminatory, but in order to make it take in all classifications it was made to include all licenses.

I think the Senator from Philadelphia knows it will be the automobile drivers' licenses that will furnish the chief source of revenue to pay for the the school tax.

Mr. WOODWARD. Mr. President, I would like to remind my distinguished colleague from Philadelphia, Mr. Shapiro, that—at least one object of matrimony is perpetuation and propagation of the race. I suggest, therefore, that when a man, before his marriage, has to pay a school tax, it may be classified as anticipatory notes or revenue—anticipatory note, and I hope you understand my allusion.

Mr. SHAPIRO. Mr. President, while I am not anxious to take the Senator from Indiana for a ride, I am not averse to taking people for a ride I am not doing this merely to take him for a ride but to point out something which I think is very important.

If it is good to collect a school tax or per capita tax, it is also good to collect any other tax, and there is no reason why a bill of this kind should be confined to that kind of a tax.

You can imagine what is going to happen to the Revenue Department now. If I have to write in for a license, or if I have to pay a bill, I will have to enclose in that envelope a receipt for last year's taxes, and then the Revenue Department will have to send back the receipt for last year's taxes and the license; and before they get through with it it is going to cost more than the five dollars per capita to the Commonwealth of Pennsylvania, and it looks like this is another way of making the Commonwealth of Pennsylvania pay the per capita

tax for the school districts. This bill is all right, but it does not go far enough, and when you take it far enough, and drag it out to its logical conclusion you get a hodge-podge. There is no reason why a man who owes five dollars to the Commonwealth of Pennsylvania, or to a local district, should be prohibited and at some time a man in Philadelphia who owes \$150,000 to the City of Philadelphia on property taxes can ride around in three automobiles.

This proposed legislation aims at a good cause, but it goes to a length that makes it ridiculous. To follow this out to its logical conclusion, a man who is on his death-bed has to pay his revenue tax bill for a thousand or two thousand dollars, his income tax for ten thousand dollars, his state income tax of five thousand dollars, and he wants to get married, in order that the money he leaves will descend to somebody with whom he has been in love, and he cannot get married because he is ill; and the doctor tells him he has two hours to live; and he wants to marry this girl, he must phone down to somebody and get a five dollar receipt, which he neglected to get, and if it dose not arrive in time, the inheritance of thousands of dollars will be lost to that girl through a ridiculous situation, just because somebody in the county has not paid a five dollar tax, and at the same time others in various parts of the State, or in the same county, who have not paid taxes, can operate an automobile or a saloon or get married, and the other man cannot.

And the question recurring,

Will the Senate agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—33

Bartlett,	Farrell,	Mallery,	Sipe,
Cavalcante,	Gelder,	Miller,	Snowden,
Chapman,	Geltz,	Mundy,	Stevenson,
Coleman,	Haluska,	Owlett,	Tallman,
Crowe,	Heyburn,	Pierson,	Thomas,
Dando,	Japan,	Reed,	Walker,
DiSilvestro,	Kilgallen,	Ruth,	Wolfenden,
Ealy,	Letzler,	Scarlett,	Woodward,
Edmonds,			

NAYS—12

Deltrick,	Gilson,	Kunkel,	McGinnis,
Eroe,	Homsher,	Lantus,	Rice,
Frey,	Jacobs,	McCreesh,	Shapiro,

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

BILL ON THIRD READING

Mr. GELTZ. Mr. President, I move that the Senate do now resume the consideration of Senate Bill No. 134, on third reading postponed for the present.

Mr. OWLETT. Mr. President, I second the motion.

The motion was agreed to.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 134, entitled:

An Act requiring aliens to register with the Department of Labor and Industry and to carry, and upon proper

demand to exhibit, identification cards, prohibiting the issuing of certain registrations and licenses to, or the employment of, aliens under certain circumstances; and prescribing penalties.

And said bill having been read at length the third time,

On the question,

Will the Senate agree to the bill?

RECONSIDERATION OF SENATE BILL NO. 134.

Mr. HEYBURN. Mr. President, I move that the Senate do now reconsider the vote by which this bill passed second reading.

The PRESIDENT. How did the Senator vote?

Mr. HEYBURN. Mr. President, I voted "aye."

Mr. OWLETT. Mr. President, I second the motion.

The PRESIDENT. How did the Senator vote?

Mr. OWLETT. Mr. President, I voted "aye."

The motion was agreed to.

And the question recurring,

Will the Senate agree to the bill on second reading?

Mr. HEYBURN. Mr. President, I move that the Senate do now reconsider the vote by which the title was agreed to.

Mr. OWLETT. Mr. President, I second the motion.

And the question recurring,

Will the Senate agree to the title?

Sections, from one to seven inclusive of the bill were severally reconsidered.

The first, second and third sections of the bill were read as follows and agreed to:

Section 1 On or before the first day of January one thousand nine hundred and forty and during the month of December of the year one thousand nine hundred and thirty-nine and of each year thereafter every alien eighteen (18) years or over residing in this Commonwealth who has not declared his or her intention to become an American citizen shall register with the Department of Labor and Industry on forms to be prescribed and furnished by the department and every such alien becoming a resident of this Commonwealth after the first day of January one thousand nine hundred and forty shall in like manner register with the department within thirty days after becoming such resident Such registration shall show the name age address occupation name of employer characteristics of appearance name of wife or husband if any of such alien member names and age of all children under eighteen (18) residing with him or her and if not his or her own the names of their parents and such other information and details as the department shall direct

Section 2 For each original registration and for each annual registration thereafter the person registered shall pay to the department a registration fee of five dollars (\$5.00) and shall receive an alien identification card which he or she shall carry at all times and shall exhibit upon demand by any police officer or agent of the Department of Labor and Industry displaying evidence of his authority

Section 3 No Motor vehicle shall be registered in the name of any alien nor shall any license to operate a motor vehicle or any liquor license or malt or brewed beverage license be issued to any alien unless such alien shall exhibit an alien identification card for the current registration period

The fourth section of the bill was read as follows:

Section 4 No person copartnership association corporation political subdivision of the Commonwealth or any of its agencies shall employ any alien who is not registered and in possession of an alien identification card for the current period

Any person copartnership association or corporation or any officer or agent of the Commonwealth or any of its

political subdivisions violating the provisions of this section shall upon summary conviction be sentenced to pay a fine of not more than one hundred dollars (\$100.00) or in the case of individuals the members of copartnerships and associations and the officers of corporations to undergo imprisonment of not more than sixty (60) days or both

Mr. HEYBURN. Mr. President, I move to amend, Page 3, Section 4, Line 5—after the word "subdivisions" insert the following words: "knowingly and wilfully"

Mr. OWLETT. Mr. President, I second the motion.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

The fifth, sixth, and seventh sections of the bill were read as follows and agreed to:

Section 5 The Department of Labor and Industry shall classify such registration in such manner as shall best serve the purpose of ready reference and shall furnish a copy thereof to the Pennsylvania Motor Police. All such records shall be retained for a period of at least three years. The department shall have power to make and enforce rules and regulations to carry into effect and enforce the provisions of this act.

Section 6 Every alien over the age of eighteen (18) who has not declared his or her intention to become an American citizen and who fails to register as provided in this act within any of the periods required hereby shall upon summary conviction thereof be sentenced to pay a fine of not more than one hundred dollars (\$100.00) or to undergo imprisonment for not more than sixty (60) days or both.

Every alien required to be registered who shall fail to carry his or her alien identification card or who shall fail or refuse to exhibit the same when properly required to do so shall upon summary conviction thereof be sentenced to pay a fine of not more than ten dollars (\$10.00) or to undergo imprisonment for not more than ten (10) days or both.

Section 7 All acts and parts of acts inconsistent herewith are hereby repealed.

The title of the bill was read as follows and agreed to:

An Act requiring aliens to register with the Department of Labor and Industry and to carry and upon proper demand to exhibit identification cards prohibiting the issuing of certain registrations and licenses to or the employment of aliens under certain circumstances and prescribing penalties.

And said bill as amended having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

QUESTION OF PERSONAL PRIVILEGE

Mr. JACOBS. Mr. President, I rise to a question of personal privilege.

The PRESIDENT. The Senator from Cumberland, Mr. Jacobs, will state his question of personal privilege.

Mr. JACOBS. Mr. President, at the risk of having to eat my words of last week, I would like to comment for just a minute on the Public Assistance Board in one of my counties, namely, my own County of Cumberland.

The Governor promised to take these Assistance Boards out of politics, but I cannot look at the Assistance Board he has appointed over there without feeling that either he has changed his mind or else he has been fooled as to the political connections of his appointees.

Under the Earle administration we had a Board of five members. We seemed to be unable to get any men to serve on this Board. We had three women registered as Democrat and two women registered as Republicans.

None of these women, either Democratic or Republican, was active in politics, although one, at one time, had been Vice-Chairman of the Democratic County Committee.

The Governor has seen fit to appoint a Public Assistance Board made up of six Republicans and one Democrat. He has appointed G. R. Fogelsonger, of Shippensburg, who has been a Republican leader in that town for the last fifty years.

As a member of that Board he has appointed Mrs. J. Cox Thompson, of Camp Hill, who is at present the head of the Republican Federation of Women's Clubs of Cumberland County.

He has appointed Mrs. James L. Brownhill, of Enola, who is President of the Women's Republican Club of Enola and committee-woman of the Enola precinct of Pennsboro township, a Republican committeewoman.

He has seen fit to appoint Ray E. Hutter, Present Burgess of Mechanicsburg, a Republican, and an ex-chairman of the Republican standing committee of Cumberland county.

He has appointed Dr. J. R. Snyder, of Mount Holly Springs, who is a recognized Republican leader of that town.

He has appointed Mrs. Louise Bentz Carroll, of Carlisle, whose husband, up until the time of his death, was prominently connected with the Public Service Commission and was an outstanding Republican citizen in our town; and Mrs. Carroll an active worker in the Women's Republican Organization.

The Governor has also honored us by placing George H. Fry, of Carlisle, a well-known County Auctioneer, Democratic, on this Public Assistance Board. Mr. Fry has been brought out by the Republican Organization twice in the last four years to oppose Democratic nominees for County offices. He has been brought out at the insistence of the Republican Organization, and can always depended on by them.

I hate to make this speech on politics—because that is what it is—but I would like to have on record my protest against the appointment of a Board that from top to bottom is 100% political and is controlled 100% by the present Republican Organization in the County of Cumberland.

QUESTION OF PERSONAL PRIVILEGE

Mr. WOODWARD. Mr. President, I rise to a question of personal privilege.

The PRESIDENT. The Senator from Philadelphia, Mr. Woodward, will state his question of personal privilege.

Mr. WOODWARD. Mr. President, when the Governor says no sales tax, no income tax, it reminds me of the title to a current movie—which, by the way, is not worth going to, but which is entitled "Mother, may I go in to swim?"

Yes, my darling daughter;

Hang your clothes on a hickory limb,

But don't go near the water."

The Governor's mandates—well, the Republicans do not have mandates—but the Governor's idea or suggestion when speaking of any approach to sales tax, or income

tax leaves the field of taxes rather arid. I want to read a very important paper on the personal property tax.

All economists will agree that a capital levy is anathema. I believe that we all agree that the personal property tax is a capital levy, but as some of the Senators may not know what a capital levy is I will state that there are two kinds:—when a dictator sends us to the scaffold and removes our heads, that is one form of capital levy; if we haven't lost our heads, but the dictator turns us upside down on our heads and shakes all the money out of our pockets until there is not a lira or pfennig or kopeck left in our pockets, that is another capital levy.

Now, if you understand what a capital levy is, it was bad enough when it was at the rate of 4 mills for county purposes. Four mills in terms of an income tax is somewhere around 10%. No State of the Union, to my knowledge, exceeds 6% in a graduated personal income tax scheme. The silver lining to the 4 mills tax was the ease with which the taxpayers could avoid it. There were some foreign corporations in Pennsylvania maintaining a few office chairs and a desk and telephone and paying perhaps \$100 capital stock tax, and by so doing relieving all the Pennsylvania holders of their shares of the 4 mills tax on personal property. I cite this as an example of the case with which the economic royalists saved themselves from a capital levy.

The late lamented administration under Governor Earle added insult to injury by adding 4 mills, making an 8 mill tax, or, in terms of personal income graduated tax, about 20%. This additional 4 mills, this millstone around the neck of the taxpayer, would not only be a terrific burden, per se, but it had the unkind effect of collecting money from the taxpayer, not only from the State, but picked up all the county taxpayers, so that the immunity of the economic royalist faded out of the picture. The silver lining disappeared into a black cloud.

Governor James is doing very much what you or I would do if we were governor. He had spread before him a lot of taxes bringing in a lot of money, and all the birth pains had been undergone and the victim had become either reconciled, or had become unconscious of anything—relapsed into coma. The Governor then must have said to himself, "Here is a schedule, no matter how bad, bringing in almost enough revenue. If I make any change in the program I shall get myself into hot water, so I will let bad enough alone and try to appease by assuring them that there will be no sit-down strikes." This is pursuing the line of least resistance, which, theoretically, is very bad, but, practically, is very good.

There are a good many Republican members of the General Assembly who won their election somewhat upon promise to change the Earle taxes, to substitute for some bad tax a good Republican tax. These conscientious members of the General Assembly are therefore not satisfied with the Governor's policy of pursuing the lines of least resistance. The battle is now on in the House of Representatives and later it will be on in the Senate. I am proposing that we mark this 8 mills personal property tax as Enemy No. 1, and, while we may not be able to entirely destroy it, we can reduce it 50%, so that we are back at the old 4 mills rate, and impose the 4 mills for county purposes. You may say this will enable the victim in the county to again evade this tax, but the county collector has learned several tricks so that it will not be so easy for the victim to escape.

I wish to make it clear that, while personal property tax sounds like a rich man's tax, it is not necessarily so by any means. Every citizen in Pennsylvania who owns a mortgage has to pay this tax whether the mortgage is yielding a penny of return or not. While there may be a distinct majority in the Legislature willing to repeal not only the 4 mills State tax but the entire 8 mills tax, it just cannot be done at this time. There are two preliminary steps necessary before any such repeal can be accomplished. (1) The joint resolution No. 49, separating personal property from real estate as a base for borrowing, has to be passed by this 1939 session and submitted to the people in November 1939. This joint resolution is on its second passage through the Senate, and, while it is subject to some criticism, it is the best thing available to take away from the borrowing base of the cities the assessed value of personal property. Until that is done, it is impossible to repeal the personal property tax. When it is taken away, there will be a gap which must be filled by increasing the amount that the municipality can tax real estate. (2) What might be called a companion bill is joint resolution No. 53, setting up a graduated personal income tax, and I am reading this paper in the hope that Senator Mallery, who is chairman of the committee, will report this bill out. He promises to have a day set sometime—April 1st, perhaps, when he will report only amendments to the Constitution. The meeting will be held on the first of April. This resolution also has passed one session and is now before us in 1939. No one would dare to impose a personal income tax on top of the personal property tax. Therefore, these two are companion bills and both must be accepted by the people. Without the one the other is of no use.

The big point I am trying to make, therefore, is that if and when we can amend the Constitution by the passage of these two joint resolutions, if and when we can set up a personal income tax, we shall then be in position to repeal the State 4 mills tax and the county 4 mills tax and substitute a personal income tax which will take the place of the 8 mill capital levy.

QUESTION OF PERSONAL PRIVILEGE

Mr. EDMONDS. Mr. President, I rise also to a question of personal privilege.

The PRESIDENT. The Senator from Montgomery will state his question of personal privilege.

Mr. EDMONDS. Mr. President, since Senate Bill No. 43, relating to teachers' tenure, was introduced, I have had quite a lot of correspondence with people throughout the State, with teachers throughout the State and with a great many people who are interested in the subject. Last night I received a letter which was from a Pittsburgh teacher—whose name I will not mention—but I would like to read the letter and comment on it:

"It has been rumored, unofficially, among teachers throughout the Pittsburgh District that if the financial strain on school districts caused by married women teachers retaining their positions is not relieved by amendments to the teacher tenure law, the Edmonds Act will have to be revised.

Are there any grounds for this belief? Will you please advise the teachers in our building through me at your earliest convenience?

Enclosed find my self-addressed envelope for your reply."

As that is the only letter I have received that has had a self-addressed envelope for a reply I feel it is worthwhile to make a reply.

I feel the condition of the public schools of this Commonwealth is precarious, and I am bound to say that, the situation being as it is, the future of the legislation of 1921 relating to teachers' salaries is gravely imperiled.

We have, first of all, the fact that the enrollment in the elementary schools is decreasing through the decrease in population. We have the second fact that enrollment in the higher schools is increasing, increasing materially; and also that the elementary schools are cheaper and the higher schools are more expensive, and consequently the expenses of our public schools has materially increased.

We have a second factor, alluded to last night in the excellent address made by Senator Reed under question of personal privilege. We have the fact that delinquent taxes are increasing in the rural districts to such a figure that money cannot be obtained from real estate taxes to maintain the public schools.

Now, we have the third fact that the Tenure Act of 1937 sought to change conditions to such a degree that makes it exceedingly hard for many school districts to balance their budget. I have been reading a series of articles in a newspaper, the Philadelphia Record, which says that there are six thousand teachers in the State, including a great many districts in the anthracite and bituminous coal region, in which the pay for teachers has not been provided.

Under those circumstances I want to point out for just one moment a proper way to advance on the part of the State. This is not the time to increase expenses of the public schools. This is a time, it seems to me, to carry a little further the principle which was back of the legislation of 1921. We started out in 1921 realizing that the cost of higher schools would be heavy on the district and we put a portion of that burden on the State; 25% of the basic salary of teachers serving in school districts of the first class; 35% of the second and third classes; 50% of the fourth class.

It was never intended that those proportions would stay; it was always intended that those proportions, as the State increased its financial solvency, should increase with it, so that the State might bear a larger proportion of the maintenance of the school system that is established by school law.

Now, with that, by way of preliminary, I wish to direct attention to the fact that I have introduced today a bill that increases by five points the contribution that the State makes to the basic salary of each school teacher throughout the State; that is to say, where they now get 25%, 30% is proposed in the bill; where they now get 35%, 40% is proposed in the bill; where they now get 50%, 55% is proposed in the bill; and where they now get 75%, 80% is proposed in the bill.

I want to say definitely that that seems to me to be the right and logical approach to this question. The bill itself would involve \$2,400,000 a year or about \$4,800,000 for the biennium. I do not see that money now; it may be that before we are done with the session the money will be available, and I hope, if it is available, that something along this line, which would take a portion of the burden off the realty of each school district throughout the Commonwealth, will appeal to the Senators as helping to meet the situation.

However, in answer to my friend from Pittsburgh, I say very frankly that if these increased burdens are placed upon the school system, adding as they do, to the cost, there is not any question of doubt that unless economic conditions improve tremendously the legislation of 1921 is in grave peril.

QUESTION OF PARLIAMENTARY INQUIRY

Mr. JASPAN. Mr. President, I rise to a question of Parliamentary inquiry.

The PRESIDENT. The Senator from Philadelphia, Mr. Jaspan, will state his question of parliamentary inquiry.

Mr. JASPAN. Mr. President, I would ask the Chair if House Bill No. 338 is still in the possession of the Senate.

The PRESIDENT. The Chair is informed that House Bill 338 was signed and returned to the House of Representatives.

MOTION TO RECALL BILL

Mr. JASPAN. Mr. President, I move that House Bill 338 be recalled from either the House or the Governor, for the reason that the title of this bill reads: "An Act to amend clause ten of Section two and Section Three hundred one of an Act approved the Twenty-seventh day of May one thousand nine hundred and thirty-seven" whereas, as a matter of fact, it was approved on May 28, 1937, as the body of the Act will show.

Mr. OWLETT. Mr. President, the bill is a House bill, passed by the House, signed by the Speaker of the House, and the bill is now in the House; and the resolution should originate in the House for recall. The bill is out of the possession of the Senate.

CONSIDERATION OF EXECUTIVE NOMINATIONS

Mr. EDMONDS. Mr. President, I move that the Senate do now proceed to the consideration of nominations for appointment as Notaries Public, sent to the Senate, March 20, 1939, by His Excellency, the Governor of the Commonwealth, together with those laid on the table today.

Mr. HOMSHER. Mr. President, I second the motion. The motion was agreed to.

The nominations were read as follows:

NOTARIES PUBLIC

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, March 20, 1939.
To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for reappointment as Notaries Public, for terms of four years to compute from the date set opposite their names:

ALLEGHENY COUNTY

Audrey C. Schroth, Pittsburgh, 703 Union Bank Bldg., March 26, 1939.

ERIE COUNTY

Leo J. Brugger, Erie, March 26, 1939.

PHILADELPHIA COUNTY

Peter E. O'Connor, Phila., 5332 Woodland Ave., March 29, 1939.

ALLEGHENY COUNTY

D. A. McCombs, Pittsburgh, 600 Sandusky St., March 30, 1939

SOMERSET COUNTY

Wm. McCulloh, Somerfield, March 31, 1939.

ALLEGHENY COUNTY

Edward F. Lehman, Tarentum, April 1, 1939.
Mrs. Margaret R. McCarthy, Pittsburgh, 201 N. Brad-dock Ave., April 1, 1939.
Geo. W. Robinson, McKeesport, April 1, 1939.
David E. Shannon, McKees Rocks, April 1, 1939.
Maurice Walsh, Pittsburgh, 1001 Muriel St., April 1, 1939.

BERKS COUNTY

Edgar W. Herring, Kutztown, April 1, 1939.

CAMBRIA COUNTY

John E. Kauffelt, West Carroll Twp., St. Benedict, April 1, 1939.

CHESTER COUNTY

Mrs. Fanny C. Ludwick, Honey Brook, April 1, 1939.

LACKAWANNA COUNTY

Archie E. Britton, Scranton, April 1, 1939.
Miss Sara F. Hoadley, Scranton, April 1, 1939.

LANCASTER COUNTY

Miss Charlotte F. Wiley, Lancaster, April 1, 1939.

LEHIGH COUNTY

Elmer C. Weaver, Allentown, April 1, 1939.

MONTGOMERY COUNTY

Nelson F. Schmidt, Schwenksville, April 1, 1939.

PHILADELPHIA COUNTY

Hyman Backman, Phila., 5373 Gainor Rd., April 1, 1939.
Miss Anna M. Dornan, Phila., 1000 Provident Tr. Bldg., April 1, 1939.
Miss Georgeanna V. Dougherty, Phila., 910 Cherry St., April 1, 1939.
Mrs. J. L. Flamm, Phila., 2520 N. Broad St., April 1, 1939.
Horace B. Meininger, Phila., 308 Walnut St., April 1, 1939.
Antonios Papamarkou, Phila., 1031 Locust St., April 1, 1939.
William J. Poehlmann, Phila., Front St. & Erie Ave., April 1, 1939.
Miss Sara M. Reavey, Phila., 2122 Girard Tr. Bldg., Broad & S. Penn Square, April 1, 1939.

WESTMORELAND COUNTY

J. W. Ronian, Avonmore, April 1, 1939.

BUCKS COUNTY

James G. Jackson, Bristol, April 2, 1939.

CHESTER COUNTY

Mrs. Dorothy M. Watson, Oxford, March 2, 1939.

DAUPHIN COUNTY

Miss Carrie B. Lawrence, Steelton, March 2, 1939.

LANCASTER COUNTY

Miss Kathryn C. Fisher, Lancaster, March 2, 1939.
Mrs. Mary E. Ressler, Strasburg, March 2, 1939.

MONTGOMERY COUNTY

John L. Dimmig, East Greenville, March 2, 1939.

WASHINGTON COUNTY

Mrs. Gayle Mankey, Amwell Twp., Amity, March 2, 1939.

WESTMORELAND COUNTY

E. H. Green, Avonmore, April 2, 1939.

MONROE COUNTY

Stuart D. Henry, East Stroudsburg, April 3, 1939.

NORTHAMPTON COUNTY

Adrian Strausburg, Easton, April 3, 1939.

SCHUYLKILL COUNTY

George C. Shoemaker, Ashland, April 3, 1939.

WESTMORELAND COUNTY

Peter Buck, Rostraver Twp., P. O. Box 268, Webster, April 3, 1939.

ALLEGHENY COUNTY

R. E. Malone, Pittsburgh, 1627 Penn Ave., April 7, 1939.
John C. McGinnis, Pittsburgh, 1406 Law & Finance Bldg., April 7, 1939.

NORTHAMPTON COUNTY

Miss Katharine A. Hildenberger, Bethlehem, April 7, 1939.

PHILADELPHIA COUNTY

G. Walter Welsh, Phila., 3528 N. 5th St., April 7, 1939.

WARREN COUNTY

Miss Marion A. Bryan, Warren, April 7, 1939.

ALLEGHENY COUNTY

Miss Margaret L. Carlin, Pittsburgh, 108 Court House, April 9, 1939.
C. E. Field, Pittsburgh, 754 Brookline Blvd., April 9, 1939.

PHILADELPHIA COUNTY

John J. Hayes, Phila., 5323 Walnut St., April 9, 1939.
Alexander Hirsh, Phila., 5845 Chestnut St., April 9, 1939.

WASHINGTON COUNTY

T. S. Maxwell, West Alexander, April 9, 1939.

WESTMORELAND COUNTY

Raymond D. Schaeffer, Vandergrift, April 9, 1939.

BEAVER COUNTY

Albert B. Ruhe, Beaver Falls, April 10, 1939.

ALLEGHENY COUNTY

Miss Agnes Lubbers, Pittsburgh, 221 Bakewell Bldg., April 12, 1939.

SOMERSET COUNTY

Miss Margaret E. Zeigler, Somerset, April 12, 1939.

ALLEGHENY COUNTY

Victor C. Viskochil, Pittsburgh, 82 Bascom St., April 13, 1939.

PHILADELPHIA COUNTY

Miss Mildred E. Hill, Phila., 650 Real Estate Tr. Bldg., April 13, 1939.

WESTMORELAND COUNTY

Jas. T. Hughes, Latrobe, April 13, 1939.

YORK COUNTY

Mrs. N. R. Burger, Hanover, April 13, 1939.

LAWRENCE COUNTY

M. E. Alexander, New Castle, April 15, 1939.

DELAWARE COUNTY

Matthew (Mack) Margoline, Chester, April 16, 1939.

PHILADELPHIA COUNTY

Robert Armstrong, Jr., Phila., 1514 S 53d St., April 16, 1939.

Miss Anna C. Donohue, Phila., 4007 Chester Ave., April 16, 1939.

Oliver C. Traver, Phila., 6901 Elmwood Ave., April 16, 1939.

BERKS COUNTY

Philip J. Auchter, Reading, April 17, 1939.

CRAWFORD COUNTY

Charles R. Church, Titusville, April 17, 1939.

ALLEGHENY COUNTY

J. A. Means, Pittsburgh, Syndicate Bldg., 518 4th Ave., April 18, 1939.

D. A. Hunter, Pittsburgh, 617 Berger Bldg., April 20, 1939.

WESTMORELAND COUNTY

Wm. E. King, Arnold, April 20, 1939.

PHILADELPHIA COUNTY

Miss Catharine M. Stely, Phila., Fidelity-Phila. Tr. Bldg., April 21, 1939.

MERCER COUNTY

Miss Madeline M. Brosie, Sharon, April 22, 1939.

MONTGOMERY COUNTY

Perry Greenspan, Abington Twp., Roslyn, April 22, 1939.

PHILADELPHIA COUNTY

Clarence B. Wrigley, Phila., 950 Real Estate Tr. Bldg., April 22, 1939.

LEHIGH COUNTY

Miss Mary E. Zimmerman, Allentown, April 28, 1939.

MONTGOMERY COUNTY

John J. Lynch, Conshohocken, April 28, 1939.

PHILADELPHIA COUNTY

Frank L. Lambert, Phila., N. E. Cor. 6th & Somerset Sts., April 28, 1939.

ALLEGHENY COUNTY

Miss Rhoda M. Klose, Pittsburgh, 4709 Baum Blvd., April 30, 1939.

WYOMING COUNTY

Mrs. Elizabeth Wynd, Wyoming, Tunkhannock, April 30, 1939.

ARTHUR H. JAMES.

Commonwealth of Pennsylvania,

Governor's Office, Harrisburg, March 20, 1939.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointment as Notaries Public, for

terms of four years to compute from the date of confirmation:

ALLEGHENY COUNTY

Mrs. Mabel H. Bickel, Pittsburgh, 901 Jones Law Bldg.
Anthony Maroulis, Pittsburgh, 317 Meyran Ave.
A. N. Marvin, Tarentum.

BUCKS COUNTY

Francis J. Byers, Bristol.

CAMBRIA COUNTY

Mrs. Louise H. Bossert, Johnstown.
Miss Ethel Leone Hurrel, Johnstown.

COLUMBIA COUNTY

Miss Helen M. Connor, Bloomsburg.

CRAWFORD COUNTY

E. C. Obert, Bloomfield Twp., R D 2.

DAUPHIN COUNTY

Charles A. Cocklin, Harrisburg.

DELAWARE COUNTY

Wallace Lippincott, Chester.
Mrs. Violet S. Peters, Chester.

LACKAWANNA COUNTY

Albert M. Bronson, Sr., Scranton.
Richard B. Gilligan, Scranton.

LANCASTER COUNTY

Mrs. A. Marie Cross, Lancaster.

LUZERNE COUNTY

Joseph A. Conniff, Pittston.
Michael Laputka, Hazleton.
Len Merolli, Conyngham Twp., Mocanaqua.
Miss Mary C. Mullen, Wilkes-Barre.

LYCOMING COUNTY

Samuel R. Williams, Williamsport.

MONTGOMERY COUNTY

John E. Rowland, Upper Providence Twp., Yerkess.

NORTHUMBERLAND COUNTY

Chas. Ermet, Mt. Carmel.
Charles H. Reitz, Mt. Carmel.

PHILADELPHIA COUNTY

Lionel E. Backus, Phila., 4827 Frankford Ave.
Miss Anne E. Donahue, Phila., 1900 Girard Tr. Bldg.
Angelo Guerra, Phila., 2047 Dennie St.
Miss Agnes Harvey, Phila., 1511 Walnut St.
E. W. Helm, Jr., Phila., 432 Chestnut St.
Ralph E. Hendee, Phila., 1606 Walnut St.
Craig Huston, Phila., 2300 Girard Tr. Co., Bldg.
Irving G. Schorsch, Phila., 1642 W. Erie Ave.
Wm. L. Sowden, Jr., Phila., N. E. Cor. Luzerne and G Streets.
J. L. Stiteler, Phila., 4928 Larchwood Ave.
Miss Emma V. Sudell, Phila., Drexel Institute of Technology, 32d & Chestnut Sts.
Miss Lillian F. Vogel, Phila., 916 Walnut St.
Mrs. Dorothy C. Webberking, Phila., Room 915, 1420 Walnut St.

POTTER COUNTY

Mrs. Floss D. Straitz, Coudersport.

SOMERSET COUNTY

George E. Tempest, Conemaugh Twp., Jerome.

WASHINGTON COUNTY

Miss Mary A. Callery, Finleyville.

WESTMORELAND COUNTY

Thomas Milie, Vandergrift.

YORK COUNTY

J. R. Fleming, Hanover.

ARTHUR H. JAMES.

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, March 21, 1939.
To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate following persons for reappointment as Notaries Public, for terms of four years to compute from the date set opposite their names:

LYCOMING COUNTY

C. Eugene Kemp, Williamsport, March 23, 1939.

NORTHAMPTON COUNTY

Miss Marie T. McCarthy, Bethlehem, March 26, 1939.
P. S. Weiss, Easton, March 26, 1939.

PHILADELPHIA COUNTY

Matthew H. McEniry, Phila., 1616 Walnut St., March 30, 1939.

ARTHUR H. JAMES.

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, March 21, 1939.
To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate following persons for appointment as Notaries Public, for terms of four years to compute from the date of confirmation:

ALLEGHENY COUNTY

Ira W. Boyle, Pittsburgh, Room 320, Frick Bldg.

BERKS COUNTY

R. S. Dunkelberger, Reading.

BUTLER COUNTY

Robert B. Greer, Jr., Butler.

CAMERON COUNTY

John H. Hathaway, Emporium.

LUZERNE COUNTY

N. R. Jones, Nanticoke.
Chas. L. Rice, Hazleton.

NORTHAMPTON COUNTY

Miss Mamie Bramwell, Bethlehem.
Charles A. Gosner, Easton.

PHILADELPHIA COUNTY

Lawrence G. Horwitz, Phila., 328 Walnut St.
Meyer Kraus, Phila., 1019 Real Estate Trust Bldg.
Miss Anne Ricketts, Phila., 1400 N. Broad St.
Mrs. Emma L. Roten, Phila., 4700 Wissahickon Ave.
Ernest R. Traynor, Phila., 5534 Chester Ave.

ARTHUR H. JAMES.

EXECUTIVE SESSION

By unanimous consent,

A motion was made by Mr. EDMONDS and Mr. HOMSHER

That Rule 38 which requires nominations made by the Governor be referred to an appropriate committee be dispensed with, and the Senate do now resolve itself into Executive Session, for the purpose of acting on the foregoing nominations.

Which was agreed to.

Whereupon,

A motion was made by Mr. EDMONDS and Mr. HOMSHER

That the Senate do advise and consent to said nominations.

On the question,

Will the Senate agree to the motion?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—45

Bartlett,	Frey,	Lanier,	Ruth,
Cavalcante,	Gelder,	Letzler,	Scarlett,
Chapman,	Geltz,	Mallery,	Shapiro,
Coleman,	Gilson,	McCreesh,	Sipe,
Crowe,	Haluska,	McGinnis,	Snowden,
Dando,	Heyburn,	Miller,	Stevenson,
Detrick,	Homsher,	Mundy,	Tallman,
DiSilvestro,	Jacobs,	Owlett,	Thomas,
Ealy,	Jaspan,	Pierson,	Walker,
Edmonds,	Kilgallen,	Reed,	Wolfenden,
Eroe,	Kunkel,	Rice,	Woodward,
Farrell,			

NAYS—0

Two-thirds of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Governor be informed accordingly.

Mr. EDMONDS. Mr. President, I move that the Executive Session do now rise.

Mr. CHAPMAN. Mr. President, I second the motion.

The motion was agreed to.

REPORT FROM COMMITTEE

Mr. CAVALCANTE. Mr. President I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. CAVALCANTE from the Committee on Finance reported as amended, Senate Bill No. 94, entitled:

An Act abating certain unpaid penalties and interest imposed on counties, cities, boroughs, townships, school districts and incorporated districts for the nonpayment of state taxes on scrip, bonds, certificates and evidences of indebtedness and authorizing the Board of Finance and Revenue to compromise the Commonwealth's claims against such political subdivisions for such unpaid taxes.

MOTION TO READ BILLS THE FIRST TIME

Mr. OWLETT. Mr. President I move that the Senate do now proceed to the first reading of all bills reported from committees for the first time at today's session.

Mr. WALKER. Mr. President, I second the motion.

The motion was agreed to.

BILLS ON FIRST READING

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 186, entitled:

An Act to amend subsection twelve of section seven hundred and two of the act approved the first day of May, one thousand nine hundred and thirty-three (P. L. 103), entitled: "An act concerning townships of the second class; and amending, revising, consolidating, and changing the law relating thereto," by empowering townships of the second class to prohibit the storage of abandoned and junked automobiles.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 94, entitled:

An Act abating certain unpaid penalties and interest imposed on counties, cities, boroughs, townships, school districts and incorporated districts for the nonpayment of state taxes on scrip, bonds, certificates and evidence of indebtedness, and authorizing the Board of Finance and Revenue to compromise the Commonwealth's claims against such political subdivisions for such unpaid taxes.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

ADJOURNMENT

Mr. OWLETT. Mr. President, I move that the Senate do now adjourn until Wednesday, March 22, 1939, at 1:00 o'clock, p. m.

Mr. HEYBURN Mr. President I second the motion.

The motion was agreed to.

The Senate adjourned at 4:25 o'clock, p. m. until Wednesday, March 22, 1939, at 1:00 o'clock, p. m.

HOUSE OF REPRESENTATIVES

TUESDAY, March 21, 1939.

The House met at 1 p. m.

The SPEAKER (Ellwood J. Turner) in the Chair.

PRAYER

The Chaplain, Rev. Walter Evans Deibler, offered the following prayer:

"The glory of the spring, how sweet!
The new-born life, how glad!
What joy the happy earth to greet
In spring's bright raiment clad!

Oh, may we be, by Thy great pow'r,
Renew'd these spring tide days;
And so reflect Thee in each hour
That all shall give Thee praise."

O God, we thank Thee for the recurring manifestations of Thy beneficence as seen in nature. May these incidents inspire us to do our whole duty to the needy of our state. To be lulled to sleep by sweet sounding poetry is not sufficient in these strenuous times. We beseech Thee, O God, answer the prayer of Thy servant and of this House in behalf of the unpaid school teachers—this large army of courageous men and women who day by day are giving their "last full measure of devotion" for the proper guidance of youth. "New occasions teach new duties." Re-

veal to Thy servants here and now, O God, their full duty to these devoted public servants. Give health, we beseech Thee, to the ill of this body and assuage the grief of those who mourn. Through Jesus Christ our Lord. Amen.

JOURNAL APPROVED

The SPEAKER. The Clerk will read the Journal of yesterday.

The Clerk proceeded to read the Journal of yesterday, when, on motion of Mr. EWING, the further reading was dispensed with and the Journal approved.

BILLS INTRODUCED AND REFERRED

By Messrs. JOHN N. HOFFMAN and ROSEBERRY.
HOUSE BILL No. 584.

An Act to establish a separate orphans' court in and for the county of Northampton.

Referred to the Committee on Judiciary General.

By Messrs. JOHN N. HOFFMAN and BALLIET.
HOUSE BILL No. 585.

An Act abolishing the office of one of the judges learned in the law in the third judicial district of this Commonwealth; and repealing inconsistent legislation.

Referred to the Committee on Judiciary General.

By Messrs. COOPER and McVAY.
HOUSE BILL No. 586.

An Act authorizing the abatement of certain portions of the interest charges, expenses or debt of claims imposed or assessed for improvements or for the abatement of nuisances, by any city, county, borough, incorporated town, township, school district or institution district.

Referred to the Committee on Municipal Corporations.

By Mr. HARBESON.
HOUSE BILL No. 587.

An Act to further amend sections one thousand four hundred sixteen and one thousand six hundred one, of the act, approved the eighteenth day of May, one thousand nine hundred and eleven (Pamphlet Laws 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith," by extending the age limit within which certain children engaged in farm work or domestic service may be exempted from complying with the provisions of said act relating to compulsory school attendance, and fixing the required number of days school shall be kept open each year in school districts of the fourth class.

Referred to the Committee on Education.

By Mr. NORMAN WOOD.
HOUSE BILL No. 588.

An Act authorizing the Department of Property and Supplies to acquire on behalf of the Commonwealth of Pennsylvania certain land upon which is still standing the birthplace of Robert Fulton in Fulton Township, Lancaster County, or so much thereof as may be necessary as a memorial; providing for the control, management, supervision, improvement, restoration and maintenance thereof; authorizing the Pennsylvania Historical Commission to make and enforce rules and regulations for the preservation and visitation thereof; and making an appropriation.

Referred to the Committee on Appropriations.

By Mr. HOMER S. BROWN. HOUSE BILL No. 589.

An Act to further amend section three of the act, approved the thirty-first day of March, one thousand nine hundred and twenty-seven (Pamphlet Laws 91), entitled "An act relating to municipal indebtedness; imposing certain powers and duties upon the Department of Internal Affairs, and the officers of counties, cities of the third class, boroughs, towns, townships, school districts of the second, third, and fourth classes and poor districts, in connection with proceedings to incur and increase indebtedness; and the establishing and maintaining of sinking funds; fixing the maximum maturity of refunding bonds; and providing that the fees imposed by this act shall not be applicable to the issuance of evidences of indebtedness by municipal housing authorities.

Referred to the Committee on State Government.

By Mr. HABBYSKAW. HOUSE BILL No. 590.

An Act to further amend subsection (a) of section seven hundred and twenty-two of the act, approved the first day of May, one thousand nine hundred and twenty-nine (Pamphlet Laws 905), entitled "An act for the protection of the public safety; regulating the use of highways, and the operation of vehicles, tractors, street cars, trackless trolley omnibuses, bicycles, pedestrians and the riding of animals upon the highways of this Commonwealth; providing for the titling, including liens, encumbrances, and legal claims; registration of certain vehicles and licensing the operators thereof, upon payment of prescribed fees; prescribing and limiting the powers of local authorities to deal with the subject matter of this act; conferring powers and imposing duties upon the Department of Revenue, the Department of Highways, peace officers, mayors, burgesses magistrates aldermen justices of the peace the courts and the clerks thereof, owners of vehicles, and garage keepers; providing that records are admissible as evidence; imposing upon owners, counties, cities, boroughs incorporated towns townships within the Commonwealth, liability for damages caused by the negligent operation of their motor vehicles; imposing penalties; imposing certain costs upon counties; providing for the disposition of fines, forfeitures, fees and miscellaneous receipts; making an appropriation; and providing for refunds," exempting motor vehicles, trailers and semi-trailers of certain orphan schools from payment of fees for certificates of title and registration.

Referred to the Committee on Motor Vehicles.

By Mr. JAMES. HOUSE BILL No. 591.

An Act to further amend clause fifteen of selection one thousand five hundred and two of the act approved the twenty-fourth day of June, one thousand nine hundred and thirty-one, (P. L. 1206), entitled "An act concerning townships of the first class; amending, revising, consolidating, and changing the law relating thereto," by changing the rate of the special tax on fire districts.

Referred to the Committee on Townships.

By Mr. JAMES. HOUSE BILL No. 592.

An Act to further amend section four hundred and one of the act approved the twenty-fourth day of June, one thousand nine hundred and thirty-one, (P. L. 1206), entitled "An act concerning townships of the first class; amending, revising, consolidating, and changing the law relating thereto," further regulating the creation and abolition of wards.

Referred to the Committee on Townships.

By Mr. JAMES. HOUSE BILL No. 593.

An Act to further amend clause (a) of section one thousand two hundred and seven of the act, approved the first day of May, one thousand nine hundred and twenty-nine

(P. L. 905), entitled "An act for the protection of the public safety; regulating the use of highways, and the operation of vehicles, tractors, street cars, trackless trolley omnibuses, bicycles, pedestrians, and the riding of animals upon the highways of this Commonwealth; providing for the titling, including liens, encumbrances, and legal claims; registration of certain vehicles and licensing the operators thereof, upon payment of prescribed fees; prescribing and limiting the powers of local authorities to deal with the subject matter of this act; conferring powers and imposing duties upon the Department of Revenue, the Department of Highways, peace officers, mayors, burgesses, magistrates, aldermen, justices of the peace, the courts and the clerks thereof, owners of vehicles, and garage keepers; providing that records are admissible as evidence; imposing upon owners, counties, cities, boroughs, incorporated towns, townships, within the Commonwealth, liability for damages caused by the negligent operation of their motor vehicles; imposing penalties; imposing certain costs upon counties; providing for the disposition of fines, forfeitures, fees, and miscellaneous receipts; making an appropriation; and providing for refunds," by providing for the return of certain fines to townships of the first class.

Referred to the Committee on Motor Vehicles.

By Mr. CORDIER. HOUSE BILL No. 594.

An Act making an appropriation to the Department of Welfare for payment of any balance due on any contract for work at the Western State Penitentiary, Bellefonte, Centre County, Pennsylvania.

Referred to the Committee on Appropriations.

By Mr. FALKENSTEIN. HOUSE BILL No. 595.

An Act to amend the Table of Contents and Article six of the act approved the third day of June, one thousand nine hundred and thirty-seven, (P. L. 1333), entitled "An act concerning elections, including general, municipal, special and primary elections, the nomination of candidates, primary and election expenses and election contests; creating and defining membership of county boards of elections; imposing duties upon the Secretary of the Commonwealth, courts, county boards of elections, county commissioners; imposing penalties for violation of the act, and codifying, revising and consolidating the laws relating thereto; and repealing certain acts and parts of acts relating to elections," by providing for special elections for the recall of elected officers.

Referred to the Committee on Elections.

By Mr. SEIF. (By request). HOUSE BILL No. 596.

An Act authorizing the annexation to an adjacent borough of a part of a township of the first class, situate in the same county, not exceeding one hundred (100) acres in area which is situate within the watershed of and drains into the borough, and regulating the procedure pertaining thereto; and providing for the adjustment and apportionment of the assets and liabilities of said townships.

Referred to the Committee on Boroughs.

By Mr. HABBYSKAW. HOUSE BILL No. 597.

An Act to amend section one thousand forty of the act approved the twenty-third day of June, one thousand nine hundred and thirty-one (P. L. 932), entitled "An act relating to cities of the third class; and amending, revising and consolidating the law relating thereto," by regulating the number of times and the conditions under which the same subject matter may be presented to the voters in the petition of initiation.

Referred to the Committee on Cities—Third Class.

By Mr. WAGNER. HOUSE BILL No. 598.

An Act authorizing the compromise of delinquent taxes on real property and the penalties, interest and costs due thereon before a tax sale of such real property, and providing the procedure in such case.

Referred to the Committee on Municipal Corporations.

By Mr. JIROLANIO. HOUSE BILL No. 599.

An Act making it a misdemeanor for any person to limit the age of applicants for employment to persons under forty-five years of age, or to reject applicants or dismiss employees because of their being more than forty-five years of age.

Referred to the Committee on Labor.

By Mr. JIROLANIO. HOUSE BILL No. 600.

An Act authorizing all courts, both of record and not of record, when imposing fines, to provide for the payment thereto in instalments.

Referred to the Committee on Judiciary Special.

By Messrs. WEISS and MADDEN.

HOUSE BILL No. 601.

An Act to amend clause six of section one thousand two hundred and ten of the act, approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special, or local, or any parts thereof, that are or may be inconsistent therewith," as amended, changing the minimum salaries of certain teachers in junior high schools of third class districts.

Referred to the Committee on Education.

By Messrs. LEISEY and BRONSON.

HOUSE BILL No. 602.

An Act making an appropriation to the Downingtown Industrial and Agricultural School, Downingtown, Pennsylvania.

Referred to the Committee on Appropriations.

By Mr. FURMAN. HOUSE BILL No. 603.

An Act preserving and extending the liens of all delinquent taxes now being paid upon the installment plan under any act providing for such plan, without any further action on the part of the taxing authority or county treasurer, and prohibiting the sale of any property for the non-payment of such taxes during such installment period.

Referred to the Committee on Municipal Corporations.

By Mr. TAYLOR. HOUSE BILL No. 604.

An Act regulating the business of buying and selling poultry and the transportation thereof on the highways; providing for the licensing of persons engaged in such business; conferring powers and imposing duties upon the Department of Agriculture; and providing penalties.

Referred to the Committee on Motor Vehicles.

By Mr. ECKELS. HOUSE BILL No. 605.

An Act to amend sections 904, 905, 1006, 1125, LIII, 1309, 1313 and 1314 of the Act approved the fourth day of May,

one thousand nine hundred twenty-seven (P. L. 519), entitled "An act concerning boroughs, and revising, amending, and consolidating the law relating to boroughs," as amended, by further regulating the affairs of boroughs and revising, amending, and changing the law relating thereto.

Referred to the Committee on Boroughs.

By Messrs. TRONZO and HARKINS.

HOUSE BILL No. 606.

An Act to amend clause (c) of section four hundred and seventeen, and to repeal the seventh paragraph of section one thousand six hundred and six of the act, approved the third day of June, one thousand nine hundred and thirty-seven (P. L. 1333), entitled "An act concerning elections, including general, municipal, special and primary elections, the nomination of candidates, primary and election expenses and election contests; creating and defining membership of county boards of elections; imposing duties upon the Secretary of the Commonwealth, courts, county boards of elections, county commissioners; imposing penalties for violation of the act, and codifying, revising and consolidating the laws relating thereto; and repealing certain acts and parts of acts relating to elections," by prohibiting the payment of any consideration to watchers; and providing penalties.

Referred to the Committee on Elections.

By Messrs. DICK and HOLLAND.

HOUSE BILL No. 607.

An Act prohibiting the employment of or the acceptance of employment by any female for the purpose of tending bar, over which bar, alcoholic, malt or vinous beverages are sold and providing penalties.

Referred to the Committee on Liquor Control.

By Mr. FRANK S. MOSER. HOUSE BILL No. 608.

An Act relating to sentences for criminal offenses; defining the powers of courts in imposing sentences; regulating the exercise thereof and appeals therefrom; and for other purposes.

Referred to the Committee on Judiciary Special.

By Mr. FRANK S. MOSER. HOUSE BILL No. 609.

An Act to create a uniform and exclusive system for the administration of probation and parole in this Commonwealth; establishing the "Pennsylvania Board of Probation and Parole;" conferring and defining its jurisdiction, duties, powers and functions; providing for the method of appointment of its members; regulating the appointment, removal and discharge of its officers, clerks and employees; dividing the Commonwealth into administrative districts for purposes of probation and parole; fixing the salaries of members of the Board and of certain other officers and employees thereof; making violations of certain provisions of this act misdemeanors, and providing penalties therefor; and for other cognate purposes.

Referred to the Committee on Judiciary Special.

By Mr. LEE. HOUSE BILL No. 611.

An Act to make an appropriation for the improvement of the maritime port facilities of the State of Pennsylvania at Philadelphia; and providing for the expenditure thereof.

Referred to the Committee on Appropriations.

By Messrs. LEISEY and WEBSTER.

HOUSE BILL No. 612.

An Act to further amend section three hundred forty-eight of the act, approved the second day of May, one thousand nine hundred and twenty-nine, (P. L. 1278), entitled "An act relating to counties, of the second, third, fourth, fifth, sixth, seventh and eighth classes; and revising, amending and consolidating the laws relating thereto," increasing amount of contracts to be let without competitive bidding.

Referred to the Committee on Counties.

By Mr. LICHTENWALTER. HOUSE BILL No. 613.

An Act to further amend clause (a) of section one thousand two hundred and seven of the act, approved the first day of May, one thousand nine hundred and twenty-nine (P. L. 905), entitled "An act for the protection of the public safety; regulating the use of highways, and the operation of vehicles, tractors, street cars, trackless trolley omnibuses, bicycles, pedestrians, and the riding of animals upon the highways of this Commonwealth; providing for the titling, including liens, encumbrances, and legal claims; registration of certain vehicles and licensing the operators thereof, upon payment of prescribed fees; prescribing and limiting the powers of local authorities to deal with the subject matter of this act; conferring powers and imposing duties upon the Department of Revenue, the Department of Highways, peace officers, mayors, burgesses, magistrates, aldermen, justices of the peace, the courts and the clerks thereof, owners of vehicles, and garage keepers; providing that records are admissible as evidence; imposing upon owners, counties, cities, boroughs, incorporated towns, townships, within the Commonwealth, liability for damages caused by the negligent operation of their motor vehicles; imposing penalties; imposing certain costs upon counties; providing for the disposition of fines, forfeitures, fees, and miscellaneous receipts; making an appropriation; and providing for refunds," by providing for the payment of fines for certain violations to townships wherein the offense was committed.

Referred to the Committee on Motor Vehicles.

By Mr. REAGAN. HOUSE BILL No. 614.

An Act to further amend paragraph (a) of section nine hundred and three of the act, approved the first day of May, one thousand nine hundred and twenty-nine (P. L. 905), entitled "An act for the protection of the public safety; regulating the use of highways, and the operation of vehicles, tractors, street cars, trackless trolley omnibuses, bicycles, pedestrians, and the riding of animals upon the highways of this Commonwealth; providing for the titling, including liens, encumbrances, and legal claims; registration of certain vehicles and licensing the operators thereof, upon payment of prescribed fees; prescribing and limiting the powers of local authorities to deal with the subject matter of this act; conferring powers and imposing duties upon the Department of Revenue, the Department of Highways, peace officers, mayors, burgesses, magistrates, aldermen, justices of the peace, the courts and the clerks thereof, owners of vehicles, and garage keepers; providing that records are admissible as evidence; imposing upon owners, counties, cities, boroughs, incorporated towns, townships, within the Commonwealth, liability for damages caused by the negligent operation of their motor vehicles; imposing penalties; imposing certain costs upon counties; providing for the disposition of fines, forfeitures, fees, and miscellaneous receipts; making an appropriation; and providing for refunds," by further regulating the gross weight of vehicles and loads.

Referred to the Committee on Motor Vehicles.

By Mr. SCANLON. HOUSE BILL No. 615.

An Act to further reenact and amend the act, approved the sixteenth day of May, one thousand nine hundred thirty-five (P. L. 208), entitled as amended "An act to

provide revenue for State purposes by imposing an excise tax, for a limited period of time, on the net incomes of certain corporations, joint-stock associations, and limited partnerships; providing for the assessment, collection, settlement and resettlement of taxes, and reviews and appeal therefrom; conferring powers, and imposing duties on certain persons, corporations, joint-stock associations, limited partnerships, State, and county officers, boards, and departments; making an appropriation; and providing penalties," by extending the provisions of the act for a further period of time and changing the rate of tax.

Referred to the Committee on Ways and Means.

By Mr. BRETHERICK. HOUSE BILL No. 616.

An Act to amend the first paragraph of section two thousand four hundred fifteen of the act, approved the twenty-fourth day of June, one thousand nine hundred and thirty-one (P. L. 1206), entitled "An act concerning townships of the first class; amending, revising, consolidating, and changing the law relating thereto," so as to permit the purchase of sewers and culverts and their appliances belonging to other townships and municipal corporations.

Referred to the Committee on Townships.

By Mr. FISS. HOUSE BILL No. 617.

An Act making an appropriation to the Department of Highways out of the Motor License Fund, for the purpose of rebuilding county bridges carried away or destroyed by fire, flood or other casualty, and of carrying out the provisions of existing laws relating thereto.

Referred to the Committee on Appropriations.

By Mr. FLEMING. HOUSE BILL No. 618.

An Act making an appropriation to the Department of Military Affairs to defray the expenses of the Pennsylvania National Guard in taking part in the parade in connection with the annual encampment of the Grand Army of the Republic.

Referred to the Committee on Appropriations.

By Mr. STAMBAUGH. HOUSE BILL No. 619.

An Act to amend section three hundred and seventeen of the act, approved the third day of June, one thousand nine hundred and thirty-seven (P. L. 1225), entitled "An act concerning game and other wild birds and wild animals; and amending, revising, consolidating, and changing the law relating thereto," by permitting owners of land to hunt thereon without a license, even though they do not reside or cultivate such land.

Referred to the Committee on Game.

By Mr. SCANLON. HOUSE BILL No. 620.

An Act to further reenact and amend the act, approved the twenty-second day of June, one thousand nine hundred and thirty-five (Pamphlet Laws, four hundred fourteen), entitled "An act to provide revenue for State purposes; imposing taxes upon certain classes of personal property; providing for the assessment, collection, and lien of the same, and the distribution of the proceeds thereof; imposing duties on executors, administrators, registers of wills, recorders of deeds, prothonotaries, and court clerks, and on persons, copartnerships, associations, banks, national banks, trust companies, and other corporations receiving deposits of money, and on certain corporations and limited partnerships; conferring powers and imposing duties on certain State officers and departments; imposing penalties; and making an appropriation;" by imposing annual taxes for State purposes for two additional years; and changing the rate of such tax.

Referred to the Committee on Ways and Means.

By Mrs. FAUSET.

HOUSE BILL No. 621.

An Act authorizing municipal corporations to acquire lands, properties and buildings for housing purposes and providing for the sale and lease thereof by municipal corporations.

Referred to the Committee on Municipal Corporations.

By Mr. JIROLANIO.

HOUSE BILL No. 622.

An Act to further amend the first paragraph of section one thousand four hundred and fourteen and section one thousand four hundred and sixteen of the act, approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith," by reducing the compulsory school age and changing the provisions as to compulsory attendance.

Referred to the Committee on Education.

By Mr. WOODSIDE.

HOUSE BILL No. 623.

An Act to further amend section one of the act, approved the seventeenth day of April, one thousand eight hundred and ninety-three (P. L. 21), entitled "An act to facilitate the labors of the judges of the court of common pleas of the county in which the seat of government is or may be located, in the disposition of the business of the Commonwealth, by providing suitable clerical assistance," by providing for the employment and compensation of clerical assistance for the judges of the orphans' court in such county.

Referred to the Committee on Appropriations.

By Mr. MUIR.

HOUSE BILL No. 624.

An Act to amend section nine of the act, approved the first day of July, one thousand nine hundred and nineteen (P. L. 717), entitled "An act fixing the number, compensation, mileage, and duties of the officers and employees of the General Assembly, and providing for their election or appointment, term of office, and manner of filling vacancies," by providing that compensation payable under this act shall be paid semi-monthly.

Referred to the Committee on State Government.

By Mr. HENRY.

HOUSE BILL No. 625.

An Act making an appropriation to the Pennsylvania Historical Commission.

Referred to the Committee on Appropriations.

By Mr. TRONZO.

HOUSE BILL No. 626.

An Act to repeal the act, approved the twenty-sixth day of June, one thousand nine hundred and nineteen (P. L. 639), entitled "An act defining sedition and prescribing the punishment therefor" and its amendments.

Referred to the Committee on Judiciary Special.

By Mr. PRESTON.

HOUSE BILL No. 627.

An Act to amend sections one and two of the act, approved the twenty-fifth day of July, one thousand nine hundred and thirty-two (P. L. 10), entitled "An act authorizing counties, cities, boroughs, towns, townships, school districts, and poor districts to install, by ordinance or resolution, a system for the collection of taxes in instalments; and specifying certain conditions and penalties

in such cases," by making it mandatory upon such political subdivisions to install a system for the collection of taxes in quarterly instalments; extending the provisions of said act to institution districts, and authorizing extra compensation for tax collectors for such increased duties.

Referred to the Committee on Municipal Corporations.

By Mr. PRESTON.

HOUSE BILL No. 628.

An Act fixing a uniform fiscal year for counties (other than counties of the first and second classes) cities of the third class, boroughs, towns, townships, school districts (Other than school districts of the first class) and county institution districts except in counties of the second class and providing such necessary tax, tax auditing, borrowing power, and financial report provisions as required for the fixing of such uniform year and as result from the change of the fiscal year.

Referred to the Committee on Municipal Corporations.

By Mr. TERRY. (By request). HOUSE BILL No. 629.

An Act relating to shorthand reporting; defining shorthand reporting; creating a State Board of Shorthand Reporters in the Department of Public Instruction and defining the powers and duties of the board and of the department; providing for the issuance of certificates to qualified persons and for the suspension, revocation and reinstatement of such certificates; and providing penalties.

Referred to the Committee on Professional Licensure.

By Mr. TERRY. (By request). HOUSE BILL No. 630.

An Act providing that no person shall be initially appointed as an official stenographer or shorthand reporter by any court of record of this Commonwealth unless certificated by the State Board of Shorthand Reporters; and providing certain exceptions.

Referred to the Committee on Professional Licensure.

By Mr. VOORHEES.

HOUSE BILL No. 631.

An Act to provide for the better protection of life and health of the citizens of this Commonwealth by requiring and regulating the examination, licensure and registration of persons, engaging in the care, preparation and embalming of the bodies of deceased persons; and providing penalties.

Referred to the Committee on Professional Licensure.

By Messrs. MOONEY and CHRISTLER.

HOUSE BILL No. 632.

An Act to amend section ten of the act, approved the thirteenth day of May, one thousand nine hundred and twenty-seven (P. L. 1011), entitled "A supplement to an act entitled 'An act for the government of cities of the second class,' approved the seventh day of March, Anno Domini one thousand nine hundred and one, creating a department of city planning; providing for its organization and powers; regulating the platting of ground; prohibiting the recording of plans and sales of lots therein before their approval, under penalties; making it a misdemeanor for the recorder of deeds to record an unapproved plan; restricting accepting, laying out, opening and improving private streets; prohibiting the erection of buildings on land not abutting on public streets or streets not shown on the official master plan or an approved plat; transferring to the department of city planning powers conferred by other statutes over plats or subdivisions of land, the reservation of locations of mapped streets for future use and authorizing the assessment of damages for same, the preparation and compilation of an official street map; providing penalties for the violation of this act; and repealing certain statutes," further defining

the powers of the planning commission in cities of the second class.

Referred to the Committee on Cities—Second Class.

By Mr. BREATHERICK. HOUSE BILL No. 633.

An Act making an appropriation to the Pennsylvania Memorial Home of Brookville, Pennsylvania.

Referred to the Committee on Appropriations.

By Mr. HOCHE. HOUSE BILL No. 634.

An Act to amend Section one thousand two, sub-section (d), of the act approved the first day of May, one thousand nine hundred twenty-nine (P. L. 905), known and cited as "The Vehicle Code," as last amended by the Act of the twenty-ninth day of June, one thousand nine hundred thirty-seven (P. L. 2329), by prescribing how speed shall be timed.

Referred to the Committee on Motor Vehicles.

By Mr. O'DARE. HOUSE BILL No. 635.

An Act to further amend section two of the act, approved the thirteenth day of June, one thousand eight hundred and eighty-three (P. L. 119), entitled "An act for the promotion of medical science by the distribution and use of unclaimed human bodies for scientific purposes through a board created for that purpose and to prevent unauthorized uses and traffic in human bodies," providing for the burial of such bodies unfit for anatomical purposes by the county commissioners in all counties.

Referred to the Committee on Public Health and Sanitation.

By Mr. SCANLON. HOUSE BILL No. 636.

An Act for the better government of cities of the first class of the Commonwealth, by providing, among other things, for a councilmanic form of government with a council elected for two years by proportional representation; a mayor elected as heretofore but for a term of two years; the creation, abolition and addition to number of departments and the addition to departments of certain functions pertaining to parks, detention and correction, planning within the city, weights and measures, and dependent, neglected, incorrigible and delinquent children; improvement of the civil service; increased control over finances by requiring balanced current and capital budgets and by greater control over the collection of charges, fees and taxes, and over payments of salaries and other expenditures out of the city treasury; improvements in the making and revision of assessments; the grant of home-rule to such cities; and penalties.

Referred to the Committee on Cities—First Class.

RESOLUTIONS INTRODUCED AND REFERRED

By Mr. TRONZO. RESOLUTION No. 43.

In the House of Representatives, March 20, 1939.

Whereas, The University of Pittsburgh, by virtue of its location in a great industrial center, should rank as a leading scholastic institution, and enjoy the confidence and good-will of all the citizens of Pennsylvania; and

Whereas, A small clique of administrators dominates not only the academic life, but also the financial structure of the University; and

Whereas, This clique, scornful of the opinion of those who have the best interests of the students and faculty at heart, are speedily bringing the University into disrepute; and

Whereas, The salaries paid to the chief administrative officers of the University are among the highest paid in the United States, while, at the same time, the salaries of those engaged in teaching our youth are correspondingly the lowest paid; and

Whereas, The public, from whose tax moneys great sums have been, and are being spent to defray these excessive salaries of the administrative officers of the University, are vitally interested in, and have no knowledge of, the finances of the University, therefore be it

Resolved, That the Auditor General make a detailed audit of all the receipts and expenditures of the University of Pittsburgh during the last two years, and that a copy of said audit be presented to the House of Representatives not later than the first day of May, one thousand nine hundred and thirty-nine.

Referred to the Committee on Rules.

By Messrs. HOLLAND and SEIF.

RESOLUTION No. 44.

In the House of Representatives, March 20, 1939.

Whereas, Gas rates in Pittsburgh, despite proximity of natural gas fields, always have been high as compared with gas rates of other cities; and

Whereas, The Peoples Natural Gas Company of Pittsburgh has announced a sharp increase in rates effective on May 17th of this year; and

Whereas, the proposed increase will affect only the small consumer; and

Whereas, The officers of the Peoples Natural Gas Company maintain that the company is entitled to a 6% earning on a reproduction value of \$60,000,000; therefore be it

Resolved, That the House of Representatives does hereby request the Public Utility Commission to conduct a thorough investigation of the alleged \$60,000,000 reproduction value of the Peoples Natural Gas Company of Pittsburgh, such investigation to include (1) an assessment of all real estate holdings of the company, and a comparison of such value with the assessment valuation for taxation purposes; (2) the number and amounts of stock dividends declared by the company on the original cash and property investment and profits reinvested in capital expenditures; (3) a comparison between such original and profit investments, with the amounts carried on the books of the company today; (4) the elements taken into consideration in arriving at the \$60,000,000 valuation, and the justification of each such element; and be it further

Resolved, That copies of this resolution be transmitted to the Chairman and to each of the members of the Public Utility Commission.

Referred to the Committee on Rules.

By Mr. HARKINS.

RESOLUTION No. 45.

In the House of Representatives, March 20, 1939.

Whereas The Peoples Natural Gas Company has applied to the Public Utility Commission for the approval of rate increases which would raise the price of gas to its consumers in Pittsburgh and Western Pennsylvania, and

Whereas The Pittsburgh Post Gazette, Pittsburgh Press and Pittsburgh Sun Telegraph in the news items concerning this proposed increase report that the City Officials of Altoona and Pittsburgh are opposed to this boost in rates, and

Whereas The House of Representatives should be informed as to the necessity of and the justification for such an increase as is proposed, therefore be it

Resolved, That the Public Utility Commission of the Commonwealth of Pennsylvania report to the House of Representatives the following information:

(1) The names and populations of the cities in Pennsylvania in which natural gas is used as a fuel.

(2) The cost of natural gas in each of the cities named in answer to question one.

(3) A tabulation of rates charged by the Peoples Natural Gas Company in Pittsburgh and rates which prevail in at least twenty-five other cities in The United States which use natural gas.

Referred to the Committee on Public Utilities.

SENATE MESSAGE

HOUSE BILL CONCURRED IN BY SENATE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 338.

An Act to amend Clause ten of Section two and Section Three hundred one of an Act approved the Twenty-seventh day of May one thousand nine hundred and thirty-seven (Pamphlet Laws one thousand and fifty-three) known as the "Public Utility Law" by excluding from the definition of "Facilities" as used therein property owned by municipal corporations of the Commonwealth of Pennsylvania when the said act became effective and providing that the Pennsylvania Public Utility Commission shall have power to regulate and fix the rates for service furnished by public utilities owned by municipal corporations of the Commonwealth of Pennsylvania only when the public service being furnished or rendered by any municipal corporations shall be beyond its corporate limits and extending such freedom from regulation and control by the Commission to public utility service furnished or rendered by an operating agency of any such municipal corporation.

With the information that the Senate has passed the same without amendment.

BILL SIGNED BY SPEAKER

Bill numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the title was publicly read as follows:

HOUSE BILL No. 338.

An Act to amend Clause ten of Section two and Section Three hundred one of an Act approved the Twenty-seventh day of May one thousand nine hundred and thirty-seven Pamphlet Laws one thousand and fifty-three known as the "Public Utility Law" by excluding from the definition of "Facilities" as used therein property owned by municipal corporations of the Commonwealth of Pennsylvania when the said act became effective and providing that the Pennsylvania Public Utility Commission shall have power to regulate and fix the rates for service furnished by public utilities owned by municipal corporations of the Commonwealth of Pennsylvania only when the public service being furnished or rendered by any municipal corporations shall be beyond its corporate limits and extending such freedom from regulation and control by the Commission to public utility service furnished or rendered by an operating agency of any such municipal corporation.

Whereupon,

The SPEAKER, in the presence of the House, signed the same.

LEAVE OF ABSENCE

Mr. Bretherick asked and obtained leave of absence for Mr. FISHER.

REPORTS FROM COMMITTEES

Mr. BOOSE from the Committee on Counties reported as committed, House Bill No. 567, entitled:

An Act to amend section one of the act, approved the nineteenth day of May, one thousand nine hundred and twenty-three (P. L. 275) entitled, "An act fixing the salary of sheriffs in counties of the eighth class; providing for the payment for the care and maintenance of prisoners, where the sheriff is the keeper or warden of the

jail; requiring all fees and mileage earned by sheriffs in such counties to be paid into the county treasury for the use of the county; and prescribing penalties," increasing the salary of sheriffs in such counties and providing for the payment of mileage thereto by the counties.

Mr. ECKELS from the Committee on Judiciary General reported as committed, House Bill No. 359, entitled:

An Act to add clause (f) to section twenty-three of the act, approved the seventh day of June, one thousand nine hundred seventeen (P. L. 403), entitled "An act relating to the form, execution, revocation, and interpretation of wills, to nuncupative wills; to the appointment of testamentary guardians to spendthrift trusts; to forfeiture of devise or legacy in case of murder of testator; to elections to take under or against wills, and to the recording and registering of such elections and of decrees relative thereto and to the fees therefor," by empowering the orphans' court, in certain cases, to extend the time for filing of elections by surviving spouses to take under or against wills of decedents.

Mr. STOCKHAM from the Committee on Appropriations as committed, House Bill No. 610, entitled:

A Supplement to the act, approved the twenty-first day of July, one thousand nine hundred and thirty-seven (Appropriation Acts page 74), entitled "An act to provide for the ordinary expenses of the Executive, Legislative, and Judicial Departments of the Commonwealth, interest on the public debt, and the support of the public schools for two years beginning June first, one thousand nine hundred and thirty-seven; and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending May thirty-first, one thousand nine hundred and thirty-seven," by lapsing a portion of the unobligated balance of the appropriation made to the Chief Clerk of the House of Representatives for the use of the Commission on Interstate Cooperation, and re-appropriating such lapsed moneys to the said Chief Clerk for the use of the Interstate Commission on the Delaware River Basin.

Mr. STAMBAUGH from the Committee on Judiciary Special reported as committed, House Bill No. 495, entitled:

An Act relating to the seizure of gambling machines or devices; requiring inventory of all moneys and articles seized; and imposing penalty.

Mr. ROSE from the Committee on Judiciary General reported as committed, House Bill No. 376, entitled:

An Act to add paragraph four to clause (a) of section forty-one of the act, approved the seventh day of June, one thousand nine hundred seventeen (P. L. 447), entitled as amended "An act relating to the administration and distribution of the estates of decedents and of minors, and of trust estates; including the appointment, bonds, rights, powers, duties, liabilities, accounts, discharge and removal of executors, administrators, guardians, and trustees herein designated as fiduciaries; the administration and distribution of the estates of presumed decedents; widow's and children's exemptions; debts of decedents, rents of real estate as assets for payment thereof, the lien thereof, sales and mortgages of real estate for the payment thereof, judgments and executions therefor, and the discharge of real estate from the lien thereof; contracts of decedents for the sale or purchase of real estate; legacies, including legacies charged on land; the discharge of residuary estates and of real estate from the lien of legacies and other charges; the appraisement of real estate devised at a valuation; the ascertainment of the curtilage of dwelling houses or other buildings devised; the abatement and survival of actions, and the substitution of executors and administrators therein; the survival of causes of action and suits thereupon by or against fiduciaries; investments by fiduciaries; the organization of corporations to carry on the business of decedents; the audit and review of accounts

of fiduciaries; refunding bonds; transcripts to the court of common pleas of balances due by fiduciaries; the rights, powers and liabilities of nonresident and foreign fiduciaries; the appointment, bonds, rights, powers, duties, and liabilities of trustees durante absentia; the recording and registration of decrees, reports and other proceedings, and the fees therefor; appeals in certain cases, and, also, generally dealing with the jurisdiction, powers, and procedure of the orphans' court in all matters relating to fiduciaries concerned with the estates of decedents," as amended, by permitting fiduciaries holding mortgages to accept deeds in lieu of foreclosures; and prescribing the effect thereof.

Mr. HUNTLEY from the Committee on Forestry reported as committed, House Bill No. 408, entitled:

An Act to repeal the act, approved the twelfth day of June, one thousand nine hundred seven (P. L. 527), entitled "An act establishing precautionary regulations to prevent forest fires on lands in which oil-wells and gaswells are situated, and diminish danger therefrom; making certain violations thereof misdemeanors, and prescribing punishment for the same, and in other cases affixing penalties and declaring liability for damages."

Mr. ROSE from the Committee on Counties reported as amended, House Bill No. 176, entitled:

An Act to amend the act approved the seventeenth day of June one thousand nine hundred and thirteen (Pamphlet Laws 507) entitled "An act to provide revenue for State and county purposes and in cities coextensive with counties for city and county purposes imposing taxes upon certain classes of personal property providing for the assessment and collection of the same providing for the duties and compensation of prothonotaries and recorders in connection therewith and modifying existing legislation which provided for raising revenue for State purposes" as amended by imposing the tax upon the value of certain equitable interests by excluding from the provisions of said act shares of stock of corporations liable to pay a franchise tax personal property held or possessed by certain executors administrators and fiduciaries and by employees thrift or savings associations personal property held by trustees for religious charitable scientific literary and educational organizations personal property held for non-residents and foreign corporations under certain circumstances and loans issued by first class or non-profit corporations and by making further provision for the return and payment of the tax by executors administrators trustees agents and attorneys-in-fact.

Mr. KANE from the Committee on Professional Licensure reported as committed, House Bill No. 453, entitled:

An Act to further amend section eight of the act approved the tenth day of June, one thousand nine hundred and thirty-one (P. L. 485), entitled "An act to provide for the better protection of life and health of the citizens of this Commonwealth by requiring and regulating the examination, licensure and registration of persons and registration of corporations engaging in the care, preparation and disposition of the bodies of deceased persons and providing penalties," by providing additional grounds for refusing, suspending or revoking licenses.

Mr. ATKINS from the Committee on Appropriations reported as committed, House Bill No. 574, entitled:

A Supplement to the act, approved the second day of July, one thousand nine hundred thirty-seven, (Appropriation Acts, page seventy-four), entitled "An act to provide for the ordinary expenses of the Executive, Legislative, and Judicial Departments of the Commonwealth, interest on the public debt, and the support of the public schools for two years beginning June first, one thousand nine hundred and thirty-seven; and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending May thirty-first, one thousand nine

hundred and thirty-seven," providing for deficiencies in certain appropriations for fiscal biennium ending May thirty-first, one thousand nine hundred thirty-nine and providing for the payment of certain of the deficiency appropriations out of revenues of the fiscal biennial period beginning June first, one thousand nine hundred thirty-nine.

Mr. ALSPACH, from the Committee on Judiciary General reported as committed, House Bill No. 362, entitled:

An Act to amend clause (d) of section fifty-nine of the act, approved the seventh day of June, one thousand nine hundred seventeen (P. L. 447), entitled as amended "An act relating to the administration and distribution of the estates of decedents and of minors, and of trust estates; including the appointment, bonds, rights, powers, duties, liabilities, accounts, discharge and removal of executors, administrators, guardians, and trustees, herein designated as fiduciaries; the administration and distribution of the estates of presumed decedents; widow's and children's exemptions; debts of decedents, rents of real estate as assets for payment thereof, the lien thereof, sales and mortgages of real estate for the payment thereof, judgments and executions therefor, and the discharge of real estate from the lien thereof; contracts of decedents for the sale or purchase of real estate; legacies, including legacies charged on land; the discharge of residuary estates and of real estate from the lien of legacies and other charges; the appraisal of real estate devised at a valuation; the ascertainment of the curtilage of dwelling houses or other buildings devised; the abatement and survival of actions, and the substitution of executors and administrators therein; the survival of causes of action and suits thereupon by or against fiduciaries; investments by fiduciaries; the organization of corporations to carry on the business of decedents; the audit and review of accounts of fiduciaries; refunding bonds; transcripts to the court of common pleas of balances due by fiduciaries; the rights, powers, and liabilities of nonresident and foreign fiduciaries; the appointment, bonds, rights, powers, duties, and liabilities of trustees durante absentia; the recording and registration of decrees, reports and other proceedings, and the fees therefor; appeals in certain cases; and, also generally dealing with the jurisdiction, powers, and procedure of the orphans' court in all matters relating to fiduciaries concerned with the estates of decedents," increasing the amount of estates of minors that may be paid without the appointment of a guardian; and prescribing the conditions of such payments by municipal, state or federal agencies.

Mr. ALSPACH, from the Committee on Judiciary General reported as committed, House Bill No. 366, entitled:

An Act making certain written reports or findings of fact made by officers of this Commonwealth competent legal evidence under certain conditions, providing for the cross-examination of certain persons in connection therewith, and making uniform the law with reference thereto.

Mr. BRETHERICK, from the Committee on Judiciary General reported as committed, House Bill No. 365, entitled:

An Act for the judicial notice of the laws of other jurisdictions and for proof thereof, and to make uniform the law with reference thereto.

Mr. BARDES, from the Committee on Cities—Second Class reported as committed, House Bill No. 483, entitled:

An Act regulating the appointing or election of deputy controllers in cities of the second class A; and prescribing their powers and duties.

Mr. COOPER from the Committee on Judiciary General reported as committed, House Bill No. 364, entitled:

An Act making business records competent legal evidence under certain conditions, and making uniform the law with reference thereto.

Mr. DIX from the Committee on Printing reported as committed, House Bill No. 172, entitled:

An Act to amend section two of the act, approved the twelfth day of July, one thousand nine hundred and nineteen (P. L. 941), entitled "An act providing for the preparation, contents, style, printing and binding of the Legislative Journal and its delivery and distribution; providing for the preparation, printing and binding of Journals of the Senate and House of Representatives; authorizing the appointment of official reporters, expert typewriters, clerks and other employes, and providing for their compensation and mileage; providing for the making of an appendix and index, the printing of wrappers or envelopes for mailing the Legislative Journal; and repealing all acts or parts of acts inconsistent herewith," by eliminating certain requirements as to matter to be printed in the Legislative Journal.

Mr. KRISE from the Committee on Judiciary General reported as committed, House Bill No. 374, entitled:

An Act to amend section three of article one, and section forty of article four of the act, approved the twentieth day of June, one thousand nine hundred nineteen (P. L. 521), entitled as amended "An act providing for the imposition and collection of certain taxes upon the transfer of property passing from a decedent who was a resident of this Commonwealth at the time of his death, and of property within this Commonwealth of a decedent who was a nonresident of the Commonwealth at the time of his death; defining and taxing transfers made in contemplation of death; defining as a transfer and taxing the right of survivorship in property as to which such right exists; and making it unlawful for any corporation of this Commonwealth, or national banking association located therein, to transfer the stock of such corporation or banking association, standing in the name of any such decedent, until the tax on the transfer thereof has been paid; and providing penalties; and citing certain acts for repeal," providing for the release of lien of inheritance tax on remainder interests in real estate in certain cases by entry of security therefor; and providing for the repayment of taxes paid in excess of amount due on future estates.

Mr. DALRYMPLE from the Committee on Public Health and Sanitation reported as committed, House Bill No. 260, entitled:

An Act to protect the public health by prohibiting the re-use of containers for flowers or floral designs at funerals by those dealing in the sale of flowers and floral emblems; and providing penalties.

Mr. AUKER from the Committee on Judiciary General reported as committed, House Bill No. 371, entitled:

An Act to provide for contribution among tortfeasors.

Mr. MADDEN from the Committee on Cities—Second Class reported as committed, House Bill No. 486, entitled:

An Act authorizing the appointment of a deputy mayor in cities of the second class A, and limiting and prescribing his powers and duties.

Mr. JACOB L. MOSER from the Committee on Judiciary General reported as committed, House Bill No. 369, entitled:

An Act to further amend section eleven of the act approved the twenty-sixth day of April, one thousand eight hundred and fifty-five (P. L. 328), entitled "An act relating to corporations and to estates held for corporate, religious and charitable uses," to change the duration of the period within which certain conveyances are void.

Mr. JACOB L. MOSER from the Committee on Judiciary General reported as committed, House Bill No. 370, entitled:

An Act to further amend section six of the act approved the seventh day of June, one thousand nine hundred and seventeen, (P. L. 403) entitled "An act relating to the form, execution, revocation, and interpretation of wills; to nuncupative wills; to the appointment of testamentary guardians; to spendthrift trusts; to forfeiture of devise or legacy in case of murder of testator; to elections to take under or against wills, and to the recording and registering of such elections and of decrees relative thereto, and to the fees therefor," to change the duration of the period within which certain bequests or devises are void.

Mr. RHODES from the Committee on Judiciary General reported as committed, House Bill No. 372, entitled:

An Act concerning the risk of loss after a contract to sell realty and to make uniform the law with reference thereto.

Mr. OMINSKY from Committee on Appropriations reported as committed, House Bill No. 575, entitled:

An Act authorizing the Commonwealth to negotiate temporary emergency loans to defray the current and other expenses of the State Government during the two fiscal years beginning the first day of June, one thousand nine hundred thirty-nine, evidenced by tax anticipation notes secured by and payable from current revenues, levied, assessed, collectible and accruing during such two fiscal years; defining the powers and duties of the Governor, the Auditor General, and the State Treasurer in relation thereto; providing for the payment of interest on and the repayment of such loans; and making an appropriation.

Mr. KEENAN, from the Committee on Cities—Second Class reported as committed, House Bill No. 480, entitled:

An Act regulating the appointment, promotion, suspension, reduction, removal, and reinstatement of employes (except chiefs, deputy chiefs and chief clerks) in bureaus of fire; and fire alarm operators and fire box inspectors in bureaus of electricity in cities of the second class; defining the powers and duties of Civil Service Commissions for such purpose in said cities; and repealing inconsistent legislation.

Mr. HOMER S. BROWN, from the Committee on Judiciary General reported as committed, House Bill No. 358, entitled:

An Act to amend section one of the act, approved the seventh day of June, one thousand nine hundred seventeen (P. L. 388), entitled "An act relating to the jurisdiction, powers, and procedure of the orphans' court and the court of common pleas as to sales, mortgages conveyances on ground-rent, leases, extinguishment of ground-rents, partition, exchange, squaring and adjusting of lines between adjoining owners, consolidation and combination of mining lands and the leasing thereof, the joining by owners of undivided interests in making and taking conveyances in order to change the route or location of any right of way or passage over adjoining or other lands, and the subdivision of premises so as to command the highest price or greatest rents, and, for such purpose, the laying out or dedication of roads streets and alleys or the vacation of such as have not been accepted by the public authorities, where the court shall be of opinion that such decree will be to the interest and advantage of all those interested; and where the legal title is held by minors, lunatics, habitual drunkards, or weak-minded persons, a married person whose spouse is a lunatic, or has abandoned him or her for one year or has been absent and unheard of for seven years; by corporations having no capacity to convey or by any unincorporated association, by any religious, beneficial, or charitable society or association, incorporated or unincorporated, and the title is subject to forfeiture if real estate is held in excess of the amount prescribed by its charter or by law; by a corporation, or individual or individuals; and is subject to a trust of any description whatever; by any person as to whom

a presumption of death may have arisen, or any interest wherein is held by any person under legal disability to dispose thereof; where the legal title is an estate tail or is subject to the lien of debts of a decedent not of record, contingent remainders, executory devises, or remainders to a class, some or all of whom may not be in being or ascertained; where estates shall have been devised or granted for special or limited purposes, where there is a power of sale but the time may not have arrived for its exercise, any preliminary act may not have been done to bring it into exercise, the time limited for its exercise may have expired, or any one or more persons required to consent or join in its exercise may be non compos mentis, have removed out of the State, have died, refuse to act, unreasonably withhold consent, or be absent and unheard of; where there has been or shall be a defective appointment in any deed or will, and the necessary power is not given to the executor, devisee, or appointee to make sale and conveyance; where a trust has been created, and no power conferred on the trustee to do any of the acts which the court is hereby empowered to authorize or confirm; and to the effects of such decrees," by conferring on the orphans' court concurrent jurisdiction with the court of common pleas in certain cases.

Mr. HINDMAN from the Committee on Professional Licensure reported as amended, House Bill No. 410, entitled:

An Act relating to the practice of the occupation or business of opticians and providing for the licensing and registration of opticians and optical technicians, and the registration of optician's apprentices, and for the revocation and suspension of such licenses and registrations, subject to appeal, and for their reinstatement; defining the powers and duties of the State Board of Examiners of Opticians and the Department of Public Instruction; and providing penalties.

Mr. WEISS from the Committee on Judiciary General reported as committed, House Bill No. 373, entitled:

An Act declaring valid provisions in wills and trust instruments directing that certain dividends upon the profits realized from corporate stock be treated in whole or in part either as principal or income; and repealing inconsistent legislation.

Mr. McKINNEY from the Committee on Appropriations reported as committed, House Bill No. 476, (Senate Bill No. 40), entitled:

An Act making an appropriation to the Department of Forests and Waters for the use of the Pennsylvania State Park and Harbor Commission of Erie and for the joint use of the Department of War of the United States Government and the Department of Forests and Waters of the Commonwealth of Pennsylvania and the use of the Department of Forests and Waters in cooperation with the Federal Beach Erosion Board.

Mr. EWING from the Committee on Forestry reported as committed, House Resolution No. 42.

Mr. ALLMOND from the Committee on Public Health and Sanitation reported as committed, House Resolution No. 31.

BILLS ON FIRST READING

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 24, entitled:

An Act prohibiting any political subdivision from imposing any income or occupation tax upon non-residents

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 556, (Senate Bill No. 79), entitled:

An Act permitting the county treasurer with the consent of the county commissioners or the approval of the court to adjourn county treasurers' sales of seated and unseated lands for non-payment of taxes in all counties except counties of the first class and preserving the lien of all taxes on such lands

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

BILLS ON SECOND READING

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 344, entitled:

An Act to amend section seventy-seven of the act approved the thirty-first day of March one thousand eight hundred and sixty (Pamphlet Laws 427) entitled "An act to consolidate revise and amend the laws of this Commonwealth relating to penal proceedings and pleadings" by permitting indictments against public officers and employees and their accomplices and confederates to be brought or exhibited within two years after such officer or employee shall have ceased to occupy such office or employment

The first section was read as follows:

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section seventy-seven of the act approved the thirty-first day of March one thousand eight hundred and sixty (Pamphlet Laws 427) entitled "An act to consolidate revise and amend the laws of this Commonwealth relating to penal proceedings and pleadings" is hereby amended to read as follows

Section 77 All indictments which shall hereafter be brought or exhibited for any crime or misdemeanor murder and voluntary manslaughter excepted shall be brought or exhibited within the time and limitation hereafter expressed and not after that is to say all indictments and prosecutions for treason arson sodomy buggery robbery burglary perjury counterfeiting forgery uttering or publishing any bank note check or draft knowing the same to be counterfeited or forged shall be brought or exhibited within five years next after the offence shall have been committed and all indictments and prosecutions for other felonies not named or excepted heretofore in this section and for all misdemeanors perjury excepted shall be brought or exhibited within two years next after such felony or misdemeanor shall have been committed Provided however That if the person against whom such indictment shall be brought or exhibited shall not have been an inhabitant of this state or usual resident therein during the said respective terms for which he shall be subject and liable to prosecution as aforesaid then such indictment shall or may be brought or exhibited against such person at any period within a similar space of time during which he shall be an inhabitant of or usually resident within this state And provided also That indictments for misdemeanors committed by any officer of a bank or other corporation may be commenced and prosecuted at any time within six years from the time the alleged offence shall have been committed And provided also That indictments for malfeasance misfeasance or nonfeasance in office or for extortion or blackmail by color of office or for embezzlement of public moneys or property or fraudulent conversion of public moneys or property or for any misdemeanor in office or for any conspiracy to commit any of said offences heretofore or hereafter committed by any officer or employee of this Commonwealth or of any agency thereof or of any city county borough township or school district or of any agency thereof and their accomplices and confederates may be brought or exhibited at any time within two

years from the time when said public officer or said employee shall have ceased to occupy such office or such employment

On the question,

Will the House agree to the section?

Mr. KANE. Mr. Speaker, I desire to offer the following amendment.

The SPEAKER. The amendment will be read by the Clerk.

The amendment read by the Clerk as follows:

Amend Sec. 1, page 3, by adding at the end of line 12, the following: "but in no event more than six years from the commission of the offence."

On the question,

Will the House agree to the amendment?

It was agreed to.

On the question,

Will the House agree to the section as amended?

It was agreed to.

The second section and title were separately read and agreed to as follows:

Section 2 This act shall become effective immediately upon its final enactment

An Act to amend section seventy-seven of the act, approved the thirty-first day of March, one thousand eight hundred and sixty (P. L. 427), entitled "An act to consolidate, revise and amend the laws of this Commonwealth relating to penal proceedings and pleadings," by permitting indictments against public officers and employees and their accomplices and confederates to be brought, or exhibited, within two years after such officer or employee shall have ceased to occupy such office or employment.

And said bill having been read at length the second time and agreed to as amended.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 424, entitled:

An Act to authorize cities of the first class of this Commonwealth to provide for the payment of certain deficits and indebtedness as herein defined in equal annual installments of two million five hundred thousand dollars (\$2,500,000) and to authorize the making of contracts the drawing of warrants and the approval thereof without appropriation for the payment of such deficits and indebtedness except as provided by this act and to levy and fix the tax rate and to make appropriations and prepare and formulate the financial programs of such cities upon the basis of the discharge of deficits and indebtedness in the manner provided by this act requiring annual provision for payment of mandamus executions and suspending inconsistent legislation

The first and second sections were separately read and agreed to as follows:

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 As used in this act the word "deficits" shall mean all unfunded obligations of the city and county of Philadelphia remaining unpaid as of the thirty-first day of December one thousand nine hundred and thirty-eight other indebtedness payable out of the current funds including indebtedness evidenced by outstanding writs of mandamus execution but not including obligations due the sinking fund commission

Section 2 Cities of the first class be and they are hereby authorized and directed to pay the amount of deficits as hereinabove defined which have arisen and which may arise on or before the thirty-first day of December

one thousand nine hundred and thirty-eight in equal annual installments during the year one thousand nine hundred and thirty-nine and succeeding years and to provide by appropriation for the payment thereof during the said years The council of said cities in levying and fixing the tax rate and in making appropriations and in framing and formulating their annual financial programs or budgets during the said years shall not be required to provide for or include therein the amount of such deficits as hereinabove defined except as to two million five hundred thousand dollars (\$2,500,000) for each year and the city controller in furnishing date for the preparation of the financial programs or budgets for said years as required by law shall take into account as a current liability of said cities by reason of such deficits to be discharged during each of said years only the said two million five hundred thousand dollars (\$2,500,000) and in countersigning and approving contracts and warrants he is hereby duly authorized to approve and countersign the same notwithstanding that no provision has been made by appropriation for the payment of the balance of the amounts of such accrued deficits and contracts may be entered into and warrants drawn and issued by municipal authorities of such cities and duly approved by the city controller although no appropriations have been made to discharge such deficits except as herein provided Provided however That all indebtedness arising from writs of mandamus executions incurred in accordance with law during the year one thousand nine hundred and thirty-nine or any subsequent year and not paid during such year shall be included and certified as a current liability by the city controller in furnishing date for the preparation of the financial programs or budgets for the next succeeding year and shall be provided for in the budget and tax levy for such next succeeding year

The third section was read as follows:

Section 3 So much of article seventeen of the act approved the twenty-fifth day of June one thousand nine hundred and nineteen (Pamphlet Laws 581) entitled "An act for the better government of cities of the first class of this Commonwealth" and of all other parts of such act or acts inconsistent herewith be and the same are suspended to the extent of such inconsistency during the period for which the provisions of this act shall remain in effect

On the question,

Will the House agree to the section?

Mr. CLEARWATER. Mr. Speaker, I desire to offer the following amendment.

The SPEAKER. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend sec. 3, page 3, line 26, by inserting after the word "effect" the following: "and the act approved the twenty-fifth day of June, one thousand nine hundred and thirty-seven, (P. L. 2061), entitled 'An act to authorize cities of the first class of this Commonwealth to provide for the payment of certain deficits and indebtedness, as herein defined, in five equal, annual installments; and to authorize the making of contracts, the drawing of warrants and the approval thereof, without appropriation, for the payment of such deficits and indebtedness, except as provided by this act; and to levy and fix the tax rate, and to make appropriations, and prepare and formulate the financial programs of such cities upon the basis of the discharge of such cities upon the basis of the discharge of such deficits and indebtedness, in the manner provided by this act; requiring annual provision for payment of mandamus executions; and suspending inconsistent legislation,' is hereby repealed."

On the question,

Will the House agree to the amendment?

It was agreed to.

On the question,

Will the House agree to the section as amended?

It was agreed to.

The fourth and fifth sections were separately read and agreed to as follows:

Section 4 It is hereby declared that the provisions of this act are severable one from another and if for any reason any provision or part of this act is held by the court to be unconstitutional or invalid for any reason such decision of the court shall not affect or impair any of the remaining provisions or parts of this act. It is hereby declared as the legislative intent that this act would have been adopted had such provision or part hereof not been included herein

Section 5 This act shall become effective immediately upon final enactment

The title was read as follows:

An Act to authorize cities of the first class of this Commonwealth to provide for the payment of certain deficits and indebtedness as herein defined in equal annual instalments of two million five hundred thousand dollars (\$2,500,000); and to authorize the making of contracts, the drawing of warrants and the approval thereof, without appropriation, for the payment of such deficits and indebtedness, except as provided by this act; and to levy and fix the tax rate, and to make appropriations, and prepare and formulate the financial programs of such cities upon the basis of the discharge of deficits and indebtedness, in the manner provided by this act; requiring annual provision for payment of mandamus executions; and suspending inconsistent legislation.

On the question,

Will the House agree to the title?

Mr. CLEARWATER. Mr. Speaker, I desire to offer the following amendment.

The SPEAKER. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend title, page 1, line 14 of title, by inserting after the word "suspending" the following: "and/or repealing".

On the question,

Will the House agree to the amendment?

It was agreed to.

On the question,

Will the House agree to the title amended?

It was agreed to.

And said bill having been read at length the second time and agreed to as amended.

Ordered, To be transcribed for a third reading.

MOTION TO POSTPONE

Mr. OMINSKY. Mr. Speaker, I move that House Bill No. 424, Printer's No. 47 be placed on the postponed calendar.

On the question,

Will the House agree to the motion?

Mr. OMINSKY. Mr. Speaker and members of the House, in moving to place this bill on the postponed calendar, I feel that we are not yet in position to vote on this measure, because of the fact that the Supreme Court today is deliberating on the question of the gas lease in Philadelphia.

This bill, as you all know, is a measure to alleviate the budget crisis in Philadelphia, and if the gas lease as passed by this House, and as I understand by the Senate, is declared constitutional or legal by the Supreme Court, I don't think it will be necessary for this measure to be

passed to help the Philadelphia situation. Therefore, it is only fair that a bill of this kind shall be held on the calendar until we know what the status of the gas lease will be, whether or not the Supreme Court will allow forty million dollars or fifty million dollars under the resolution of Council of the City of Philadelphia. I ask the membership of this House to vote for the placing of this bill on the postponed calendar at this time.

Mr. SWEENEY. Mr. Speaker and members of the House, I rise at this time to oppose Mr. Ominsky's motion. What he says is perfectly true, that if the Supreme Court sitting in Pittsburgh decides that the sale of the gas rentals is valid, we will not need this bill, but if we get an adverse decision, we will then need this bill to help us balance our budget in Philadelphia, so I can see no advantage to be gained by delaying this bill. We can pass it here and send it over to the Senate, and if a decision comes down against it, we will be in a position to balance our budget. I ask the members of the House to vote against this motion.

On the question recurring,

Will the House agree to the motion?

It was not agreed to.

BILL ON SECOND READING

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 334, as follows:

An Act to amend section two of the act approved the twenty-first day of June one thousand nine hundred and thirty-five (P. L. 397) entitled "An act making it unlawful to tatoo a minor without the consent of the parents or guardian" by making the violation of the act a misdemeanor and increasing the penalty

The first section was read as follows:

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1 Section two of the act approved the twenty-first day of June one thousand nine hundred and thirty-five (P. L. 397) entitled "An act making it unlawful to tatoo a minor without the consent of the parents or guardian" is hereby amended to read as follows:

On the question,

Will the House agree to the section?

BILL RECOMMITTED

Mr. McVAY. Mr. Speaker, I move that this bill be recommitted to the Committee on Judiciary Special for the purpose of further study and possible amendment.

The motion was agreed to.

BILL ON SECOND READING

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 463, as follows:

An Act to further amend section two hundred and forty-six of the act approved the second day of May one thousand nine hundred and twenty-nine (P. L. 1278) entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto" changing the qualifications of the district attorney

The first section was read as follows:

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1 Section two hundred and forty-six of the act approved the second day of May one thousand nine hundred and twenty-nine (P. L. 1278) entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto" as last amended by the act approved the first day of July one thousand nine hundred and thirty-seven (P. L. 2619) is hereby further amended to read as follows

Section 246 Qualifications Eligibility Compensation The district attorney shall be a person learned in the law who has been admitted to practice as an attorney in the Supreme or Superior Court of this Commonwealth for at least two years preceding the time [of his election or appointment] for taking the oath of office and who shall have resided in the county for which he is elected or appointed for two years next preceding his election or appointment and who is a resident of such county In counties of the third class the district attorney shall receive a salary of seven thousand five hundred dollars (\$7,500) per annum

In counties of the fourth class the district attorney shall receive a salary of six thousand dollars (\$6,000) per annum

In counties of the sixth class the district attorneys shall receive annual salaries depending upon the population of the county as follows

(a) Fifty thousand and more but less than sixty thousand twenty-four hundred dollars (\$2400)

(b) Sixty thousand and more but less than seventy thousand twenty-seven hundred dollars (\$2700)

(c) Seventy thousand and more but less than eighty thousand three thousand dollars (\$3000)

(d) Eighty thousand and more but less than ninety thousand thirty-three hundred dollars (\$3300)

(e) Ninety thousand and more but less than one hundred thousand thirty-eight hundred dollars (\$3800)

In counties of the seventh class the district attorneys shall receive annual salaries depending upon the population of the county as follows

(a) Twenty thousand and more but less than thirty thousand fifteen hundred dollars (\$1500)

(b) Thirty thousand and more but less than forty thousand eighteen hundred dollars (\$1800)

(c) Forty thousand and more but less than fifty thousand twenty-one hundred dollars (\$2100)

In counties of the eighth class the district attorneys shall receive annual salaries depending upon the population of the county as follows

(a) Less than ten thousand seven hundred and fifty dollars (\$750)

(b) Ten thousand and more but less than twenty thousand nine hundred dollars (\$900)

In all other classes of counties the district attorney shall receive the salary now provided by law

No district attorney shall be eligible to a seat in the Legislature or to any other office under the laws and Constitution of the State excepting an office or commission in the militia of the State during his continuance in office

On the question,

Will the House agree to the section?

BILL RECOMMITTED

Mr. KANE. Mr. Speaker, I move that this bill be re-committed to the Committee on Judiciary General for the purpose of further study and possible amendment.

On the question,

Will the House agree to the motion?

Mr. KANE. Mr. Speaker, I realize that this is an unusual request not to have the bill sent back to the Committee from which it emanated but it is not because of any dissatisfaction with this Committee in any way. A great many amendments have been offered, and practically all offered by persons who are members of the Judiciary

General Committee—I, myself, am a member of that Committee—and in order to save the time of the House. I thought it might be agreeable to send it to that Committee. The Chairman of the Judiciary General Committee is agreeable that the Chair refer this bill to his Committee in order that it might be considered at tomorrow's meeting with the amendments.

On the question recurring,

Will the House agree to the motion?

It was agreed to.

BILLS ON SECOND READING

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 473, as follows:

An Act to further amend a part of section one of article three of the act approved the seventh day of March one thousand nine hundred and one (Pamphlet Laws 20) entitled "An act for the government of cities of the second class" providing for the removal and dismissal of policemen in cities of the second class

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 That so much of section one of article three of the act approved the seventh day of March one thousand nine hundred and one (Pamphlet Laws 20), entitled "An act for the government of cities of the second class" as relates to the removal and dismissal of policemen in cities of the second class which was reenacted and amended by the act approved the fifteenth day of June one thousand nine hundred and thirty-seven (Pamphlet Laws 1761) is hereby further amended to read as follows

(a) No policeman regularly appointed under this act shall be removed or dismissed without his written consent except by the decision of a court either of trial or inquiry duly determined and certified in writing to the mayor which court shall be composed of [not less than] three [and not more than five] persons belonging to the police force equal or superior in official position therein to the accused. Such decision shall only be determined by trial of charges with plain specifications made by or lodged with the director of the department of public safety of which trial the accused shall have due notice and at which he shall have the right to be present in person and by a brother officer to act as his counsel. The persons composing such court shall be appointed as hereinafter provided and sworn by the director of the department of public safety to perform their duties impartially and without fear or favor and the person of highest rank in such court shall have the same authority to issue and enforce process to secure the attendance of witnesses and to administer oaths to witnesses as is possessed by any justice of the peace of this Commonwealth

Such charges may be of disability for service in which case the court shall be one of inquiry whose decision may be for the honorable discharge from the service of the person concerned or of neglect or violation of law or duty inefficiency intemperance disobedience of orders or unbecoming official or personal conduct in which cases the court shall be one of trial and its decision may authorize the director of the department of public safety to impose fines and pecuniary penalties to be stopped from pay or to suspend from pay or duty or both for a period fixed by them not exceeding one year or to dismiss from the service. The right of appeal of the decision of the trial board shall be made within five days to the civil service board

It shall be lawful for the director of the department of public safety at his discretion to suspend from duty before trial any person charged as aforesaid until such trial can be had with or without pay as such court shall afterward determine but no trial shall be delayed for more than one month after charge has been made the finding of the court of trial or inquiry as aforesaid shall be of no effect until approved by the mayor

(b) The members of such court of inquiry or trial shall be selected as follows namely The director of the department of public safety shall in the presence of the accused and a brother officer acting as his counsel as aforesaid cause the names of at least twenty-five members in said police department equal or superior in rank to the accused as to civil service rating to be written upon separate slips of paper of the same size color and texture and folded or rolled so that the names thereon cannot be distinguished until drawn as hereinafter provided cause said slips to be placed in a box from which the same are to be drawn by lot by some disinterested person until seven names have been drawn therefrom whereupon the director of the department of public safety and the accused shall each in order be entitled to exercise challenges until only three names are left and said three persons shall compose said court either of trial or inquiry as the case may be

Section 2 All acts and parts of acts inconsistent herewith are hereby repealed

Section 3 This act shall become effective immediately upon its final enactment

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 356, as follows:

An Act to make void all gifts for religious or charitable uses to take effect on the death of the donor unless made at least thirty days before such death and to make unenforceable all promises to give real or personal property for such uses unless made at least thirty days before the death of the promisor

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Any gift for religious or charitable uses hereafter made to take effect in possession or enjoyment at or after the death of the donor shall be void unless made at least thirty days before such death and any promise hereafter made to give real or personal property for religious or charitable uses shall be unenforceable unless made at least thirty days before the death of the promisor

Section 2 Section eleven of the act approved the twenty-sixth day of April one thousand eight hundred fifty-five (Pamphlet Laws 328) entitled "An act relating to corporations and to estates held for corporate religious and charitable uses" and its amendments are hereby repealed absolutely

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 282, as follows:

An Act to repeal the act approved the twenty-second day of September one thousand nine hundred and thirty-eight (Pamphlet Laws 37) entitled "An act relating to and removing the remaining additional persons now serving as Pennsylvania members of the Delaware River Joint Commission by virtue of appointment by the General Assembly under the act approved June twelfth one thousand nine hundred and thirty-one (Pamphlet Laws five hundred seventy-five) entitled 'An act providing for joint action by Pennsylvania and New Jersey in the development of the ports on the lower Delaware River and the improvement of the facilities for transportation across the river authorizing the Governor for these purposes to enter into an agreement with New Jersey creating The Delaware River

Joint Commission and specifying the powers and duties thereof including the power to finance projects by the issuance of revenue bonds transferring to the new commission all the powers of The Delaware River Bridge Joint Commission and making an appropriation' and providing for the appointment of their successors"

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The act approved the twenty-second day of September one thousand nine hundred and thirty-eight (Pamphlet Laws 37) entitled "An act relating to and removing the remaining additional persons now serving as Pennsylvania members of The Delaware River Joint Commission by virtue of appointment by the General Assembly under the act approved June twelfth one thousand nine hundred and thirty-one (Pamphlet Laws five hundred seventy-five) entitled 'An act providing for joint action by Pennsylvania and New Jersey in the development of the ports on the lower Delaware River and the improvement of the facilities for transportation across the river authorizing the Governor for these purposes to enter into an agreement with New Jersey creating The Delaware River Joint Commission and specifying the powers and duties thereof including the power to finance projects by the issuance of revenue bonds transferring to the new commission all the powers of The Delaware River Bridge Joint Commission and making an appropriation' and providing for the appointment of their successors" is hereby repealed absolutely

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 474, entitled:

An Act to further amend section three of the act approved the twenty-eighth day of June one thousand nine hundred thirty-five (P. L. 452) entitled "An act to promote the welfare of the people of the Commonwealth creating a General State Authority as a body corporate and politic with power to construct improve and operate projects and to lease the same and to fix and collect fees rentals and charges for the use thereof authorizing and regulating the issuance of bonds by said Authority and providing for the payment of such bonds and the rights of the holders thereof and to enter into agreements with the Government of the United States or any Federal agency and authorizing the Department of Property and Supplies to grant assign convey or lease to the Authority lands of the Commonwealth and interests therein and to acquire lands therefor granting the right of eminent domain and providing that no debt of the Commonwealth shall be incurred in the exercise of any of the powers granted by this act" fixing terms for the appointed members of the General State Authority and terminating the terms of present members

The first section was read as follows:

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section three of the act approved the twenty-eighth day of June one thousand nine hundred thirty-five (P. L. 452) entitled "An act to promote the welfare of the people of the Commonwealth creating a General State Authority as a body corporate and politic with power to construct improve and operate projects and to lease the same and to fix and collect fees rentals and charges for the use thereof authorizing and regulating the issuance of bonds by said Authority and providing for the payment of such bonds and the rights of the holders thereof and to enter into agreements with the Government of the United States or any Federal agency and authorizing the Department of Property and Supplies to grant assign convey or lease to the Authority lands of the Commonwealth and interests therein and to acquire lands therefor granting the right of eminent domain and providing that no

debt of the Commonwealth shall be incurred in the exercise of any of the powers granted by this act" as last amended by section one of the act approved the fourth day of June one thousand nine hundred thirty-seven (P. L. 1602) is hereby further amended to read as follows

Section 3 General State Authority The Governor of the State the State Treasurer the Auditor General the Secretary of Internal Affairs the Secretary of Property and Supplies the Speaker of the House of Representatives and the President pro tempore of the Senate and their respective successors in office and three citizens of Pennsylvania one to be appointed by the Governor one by the Speaker of the House of Representatives and one by the President pro tempore of the Senate are hereby created a body corporate and politic constituting a public corporation and governmental instrumentality by the name of "The General State Authority" Said members of the Authority shall be entitled to no compensation for their services as members but shall be entitled to reimbursement for all necessary expenses incurred in connection with the performance of their duties as members The term of each appointed member shall expire with the term of the officer appointing him Any vacancy happening among the appointed members of the Authority shall be filled by appointment by the Governor Speaker of the House of Representatives or President pro tempore of the Senate as the case may be

In the case of each appointed member now serving where the term of office of the officer who appointed him has already expired the term of office of such appointed member is hereby terminated as of the effective date of these amendments

On the question,

Will the House agree to the section?

Mr. DENMAN. Mr. Speaker, I desire to offer the following amendment.

The SPEAKER. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend sec. 1 (Sec. 3), page 3, lines 19, 20 and 21, by striking out with heavy-faced brackets, the following: H "each appointed member shall expire with the term of the officer appointing him" and insert in lieu thereof "the member appointed by the Governor shall expire with the term of the Governor appointing him. The terms of the two other appointed members shall expire on the first Tuesday of January of the odd-numbered year following the date of his appointment."

On the question,

Will the House agree to the amendment?

It was agreed to.

On the question,

Will the House agree to the section as amended?

It was agreed to.

The second section and title were separately read and agreed to as follows:

Section 2 This act shall become effective immediately upon final enactment

An Act to further amend section three of the act approved the twenty-eighth day of June one thousand nine hundred thirty-five (P. L. 452) entitled "An act to promote the welfare of the people of the Commonwealth creating a General State Authority as a body corporate and politic with power to construct improve and operate projects and to lease the same and to fix and collect fees rentals and charges for the use thereof authorizing and regulating the issuance of bonds by said Authority and providing for the payment of such bonds and the rights of the holders thereof and to enter into agreements with the Government of the United States or any Federal agency and authorizing the Department of Property and Supplies to grant assign convey or lease to the Authority lands of the Commonwealth and interests therein and to

acquire lands therefor granting the right of eminent domain and providing that no debt of the Commonwealth shall be incurred in the exercise of any of the powers granted by this act" fixing terms for the appointed members of the General State Authority and terminating the terms of present members

On the question,

Will the House agree to the bill on second reading?

Mr. HERBERT B. COHEN. Peculiar as it may seem, I am not going to in any manner question at this time the passage of this bill on second reading. Last evening I desired to call to the attention of the sponsor of this bill certain very necessary remedial amendments that are required in order to make this bill a proper enactment.

I feel that this bill is more or less a justification of the position that I have taken relative to my refusal to acquiesce in a dismissal from the General State Authority, but nevertheless since the membership of the House in a proper manner is attempting to effectuate this dismissal, I feel that if they are passing a bill, they ought to pass the best type of bill possible.

One of the amendments that has just been introduced is upon a subject that I desire to cover. There are other amendments that are required in order to make this bill a proper type of enactment. I might call to the attention of the members of the House that the bill as it is presently drawn and amended contains no provision whatsoever for the removal of an appointed member. The General State Authority, as the membership possibly might know, is not considered to be a function of the Commonwealth, and is therefore not included in the Constitutional provisions relative to removal from office. Under those circumstances, in order to make this a workable piece of legislation, it will be necessary to further amend the bill so that in addition to designating the expiration of the terms of the appointed members, there should also be included in the bill a provision effectuating the removal of the appointed members at a time prior to the expiration of the term of their appointment, or before the first Tuesday in January in the odd numbered year following appointment.

There are other administrative problems in this General State Authority Act that require amendment. One of the most vexatious problems with which the Authority has been confronted is the difficulty at all times to secure a quorum. The act requires that every action of the Authority be enacted with and by the consent of the majority of the members of the Authority. At the present time there are ten members of the Authority, which necessitates a quorum of six members before any action whatsoever can be taken by the Authority, irrespective of how superficial that action might be.

The membership of the Authority includes the Governor, the Secretary of Property and Supplies, the Auditor General, the State Treasurer, and also includes the appointees of the Governor and also other members of the Governor's Cabinet. It is difficult at times to secure participation in the Authority's business by all of these men who are exceedingly busy. Under those circumstances I would recommend that the bill be further amended so that certain functions of the Authority may be delegated to an executive committee which would function and whose actions would be subsequently ratified

by the Authority board. I might state that that is the procedure followed in most of our corporate institutions, in which a committee functions throughout the work of the corporation and whose actions are subsequently ratified by the entire board of directors. Under those circumstances I feel that the bill in its present form should not be passed and I would recommend that the bill be held over until I can further discuss these particular amendments with the sponser of the bill so that a perfect piece of legislation might be enacted.

On the question recurring,

Will the House agree to the bill on second reading?
It was agreed to.

Ordered, To be transcribed for a third reading.

MOTION TO POSTPONE

Mr. HERBERT B. COHEN. Mr. Speaker, I move that House Bill No. 474, Printer's No. 65, as amended, be placed upon the postponed calendar.

On the question,

Will the House agree to the motion?

Mr. DENMAN. Mr. Speaker, I rise to object to the placing of this bill on the postponed calendar. The bill was regularly called up and is, I believe, in proper form for passage. I ask that the question be put to the House.

On the question recurring,

Will the House agree to the motion?

It was not agreed to.

BILLS ON SECOND READING

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 441, as follows:

An Act to further amend clause (c) of section two of an act approved the seventh day of June one thousand nine hundred and seventeen (Pamphlet Laws 447) entitled as amended "An act relating to the administration and distribution of the estates of decedents and of minors and of trust estates including the appointment bonds rights powers duties liabilities accounts discharge and removal of executors administrators guardians and trustees herein designated as fiduciaries the administration and distribution of the estates of presumed decedents widow's and children's exemptions debts of decedents rents of real estate as assets for payment thereof the lien thereof sales and mortgages of real estate for the payment thereof judgments and executions therefor and the discharge of real estate from the lien thereof contracts of decedents for the sale or purchase of real estate legacies including legacies charged on land the discharge of residuary estates and of real estate from the lien of legacies and other charges the appraisement of real estate devised at a valuation the ascertainment of the curtilage of dwelling houses or other buildings devised the abatement and survival of actions and the substitution of executors and administrators therein the survival of causes of action and suits thereupon by or against fiduciaries investments by fiduciaries the organization of corporations to carry on the business of decedents the audit and review of accounts of fiduciaries refunding bonds transcripts to the court of common pleas of balances due by fiduciaries the rights powers and liabilities of nonresident and foreign fiduciaries the appointment bonds rights powers duties and liabilities of trustees durante absentia the recording and registration of decrees reports and other proceedings and the fees therefor appeals in certain cases and also generally dealing with the jurisdiction powers and procedure of the orphans' court in all mat-

ters relating to fiduciaries concerned with the estates of decedents" by providing for the distribution by the orphans' court of certain estates of persons dying intestate

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Clause (c) of Section two of an act approved the seventh day of June one thousand nine hundred and seventeen (Pamphlet Laws 447) entitled as amended "An act relating to the administration and distribution of the estates of decedents and of minors and of trust estates including the appointment bonds rights powers duties liabilities accounts discharge and removal of executors administrators guardians and trustees herein designated as fiduciaries the administration and distribution of the estates of presumed decedents widow's and children's exemptions debts of decedents rents of real estate as assets for payment thereof the lien thereof sales and mortgages of real estate for the payment thereof judgments and executions therefor and the discharge of real estate from the lien thereof contracts of decedents for the sale or purchase of real estate legacies including legacies charged on land the discharge of residuary estates and of real estate from the lien of legacies and other charges the appraisement of real estate devised at a valuation the ascertainment of the curtilage of dwelling houses or other buildings devised the abatement and survival of actions and the substitution of executors and administrators therein the survival of causes of action and suits thereupon by or against fiduciaries investments by fiduciaries the organization of corporations to carry on the business of decedents the audit and review of accounts of fiduciaries refunding bonds transcripts to the court of common pleas of balances due by fiduciaries the rights powers and liabilities of nonresident and foreign fiduciaries the appointment bonds rights powers duties and liabilities of trustees durante absentia the recording and registration of decrees reports and other proceedings and the fee therefor appeals in certain cases and also generally dealing with the jurisdiction powers and procedure of the orphans' court in all matters relating to fiduciaries concerned with the estates of decedents" as last amended by the act approved the thirteenth day of May one thousand nine hundred and twenty-five (Pamphlet Laws 687) is hereby further amended to read as follows

(c) Whenever letters of administration are by law necessary the register having jurisdiction shall grant them in such form as the case shall require to the surviving spouse if any of the decedent or to such of his or her relations or kindred as by law may be entitled to the residue of his or her personal estate or to a share or shares therein after payment of his or her debts or he may join with the surviving spouse in the administration such relations or kindred or such one or more of them as he shall judge will best administer the estate preferring always of those so entitled such as are in the nearest degree of consanguinity with the decedent and in case of the refusal or incompetency of every such person to one or more of the principal creditors of the decedent applying therefor to any fit person at his discretion Provided That if such decedent was a married person the surviving spouse shall be entitled to the administration in preference to all other persons And provided further That in all cases of an administration with a will annexed where there is a general residue of the estate bequeathed the right to administer shall belong to those having the right to such residue and the administration in such case shall be granted by the register to such one or more of them as he shall judge will best administer the estate

When any decedent shall die intestate leaving an estate of real or personal property not exceeding in value two hundred (\$200.00) dollars it shall be lawful for the orphans' court without the grant of letters of administration to make distribution thereof to the parties entitled thereto had letters been granted an account filed and audited and distribution made under such rule of court as may be established by general order or by special order made in each estate

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 400, as follows:

An Act to amend the title and the act approved the nineteenth day of May one thousand eight hundred and eighty-seven (Pamphlet Laws 132) entitled "An act to give preference of appointment or employment to honorably discharged soldiers sailors and marines who fought for the Union cause in the late war of the rebellion" by extending the same preference to veterans and nurses of any war in which the United States has engaged

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The title and the act approved the nineteenth day of May one thousand eight hundred and eighty-seven (Pamphlet Laws 132) entitled "An act to give preference of appointment or employment to honorably discharged soldiers sailors and marines who fought for the Union cause in the late war of the rebellion" are hereby amended to read as follows

AN ACT

To give preference of appointment or employment to honorably discharged soldiers sailors and marines who fought for the [Union cause in the late war of the rebellion] United States in wars in which the United States has been engaged

Whereas There are no laws in the State of Pennsylvania giving preference of appointment or employment to honorably discharged soldiers sailors [and] marines and nurses who fought for the [Union cause in the late war of the rebellion] United States in the wars in which the United States has engaged

And Whereas, The sacrifices trials and sufferings they have endured entitle them to special recognition therefore

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That in every department and upon all public works of the State of Pennsylvania: honorably discharged [Union] soldiers sailors [and] marines and nurses [of the late rebellion] who were engaged in the military or naval service of the United States during any war in which the United States engaged shall be preferred for appointment and employment a loss of limb or other physical impairment which does not in fact incapacitate shall not be deemed to disqualify them provided they possess the other requisite qualifications.

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 243, entitled:

An Act regulating the selection drawing and summoning of all jurors and talesmen in counties of the third class and defining their qualifications in such counties creating a jury board and defining its powers and procedure providing for the appointment of a clerk to the jury board and fixing his maximum salary providing for the custody of the jury wheel and the filing and custody of jury lists providing for the public drawing of jurors and the methods thereof giving the trial judge the right to excuse jurors prescribing the time of challenging jurors or the array regulating the procedure if array is quashed providing for the drawing of names of jurors from wheels heretofore filled and repealing inconsistent acts.

The first and second sections were separately read and agreed to as follows:

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Organization of Jury Board Within ten days after the passage and approval of this act and annually thereafter there shall be organized in each county of the third class a jury board consisting of the judges of the court of common pleas and the two elected jury commissioners of such county The president judge shall be the chairman of the board One of the judges of the court of common pleas and the two commissioners or one of said commissioners and two of said judges shall constitute a quorum of said board The court of common pleas in each county of the third class shall appoint a clerk to the jury board to serve at the pleasure of the court His duties shall be such as are prescribed by this act and any other duties incidental thereto His salary shall be fixed by the court of common pleas and shall not exceed nine hundred dollars (\$900) per year and shall be paid by the county

Section 2 Qualifications of Jurors Only adult citizens of the United States residents of the county and able to understand the English language shall be eligible as jurors Persons under indictment whether for felonies or misdemeanors and persons who have been convicted of felonies are ineligible for jury service Attorneys-at-law and physicians in active practice shall not be listed for jury service If the name of any person who is ineligible for jury service is placed on the jury list the name of such person may be stricken off by the court of common pleas over and terminer or quarter sessions on motion made and proof offered of such ineligibility This power may be exercised at any time before any such juror is called and sworn as a member of any jury

The third section was read as follows:

Section 3 Selection of Jurors for Jury List On or before the tenth day of October of each year each member of the jury board shall deliver to the clerk a list containing the names of said member's proportionate share of the number of qualified jurors required for jury service for the ensuing year as established by the court of common pleas in its last order filed on the subject and in addition thereto fifty names of other persons qualified for jury service The clerk shall eliminate from said lists any duplicate names and the persons from whose lists said duplicates have been eliminated shall furnish substitutes therefor All of these lists shall be published in two newspapers of general circulation in the county if the court so orders The clerk shall combine these lists into one complete list arranged alphabetically and shall deliver a copy of this complete list to each member of the jury board on or before October fifteenth Between the fifteenth and thirtieth days of November in each year at a date and hour to be fixed by the president judge of which the other members of the board shall have due notice the jury board shall meet in the office of the president judge and shall select from the complete list the jurors for the official jury list hereinafter referred to By a vote of a majority of the members of the jury board any names not exceeding three hundred in number may be stricken from the complete list or by a vote of all the members of the jury board less one any number of names may be stricken from said list If so many names are stricken from the complete list that there will be a deficiency of jurors for the ensuing year the jury board shall by a vote of at least all members of the board less one select qualified substitutes Substitutes shall be proposed by the members of the jury board in rotation The names of persons approved for jury service as herein provided with their addresses and occupations shall be typewritten by the clerk upon a list to be known as the official jury list alphabetically according to the jurors' surnames and shall be numbered consecutively beginning with number one This list shall be in duplicate and shall be signed by the jury commissioners by at least two judges of the court of common pleas and by the clerk to the jury board One copy of this list shall be filed in the office of the prothonotary and shall be open to in-

spection by order of the court and the other copy shall be delivered to the president judge of the court of common pleas and be open to inspection by any judge of said court. At any time before the names on said list are placed in the jury wheel any name on said list may be stricken off by a vote equaling that of all the members of the jury board less one and by the same vote other names may be substituted therefor if the board desires to do so.

On the question,

Will the House agree to the section?

Mr. CORDIER. Mr. Speaker, I desire to offer the following amendment.

The SPEAKER. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend Section 3, on Page 3, by striking out lines 17 and 18 after the word "county", the following: "if the court so orders" and inserting in lieu thereof, the following: "one time not later than October twentieth"

On the question,

Will the House agree to the amendment?

It was agreed to.

On the question,

Will the House agree to the section as amended?

It was agreed to.

The fourth to the thirteenth sections inclusive and title were separately read and agreed to as follows:

Section 4 Placing Names in Jury Wheel The names occupations addresses and numbers on said official jury list shall be typewritten by the clerk upon separate and uniform slips of paper and shall be folded so as to conceal the names on these slips and be placed by the clerk in the jury wheel in the presence of the jury commissioners and at least one judge of the court of common pleas. This shall be done at a time fixed by order of the president judge soon after the last drawing from the wheel during the current calendar year. The court may by order filed prescribe the form of the jury wheel and its lock and the care and custody of said wheel and the keys thereto. The wheel shall be emptied and its contents destroyed after the last drawing of jurors in the calendar year. Within ten days after the approval of this act the jury commissioners and the sheriff of each county of the third class shall deliver to the president judge of the court of common pleas the jury wheel and the keys thereto.

Section 5 Drawing of and Notices to Jurors The issuing of writs commanding the impaneling and summoning of jurors to serve as jurors in the trial of any issue triable by jury in the several courts of the counties affected by this act and to serve as grand jurors shall be as now provided by law except the appropriate writs shall be directed not as heretofore to the sheriff and commissioners but to the jury board commanding it to impanel and summon such jurors as required under the law or by order of praecipe of any of the several courts of the respective third class counties affected by this act. After the jury boards as herein provided for are organized all drawings or jurors and proceedings incident to said drawings shall be as follows. At least thirty days before each term of court there shall be drawn from the jury wheel name-slips equaling the number of jurors which the jury board has been directed to impanel and summon for each week of said term of court and at least thirty days before the commencement of the grand jury there shall be drawn from said wheel twenty-four name-slips of jurors to be summoned for said grand jury. The names occupations addresses and numbers of the persons so drawn for jury service shall be typewritten upon a list and the list shall be posted in the office of the prothonotary and clerk of the court at least twenty-five days before the first day of the week of court or the session of grand jury for which said jurors are chosen. These lists shall be

signed by at least two of the judges of the court of common pleas and by at least two jury commissioners and also by the clerk of the jury board. The jurors so chosen shall at least twenty days before the first day of the week of court or session of the grand jury for which they have been drawn for service be notified to appear for service at the proper time by card duly mailed to the proper address and signed by the clerk of the jury board with a postage-prepaid return card attached to said notice setting forth that notice to appear at the hour and date therein stated is accepted. This return card shall be addressed to the clerk of the jury board. The citizens to whom cards have been mailed and from whom return cards have not been received five days after the cards were mailed to them shall be served personally by the sheriff of the county or his deputies with notice to appear for jury service at the proper time. These summonses for jury service whether by card duly mailed or by personal service shall be deemed summonses of the court and disobedience to them shall be considered the same as disobedience to any other summons of the court.

Section 6 Method of Drawing Jurors All drawings of all jurors after the organization of the jury board shall take place in one of the court rooms selected by the chairman of the board at a time fixed by him of which time and place the other members of the jury board shall have at least three days' notice. The clerk shall announce or advertise the time and place of said drawing of jurors in two newspapers of general circulation all of which shall be located in the county seat of the county not more than ten days nor less than three days before the time of said drawing. The drawing shall be in the presence of at least one jury commissioner and at least one judge of the court of common pleas and shall be open to the public. The name-slips shall be drawn singly from the wheel by any person whom the judge or judges present at the drawing may there appoint for that purpose. The name number address and occupation as the same appear on the name-slips shall be read by any person there appointed for that purpose by the judge or judges present and shall be compared by the clerk of the jury board with the corresponding name number address and occupation on the official jury list. If the name number address and occupation correspond the clerk shall immediately copy the same in a book called the "jury book". After the name-slips have been copied in the jury book and the jury book entry compared and found to be correct the name-slips shall be immediately sealed in an envelope by the clerk and on said envelope and in said jury book the specific week or weeks of jury service for which said jurors whose names are on said slips are drawn shall be entered. These name-slips shall be held for safe-keeping as the court shall direct until the end of the year when they shall be destroyed unless the court shall order otherwise.

Section 7 Excusing Jurors from Service Any judge in charge of the trial list during the week for which a juror has been summoned shall have power upon application to excuse from jury service for cause any person drawn for jury service for said week. This may be done at any time after the jurors are drawn. Unless otherwise ordered by said judge the name of said excused juror shall be written on a name-slip identical in form with the name-slips in the jury wheel folded and placed back in the jury wheel.

Section 8 Summoning of Talesmen When because of exhaustion of the regular panel of jurors or other causes talesmen are immediately required for service as jurors in a case called for trial the trial judge shall appoint one or two or three persons or public officials as the court may determine having no personal or pecuniary or official interest in the case on trial to summon such numbers of talesmen as the court shall direct for jury service in the case on trial. If counsel for either side object to the person or persons appointed to summon talesmen such person or persons shall not be appointed until at least one other judge of the court concurs in such appointment. No official connected with the district attorney's office shall be appointed to summon talesmen to serve in a criminal case. Talesmen must possess the qualifications of jurors.

Their names may be taken from the jury list but persons not on the list may also be called as talesmen. The court may direct the persons so appointed to summon talesmen to work as a unit and to jointly summon the talesmen ordered for service or said persons so appointed may be sent out separately to summon a given number of talesmen. The notice to the talesmen shall be in writing directing the talesmen to appear at the court house at a certain hour and day for jury service and this notice shall be signed by either the clerk of the jury board or any member of the jury board or any one of the officials or citizens appointed by the court to summon talesmen. A failure to obey any such summons shall be treated the same as disobedience to any other lawful summons of the court. Any talesman accepted as a juror may be excused from further jury service for a year.

Section 9 Challenging Jurors or the Array. Any objection or challenge to jurors based on their disqualification for jury service under this act or to the array based on any irregularity in the proceedings or procedure in and by which said jurors were selected drawn or summoned for jury service must be made before said jurors or array of jurors are sworn and cannot be made thereafter. After jurors are sworn without objection all objections to their qualifications as prescribed by this act or to the manner of their selection drawing or summoning shall be deemed to have been waived. No indictment can be attacked or verdict challenged by reason of any juror's disqualification under this act or any irregularity in the manner of selecting drawing or summoning jurors unless due objection is made before said alleged disqualified or illegally selected jurors are sworn.

Section 10 Proceedings if Array is Quashed. When the array of jurors returned at any court shall be quashed by reason of any fault or irregularity in the selection of said array of jurors the court shall forthwith order another public drawing of jurors in the manner provided in this act to take the place of the jurors on the quashed array and said jurors shall be legal jurors for the week for which the jurors in said quashed array were drawn. The court shall prescribe what notice shall be given of the names occupations and addresses of the persons thus drawn so as to conform as nearly as may be practicable under the circumstances to the notice of and to jurors drawn as prescribed by sections five and six of this act. If there has been any fundamental irregularity in filling the jury wheel the court of common pleas may upon satisfactory proof of said irregularity order the wheel emptied and then refilled with names of persons qualified for jury service. Said names shall be selected by the jury board and as nearly as possible according to the procedure prescribed in this act except that the same shall be done within a time to be prescribed by the court.

Section 11 The provisions of this act relating to the drawing of jurors shall not apply to the drawing of jurors in any county in which the jury wheel was filled for the year under the provisions of any other act of Assembly applicable to such county at the time such wheel was filled and the names of jurors shall be drawn therefrom under the provisions of the law applicable to such county at the time such jury wheel was so filled. Provided however That thereafter this act shall apply to such counties and the jury wheel shall be filled and the names of jurors drawn therefrom under the provisions of this act only.

Section 12 All acts and parts of acts inconsistent herewith are hereby repealed.

Section 13 This act shall become effective immediately upon its final enactment.

An Act regulating the selection drawing and summoning of all jurors and talesmen in counties of the third class and defining their qualifications in such counties creating a jury board and defining its powers and procedure providing for the appointment of a clerk to the jury board and fixing his maximum salary providing for the custody of the jury wheel and the filing and custody of jury lists providing for the public drawing of jurors and the methods thereof giving the trial judge the right to excuse jurors prescribing the time of challenging jurors or the array regulating the procedure if array is quashed

providing for the drawing of names of jurors from wheels heretofore filled and repealing inconsistent acts

And said bill having been read at length the second time and agreed to as amended.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 38, entitled:

An Act to amend Sections Three Four Five Nine and Eleven of the act approved the twenty-eighth day of June one thousand nine hundred and thirty-five (Pamphlet Laws four hundred sixty-three) entitled (as amended) "An act providing for the incorporation as bodies corporate and politic of 'Authorities' for municipalities counties and townships defining the same prescribing the rights powers and duties of such Authorities authorizing such Authorities to acquire construct improve maintain and operate projects and to borrow money and issue bonds therefor providing for the payment of such bonds and prescribing the rights of the holders thereof conferring the right of eminent domain on such Authorities authorizing such Authorities to enter into contract with and to accept grants from the Federal Government or any agency thereof and for other purposes" as amended by omitting the requirement that the resolution or ordinance of the intention to organize an Authority shall set forth the proposed Articles of Incorporation regulating the publication of such resolutions and ordinances by including waterworks water distribution systems and parts of sewer systems as projects by authorizing the municipalities to limit the projects to be undertaken by an Authority by authorizing a longer term for the bonds issued by an Authority and making them legal investments for trust funds etc and by including waterworks water supply works water distribution systems and parts of sewer systems as facilities which may be transferred to an Authority.

The first and second sections were separately read and agreed to as follows:

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Sections three and four of the act approved the twenty-eighth day of June one thousand nine hundred thirty-five (Pamphlet Laws 463) entitled (as amended) "An act providing for the incorporation as bodies corporate and politic of 'Authorities' for municipalities counties and townships defining the same prescribing the rights powers and duties of such Authorities authorizing such Authorities to acquire construct improve maintain and operate projects and to borrow money and issue bonds therefor providing for the payment of such bonds and prescribing the rights of the holders thereof conferring the right of eminent domain on such Authorities authorizing such Authorities to enter into contracts with and to accept grants from the Federal Government or any agency thereof and for other purposes" as amended by the act approved the twenty day of May one thousand nine hundred and thirty-seven (Pamphlet Laws 739) are hereby further amended to read as follows

Section 3 Method of Incorporation Whenever the municipal authorities of any municipality singly or of one or more municipalities jointly shall desire to organize an Authority under this act they shall adopt a resolution or ordinance signifying their intention to do so [and setting forth in full the proposed articles of incorporation thereof]

In the event that such resolution or ordinance sets forth the proposed articles of incorporation in full it shall not be required (any law to the contrary notwithstanding) in publishing such resolution or ordinance under the provisions of existing law to publish such proposed articles of incorporation in full but it shall be sufficient compliance with such law in such publication to set forth briefly the substance of such proposed articles of incorporation and to refer to the provisions of this act. Thereafter the municipal authorities of such municipality or municipal-

ities shall cause a notice of such resolution or ordinance to be published at least one time in the legal periodical of the county in which such Authority is to be organized and at least one time in a newspaper published and of general circulation in such county or counties. Said notice shall contain a brief statement of the substance of said resolution or ordinance including the substance of such articles making reference to this act and shall state that on a day certain not less than three days after publication of said notice articles of incorporation of the proposed Authority will be filed with the Secretary of the Commonwealth of Pennsylvania.

On or before the day specified in said notice the municipal authorities shall file with the Secretary of the Commonwealth articles of incorporation together with proof of publication of the notice as aforesaid. Said articles of incorporation shall set forth

(a) The name of the "Authority"

(b) A statement that such Authority is formed under this act

(c) A statement that no other Authority organized under this act or under the act approved December twenty-seven one thousand nine hundred and thirty-three (Special Session one thousand nine hundred and thirty-three Pamphlet Laws one hundred fourteen) is in existence in or for the incorporating municipality or municipalities except that where any one or more of the municipalities have already joined with other municipalities not composing the same group in organizing a joint Authority the application shall set forth the name of the Authority theretofore created together with the names of the municipalities joining therein

(d) The name of the incorporating municipality or municipalities together with the names and addresses of its municipal authorities and

(e) The names addresses and terms of office of the first members of the board of said Authority

All of which matter shall be determined in accordance with the provisions of this act. Said articles of incorporation shall be executed by each incorporating municipality by its proper officers and under its municipal seal.

If the Secretary of the Commonwealth finds that the articles of incorporation conform to law he shall forthwith but not prior to the day specified in the aforesaid notice endorse his approval thereon and when all proper fees and charges have been paid shall file the articles and issue a certificate of incorporation to which shall be attached a copy of the approved articles.

Upon the issuance of such certificate of incorporation by the Secretary of the Commonwealth the corporate existence of said Authority shall begin. Said certificate of incorporation shall be conclusive evidence of the fact that such Authority has been incorporated but proceedings may be instituted by the Commonwealth to dissolve any Authority which shall have been formed without substantial compliance with the provisions of this section.

Any Authority heretofore created under the laws of the Commonwealth of Pennsylvania in addition to powers granted or conferred upon said Authority shall possess all the powers provided in this act.

Section 4 Purposes and Powers. General. Every Authority incorporated under this act shall be a body corporate and politic and shall be for the purpose of acquiring holding constructing improving maintaining and operating owning leasing either in the capacity of lessor or lessee buildings to be devoted wholly or partially for public uses and for revenue-producing purposes transportation marketing shopping terminals bridges tunnels streets highways parkways traffic distribution centers traffic circles parking spaces airports hangars projects parks recreation grounds and facilities sewers sewer systems or parts thereof sewage treatment works waterworks water supply works water distribution systems swimming pools playgrounds lakes dams hospital motor buses for public use when such motor buses are to be used within any municipality and subways (any and all the foregoing being herein called "projects"). Provided however that the municipality or municipalities organizing such an Authority may in the resolution or ordinance signifying

their intention so to do or from time to time by subsequent resolution or ordinance specify the projects or projects to be undertaken by the said Authority and no other projects shall be undertaken by the said Authority than those so specified. Every Authority is hereby granted and shall have and may exercise all powers necessary or convenient for the carrying out of the aforesaid purposes including but without limiting the generality of the foregoing the following rights and powers:

(a) To have existence for a term of [(thirty-two)] fifty years as a corporation

(b) To sue and be sued implead and be impleaded complain and defend in all courts

(c) To adopt use and alter at will a corporate seal

(d) To acquire purchase hold lease as lessee and use any franchise property real personal or mixed tangible or intangible or any interest therein necessary or desirable for carrying out the purposes of the Authority and to sell lease as lessor transfer and dispose of any property or interest therein at any time acquired by it

(e) To acquire by purchase lease or otherwise and to construct improve maintain repair and operate projects

(f) To make by-laws for the management and regulation of its affairs

(g) To appoint officers agents employees and servants to prescribe their duties and to fix their compensation

(h) To fix alter charge and collect rates and other charges for the use of the facilities of or for the services rendered by the Authority or projects thereof at reasonable rates to be determined by it for the purpose of providing for the payment of the expenses of the Authority the construction improvement repair maintenance and operation of its facilities and properties the payment of the principal of and interest on its obligations and to fulfill the terms and provisions of any agreements made with the purchasers or holders of any such obligations

(i) To borrow money make and issue negotiable notes bonds and other evidences of indebtedness or obligations (herein called "bonds") of the Authority said bonds to have a maturity date not longer than forty years from the date of issue and to secure the payment of such bonds or any part thereof by pledge or deed of trust of all of any of its revenues and receipts and to make such agreements with the purchasers or holders of such bonds or with others in connection with any such bonds whether issued or to be issued as the Authority shall deem advisable and in general to provide for the security for said bonds and the rights of the holders thereof and in respect to any project constructed and operated under agreement with any public Authority of any adjoining state to borrow money and issue such notes bonds and other evidences of indebtedness and obligations jointly with any such Authority

(j) To make contracts of every name and nature and to execute all instruments necessary or convenient for the carrying on of its business

(k) Without limitation of the foregoing to borrow money and accept grants from and to enter into contracts leases or other transactions with any Federal agency

(l) To have the power of eminent domain

(m) To pledge hypothecate or otherwise encumber all or any of the revenues or receipts of the Authority as security for all or any of the obligations of the Authority

(n) To do all acts and things necessary or convenient to carry out the powers granted to it by this act or any other acts

(o) To contract with any corporation or any public Authority or any adjoining state on such terms as the said Authority shall deem proper for the construction and operation of any project which is partly in this Commonwealth and partly in such adjoining state

Provided however that the Authority shall have no power at any time or in any manner to pledge the credits or taxing power of the Commonwealth of Pennsylvania or any political subdivisions nor shall any of its obligations be deemed to be obligations of the Commonwealth of Pennsylvania or of any of its political subdivisions nor shall the Commonwealth of Pennsylvania or any political subdivision thereof be liable for the payment of principal of or interest on such obligations

Section 2 Section five of said act is hereby amended to read as follows

Section 5 Purposes and Powers Bonds The bonds of any Authority hereinabove referred to and authorized to be issued shall be authorized by resolution of the board thereof and shall be of such series bear such date or dates mature at such time or times not exceeding [thirty] forty years from their respective dates bear interest at such rate or rates not exceeding six per centum per annum payable semi-annually be in such denominations be in such form either coupon or fully registered without coupons carry such registration exchangeability and interchangeability privileges be payable in such medium of payment and at such place or places be subject to such terms of redemption not exceeding one hundred five per cent of the principal amount thereof and be entitled to such priorities in the revenues or receipts of such Authority as such resolution or resolutions may provide The bonds shall be signed by such officers as the Authority shall determine and coupon bonds shall have attached thereto interest coupons bearing the facsimile signature of the treasurer of the Authority all as may be prescribed in such resolution or resolutions Any such bonds may be issued and delivered notwithstanding that one or more of the officers signing such bonds or the treasurer whose facsimile signature shall be upon the coupon or any thereof shall have ceased to be such officer or officers at the time when such bonds shall actually be delivered

Said bonds may be sold at public or private sale for such price or prices as the Authority shall determine provided that the interest cost to maturity of the money received for any issue of said bonds shall not exceed six per centum per annum Pending the preparation of the definitive bonds interim receipts may be issued to the purchaser or purchasers of such bonds and may contain such terms and conditions as the Authority may determine

Any resolution or resolutions authorizing any bonds may contain provisions which shall be part of the contract with the holders thereof as to (a) pledging the full faith and credit of the Authority (but not of the Commonwealth of Pennsylvania or any political subdivision thereof) for such obligations or restricting the same to all or any of the revenues of the Authority from all or any projects or properties (b) the construction improvement operation extension enlargement maintenance and repair of the project and the duties of the Authority with reference thereto (c) the terms and provisions of the bonds (d) limitations on the purposes to which the proceeds of the bonds then or thereafter to be issued or of any loan or grant by the United States may be applied (e) the rate of tolls and other charges for use of the facilities of or for the services rendered by the Authority (f) the setting aside of reserves or sinking funds and the regulation and disposition thereof (g) limitations on the issuance of additional bonds (h) the terms and provisions of any deed or trust or indenture securing the bonds or under which the same may be issued and (i) any other or additional agreements with the holders of the bonds

Any authority may enter into any deeds of trust indentures or other agreements with any bank or trust company or other person or persons in the United States having power to enter into the same including any Federal agency as security for such bonds and may assign and pledge all or any of the revenues or receipts of the Authority thereunder Such deed of trust indenture or other agreement may contain such provisions as may be customary in such instruments or as the Authority may authorize including (but without limitation) provisions as to (1) the construction improvement operation maintenance and repair of any project and the duties of the Authority with reference thereto (2) the application of funds and the safeguarding of funds on hand or on deposit (3) the rights and remedies of said trustee and the holders of the bonds (which may include restrictions upon the individual right of action of such bondholders) and (4) the terms and provisions of the bonds or the resolutions authorizing the issuance of the same.

Said bonds shall have all the qualities of negotiable

instruments under the law merchant and the negotiable instruments law of the Commonwealth of Pennsylvania

Any fiduciary insurance company State bank trust company bank and trust company and any departmental administrative board and commission or other agency of the Commonwealth shall have the power to invest funds and moneys in his or its possession and control in said bonds and such bonds shall be deemed legal investment for all such purposes

The third section was read as follows:

Section 3 Sections nine and eleven of said act amended by the act approved the twentieth day of March one thousand nine hundred and thirty-seven (Pamphlet Laws 739) are hereby further amended to read as follows

Section 9 Transfer of Existing Facilities to Authority The Commonwealth the county or any city borough or township in the county may and they are hereby authorized to lease lend grant or convey to the Authority upon such terms and conditions as are mutually satisfactory to the Authority and the corporate authorities of the Commonwealth the county or any such city borough or township any existing bridges tunnels streets highways parkways traffic distribution centers traffic circles parking spaces airports hangars parks recreation grounds and facilities swimming pools sewers sewer systems or part thereof sewage treatment works waterworks supply works water distribution systems lakes or any part of part thereof or any interest in real or personal property which may be used by the Authority in the construction improvement maintenance or operation of any project The Commonwealth the county or any city borough or township are also authorized to transfer assign and set over to the Authority any contracts which may have been awarded by said Commonwealth county city borough or township for the construction of projects not begun or if begun not completed

Section 11 Acquisition of Lands Water and Water Rights The Authority shall have the power to acquire by purchase or eminent domain proceedings either the fee or such right title interest or easement in such lands water and water rights as the Authority may deem necessary for any of the purposes mentioned in this act Provided however That no property devoted to a public use nor any property of a public service company property used for burial purposes places of public worship or (except in the case of a housing project) a dwelling house and the reasonable curtilage not to be less than three hundred feet appurtenant thereto shall be taken under the right of eminent domain And provided further That in event of the exercise of eminent domain for the purpose of establishing housing projects the Authorities shall first acquire by purchase or option more than sixty-five per centum of the real property or site involved The right of eminent domain shall be exercised by the Authority in the manner provided by law for the exercise of such right by municipalities of the same class as the municipality or one of the municipalities by which such Authority was organized

On the question,

Will the House agree to the section?

Mr. BOYD. Mr. Speaker, I desire to offer the following amendments.

The SPEAKER. The amendments will be read by the clerk.

The amendments were read by the Clerk as follows:

Amend sec. 3 (Sec. 9), page 12, line 21, by inserting after the word "county" the following: "or any owner"

Amend sec. 3 (Sec. 9), page 12, line 26, by inserting after the word "ship" the following: "or owner"

Amend sec. 3 (Sec. 9), page 13, by inserting after line 13, the following: "This section, without reference to any other law, shall be deemed complete for the acquisition by agreement of projects as defined in this act, located wholly within or partially without the municipality or municipalities causing such Authority to be incorporated any provisions of other laws to the contrary notwithstanding"

standing, and no proceedings or other action shall be required except as herein prescribed."

On the question,

Will the House agree to the amendments?

They were agreed to.

On the question,

Will the House agree to the section as amended?

It was agreed to.

The fourth section was read and agreed to as follows:

Section 4 This Act shall become effective immediately upon its final enactment

The title was read as follows:

An Act to amend Sections Three Four Five Nine and Eleven of the act approved the twenty-eighth day of June one thousand nine hundred and thirty-five (Pamphlet Laws four hundred sixty-three) entitled (as amended) "An act providing for the incorporation as bodies corporate and politic of 'Authorities' for municipalities counties and townships defining the same prescribing the rights powers and duties of such Authorities authorizing such Authorities to acquire construct improve maintain and operate projects and to borrow money and issue bonds therefor providing for the payment of such bonds and prescribing the rights of the holders thereof conferring the right of eminent domain on such Authorities authorizing such Authorities to enter into contracts with and to accept grants from the Federal Government or any agency thereof and for other purposes" as amended by omitting the requirement that the resolution or ordinance of the intention to organize an Authority shall set forth the proposed Articles of Incorporation regulating the publication of such resolutions and ordinances by including waterworks water distribution systems and parts of sewer systems as projects by authorizing the municipalities to limit the projects to be undertaken by an Authority by authorizing a longer term for the bonds issued by an Authority and making them legal investments for trust funds etc and by including waterworks water supply works water distribution systems and parts of sewer systems as facilities which may be transferred to an Authority

On the question,

Will the House agree to the title?

Mr. BOYD. Mr. Speaker, I desire to offer the following amendments.

The SPEAKER. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend title, page 2, last line of title, by inserting after the word "Authority" the following: "by any owner in addition to the Commonwealth and the political subdivision thereof."

On the question,

Will the House agree to the amendment?

It was agreed to.

On the question,

Will the House agree to the title as amended?

It was agreed to.

And said bill having been read at length the second time and agreed to as amended.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 355, entitled:

An Act to amend clause (c) of section forty-nine of the act approved the seventh day of June one thousand nine hundred seventeen (Pamphlet Laws 447) entitled as amended "An act relating to the administration and distribution of the estates of decedents and of minors

and of trust estates including the appointment bonds rights powers duties liabilities accounts discharge and removal of executors administrators guardians and trustees herein designated as fiduciaries the administration and distribution of the estates of presumed decedents widow's and children's exemptions debts of decedents rents of real estate as assets for payment thereof the lien thereof sales and mortgages of real estate for the payment thereof judgments and executions therefor and the discharge of real estate from the lien thereof contracts of decedents for the sale or purchase of real estate legacies including legacies charged on land the discharge of residuary estates and of real estate from the lien of legacies and other charges the appraisal of real estate devised at a valuation the ascertainment of the curtilage of dwelling houses or other buildings devised the abatement and survival of actions and the substitution of executors and administrators therein the survival of causes of action and suits thereupon by or against fiduciaries investments by fiduciaries the organization of corporations to carry on the business of decedents the audit and review of accounts of fiduciaries refunding bonds transcripts to the court of common pleas of balances due by fiduciaries the rights powers and liabilities of nonresident and foreign fiduciaries the appointment bonds rights powers duties and liabilities of trustees durante absentia the recording and registration of decrees reports and other proceedings and the fees thereof appeals in certain cases and also generally dealing with the jurisdiction powers and procedure of the orphans' court in all matters relating to fiduciaries concerned with the estates of decedents" by permitting fiduciaries to dispense with formal accounts where estates do not exceed five hundred dollars and reducing the time for petitions in such cases from one year to six months from the date of granting of letters

The first section was read as follows:

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Clause (c) of section forty-nine of the act approved the seventh day of June one thousand nine hundred seventeen (Pamphlet Laws 447) entitled as amended "An act relating to the administration and distribution of the estates of decedents and of minors and of trust estates including the appointment bonds rights powers duties liabilities accounts discharge and removal of executors administrators guardians and trustees herein designated as fiduciaries the administration and distribution of the estates of presumed decedents widow's and children's exemptions debts of decedents rents of real estate as assets for payment thereof the lien thereof sales and mortgages of real estate for the payment thereof judgments and executions therefor and the discharge of real estate from the lien thereof contracts of decedents for the sale or purchase of real estate legacies including legacies charged on land the discharge of residuary estates and of real estate from the lien of legacies and other charges the appraisal of real estate devised at a valuation the ascertainment of the curtilage of dwelling house or other buildings devised the abatement and survival of actions and the substitution of executors and administrators therein the survival of causes of action and suits thereupon by or against fiduciaries investments by fiduciaries the organization of corporations to carry on the business of decedents the audit and review of accounts of fiduciaries refunding bonds transcripts to the court of common pleas of balances due by fiduciaries the rights powers and liabilities of nonresident and foreign fiduciaries the appointment bonds rights powers duties and liabilities of trustees durante absentia the recording and registration of decrees reports and other proceedings and the fees therefor appeals in certain cases and also generally dealing with the jurisdiction powers and procedure of the orphans' court in all matters relating to fiduciaries concerned with the estates of decedents" is hereby amended to read as follows

(c) When the personal estate of a decedent does not exceed the value of [three] five hundred dollars the executor or administrator may after the expiration of [one year] six months after the date of granting the letters testamentary or of administration present his petition to

the proper orphans' court with an annexed account showing the administration and legal distribution of the estate the statements in the petition and the account to be verified by the affidavit of such executor or administrator Thereupon the court may upon satisfactory proof or acknowledgment of notice to all parties known to be interested in said estate that said petition and account have been presented order at the end of thirty days from the date of filing the petition and account the discharge of the executor or administrator and his sureties from future liability without the expense of proceedings as in a formal account unless during said period of thirty days exceptions be filed to the account

On the question,

Will the House agree to the section?

Mr. ATKINS. Mr. Speaker, I desire to offer the following amendment.

The SPEAKER. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend Sec. 1, page 3, line 7, by striking out the following: "liabilities" and inserting in lieu thereof: "liabilities"

On the question,

Will the House agree to the amendment?

It was agreed to.

On the question,

Will the House agree to the section as amended?

It was agreed to.

The title was read and agreed to as follows:

An Act to amend clause (c) of section forty-nine of the act approved the seventh day of June one thousand nine hundred seventeen (Pamphlet Laws 447) entitled as amended "An act relating to the administration and distribution of the estates of decedents and of minors and of trust estates including the appointment bonds rights powers duties liabilities accounts discharge and removal of executors administrators guardians and trustees herein designated as fiduciaries the administration and distribution of the estates of presumed decedents widow's and children's exemptions debts of decedents rents of real estate as assets for payment thereof the lien thereof sales and mortgages of real estate for the payment hereof judgments and executions therefor and the discharge of real estate from the lien thereof contracts of decedents for the sale or purchase of real estate legacies including legacies charged on land the discharge of residuary estates and of real estate from the lien of legacies and other charges the appraisement of real estate devised at a valuation the ascertainment of the curtilage of dwelling houses or other buildings devised the abatement and survival of actions and the substitution of executors and administrators therein the survival of causes of action and suits thereupon by or against fiduciaries investments by fiduciaries the organization of corporations to carry on the business of decedents the audit and review of accounts of fiduciaries refunding bonds transcripts to the court of common pleas of balances due by fiduciaries the rights powers and liabilities of nonresident and foreign fiduciaries the appointment bonds rights powers duties and liabilities of trustees durante absentia the recording and registration of decrees reports and other proceedings and the fees therefor appeal in certain cases and also generally dealing with the jurisdiction powers and procedure of the orphans' court in all matters relating to fiduciaries concerned with the estate of decedents" by permitting fiduciaries to dispense with formal accounts where estates do not exceed five hundred dollars and reducing the time for petitions in such cases from one year to six months from the date of granting of letters

And said bill having been read at length the second time and agreed to as amended.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 357, as follows:

An Act to amend section twenty-one of the act approved the seventh day of June one thousand nine hundred seventeen (Pamphlet Laws 447) entitled as amended "An act relating to the administration and distribution of the estates of decedents and of minors and of trust estates including the appointment bonds rights powers duties liabilities accounts discharge and removal of executors administrators guardians and trustees herein designated as fiduciaries the administration and distribution of the estates of presumed decedents widow's and children's exemptions debts of decedents rents of real estate as assets for payment thereof the lien thereof sales and mortgages of real estate for the payment thereof judgments and executions therefor and the discharge of real estate from the lien thereof contracts of decedents for the sale or purchase of real estate legacies including legacies charged on land the discharge of residuary estates and of real estate from the lien of legacies and other charges the appraisement of real estate devised at a valuation the ascertainment of the curtilage of dwelling houses or other buildings devised the abatement and survival of actions and the substitution of executors and administrators therein the survival of causes of action and suits thereupon by or against fiduciaries investments by fiduciaries the organization of corporations to carry on the business of decedents the audit and review of accounts of fiduciaries refunding bonds transcripts to the court of common pleas of balances due by fiduciaries the rights powers and liabilities of non-resident and foreign fiduciaries the appointment bonds rights powers duties and liabilities of trustees durante absentia the recording and registration of decrees reports and other proceedings and the fees therefor appeals in certain cases and also generally dealing with the jurisdiction powers and procedure of the orphans' court in all matters relating to fiduciaries concerned with the estates of decedents" by fixing the rate of interest to be paid on pecuniary legacies and the time from which it shall be paid

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section twenty-one of the act approved the seventh day of June one thousand nine hundred seventeen (Pamphlet Laws 447) entitled as amended "An act relating to the administration and distribution of the estates of decedents and of minors and of trust estates including the appointment bonds rights powers duties liabilities accounts discharge and removal of executors administrators guardians and trustees herein designated as fiduciaries the administration and distribution of the estates of presumed decedents widow's and children's exemptions debts of decedents rents of real estate as assets for payment thereof the lien thereof sales and mortgages of real estate for the payment thereof judgments and executions therefor and the discharge of real estate from the lien thereof contracts of decedents for the sale or purchase of real estate legacies including legacies charged on land the discharge of residuary estates and of real estate from the lien of legacies and other charges the appraisement of real estate devised at a valuation the ascertainment of the curtilage of dwelling houses or other buildings devised the abatement and survival of actions and the substitution of executors and administrators therein the survival of causes of action and suits thereupon by or against fiduciaries investments by fiduciaries the organization of corporations to carry on the business of decedents the audit and review of accounts of fiduciaries refunding bonds transcripts to the court of common pleas of balances due by fiduciaries the rights powers and liabilities of non-resident and foreign fiduciaries the appointment bonds rights powers duties and liabilities of trustees durante absentia the recording and registration of decrees reports and other proceedings and the fees therefor appeals in certain cases and also generally dealing with the jurisdiction powers and procedure of the orphans' court in all matters relating to fiduciaries concerned with the estates of decedents" is hereby amended to read as follows

Section 21 Legacies if no time be limited by the will for the payment thereof shall in all cases be deemed to be due and payable at the expiration of six months from the death of the testator [Interest on all pecuniary legacies whether bequeathed directly or in trust shall unless a contrary intention appear by the will begin to run from the expiration of one year from the death of the testator except that if the account of the executor be filed and confirmed and distribution awarded before the end of such year then interest on such legacies shall run from the date of the award] Unless otherwise provided in the will on all pecuniary legacies whether bequeathed directly or in trust interest at the legal rate or at the rate earned by the particular estate out of which such legacies are payable whichever shall be less shall begin to run at the expiration of one year from the death of the testator except that if the account of the executor be filed and confirmed and distribution awarded before the end of such year then interest thereon shall run at such rate from the date of the award and on all pecuniary legacies payable at a future period or upon contingencies or under other circumstances by which the payment and satisfaction of such legacies may be postponed or may not take place until a distant period after the death of such testator interest at such rate shall begin to run from the time when such legacy becomes payable Provided That where a pecuniary legacy is bequeathed to or for the use of the widow of the testator or any child or descendant of the testator or any person toward whom the testator in his lifetime stood in loco parentis or for the maintenance of any person interested at the legal rate shall unless a contrary intention appear by the will begin to run from the date of the death of the testator

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 189, as follows:

An Act providing for and regulating the appointment promotion and reduction in rank and removal of paid members of the bureau of police bureau of detectives police women bureau of electricity in connection with police departments police telephone operators and their assistants police radio operators and their assistants and all other agencies connected with police departments in counties cities boroughs incorporated towns and townships maintaining a police force creating a Civil Service Commission in each county city borough incorporated town and township defining the powers and duties of such Civil Service Commission imposing certain duties and expenses on the counties cities boroughs incorporated towns and townships imposing penalties and repealing inconsistent laws

The first section was read as follows:

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Appointees in Police Departments in Counties Cities Boroughs Incorporated Towns and Townships Placed Under Civil Service Hereafter all appointments to and promotions in the bureau of police of detectives police women bureau of electricity in connection with police departments police telephone operators and their assistants police radio operators and their assistants and in all other agencies connected with police protection work in any county city borough incorporated town or township shall be made only according to qualifications and fitness to be ascertained by examinations which shall be competitive as hereinafter provided in this act

The provisions of this act shall be construed to include each and every appointment in the above enumerated bureaus departments and agencies

No person shall hereafter be appointed reinstated promoted or discharged as a paid employe in any of the

aforesaid bureaus departments or agencies except in accordance with the provisions of this act

On the question,

Will the House agree to the section?

BILL RECOMMITTED

Mr. BARDES. Mr. Speaker, I move that this bill be recommitted to the Committee on Municipal Corporations for the purpose of a public hearing and possible amendment.

The motion was agreed to.

BILLS ON SECOND READING

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 74, as follows:

An Act to amend section two hundred and seventy-eight of the act approved the second day of May one thousand nine hundred and twenty-nine (Pamphlet Laws 1278) entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto" as amended providing for the appointment the term and compensation of county detectives in counties of the fifth class

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section two hundred and seventy-eight of the act approved the second day of May one thousand nine hundred and twenty-nine (Pamphlet Laws 1278) entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto" as last amended by section one of the act approved the twenty-eighth day of May one thousand nine hundred and thirty-seven (Pamphlet Laws 941) is hereby further amended to read as follows

Section 278 In Counties of the Fifth Class—[In Counties of the fifth class the district attorney with the approval of the court of quarter sessions may appoint a detective whose duties it shall be to assist in obtaining such evidence as shall be directed by the district attorney for the Commonwealth in all criminal cases and perform such other duties as the district attorney may direct The detective shall receive such monthly or annual salary payable by the county as the salary board of the county may fix Such detective shall be a general police officer and shall have all the powers that are now conferred on constables by the existing laws so far as they relate to crimes or criminal procedure] In counties of the fifth class the district attorney with the approval of the court of quarter sessions may appoint one chief county detective and one assistant county detective.

The court of quarter sessions shall fix the compensation of the county detectives and shall direct the clerk of said court to certify the same to the county commissioners who shall draw their warrants on the treasurer in favor of said detectives for the amount so certified

Such county detectives shall hold their positions during the term of the district attorney appointing them and shall be removable at his discretion They shall have possess and exercise all the rights and powers conferred by law upon constables in so far as such law or laws relate to crimes and criminal procedure and shall when requested by the district attorney make an investigation and endeavor to obtain such evidence as may be required in any criminal case They shall also perform such other duties as the district attorney may direct Such county detectives shall be allowed their expenses actually and necessarily incurred in the performance of their duties

Section 2 This act shall become effective immediately upon final enactment

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 354, as follows:

An Act to amend clause (d) as added to section twenty-one of the act approved the seventh day of June one thousand nine hundred seventeen (Pamphlet Laws 363) entitled "An act relating to the organization jurisdiction and procedure of the orphans' courts the powers and duties of judges thereof and appeals therefrom requiring certification of verdicts and judgments entered in orphans' courts to the prothonotary and the filing docketing and indexing the same by him

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Clause (d) of section twenty-one of the act approved the seventh day of June one thousand nine hundred seventeen (Pamphlet Laws 363) entitled "An act relating to the organization jurisdiction and procedure of the orphans' courts the powers and duties of the judges thereof and appeals therefrom" as added by the act approved the first day of July one thousand nine hundred thirty-seven (Pamphlet Laws 2665) is hereby amended to read as follows

(d) In any case where the orphans' court may deem it expedient or shall be required to send an issue to the court of common pleas for the trial of facts by a jury the orphans' court or a judge thereof may in its or his discretion draw a jury and a judge of said court shall preside at the trial of said issue. The panel of jurors drawn for service in the common pleas court of the county in which the orphans' court is located shall be available for such service in the orphans' court when required and in counties where there is a separate orphans' court the orphans' court and the courts of common pleas of said county shall by appropriate rules provide for and regulate the manner in which the jurors shall be made available as sent to the orphans' court when required for the trial of issues therein

Unless and until the orphans' court otherwise directs the appropriate rules of the common pleas courts of said county shall apply to jury trials of issues in the orphans' court and matters relating to such trials shall be heard and disposed of by the orphans' court

Whenever a verdict or judgment is entered in any such cause in the orphans' court the clerk of said court shall forthwith certify the same to the prothonotary who shall file such certificate in his office and docket such verdict or judgment and index the same in the judgment index in the same manner as verdicts and judgments in the court of common pleas

The entry of judgments in such cases shall have the same force and effect and be subject to appeals in the same manner as appeals in like cases are now taken in the common pleas courts from judgments on issues certified by the orphans' court except that only one appeal shall be taken and that shall be from the final decree of the orphans' court upon which appeal all alleged errors may be assigned whether arising in the jury trial or otherwise

Section 2 This act shall become effective immediately upon final enactment

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 351, entitled:

An Act to amend section twenty-two of the act approved the seventh day of June one thousand nine hundred and seventeen (Pamphlet Laws 403) entitled "An act relating to the form execution revocation and interpretation of wills to nuncupative wills to the appointment of testamentary guardians to spendthrift trusts to forfeiture of devise or legacy in case of murder of testator to elections to take under or against

wills and to the recording and registering of such elections and of decrees relative thereto and to the fees therefor" by providing for forfeiture of the right to take property under the will of a murdered testator

The first section was read as follows:

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section twenty-two of the act approved the seventh day of June one thousand nine hundred and seventeen (Pamphlet Laws 403) entitled "An act relating to the form execution revocation and interpretation of wills to nuncupative wills to the appointment of testamentary guardians to spendthrift trusts to forfeiture of devise or legacy in case of murder of testator to elections to take under or against wills and to the recording and registering of such election or decrees relative thereto and to the fees therefor" is hereby amended to read as follows

Section 22 (A) No person who shall be finally adjudged guilty either as principal or accessory of murder of the first or second degree shall be entitled to take any part of the real or personal estate of the person killed as devisee or legatee or otherwise under the will of such person

(B) Upon petition of any interested party averring that a person who seeks or through whom it is sought to take any property under the will of a testator was a principal or accessory in the murder of the testator either in the first or second degree the orphans' court if it determines according to law that it is impossible or impracticable for any reason to try in a competent court of this Commonwealth and finally acquit or convict such person of the murder shall further determine whether or not such person was guilty beyond a reasonable doubt as averred in the petition and its final adjudication of guilt shall have the effect hereinbefore set forth but shall not be deemed an adjudication of guilt for any other purpose. Any interested party may appeal to the Supreme Court from the decision on this question

On the question,

Will the House agree to the section?

Mr. McKINNEY. Mr. Speaker, I desire to offer the following amendment.

The SPEAKER. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend Sec. 1 (Sec. 22), page 2, line 14, by striking out with dark-face brackets the word: H "decree" and inserting in lieu thereof: "degree"

On the question,

Will the House agree to the amendment?

It was agreed to.

On the question,

Will the House agree to the section as amended?

It was agreed to.

The title was read and agreed to as follows:

An Act to amend section twenty-two of the act approved the seventh day of June one thousand nine hundred and seventeen (Pamphlet Laws 403) entitled "An act relating to the form execution revocation and interpretation of wills to nuncupative wills to the appointment of testamentary guardians to spendthrift trusts to forfeiture of devise or legacy in case of murder of testator to elections to take under or against wills and to the recording and registering of such elections and of decrees relative thereto and to the fees therefor" by providing for forfeiture of the right to take property under the will of a murdered testator

And said bill having been read at length the second time and agreed to as amended.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 352, as follows:

An Act to amend section twenty-three of the act approved the seventh day of June one thousand nine hundred and seventeen (Pamphlet Laws 429) entitled "An act relating to the descent and distribution of the real and personal property of persons dying intestate and to provide for the recording and registering of the decrees of the orphans' court in connection therewith and the fees therefor" by providing for forfeiture of the right to inherit or to take property of a murdered intestate under the said act

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section twenty-three of the act approved the seventh day of June one thousand nine hundred and seventeen (Pamphlet Laws 429) entitled "An act relating to the descent and distribution of the real and personal property of persons dying intestate and to provide for the recording and registering of the decrees of the orphan court in connection therewith and the fees therefor" is hereby amended to read as follows

Section 23 (A) No person who shall be finally adjudged guilty either as principal or accessory of murder of the first or second degree shall be entitled to inherit or take any part of the real or personal estate of the person killed as surviving spouse heir or next of kin to such person under the provisions of this act

(B) Upon petition of any interested party averring that a person who seeks or through whom it is sought to inherit or to take any property of an intestate under the provisions of this act was a principal or accessory in the murder of the intestate either in the first or second degree the orphans' court if it determines according to law that it is impossible or impracticable for any reason to try in a competent court of this Commonwealth and finally acquit or convict such person of the murder shall further determine whether or not such person was guilty beyond a reasonable doubt as averred in the petition and its final adjudication of guilt shall have the effect hereinbefore set forth but shall not be deemed an adjudication of guilt for any other purpose Any interested party may appeal to the Supreme Court from the decision on this question

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 28, entitled:

An Act to regulate the sale of sulfanilamide and its derivatives in the interest of public health

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—203

Achterman,	Downey,	Leydic,	Sarge,
Ackermann,	Eckels,	Lichtenwalter,	Sarra,
Allen,	Ely,	Long,	Scanlon,
Allmond,	Ewing,	Lovett,	Schrock,
Alspach,	Falkenstein,	Lyons,	Schrope,
Andrews,	Fauset,	Madden,	Schwab,
Atkins,	Finnerty,	Malloy,	Seif,
Auker,	Fiss,	Malone,	Serrill,
Baker,	Flanagan,	Marr,	Shaw,
Balliet,	Fleming,	Matthews,	Shearer,
Balthaser,	Poor,	McClester,	Simons,

Bardes,	Freed,	McGarrity,	Skale,
Bennett,	Fullerton,	McKinney,	Sloan,
Bohn,	Furman,	McLane,	Snyder,
Bols,	Gates,	McNally,	Sollenberger,
Boney,	Gillan,	McVay,	Stambaugh,
Boorse,	Gillette,	Melchiorre,	Stank,
Boose,	Goli,	Mihm,	Stewart,
Bower,	Gorski,	Montgomery,	Stockham,
Boyd,	Habbyshaw,	Mooney,	Sweeney,
Brancato,	Haines,	Moran,	Tahl,
Bretherick,	Hall,	Moser, F. S.,	Tarr,
Broad,	Hamilton,	Moser, J. L.,	Taylor,
Bronson,	Harbeson,	Muir,	Terry,
Brown, H. S.,	Harkins,	Munley,	Thistle,
Brown, S. W.,	Haudenshield,	O'Brien,	Thompson, E. F.,
Brunner,	Henry,	O'Connor,	Thompson, G. R.,
Burns,	Hess,	O'Dare,	Tiemann,
Burris,	Hewitt,	O'Keefe,	Tronzo,
Calwalader,	Hindman,	Omlinsky,	Trout,
Calvin,	Hocke,	O'Neill,	VanAllsburg,
Carpenter,	Hoffman, J. N.,	Peacock,	Van Belle,
Check,	Hoffman, S. K.,	Peale,	Voorhees,
Chervenak,	Holland,	Powers,	Wagner,
Christler,	Hoyt,	Preston,	Watkins,
Clark,	Huntley,	Readinger,	Webster,
Clearwater,	James,	Reagan,	Weiss,
Cohen, H. B.,	Jirolanio,	Reese, D. P.,	Welsh, E. B.,
Cohen, R. E.,	Johnston,	Reese, R. E.,	Welsh, M. J.,
Cook,	Jones,	Regan,	Westrick,
Cooper,	Kane,	Reynolds,	Wilkinson,
Cordier,	Keenan,	Rhodes,	Williams,
Corrigan,	Kenahan,	Rider,	Wilson,
Curran,	Kilroy,	Riley,	Winner,
Dalrymple,	Kline,	Robertson,	Wood, H. M.,
Denman,	Knoble,	Rooney,	Wood, L. H.,
DeNote,	Kowalski,	Rose,	Wood, N.,
Dick,	Krise,	Roseberry,	Woodside,
Dix,	Lee,	Rosenfeld,	Yeakel,
Donahue,	Lelsey,	Rothenberger,	Turner,
Donohoe,	Levy,	Royer,	Speaker,

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 140, as follows:

An Act to amend section one of the act approved the twenty-second day of June one thousand nine hundred and seventeen (Pamphlet Laws 623) entitled "An act prohibiting the erection of fences or similar structures above a certain height in suburban and similar districts of cities of the first class except under a permit declaring certain fences a private nuisance and their erection a misdemeanor and prescribing penalties for violation of the provisions of this act" by extending the provisions thereof to include fences in suburban and similar districts in all cities and boroughs

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section one of the act approved the twenty-second day of June one thousand nine hundred and seventeen (Pamphlet Laws 623) entitled "An act prohibiting the erection of fences or similar structures above a certain height in suburban and similar districts of cities of the first class except under a permit declaring certain fences a private nuisance and their erection a misdemeanor and prescribing penalties for violation of the provisions of this act" is hereby amended to read as follows

Section 1 Be is enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That it shall be unlawful for the owner or occupant of any improved premises in any suburban district of a city [of the first] [class] or borough (whether the premises concerned be assessed at rural suburban or city rates) to erect any fence or structure resembling a fence or to re-erect during the process of

repairing any fence previously erected upon any part of the front yard lawn or space of said premises or on or along the boundary line thereof of a greater height than four feet if the height in excess of the said four feet is unnecessary or if the same is maliciously erected elevated and maintained for the purpose of annoying the owner or occupant of the adjoining premises. Every such fence or structure so maliciously erected elevated and maintained in excess of four feet in height shall be deemed and is hereby declared to be a private nuisance.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—200

Achterman.	Downey.	Long.	Sarraf.
Ackermann,	Eckels,	Lovett,	Scanlon.
Allen.	Ely.	Lyons.	Schrock.
Alimond.	Ewing.	Madden.	Schrope.
Alspach.	Falkenstein.	Malloy.	Schwab.
Andrews.	Fauset.	Malone.	Seif.
Atkins.	Finnerty.	Marr.	Serrill.
Auker.	Fiss.	Matthews.	Shaw.
Baker.	Flanagan.	McClester.	Shearer.
Balliet.	Fleming.	McGarrity.	Simons.
Balthaser.	Foor.	McKinney.	Skale.
Bardes.	Freed.	McLane.	Sloan.
Bennett.	Furman.	McNally.	Snyder.
Bohn.	Gates.	McVay.	Sollenberger.
Boles.	Gillan.	Melchiorre.	Stambaugh.
Boney.	Gillette.	Mihm.	Stank.
Boorse.	Goll.	Montgomery.	Stewart.
Boose.	Gorski.	Mooney.	Stockham.
Bower.	Habbyshaw.	Moran.	Sweeney.
Boyd.	Haines.	Moser, F. S..	Tahl.
Brancato.	Hall.	Moser, J. L.	Tarr.
Bretherick.	Hamilton.	Muir.	Taylor.
Broad.	Harbeson.	Munley.	Terry.
Bronson.	Haudenshield.	O'Brien.	Thistle.
Brown, H. S..	Henry.	O'Connor.	Thompson, E. F..
Brown, S. W..	Hess.	O'Dare.	Thompson, G. R.
Brunner.	Hewitt.	O'Keefe.	Tiemann.
Burns.	Hindman.	Omlinsky.	Trout.
Burris.	Hocke.	O'Neill.	Van Allsburg.
Cadwalader.	Hoffman, J. N..	Peacock.	Van Belle.
Calvin.	Hoffman, S. K..	Peale.	Voorhees.
Carpenter.	Holland.	Powers.	Wagner.
Check.	Hoyt.	Preston.	Walsh.
Chervenak.	Huntley.	Readinger.	Watkins.
Christler.	James.	Reagan.	Webster.
Clark.	Jirolanio.	Reese, D. P..	Weiss.
Clearwater.	Johnston.	Reese, R. E..	Welsh, E. B..
Cohen, H. B..	Jones.	Regan.	Welsh, M. J..
Cohen, R. E..	Kane.	Reynolds.	Westrick.
Cook.	Keenan.	Rhodes.	Wilkinson.
Cooper.	Kenehan.	Rider.	Williams.
Cordier.	Kilroy.	Riley.	Wilson.
Corrigan.	Kline.	Robertson.	Winner.
Curran.	Knoble.	Rooney.	Wood, H. M..
Dalrymple.	Kowalski.	Rose.	Wood, L. H..
Denman.	Krise.	Roseberry.	Wood, N..
DeNote.	Lee.	Rosenfeld.	Woodside.
Dick.	Leisey.	Rothenberger.	Yeakel.
Dix.	Levy.	Royer.	Turner.
Donahue.	Leydic.	Sarge.	Speaker.
Donohoe.	Lichtenwalter.		

NAYS—2

Harkins. Tronzo.

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 449, entitled:

An Act to amend clause (a) of section one and section four of the act approved the thirty-first day of March, one thousand nine hundred and thirty-seven (P. L. 160) entitled "An act creating a commission to be known as the Pennsylvania Public Utility Commission; defining in part the powers and duties of such commission; abolishing The Public Service Commission of the Commonwealth of Pennsylvania, terminating the terms of the members thereof, and transferring to the Pennsylvania Public Utility Commission the records, employes, property, and equipment of The Public Service Commission of the Commonwealth of Pennsylvania; authorizing the Pennsylvania Public Utility Commission to appear in and complete all pending proceedings, legal or otherwise, instituted before, by or against The Public Service Commission of the Commonwealth of Pennsylvania; providing that all certificates of public convenience, contracts, orders, and rules and regulations of the latter commission shall remain effective until repealed, changed or modified by the Pennsylvania Public Utility Commission, and transferring and appropriating to the Pennsylvania Public Utility Commission any unexpended balance of any existing appropriation to The Public Service Commission of the Commonwealth of Pennsylvania," by changing method of appointing and removing members of the Commission and making political activity a grounds for their removal.

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

Mr. HERBERT B. COHEN. Mr. Speaker, I desire to interrogate either of the sponsors of this bill.

The SPEAKER. Will the gentleman from Bucks, Mr. Stockham, permit himself to be interrogated?

Mr. STOCKHAM. Mr. Speaker, I will.

Mr. HERBERT B. COHEN. Mr. Speaker, I desire to inquire of the gentleman from Bucks, under the existing law who makes appointments to the Public Utility Commission.

Mr. STOCKHAM. Mr. Speaker, the Governor of the Commonwealth with the advice and consent of the Senate.

Mr. HERBERT B. COHEN. Mr. Speaker, I desire to inquire of the gentleman from Bucks whether or not this bill will change the consent of the Senate that is required, the stated two-thirds, to a majority.

Mr. STOCKHAM. Yes, it will, Mr. Speaker.

CONSTITUTIONAL POINT OF ORDER

Mr. HERBERT B. COHEN. Mr. Speaker, in view of the statements made by the gentleman from Bucks which indicate that under present existing law appointments to the Public Utility Commission are made by the Governor of the Commonwealth by and with the advice and consent of two-thirds of the Senate, in view of the Constitutional provisions that require all the appointments of the Governor to be made by and with the consent and advice of two-thirds of the Senate, and in view of the fact that this act seeks to circumvent a constitutional provision, on behalf of myself and the following signed members, Messrs. Roy E. Furman, E. J. Holland, L. A. Achterman and Joseph Omlinsky, I wish to raise the Constitutional question.

The SPEAKER. The Chair under Rule 4, is required to submit questions affecting the Constitutionality of a bill to the House for decision, which it now does.

On the question,

Will the House sustain the Constitutional point of order?

Mr. ALSPACH. Mr. Speaker, and members of the House,

in considering the constitutionality of this measure, I wish to offer the following:

From time immemorial it has been the province of the Legislature to prescribe rates, and in so doing, the United States Supreme Court as far back as 94 U. S. in case of *Munn vs. Illinois*, upheld the right of the state Legislature to prescribe rates for utilities.

The theory under which this act was drafted is very briefly this: In 1913, the Legislature of Pennsylvania adopted the Public Service Company Act, which act was in force up until 1937, when the Legislature repealed it, struck out the Public Service Commission and set up the Public Utility Commission in its place.

As stated before, it has always been within the province of the Legislature to prescribe rates and to govern public utilities. As such, Mr. Speaker, this Legislature is exercising its legislative power, and has delegated it to its branch or its arm, so to speak, and gave to the old Public Service Commission in 1913 the right to govern utilities and to set up rates. This Legislature is not sitting all the time and there must be some person who has the power to make appointments and to fill vacancies in the Public Service Commission, now the Public Utility Commission, and for this purpose the Legislature of Pennsylvania designated the Governor as its agent, who is here all the time, to fill vacancies when, as and if they occur.

The act of 1913, the old Public Service Company Act, prescribes certain circumstances under which the Governor may fill vacancies. I understand that the gentleman from York, Mr. Cohen, has raised a constitutional question here. It is a fact that under Article 4, Section 8, of the Constitution of Pennsylvania, the Governor shall make such appointments by and with the consent of two-thirds of the Senate, but this applies only to executive appointments, and does not apply to Legislative appointments.

The Public Utility Commission is merely a branch, a right arm of the Legislature; it sits all the time. The Legislature does not sit all the time. This question has been directly decided by our Pennsylvania Supreme Court in three cases.

I would like to read for the benefit of the members of the House a brief statement of the position of the Supreme Court of Pennsylvania in the case of *Commonwealth ex rel Attorney General vs. Benn*, 284 Pa. 421.

Quoting the law of 1913, the Governor by and with the advice and consent of the Senate may appoint members of the Public Service and likewise "The Governor, by and with the consent of the Senate, may remove any commissioner, . . . for inefficiency, neglect of duty, misconduct in office," and so forth.

Now, Mr. Speaker, continuing to read from the opinion, in this instant case at page 436:

"The above cases, to which a host of others, equally strong, might be added, demonstrate that public service commissioners must be viewed as deputies of the general assembly to perform legislative work; and since, in the words of our Superior Court, the commissioners are the 'representatives of the legislature and not of . . . the executive,' the legislature might, as before said, have named them directly; but the Governor, being 'an integral part of the law-making power of the state' and being constantly at hand, whereas the legislature has long periods of recess, the latter very naturally chose him as its agent for the purpose of exercising its authority to appoint its own instruments, giving him the right to take the initia-

tive in both nominating and removing such representatives, subject to its ultimate approval, to be expressed by a vote of the Senate, which body the act before us in effect authorizes to speak for both chambers on such matters. At the same time, the general assembly dictated the manner in which the Governor might exercise the power which it conferred on him. All of this delegation of authority, however, is simply for the purpose of setting up machinery by which the appointing power may practically operate, and the legislature itself retains that power, the Governor acting only as its agent. This salient fact is the key to the situation in the present case, and, when this is kept in mind, it becomes clear that the legislation under attack is not in any sense inconsistent with the Constitution of the State; on the contrary, it presents merely a direction by the general assembly as to how delegated authority shall be exercised by a named agent."

And I quote again the following sentence: ". . . It is not in any sense inconsistent with the Constitution of the State."

In the case of *Commonwealth ex rel Attorney General vs. Shelby*, 284 Pa. 443, the same point is covered, and also in the case of *Commonwealth vs. Stewart*, 286 Pa. 511, the same point of law is involved.

Mr. Speaker, very briefly it may be boiled down to this: Under the Constitution, the Governor may appoint executive officers. In other words, the Governor appoints and they must be ratified by and with the advice and consent of two-thirds of the Senate. This, is not an executive appointment. It is a Legislative appointment. The Legislature is merely setting up the machinery and prescribing how its acts and desires shall be carried forth and accomplished. In so doing, Mr. Speaker, it is not an executive appointment, it is a legislative appointment. The Public Utility Commission is a child of the Legislature and as such the Legislature has the right to prescribe the manner in which its officers shall be named.

Therefore, Mr. Speaker, under these three decisions by the Pennsylvania Supreme Court, which are directly in point, and which I have read, this very act and this very point have been decided so I do not see how, under any construction, the gentleman from York can call this particular act unconstitutional.

Mr. HERBERT B. COHEN. Mr. Speaker and members of the House, I feel that I must differ with the gentleman from Lancaster. While the case of *Commonwealth vs. Benn* has held the Public Utility Commission, or rather its predecessor, the Public Service Commission, to be an arm of the Legislature, nevertheless the cases which have been cited by the gentleman from Lancaster are not on the point. In each one of those cases, the Governor without the advice and consent of the Senate attempted to remove a sitting member of the Public Service Commission.

In the case of *Commonwealth vs. Benn*, the Supreme Court of the Commonwealth said that the Governor having made the appointment by and with the advice and consent of the Senate, the only way the Governor could remove a sitting member of the Public Service Commission was to obtain the same advice and consent of the Senate that he utilized in the first instance in making the appointment.

That decision is in full accord with another constitutional provision that requires and makes it possible for

the Governor, appointing an official, to remove the individual or officer of the Commonwealth whom he has appointed. It is horn book law that the power to appoint a civil officer carries with it also the power to remove, but in the case of Commonwealth vs. Benn, when the Governor of the Commonwealth attempted to remove a sitting commissioner without using the same forces that had been utilized to effectuate the appointment, the Supreme Court held that he could not be so removed. Therefore the cases that have been cited, Commonwealth vs. Benn, Commonwealth vs. Stewart, and Commonwealth vs. Shelby are not in point, because not one single Supreme Court interpretation of the Constitution can be cited by the gentleman from Lancaster which will say that the Governor of the Commonwealth may appoint Public Utility Commissioners with a majority, nor can the gentleman from Lancaster tell me one decision of our Supreme Court that gives the Governor the power to remove a member of the Public Utility Commission without receiving the necessary two-thirds vote of the Senate. What this bill attempts to do is to fly in the face of the constitutional provision, Article IV of Section 8, which states that the Governor shall nominate, by and with the advice and consent of two-thirds of all of the members of the Senate certain officers whom he is entitled to appoint either under the Constitution or under the law.

The gentleman from Bucks has stated to this House that under the present existing law, the members of the Public Utility Commission are appointed by the Governor and even though this Legislature has appointed the Governor as its agent to make the appointment to the Public Utility Commission, nevertheless the Governor under the Constitution in exercising the agency delegated to him by the members of this House and by the Senate must exercise that appointing agency in a constitutional manner, and the Constitution definitely says, in Article IV, Section 8, that that appointment must be made by and with the consent of two-thirds of the Senate. I submit that the case of Commonwealth vs. Benn never decided this point. The case of Commonwealth vs. Benn states that if the Governor seeks to remove a sitting member of the Public Utility Commission that such member can only be removed in a constitutional manner; in a manner that would give the Governor the advice and consent of two-thirds of the members of the Senate to effectuate the removal. Commonwealth vs. Benn never decided that the Governor could appoint or could remove commissioners of the Public Utility Commission without the necessary two-thirds consent of all the members of the Senate.

I might state to the members of the House that the problem of whether or not the Public Utility Commission is or is not an arm or branch of the Legislature, is beset with innumerable contradictions. In our own administrative code, Section 31, it is defined just what the Public Utility Commission is, and in Section 61 of Title 71 of Purdon's Statutes it is indicated that the executive and administrative work of this Commonwealth shall be performed by the executive department "consisting of the Governor," and then it goes on, "by the following independent administrative boards and commissions," designating the Game Commission, the Board of Fish Commissioners and the Public Utility Commission. So, by our own administrative code it has been accepted that

the Public Utility Commission is a separate, distinct and independent commission functioning in order to give the people what might have been termed legislative enactment as far as rates are concerned, but not going beyond that in the exercise of its judicial and quasi judicial powers.

I might also state that in the same administrative code is contained a provision relative to the appointment of the Public Utility Commissioners, requiring the same constitutional two-thirds "advice and consent" of the Senate.

Mr. Speaker and members of this House, by this bill we are attempting to change the fundamental law as to the appointment of Public Utility Commissioners that has existed in this Commonwealth from time immemorial. The advice and consent of two-thirds of the Senate is an integral part of such appointments.

May I quote to you a resume of the debate and deliberations that were had in a chamber similar to this during the formation of our Constitution in 1874. In arriving at the intent of the framers of the Constitution when this section was discussed, a reading of the debates, makes it apparent immediately that the framers of the Constitution intended that every appointment by the Governor must receive the approval of two-thirds of the members of the Senate before the persons mentioned by the executive may be appointed.

In five debates on the Constitution, pages 206 to 213, the discussion centered about the insertion of the two-thirds approval of all the members of the Senate, rather than a mere majority of the Senate. The Constitutional framers voted to insert the two-thirds requirement, because they felt the Governor should be required to designate a person who would be so qualified for the position that two-thirds of all the members of the Senate would vote for his appointee rather than a mere majority, which the Governor could easily obtain if his party had a slight majority in the Senate Chamber. Whereas he would be required to designate an outstanding nominee if he hoped to obtain the required extra votes in an evenly divided Senate.

Furthermore the debate recorded in these pages makes it clear that the framers intended that every nominee mentioned in the Constitution or in any law should obtain a two-thirds consent of all the members of the Senate. Clearly, the Constitutional history of the Commonwealth has been such from the very enactment of our Constitution as to require two-thirds "advice and consent" of the Senate before any member of the Public Utility Commission or any other officer of the Commonwealth be appointed. If we as members of the House feel that in order to obviate the intent of the framers of the Constitution, in order to make it possible to appoint men who do not have the qualifications that muster a two-thirds vote in the other Chamber, if we feel that this long history of approval should be flaunted and thrown to the winds just to help out in a political expediency, then you members on the other side might be justified in violating the clear intent of the Constitutional provisions, but speaking for the minority, we say that the Constitutional provisions are plain and explicit, and I ask the membership of this House to so vote on this question.

Mr. ALSPACH. Mr. Speaker and members of the

House, the gentleman from York, Mr. Cohen, has made reference to the administrative code of 1923. In answer thereto I would like to read from this very same opinion concerning the applicability of the administrative code to this present situation.

"The fact that the Administrative Code (Act of June 7, 1923, P. L. 498), the statute dealing with the executive department of the government, includes in a manner, the Public Service Company Law, . . . cannot change the predominant character of the Public Service Commission as 'an administrative arm of the legislature,' or serve to make the Commission any more a part of the executive department that it was before being mentioned in the code."

Now, Mr. Speaker and members of the House, I submit that that is ample answer to the objection raised by the gentleman from York, Mr. Cohen.

As to the fact that the administrative code requires that all these appointments must be by the advice and consent of a two-thirds vote of the members of the Senate, I would like to remind you that the Act of 1913, setting up the Public Service Commission, provides that appointees shall be by the advice and consent of the Senate, and it was not until the act of 1937, P. L. 160, passed by the last administration, when it was deemed advisable to abolish the Public Service Commission and set up the Public Utility Commission, that there was inserted in this act the provision that all of the appointees must receive the advice and consent of two-thirds of the members of the Senate.

Furthermore, Mr. Speaker and members of the House, the argument of the gentleman from York, it seems to me, makes my position more clear and more certain that the Public Utility Commission is a child, a branch or the right arm, whatever you choose to call it, of the Legislature, because he cited the Benn case and stated it was there held that the Governor did not have the right to remove summarily a member of the Commission without action by the Legislature. That is precisely what the Supreme Court of Pennsylvania decided in that case and that is precisely what I am saying here today, that the members of the Legislature, the House and the Senate are the ones to determine the qualifications, mode of appointment, and mode of removal of these officers, and therefore it is precisely within the province of this Legislature to prescribe that the members may be appointed with the advice and consent of the Senate, which means the majority of the members of the Senate and not by the advice and consent of two-thirds of the members of the Senate. What this act under discussion now contemplates doing is really to restore the qualifications of a Public Utility Commissioner, the same as it was under the previous existing act which had been in effect from 1913 to 1937, namely, "with the advice and consent of the Senate."

Now, Mr. Speaker, I think that that amply answers the argument which the gentleman from York, Mr. Cohen, has made concerning the constitutionality of this measure, and I would ask the members of this House to vote in favor of it.

Mr. HERBERT B. COHEN. Mr. Speaker, I desire to interrogate the gentleman from Lancaster, Mr. Alspach.

The SPEAKER. Will the gentleman from Lancaster permit himself to be interrogated?

Mr. ALSPACH. I will, Mr. Speaker.

Mr. HERBERT B. COHEN. Mr. Speaker, I desire to inquire of the gentleman from Lancaster whether he can cite me an instance under the 1913 Public Service Commission Law wherein any member of the Public Service Commission was appointed without the advice and consent of two-thirds of the members of the Senate.

Mr. ALSPACH. Mr. Speaker, I know of none.

Mr. HERBERT B. COHEN. Mr. Speaker, I am not sure that the gentleman understands what I asked him. The question was whether he could cite me an instance where any member of the Public Service Commission was appointed under the 1913 act without the advice and consent of two-thirds of the Senate.

Mr. ALSPACH. Mr. Speaker, in answer to that I would state that I have not followed the proceedings as to the "advice and consent" on these Public Service Commissioners from 1913 up until 1937. I am unaware of the number of votes it was necessary to muster.

Mr. HERBERT B. COHEN. Mr. Speaker, is it not a fact that even though the 1913 act did not have the requirement of two-thirds of the members of the Senate, that all of the appointments to the Public Service Commission under the 1913 act were made by and with the advice and consent of two-thirds of the Senate.

Mr. ALSPACH. Mr. Speaker, in answer to that I would say that I have no information as to the votes necessary for the appointment of any particular appointee or any particular officer to the Public Service Commission under the act of 1913. I would suggest that that information is available to the gentleman from York, if he would care to go back to the Legislative Journals and secure it.

Mr. HERBERT B. COHEN. Mr. Speaker, I desire to inquire of the gentleman from Lancaster, whether he can cite me any Supreme Court decision in which an appointment to the Public Service Commission or the Public Utility Commission without the advice and consent of two-thirds of the Senate was held to be a constitutional appointment.

Mr. ALSPACH. Mr. Speaker, I know of no such case.

I might further add that very probably, and in fact I would not be at all surprised to learn, that Public Service Commission appointees from 1913 to 1937 did receive the advice and consent of two-thirds of the members of the Senate, but whether they received the unanimous consent of the Senate, that would not destroy the effect of the act of 1913, which says that a mere majority would have been sufficient.

Mr. HERBERT B. COHEN. Mr. Speaker, is it not a fact that the case of Commonwealth vs. Benn did not decide that it was possible to make appointments to the Public Service Commission or Public Utility Commission without the advice and consent of two-thirds of the Senate, but rather decided that a member of the Public Service Commission could not be removed summarily by the Governor without the advice and consent of two-thirds of the Senate?

Mr. ALSPACH. Mr. Speaker, in answer to that I would say that the precise question involved in the Benn case, was as the gentleman from York has stated, whether the Governor could summarily dismiss a member of the Public Service Commission without the advice and consent of the Senate. I would say to that, however, that the court

went into this entire question and the constitutional questions generfc to this question, or in any way involved in this question, and considered them in detail, in the very learned opinion of then Chief Justice Von Moschzisker in which he discusses all of these problems. I might say further, that although you might say that this question at this point is different, so far as the exact precise law and decision of the court is concerned, when it comes down from the lips of the Justice of the Supreme Court, it is very, very persuasive especially since we have no other precedents in our courts.

Mr. HERBERT B. COHEN. Mr. Speaker, will the gentleman from Lancaster read me the dictum that would indicate that a member of the Public Utility Commission or the Public Service Commission can be appointed without the advice and consent of two-thirds of the Senate.

Mr. ALSPACH. Mr. Speaker, in reply to that I will refer the gentleman from York to the section which I have already read and which I assume appear as part of the record. I think those sections adequately apply and I know of no other law that would otherwise cover it.

Mr. HERBERT B. COHEN. Mr. Speaker, do I understand from the gentleman from Lancaster that the dictum in the case of Commonwealth vs. Benn would indicate that an appointment could be made to the Public Utility Commission without the advice and consent of two-thirds of the Senate, and with a mere majority of the Senate?

Mr. ALSPACH. Mr. Speaker, that is my interpretation of this act.

Mr. HERBERT B. COHEN. Mr. Speaker, will the gentleman from Lancaster refer to the case of Commonwealth vs. Benn, and read, for the benefit of the members of the House, the dictum that would indicate that a less number than two-thirds of the members of the Senate would be required to confirm such an appointment?

Mr. ALSPACH. Mr. Speaker, I would refer to the excerpts which I have read previously, and I would say that under this dictum and under the holding in the case itself, the Public Service Commission is an arm of the Legislature and it would naturally follow, you might say, as night follows day, that whatever the Legislature chooses to do, that is valid and binding.

Mr. HERBERT B. COHEN. Mr. Speaker and members of the House, we in the law know that dictum is not the turning point in a case. Nevertheless in the case of Commonwealth vs. Benn, while the case went on and discussed the development of the Public Service Commission and the Public Utility Commission, not one sentence in a reading of the entire case would indicate that it would be constitutional to make an appointment to the Public Utility Commission without first having obtained the necessary constitutional requirement of two-thirds of the "advice and consent" of the Senate. The case definitely holds, as the gentleman from Lancaster admits, that before the Governor can remove a member of the Public Utility Commission, it is required that he have the advice and consent of the appointing agency with him, namely the Senate, and have it in the same manner as when he made the appointment, namely, a two-thirds majority. Under those circumstances, I must reiterate to the members of this House that the constitutional history, even under the old Public Service Commission law, the procedure followed by the Senate on appointments to the Public Service Commission under the Act of 1913, was with the advice

and consent of two-thirds of the Senate, indicating that the constitutional provision became a part of the law, and governed the Governor in the exercise of his appointive power.

I say to the membership of this House to attempt to change that long-established procedure is not merely an attempt to change our legislative enactment, but is an attempt to change our Constitution, and there is only one way to do that . . . by constitutional amendment . . . and even though night follows day, this is not a constitutional amendment and until we act under the power expressly given us by the people of the Commonwealth, we have no right to make inroads into the Constitution of 1874.

Mr. WOODSIDE. Mr. Speaker, and members of the House, I do not desire to prolong this technical debate on the question which is now before us, but I would like to read for the benefit of the gentleman from York the following paragraphs of the opinion of the Chief Justice of the Supreme Court of Pennsylvania in the case of Commonwealth vs. Benn, which I think is in answer to the question that he asked of the gentleman from Lancaster, who had not the opportunity to examine the case at the moment he was being interrogated. I am sure he would have answered it if he had had an opportunity to look at it as I have. On page 431 it is provided as follows:

"Moreover, in providing for a practical method of selecting and dismissing its own appointees, the general assembly could permit the Governor, or whatever agency it might select for the purpose, to act in removing the officials thus named, and it could dictate the exclusive manner in which the removal should be made; for, under such circumstances the general assembly, as the appointing power, would have the right to provide by statute how its 'pleasure' (in the language of the Constitution) should be expressed, since there is nothing in the Constitution from which it can be even plausibly argued that, if the legislature sees fit to delegate to others its power to appoint its own deputies, it is required to give to these others an uncontrolled appointive power."

The gentleman from York has made the statement that it is elementary that the power to appoint is the power to remove, but what he is trying to confuse the members of this House on, is that the power to appoint a Public Utility Commissioner is in the Executive. That is not the law, and it has been definitely determined as not being the law, because the Supreme Court has held in the Benn case that the power to appoint is in the Legislature, and if the Legislature has the power to appoint it has the power to remove and it and it only can determine the manner in which that power shall be exercised, and that is exactly what the Legislature is doing in this bill.

Mr. HOMER S. BROWN. Mr. Speaker and members of the House, like the majority leader, I do not intend to prolong the debate, but in view of the fact that there is only one question before us, it might be well to stick to the Constitution, since a constitutional question has been raised.

Article IV, Section 8 says

"He (meaning the Governor) shall nominate and by and with the advice and consent of two-thirds of all of the members of the Senate appoint a Secretary of the Commonwealth, an Attorney General during pleasure, a Superintendent of Public Instruction for four years, and such officers of the Commonwealth as he is or may be authorized by the Constitution or by law to appoint."

I submit to the membership of this House that if the Governor makes an appointment under the Constitution, he is bound to get a two-thirds consent of the Senate; if he makes it by law, whether that law is delegated by the Legislature or not, he must have two-thirds. He can only make appointments in one of two ways, either by the Constitution or by law. If he makes it by the Constitution, he is bound by two-thirds, and if he makes it by law, he is bound by two-thirds.

I submit further that only in those two ways can the Governor make any appointments, and if he does he must make that appointment in the manner provided by the Constitution. "He shall nominate and by and with the advice and consent of two-thirds of all the members of the Senate, appoint a Secretary of the Commonwealth, an Attorney-General during pleasure, a Superintendent of Public Instruction for four years, and such other officers of the Commonwealth" Now, there seems to me to be no doubt that the Public Utility Commission are officers of the Commonwealth. It seems to me that the language is so plain that he who is deaf must hear. If there is some other way by which the Governor can appoint, then probably the gentleman from Lancaster is right, but if he does it by law he is bound by the Constitution, and if he does it by the Constitution, he is bound by the Constitution. If he does it by law, there is only one body that can make the law and that is the Legislature. It therefore seems to me that the gentleman from York is right on the question of Constitutionality, and I say that the House should sustain him.

Mr. ALSPACH. Mr. Speaker and members of the House, the gentleman from Alleghany, Mr. Brown, has made reference to a provision of the Constitution, Article IV, Section 8, concerning executive appointments. I would like to read from the opinion in the case of Commonwealth vs. Benn, as follows:

"Since bodies like the Public Service Commission were not in the minds of the people when they voted on the Constitution, and because the place in controversy is not a constitutional office, the above mentioned section of the organic law has no application."

Mr. Speaker, it seems to me that under this interpretation, Article IV, Section 8 of the Constitution, names certain officers,—the Secretary of the Commonwealth, the Attorney General, the Superintendent of Public Instruction and the like, and those are all constitutional offices provided for in the Constitution itself. They were not in existence in 1873 and 1874 when this Constitution was adopted. They are constitutional offices and their appointment must be with the advice and consent of two-thirds of the Senate, as it is stipulated here. The Public Service law did not come into being until 1913, and it was the Legislature itself that set it up. The Public Utility Commission is not a constitutional body; the members of the Public Utility Commission are not constitutional officers and therefore the Legislature, in saying in 1913 that the members shall be appointed by and with the advice of the Senate,—and that is exactly what is said, with the advice and consent of the Senate—meant the majority of the members of the Senate. Now, I would like to ask whether the gentleman from York can show me any case or refer to any case in which it was decided that the appointment of a Public Service Commissioner

requires a two-thirds vote of the Senate for his confirmation.

Mr. HERBERT B. COHEN. Mr. Speaker, I will answer that question even though it is not directed to me. I will answer it by quoting to the gentleman from Lancaster his own case of Commonwealth vs. Benn. It is the established law that the power to appoint carries with it the power to remove, and the Supreme Court has said that before a member of the Public Utility Commission may be removed, he must have the same elements and agencies cooperating in making the removal as cooperated in making the appointment. The Supreme Court stated that in order to remove him he must be removed by the Governor by and with the advice and consent of two-thirds of the Senate, so it follows that in order to make an appointment, it requires the advice and consent of two-thirds of the Senate.

Mr. ALSPACH. Mr. Speaker, I desire to interrogate the gentleman from York, Mr. Cohen.

The SPEAKER. Will the gentleman from York permit himself to be interrogated?

Mr. HERBERT B. COHEN. I will, Mr. Speaker.

Mr. ALSPACH. Mr. Speaker, I have here in my hand Volume 284 which is the Case of Commonwealth vs. Benn, and I would like the gentleman from York to read to me where it was decided that it required a vote of two-thirds of the Senate to remove a Public Utility Commissioner. I was under the impression, Mr. Speaker, that the contention of the gentleman from York a few moments ago was that the only thing decided by the case was that the Governor could not summarily dismiss a Public Utility Commissioner without the Senate's passing on it and "O.K.ing" it. I have this volume if the gentleman would like to look at it.

The SPEAKER. Will the gentleman from York take the report of the case of Commonwealth vs. Benn and point out to the gentleman from Lancaster the passage he requests?

Mr. HERBERT B. COHEN. Mr. Speaker, I do not need it as I remember the case verbatim. I can quote it to you —

Mr. ALSPACH. I think that answers the question, Mr. Speaker.

Mr. HERBERT B. COHEN. Mr. Speaker, I can only refer the gentleman from Lancaster to his own construction of the case of Commonwealth vs. Benn when he quotes me as saying that the case of Commonwealth vs. Benn holds that the Governor cannot summarily dismiss members of the Public Service Commission without obtaining the advice and consent of the Senate in order to effectuate such a dismissal. That is my interpretation of the case and the gentleman from Lancaster's interpretation of the case, but to carry it one step further, I would say that since it requires two-thirds of the Senate to make effective the removal, in addition to the removal by the Governor it follows that in order to make an appointment it requires the advice and consent of two-thirds of the Senate.

Mr. Speaker and members of the House, this long-established practice has been followed in every Public Service confirmation from 1913 up to the present time. Not one single solitary officer of the Commonwealth has ever been confirmed by the Senate without the advice and consent of two-thirds of the members and to change

it now is not changing the law, it is changing the Constitution.

On the question recurring,

Will the House sustain the Constitutional Point of Order?

The roll was called and was as follows:

YEAS—70.

Achterman,	DeNote,	Long,	Regan,
Allen,	Donohoe,	Lovett,	Reynolds,
Allmond,	Downey,	Malone,	Rider,
Baker,	Falkenstein,	McLane,	Rooney,
Balthaser,	Finnerty,	Melchiorre,	Rosenfeld,
Bohn,	Flanagan,	Mooney,	Rothenberger,
Bols,	Furman,	Moran,	Sarra,
Boney,	Gorski,	Munley,	Scanlon,
Brancato,	Harkins,	O'Brien,	Schrope,
Broad,	Hess,	O'Connor,	Skale,
Brown, H. S.,	Hindman,	O'Keefe,	Stank,
Burns,	Holland,	Ominsky,	Tarr,
Burris,	Jirolanio,	O'Neill,	Thompson, E. F.,
Check,	Kane,	Powers,	Tronzo,
Chervenak,	Keenan,	Preston,	Welsh, E. B.,
Cohen, H. B.,	Kenehan,	Readinger,	Welsh, M. J.,
Cohen, R. E.,	Kilroy,	Reese, R. E.,	Williams,
Corrigan,	Levy,		

NAYS—115.

Ackermann,	Ely,	Lichtenwalter,	Sollenberger,
Alspach,	Ewing,	Lyons,	Stambaugh,
Andrews,	Fliss,	Marr,	Stewart,
Atkins,	Fleming,	McClester,	Stockham,
Auker,	Foor,	McGarrity,	Sweeney,
Balliet,	Freed,	McKinney,	Tahl,
Bardes,	Gates,	McNally,	Taylor,
Bennett,	Gillan,	McVay,	Terry,
Boose,	Gillette,	Montgomery,	Thistle,
Bower,	Habbyshaw,	Moser, J. L.,	Thompson, G. R.,
Boyd,	Haines,	Muir,	Tiemann,
Bretherick,	Hall,	O'Dare,	Trout,
Bronson,	Hamilton,	Peacock,	VanAllsburg,
Brown, S. W.,	Harbeson,	Peale,	Van Belle,
Brunner,	Haudenschild,	Reese, D. P.,	Voorhees,
Cadwalader,	Henry,	Rhodes,	Wagner,
Carpenter,	Hewitt,	Riley,	Watkins,
Christler,	Hocke,	Robertson,	Webster,
Clark,	Hoffman, J. N.,	Rose,	Westrick,
Clearwater,	Huntley,	Roseberry,	Wilkinson,
Cooper,	James,	Royer,	Wilson,
Cordier,	Johnston,	Sarge,	Winner,
Curran,	Jones,	Schrock,	Wood, H. M.,
Dalrymple,	Kline,	Self,	Wood, L. H.,
Denman,	Knoble,	Serrill,	Wood, N.,
Dick,	Kowalski,	Shearer,	Woodside,
Dix,	Krise,	Simons,	Yeakel,
Donahue,	Lee,	Sloan,	Turner,
Eckels,	Lelsey,	Snyder,	

Speaker.

So the question was determined in the negative and the Constitutional Point of Order was not sustained.

On the question recurring,

Shall the bill pass finally?

MOTION TO POSTPONE

Mr. JIROLANIO. Mr. Speaker, I move that this bill be placed upon the postponed calendar, in order that the Attorney General may give to this House an opinion as to the constitutionality of this particular bill.

On the question,

Will the House agree to the motion?

Mr. ALSPACH. Mr. Speaker and members of the House, I think the question of the constitutionality in this case has been very carefully studied and considered by various persons and I think it will do no good at the present time to have this bill postponed, awaiting the opinion of the Attorney General. I am not placing myself in the position of casting any aspersions on the results of

the findings therein, but I am merely stating that to put this measure on the postponed calendar would be to cause needless delay, and I request the members of the House to vote against this motion.

POINT OF ORDER

Mr. ANDREWS. Mr. Speaker, I rise to a point of order. The SPEAKER. The gentleman from Cambria will state his point of order.

Mr. ANDREWS. Mr. Speaker, it is irregular for this Legislature to ask the Attorney General for an opinion on a constitutional point, that being solely the prerogative of the Governor.

The SPEAKER. The Chair is of the opinion that the point of order of the gentleman from Cambria is well taken, but the gentleman from Northampton, Mr. Jiro-lanio, is in order in making the motion to postpone.

On the question recurring,

Will the House agree to the motion?

The yeas and nays were required by Messrs. Jirolanio, Baker and Ominsky and were as follows:

YEAS—43.

Achterman,	Corrigan,	Moran,	Rothenberger,
Allmond,	Donohoe,	O'Connor,	Sarra,
Andrews,	Downey,	O'Keefe,	Schrope,
Baker,	Falkenstein,	Ominsky,	Schwab,
Balthaser,	Harkins,	O'Neill,	Skale,
Bohn,	Hess,	Powers,	Tarr,
Boles,	Hindman,	Preston,	Welsh, E. B.,
Boney,	Holland,	Readinger,	Welsh, M. J.,
Brancato,	Jirolanio,	Regan,	Westrick,
Burns,	Keenan,	Rider,	Williams,
Cohen, H. I.	Kenehan,	Rosenfeld,	

NAYS—123.

Ackermann,	Ewing,	Leydic,	Simons,
Alspach,	Fliss,	Lichtenwalter,	Sloan,
Atkins,	Fleming,	Lyons,	Snyder,
Auker,	Foor,	Madden,	Sollenberger,
Balliet,	Freed,	Marr,	Stambaugh,
Bardes,	Gates,	Matthews,	Stewart,
Bennett,	Gillan,	McClester,	Stockham,
Boorse,	Gillette,	McGarrity,	Sweeney,
Boose,	Goll,	McKinney,	Tahl,
Bower,	Habbyshaw,	McNally,	Taylor,
Boyd,	Haines,	McVay,	Terry,
Bretherick,	Hall,	Montgomery,	Thistle,
Bronson,	Hamilton,	Moser, F. S.,	Thompson, G. R.,
Brunner,	Harbeson,	Moser, J. L.,	Tiemann,
Cadwalader,	Haudenschild,	Muir,	Trout,
Carpenter,	Henry,	O'Dare,	Van Allsburg,
Christler,	Hewitt,	Peacock,	Van Belle,
Clark,	Hocke,	Peale,	Voorhees,
Clearwater,	Hoffman, J. N.,	Reagan,	Wagner,
Cohen, R. E.,	Hoyt,	Reese, D. P.,	Watkins,
Cook,	Huntley,	Rhodes,	Webster,
Cooper,	James,	Riley,	Wilkinson,
Cordier,	Johnston,	Robertson,	Wilson,
Curran,	Jones,	Rose,	Winner,
Dalrymple,	Kane,	Roseberry,	Wood, H. M.,
Denman,	Kline,	Royer,	Wood, L. H.,
DeNote,	Knoble,	Sarge,	Wood, N.,
Dick,	Kowalski,	Schrock,	Woodside,
Dix,	Krise,	Self,	Yeakel,
Donahue,	Lee,	Serrill,	Turner,
Eckels,	Lelsey,	Shearer,	
Ely,			Speaker.

So the question was determined in the negative and the motion was not agreed to.

On the question recurring,

Shall the bill pass finally?

Mr. HOLLAND. Mr. Speaker and members of the House, it was no surprise to me to have the Public Utility Commission Ripper presented to this House under a camouflage, for the attitude of Governor James—since

he took office—in trying to disrupt the workings of the Public Utility Commission has been very evident. But, of course, he is merely living up to his campaign promises made to the Utilities and is trying to pay them back for the monies they spent in having him elected. At least, we have to admit that he is very honest in his endeavor to pay the Utilities back, with interest, for his political debt to them.

Let me read to you a heading taken from our Pittsburgh newspapers last Friday, March 17th—and I might add, the Utilities picked a good day to make this announcement, for March 17th was the third anniversary of the great flood, costing many lives of Pennsylvania and \$212,000,000.00 in property damages—for it has been the Utilities that have obstructed Flood Control in Pennsylvania since 1897. This heading reads "Peoples Gas Co. Demands Increase In Rates." With the Public Utility Commission that is now existing, they will not get permission to gouge the users of gas—but with the Public Utility Commission controlled by James, the Utilities would get prompt consideration and assent. And, I might add, that the only rates that are to be increased are the rates to the small home owners and the poor relief recipients. In other words, if they are permitted to increase their rates, the consumer who pays \$3.00 for 5,000 cubic feet of gas will pay \$4.02 under the new set-up.

Some of you will say "Why doesn't he confine his remarks to the Bill that is being discussed?" But when this bill is discussed we should know the results of this legislation when it is enacted into law. Utility lobbyists were very active in this House to get this bill on the calendar.

House Bill No. 449 was introduced on Wednesday, March 8, reported to committee and reported out of committee the following Tuesday, although there are other bills lying in that committee which are much older than this bill.

Was it merely a coincidence that the Peoples Gas Company asked for an increase in rates at the same time that the change in the Utility Commission was asked for?

There is not one member of this House who can accuse the Public Utility Commission of not functioning in the interests of the people. If Governor James is going to try to fool the people, that because a member of this Commission dare make a speech and tell the people of the true conditions existing in Pennsylvania on utility matters, that that Commissioner should be removed for "political activities," then we might as well invite Hitler to Pennsylvania because it is dictatorship controlled by the Utilities of Pennsylvania that is set up in this Bill. At least Hitler might give the people of Pennsylvania some consideration. They'll not get it when this bill is passed.

What is political activity? When a man takes an interest in using his constitutional rights to support for office a person of his choosing he is politically active. Today, any man or woman who does not become politically active and takes an interest in government is worse than the slacker who refused to fight for his country in the World War. If we continue to disfranchise voters, it will be only a matter of time until the only people who will be permitted to run for office, who will be permitted to vote, will be those who appear in Dunn and Bradstreet,

for we are steadily trying to build up a feudal system in this state, so that only the voice of the vested interests shall be heard, and the hundreds of thousands of unemployed and "Border Line Relief" inhabitants will be treated worse than the slaves of olden days.

I appeal to the Republican members of this House, if you are looking for places for "deserving Republicans," why do you not insist that the openings already filled by the Governor be given to "deserving Republicans" who need incomes, instead of to men of large incomes who hold other jobs paying them from six to ten thousand a year? You will find that the Public Utility appointments will be dictated by the utilities, and that you members of this House will not be given any consideration in replacing the present Public Utility Commission.

You Republican members from Allegheny County are going to have a hard job explaining to your constituents back home, when the James Public Utility Commission permits the Peoples Gas Company to increase their gas rates, why you voted for this change in Commission personnel so that the Governor could serve his friends, the utilities, and not your constituents back home who are going to be compelled to pay more money for their gas.

Mr. KANE. Mr. Speaker and members of the House, as one of the members who had nothing to do with the appointment of members of the present Commission, and as one of the members of the House who fought against the ripper bills by which the present commissioners got their jobs, I would remind the gentleman from Allegheny that the men who are on the Commission today got those positions because of their political activities,—and if he cares to have a private session with me I will tell him exactly when and where. I submit that the proper thing to do would be to throw them all out by the same method whereby they came in, but Mr. Speaker and members of the House, it has been the Governor's pleasure apparently to penalize further the political activities of commissioners who are supposed to administer the wishes of the Legislature, if you please, with regard to utility rates and rights in the state of Pennsylvania. I do not think it was very becoming, Mr. Speaker, for the gentleman from Allegheny to air a particular grievance against a particular utility company on the floor of this Legislature and make a campaign speech for his constituents at the expense of the time of the members of the House. I do not know what motive may have impelled that particular company to do the particular thing it did, but certainly it was not politic, because if ever there was an inopportune time to bring up a question of that sort it would be now. That is almost a self proving situation. This bill, if the Constitutionalists are right, is constitutional when it requires a majority of the Senate, but I don't think so, Mr. Speaker. I agree with the Democratic members, who seem to be the ones who thought that the Governor at all times was either the Governor or nothing, and when as Governor he made appointments he did so as Governor and not as an errand boy or an agent of the Legislature. I agree with that, but I certainly do not agree with the gentleman from Allegheny with regard to the propriety of this bill. It is certainly a proper cause for removing these or any other important servants if they should be politically active at the expense of the office for which the taxpayer is paying.

I want to say in comment that while I had nothing to do either with the suggestion or selection of any member of the present Cabinet of this Administration, whether they are highly paid or not and it makes no difference to me so long as the men chosen have the ability and the capacity with which to administer their offices. I wish to compliment the Governor of this Commonwealth upon the quality of the men whom he has chosen to fill the Cabinet positions with which I am familiar.

Mr. ANDREWS. Mr. Speaker and members of the House, I had not intended to take the floor on this bill, but the gentleman who just spoke caused me to change my mind. I will therefore take the floor so I can explain to the minority why I am going to support this measure.

Looking at this measure I cannot but realize what a magnificent instrument it would have been in the hands of Governor Gifford Pinchot when he wanted to fire the Public Service Commissioners. Looking upon this measure I cannot but realize what a magnificent instrument it would have been in the hands of George Earle when he wanted to fire the Public Service Commissioners. They finally had to introduce a bill to accomplish that purpose. Surveying this measure, and keeping in mind the possibility that a Governor might be elected by the Democratic party, when, as and if that is accomplished, I would call attention to the fact that the previous administration by its rippers endangered its position. I opposed, so far as lay within my power, all ripper activities upon the part of the previous administration. I am in favor of this bill, and in supporting it, I would like to say there is a lack of frankness about it. The purpose of this bill is to enable any Governor, whether a Republican Governor or a Democratic Governor, to fire any member of the Public Utility Commission for any reason he wants to, and at any time he wants to. The words "political activity" mean anything that the Governor wants them to mean, or anything that twenty-six members of the Assembly want them to mean. If the majority party wants to take the position that the Public Utility Commission should henceforth cease to be the instrument of this legislature and become the instrument of political leadership, it suits me, because that is the very kind of a position that I would like to see the majority party take.

Mr. LEVY. Mr. Speaker and members of the House, I too, like the gentleman from McKean, Mr. Kane, have no sympathy whatever with any member of this House who might now take the opportunity to oppose this bill in order to keep the Democratic party in power. And should a different party come into power and attempt to do the same thing, I would say "God speed."

In this bill, members of the House, I believe we are met with one issue and one issue alone. That is not the ripper feature of this bill. We are met with the Constitutional provision as outlined by the gentleman from Lancaster and the gentleman from York, where they cited Article IV, Section 8 of the Constitution of the Commonwealth of Pennsylvania. Have we as members of the Legislature the right to pass laws taking the power away from the upper chamber when the Constitution of the Commonwealth in clear and distinct wording gives them such power? Article IV, Section 8 of the Constitution provides not as Mr. Alspach said a few moments ago. The gentleman from Lancaster, in defending the constitutionality of this act made some reference to a section in the

Constitution, but I was very sorry to hear that he did not go far enough. Section 8 of the Constitution provides that "he" meaning the Governor, "shall nominate by and with the advice and consent of two-thirds of the members of the Senate, a Secretary of the Commonwealth, an Attorney-General during pleasure, a Superintendent of Public Instruction for four years, and such other officers of the Commonwealth as he is or may be authorized by the Constitution or by law to appoint."

Mr. Speaker, I challenge the gentleman from Lancaster to say on the floor of this House that he feels that any member of the Public Utility Commission is not an officer of this Commonwealth. They individually receive their power from the Legislature, it is true, but they are paid by the Commonwealth of Pennsylvania, and they became an arm of the Commonwealth of Pennsylvania when they took their oath of office.

When the Constitution of Pennsylvania was written these words were placed in it clearly to mean any such officers of the Commonwealth of Pennsylvania. I might point out to the gentleman from Lancaster that he need not go back to 1873 or 1874, but on the bottom of the page referring to this section, he will read that this section was amended in 1909 and the amendment did not change the meaning that this was all inclusive as to "officers of the Commonwealth."

My friends, the constitutionality of this act is important to us. It is especially important to every member of the House who feels that the constitution of the Commonwealth should not be tampered with. This is a dangerous bill, it is vicious in its inception, and I ask the members of the House to vote down this measure.

On the question, recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—118

Ackermann.	Ely.	Lelsey.	Sloan.
Alspach.	Ewing.	Leydick.	Snyder.
Andrews.	Floss.	Lichtenwalter.	Sollenberger
Atkins.	Poor.	Lyons.	Stambaugh.
Balliet.	Freed.	Marr.	Stewart.
Bardes.	Gates.	Matthews.	Stockham.
Bennett.	Gillan.	McClester.	Sweeney.
Boorse.	Gillette.	McGarrity.	Tahl.
Boose.	Goll.	McKinney.	Taylor.
Bower.	Habbyshaw.	McNally.	Thistle.
Boyd.	Haines.	McVay.	Thompson, G. R.
Bretherick.	Hall.	Moser, F. S.	Tiemann.
Bronson.	Hamilton.	Moser, J. L.	Trout.
Brown, S. W.	Harbeson.	Muir.	VanAllsburg.
Brunner.	Haudenschild.	O'Dare.	Van Belle.
Cadwalader.	Henry.	Peacock.	Voorhees.
Calvin.	Hewitt.	Peale.	Wagner.
Carpenter.	Hocke.	Reagan.	Watkins.
Christler.	Hoffman, J. N.	Reese, D. P.	Webster.
Clark.	Hoyt.	Rhodes.	Wilkinson.
Clearwater.	Huntley.	Riley.	Wilson.
Cohen, R. E.	James.	Robertson.	Winner.
Cooper.	Johnston.	Roseberry.	Wood, H. M.
Cordier.	Jones.	Royer.	Wood, L. H.
Curran.	Kane.	Sarge.	Wood, N.
Dalrymple.	Kline.	Schrock.	Woodside.
Dick.	Knoble.	Self.	Yeakel.
Dix.	Kowalski.	Serrill.	Turner.
Donahue.	Krise.	Shearer.	Speaker.
Eckels.	Lee.	Simons.	

NAYS—68

Achterman.	Falkenstein.	McLane.	Rider.
Allen.	Finnerty.	Mihm.	Rooney.
Allmond.	Flanagan.	Montgomery.	Rose.
Baker.	Furman.	Mooney.	Rosenfeld.

Balthaser.	Gorski,	Moran,	Rothenberger.
Bohn,	Harkins,	Munley,	Sarraff.
Boles,	Hess,	O'Brien.	Scanlon,
Boney,	Hindman.	O'Connor.	Schrope,
Broad,	Holland.	O'Keefe,	Skale,
Brown, H. S.,	Jirolanio.	Ominsky,	Tarr,
Burns,	Keenan.	O'Neill,	Thompson, E. F.,
Check,	Kenehan.	Powers,	Tronzo,
Cohen, H. B.,	Kilroy,	Preston,	Walsh,
Corrigan,	Levy,	Readinger	Welsh, E. B.,
Denman,	Long,	Reese, R. E.	Welsh, M. J.,
Donohoe,	Lovett,	Regan,	Westrick,
Downey,	Malone,	Reynolds,	Williams.

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

REASONS FOR VOTE

Mr. DENMAN filed the following reasons for his vote:

I am voting "no" on House Bill No. 449 for the following reasons:

"Section 4 of the said Bill restricting the person in question from exercising his right to speak freely on public matters is a violation of Section 7 of Article 1 of the Pennsylvania Constitution which reads as follows:

"The free communication of thought and opinion is one of the invaluable rights of man and every citizen may freely speak, write, and print on any subject, being responsible for the abuse of that liberty."

Mr. ROSENFELD filed the following reasons for his vote:

I oppose enactment of House Bill No. 449, Printer's No. 62 for the reason that the measure is not designed to prohibit political activity by the members of the commission. This is another measure of the Republican Administration to compensate political activity and to assist public utilities.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 301, as follows:

An Act providing that sentence shall not be imposed by any court of criminal jurisdiction on any person convicted of any offense before such court until after the expiration of five days from the date of conviction

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1 Whenever any person shall be convicted in any court of this Commonwealth of any crime the said court or any judge specially presiding in said court upon application of such person or his counsel shall not pass sentence on said person until after the expiration of five (5) days from the date of rendition of verdict by a jury or the finding of guilty by the court which said person is tried before the court without a jury Nothing in this act shall be construed to limit the power of the court to order said person detained in the county jail of the county where said person is tried pending sentence but nevertheless such convicted person shall be entitled to be admitted to bail as now provided by law

Section 2 All acts and parts of acts inconsistent herewith are hereby repealed

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

Mr. LOVETT. Mr. Speaker, I would like to interrogate the gentleman from Dauphin, Mr. Woodside.

The SPEAKER. Will the gentleman from Dauphin permit himself to be interrogated?

Mr. WOODSIDE. I shall, Mr. Speaker.

Mr. LOVETT. Mr. Speaker, I would like to know from the gentleman from Dauphin whether the Commission now would be the same as it was back in 1913?

The SPEAKER. The gentleman is not discussing the bill before the House. The bill before the House is House Bill No. 301, Printer's No. 90.

Mr. LOVETT. That is correct, Mr. Speaker.

The SPEAKER. Which is correct? The gentleman will proceed.

Mr. LOVETT. Mr. Speaker, I would like to know from the gentleman from Dauphin if the Commission, when this bill is passed, will be the same as it was back in 1913?

The SPEAKER. The gentleman is out of order. The bill which is now before the House is House Bill No. 301, Printer's No. 90.

Mr. WOODSIDE. Mr. Speaker, if the gentleman wants to interrogate me concerning this bill, I shall be glad to be interrogated. If not, I would suggest that he withhold the interrogation until later in the day or tomorrow in view of the condition of the calendar.

The SPEAKER. The Chair would suggest that the gentleman have a private conversation about the matter.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—202

Achterman,	Eckels,	Long,	Scanlon,
Ackermann,	Ely,	Lovett,	Schrock,
Allen,	Ewing,	Lions,	Schrope,
Allmond,	Falkenstein,	Madden,	Schwab,
Alspach,	Fauset,	Malloy,	Seif,
Andrews,	Finnerty,	Malone,	Serrill,
Atkins,	Fliss,	Marr,	Shaw,
Baker,	Flanagan,	Matthews,	Shearer,
Balliet,	Fleming,	McClester,	Simon,
Balthaser,	Foor,	McGarrity,	Skale,
Bardes,	Freed,	McKinney,	Sloan,
Bennett,	Furman	McLane,	Snyder,
Eohn,	Gates,	McNally,	Sollenberger,
Boles,	Gillan,	McVay,	Stambaugh,
Boney,	Gillette,	Melchiorre,	Stank,
Boorse,	Goll,	Mihm,	Stewart,
Boose,	Gorski,	Montgomery,	Stockham,
Bower,	Habbyshaw,	Mooney,	Sweeney,
Boyd,	Haines,	Moran,	Tahl,
Brancato,	Hall,	Moser, F. S.,	Tarr,
Bretherick,	Hamilton,	Moser, J. L.,	Taylor,
Broad,	Harbeson,	Mulr,	Terry,
Bronson,	Harkins,	Munley,	Thistle,
Brown, H. S.,	Haudensheld,	O'Brien,	Thompson, E. F.,
Brown, S. W.,	Henry,	O'Connor,	Thompson, G. R.,
Brunner,	Hess,	O'Dare,	Tiemann,
Burns,	Hewitt,	O'Keefe,	Tronzo,
Burris,	Hindman,	Ominsky,	Trout,
Cadwalader,	Hocke,	O'Neill,	Van Allsburg,
Clark,	Hoffman, J. N.,	Peacock,	Van Belle,
Carpenter,	Hoffman, S. K.,	Peale,	Voorhees,
Check,	Holland,	Powers,	Wagner,
Chervenak,	Hoyt,	Preston,	Walsh,
Christler,	Huntley,	Readinger,	Watkins,
Clark,	James,	Reagan,	Webster,
Clearwater,	Jirolanio,	Reese, D. P.,	Weiss,
Cohen, H. B.,	Johnston,	Reese, R. E.	Welsh, E. B.,
Cohen, R. E.,	Jones,	Regan,	Welsh, M. J.,
Cook,	Kane,	Reynolds,	Westrick,
Cooper,	Keenan,	Rhodes,	Wilkinson,
Cordier,	Kenehan,	Rider,	Williams,
Corrigan,	Kilroy,	Riley,	Wilson,
Curran,	Kline,	Robertson,	Winnor,
Dalrymple,	Knoble,	Rooney,	Wood, H. M.,
Denman,	Kowalski,	Rose,	Wood, L. H.,

DeNote, Dick, Dix, Donahue, Donohoe, Downey,	Krise, Lee, Lelsey, Levy, Leydic, Lichtenwalter,	Roseberry, Rosenfeld, Rothenberger, Royer, Sarge, Sarraf,	Wood, N., Woodside, Yeakel, Turner, Speaker.
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NAYS—1

Auker,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 383, entitled:

An Act to amend the title and the act approved the sixteenth day of May, one thousand nine hundred and thirty-five (Pamphlet Laws 176) entitled, "An act requiring cities of the second and third class to allow members of the police departments, twenty-four consecutive hours of rest each week, and fourteen days vacation, each year, except in emergency cases," extending the provisions of said act to cities of the second class A. considered and agreed to.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—203

Achterman. Ackermann. Allen. Allmond. Alspach. Andrews. Atkins. Auker. Baker. Balliet. Balthaser. Bardes. Bennett. Eohn. Boies. Boney. Boorse. Boose. Bower. Boyd. Brancato. Bretherick. Broad. Bronson. Brown, H. S.. Brown, S. W.. Brunner. Burns. Burris. Cadwalader. Calvin. Carpenter. Check. Chervenak. Christler. Clark. Clearwater. Cohen, H. B.. Cohen, R. E.. Cook. Cooper. Cordier. Corrigan. Curran. Dalrymple. Denman.	Downey. Eckels. Ely. Ewing. Falkenstein. Fauset. Finnerty. Flss. Flanagan. Fleming. Foor. Freed. Furman. Gates. Gillan. Gillette. Goll. Gorski. Habbyslaw. Haines. Hall. Hamilton. Harbeson. Harkins. Haudenshield. Henry. Hess. Hewitt. Hindman. Hocke. Hoffman, J. N.. Hoffman, S. K.. Holland. Hoyt. Huntley. James. Jirolanio. Johnston. Jones. Kane. Keenan. Kenehan. Kilroy. Kline. Knoble. Kowalski.	Lichtenwalter. Long. Lovett. Lyons. Madden. Malloy. Malone. Marr. Matthews. McClester. McGarrity. McKinney. McLane. McNally. McVay. Melchiorre. Mihm. Montgomery. Mooney. Moran. Moser, F. S.. Moser, J. L.. Muir. Munley. O'Brien. O'Connor. O'Dare. O'Keefe. Ominsky. O'Neill. Peacock. Peale. Powers. Preston. Readinger. Reagan. Reese, D. P.. Reese, R. E.. Regan. Reynolds. Rhodes. Rider. Riley. Robertson. Rooney. Rose.	Sarraf. Scanlon. Schrock. Schrope. Schwab. Self. Serrill. Shaw. Shearer. Simons. Skale. Sloan. Snyder. Sollenberger. Stambaugh. Stank. Stewart. Stockham. Sweeney. Tahl. Tarr. Taylor. Terry. Thistle. Thompson, E. F.. Thompson, G. R.. Tiemann. Tronzo. Trout. Van Aillsburg. Van Belle. Voorhees. Wagner. Walsh. Watkins. Webster. Weiss. Welsh, E. B.. Welsh, M. J.. Westrick. Wilkinson. Williams. Wilson. Winner. Wood, H. M.. Wood, L. H.. Wood, N.. Woodside. Yeakel. Turner. Speaker.
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DeNote, Dick. Dix, Donahue, Donohoe,	Krise, Lee, Lelsey, Levy, Leydic,	Roseberry. Rosenfeld, Rothenberger, Royer, Sarge,	Wood, N., Woodside, Yeakel, Turner, Speaker.
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NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 343, entitled:

An Act to amend section one of the act, approved the twenty-second day of May, one thousand nine hundred and thirty-three (P. L. 851), entitled "An act fixing the pay and mileage of jurors and witnesses," by authorizing the court to direct additional compensation for jurors in certain cases.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—147

Ackermann. Alspach. Atkins. Auker. Balliet. Bardes. Bennett. Boorse. Boose. Bower. Boyd. Brancato. Bretherick. Broad. Bronson. Brown, H. S.. Brown, S. W.. Brunner. Burns. Burris. Cadwalader. Calvin. Carpenter. Check. Chervenak. Christler. Clark. Clearwater. Cohen, R. E.. Cook. Cooper. Cordier. Curran. Dalrymple. Denman. DeNote. Dick.	Dix. Donahue. Donohoe. Downey. Eckels. Ely. Ewing. Falkenstein. Fauset. Finnerty. Flss. Fleming. Foor. Freed. Gates. Gillan. Gillette. Goll. Gorski. Habbyslaw. Haines. Hall. Hamilton. Harbeson. Haudenshield. Henry. Hewitt. Hocke. Hoffman, J. N.. Hoyt. Huntley. James. Johnston. Jones. Kane. Kline. Knoble.	Kowalski. Krise. Lee. Lelsey. Leydic. Lichtenwalter. Lyons. Madden. Marr. Matthews. McClester. McGarrity. McKinney. McNally. McVay. Montgomery. Moser, F. S.. Moser, J. L.. Muir. O'Connor. O'Dare. Peacock. Peale. Reagan. Reese, D. P.. Rhodes. Riley. Robertson. Rose. Roseberry. Rothenberger. Royer. Sarge. Sarraf. Schrock. Self. Serrill.	Shearer. Simons. Sloan. Snyder. Sollenberger. Stambaugh. Stank. Stewart. Stockham. Sweeney. Tahl. Taylor. Terry. Thistle. Thompson, G. R.. Tiemann. Trout. Van Aillsburg. Van Belle. Voorhees. Wagner. Walsh. Watkins. Webster. Welsh, M. J.. Westrick. Wilkinson. Williams. Wilson. Winner. Wood, H. M.. Wood, L. H.. Wood, N.. Woodside. Yeakel. Turner. Speaker.
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NAYS—12

Achterman. Cohen, H. B.. Corrigan.	Flanagan. Furman. Harkins.	Hess. Hindman. Kilroy.	Long. Preston. Schrope.
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The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 199, entitled:

An Act to confirm and validate past tax levies or assessments made by school districts of the first class and liens filed thereon

On the question,

Will the House agree to the bill on third reading?

It was agreed to,

On the question,

Shall the bill pass finally?

Mr. VOORHEES. Mr. Speaker, I desire to interrogate the gentleman from Philadelphia, Mr. Ominsky.

The SPEAKER. Will the gentleman from Philadelphia permit himself to be interrogated?

Mr. OMINSKY. I will, Mr. Speaker.

Mr. VOORHEES. Mr. Speaker, I desire to know the purpose of the bill.

Mr. OMINSKY. Mr. Speaker and members of the House, this bill declares that all school taxes levied for 1939 and preceding years are confirmed by the Legislature and are to be treated as if the Legislature itself had originally made the levy for that year. This bill provides that the taxes levied shall be valid liens against real estate. The bill is necessary because the Supreme Court some time ago declared that no delegation of a tax levy shall be made unless a specific levy is intended. This bill states that the Legislature confirms the levy which is made for 1939, both in Pittsburgh and in Philadelphia, and if it isn't done it may jeopardize the school budget of these two cities; therefore, it is necessary.

Mr. VOORHEES. Mr. Speaker, do I understand that the tax bill for 1938 raised the school tax ten cents in Philadelphia? Is that correct?

Mr. OMINSKY. Mr. Speaker, the special session of 1938 passed an act which provided an increase of one mill both in Pittsburgh and Philadelphia, but this bill does not increase the tax at present.

Mr. VOORHEES. Mr. Speaker, if this bill is not passed will the ten cent tax rise in Philadelphia remain and will it be constitutional?

Mr. OMINSKY. Mr. Speaker, if this bill is not passed, the tax will remain as it is today; whether the act will be constitutional or not is not for me to determine but for the Supreme Court.

Mr. VOORHEES. Mr. Speaker and members of the House, I discuss this bill at this time because the tax rise of ten cents levied by the school district of Philadelphia is in direct opposition to the lower taxes levied by the city council of Philadelphia. Now, we have heard a great deal about city council of Philadelphia and about the school board of Philadelphia. City council is accused of being a political unit, and not being for all of the interests of the people of Philadelphia because they are elected by districts the same as you members here in the House are elected. Now, city council elected by representation in districts has lowered the tax rate in the last five years from \$1.95 to \$1.71. The tax rise by the Board of Education, a non-political unit, has steadily increased, in fact in the last thirty years the taxes have gone up five hundred percent in school teachers' salaries. It probably was too low thirty years ago, but a five hundred percent increase is something alarm-

ing. I further wish to state that it seems to me that a non-political unit, which has faced a mounting deficit in Philadelphia of six million dollars a year since 1932, due to the declining assessed values of real estate in Philadelphia, is in the same position as city council and if this non-political unit and this political unit are faced with the same problem, it doesn't seem to be fair to change our system. I have no better solution to offer than a rise in the tax rate to cure our deficit in the school budget, therefore, I did not oppose this bill, but I do point out that our school costs are alarming and that we should take that into consideration on an anticipated tax rise of more than one mill. Thank you, Mr. Speaker.

Mr. OMINSKY. Mr. Speaker and members of the House, in asking your support of this bill, you will not Mr. Hamilton the gentleman from Philadelphia and I are tice that this is really a non-partisan measure because both sponsors of this bill. We feel that educational matters should be non-partisan. The rise in Philadelphia last year was necessary because, as the figures will show between 1930 and 1939 the assessments have been decreased in Philadelphia almost one billion dollars necessitating a rise in the tax itself. Had the assessments been the same, probably that rise would not have been necessary. As a matter of fact, the difference in the amount of the levy, as between 1930 and 1939, as far as Philadelphia is concerned, is seven hundred fifty million dollars less in 1939 than it was in 1930.

Now, this bill is necessary so that it will not jeopardize the possibility of a school budget in Philadelphia and in Pittsburgh, and if this bill is not passed and the levy is questioned as it is being questioned at the present time, there may be a possibility that the school teachers in Philadelphia and Pittsburgh will not be paid, and so, to show the intent of the legislature, this bill was introduced and is required so that the levy may be made proper if the Court later on may take the attitude that it is not. Now, it doesn't raise the present rate at all, it is the same thing that was done in 1938, and it is only for the year 1939. I understand that a regular school program will be submitted for future years. This bill is necessary in order to insure the payment of teachers' salaries and all other administrative expenses.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—203

Achterman,	Downey,	Lichtenwalter,	Sarra,
Ackermann,	Eckels,	Long,	Scanlon,
Allen,	Ely,	Lovett,	Schrock,
Allmond,	Ewing,	Lyons,	Schrope,
Alspach,	Falkenstein,	Madden,	Schwab,
Andrews,	Fauset,	Malloy,	Seif,
Atkins,	Finnerty,	Malone,	Serrill,
Auker,	Fliss,	Marr,	Shaw,
Baker,	Flanagan,	Matthews,	Shearer,
Balliet,	Fleming,	McClester,	Simons,
Balthaser,	Foor,	McGarrity,	Skale,
Bardes,	Freed,	McKinney,	Sloan,
Bennett,	Furman,	McLane,	Snyder,
Bohn,	Gates,	McNally,	Sollenberger,
Boles,	Gillan,	McVay,	Stambaugh,
Boney,	Gillette,	Melchiorre,	Stank,
Boorse,	Goll,	Mihm,	Stewart,
Boose,	Gorski,	Montgomery,	Stockham,
Bower,	Habbyshaw,	Mooney,	Sweeney,
Boyd,	Haines,	Moran,	Tahl,
Brancato,	Hall,	Moser, F. S.,	Tarr,
Bretherick,	Hamilton,	Moser, J. L.,	Taylor,

Broad,	Harbeson,	Muir,	Terry,
Bronson,	Harkins,	Munley,	Thistle,
Brown, H. S.,	Haudenshield,	O'Brien,	Thompson, E. F.,
Brown, S. W.,	Henry,	O'Connor,	Thompson, G. R.,
Brunner,	Hess,	O'Dare,	Tiemann,
Burns,	Hewitt,	O'Keefe,	Tronzo,
Burris,	Hindman,	Ominsky,	Trout,
Cadwalader,	Hocke,	O'Neill,	Van Allsburg,
Calvin,	Hoffman, J. N.,	Peacock,	Van Belle,
Carpenter,	Hoffman, S. K.,	Peale,	Voorhees,
Check,	Holland,	Powers,	Wagner,
Chervenak,	Hoyt,	Preston,	Walsh,
Christler,	Huntley,	Readinger,	Watkins,
Clark,	James,	Reagan,	Webster,
Clearwater,	Jirolanio,	Reese, D. P.,	Weiss,
Cohen, H. B.,	Johnston,	Reese, R. E.,	Welsh, E. B.,
Cohen, R. E.,	Jones,	Regan,	Welsh, M. J.,
Cook,	Kane,	Reynolds,	Westrick,
Cooper,	Keenan,	Rhodes,	Wilkinson,
Cordier,	Kenehan,	Rider,	Williams,
Corrigan,	Kilroy,	Riley,	Wilson,
Curran,	Kline,	Robertson,	Winner,
Dalrymple,	Knoble,	Rooney,	Wood, H. M.,
Denman,	Kowalski,	Rose,	Wood, L. H.,
DeNote,	Krise,	Roseberry,	Wood, N.,
Dick,	Lee,	Rosenfeld,	Woodside,
Dix,	Leisey,	Rothenberger,	Yeakel,
Donahue,	Levy,	Royer,	Turner,
Donohoe,	Leydic,	Sarge,	Speaker.

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 444, entitled:

An Act to amend section nine of the act approved the twenty-fifth day of May one thousand nine hundred and thirty-three (P. L. 1050) entitled "An act creating and establishing a fund for the care, maintenance, and relief of aged, retired and disabled employees of the bureau of fire in cities of the second class creating a board for the management thereof providing the mode and manner of payment to beneficiaries and for the care and disposition of its funds and providing for the transfer and payment of all moneys and securities in existing funds in similar boards superseded by the fund and board herein created" by changing the amount and method of contributions for and payment of death benefits.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—203

Achterman,	Downey,	Lichtenwalter,	Sarraf,
Ackermann,	Eckels,	Long,	Scanlon,
Allen,	Ely,	Lovett,	Schrock,
Allmond,	Ewing,	Lyons,	Schrope,
Alspach,	Falkenstein,	Madden,	Schwab,
Andrews,	Fauset,	Malloy,	Self,
Atkins,	Finnerty,	Malone,	Serrill,
Auker,	Fiss,	Marr,	Shaw,
Baker,	Flanagan,	Matthews,	Shearer,
Ballet,	Fleming,	McClester,	Simons,
Balthaser,	For,	McGarrity,	Skale,
Bardes,	Freed,	McKinney,	Sloan,
Bennett,	Furman,	McLane,	Snyder,
Bohn,	Gates,	McNally,	Sollenberger,
Boles,	Gillan,	McVay,	Stambaugh,
Boney,	Gillette,	Melchiorre,	Stank,
Boorse,	Goll,	Mihm,	Stewart,
Boose,	Gorski,	Montgomery,	Stockham,
Bower,	Habbyshaw,	Mooney,	Sweeney,

Boyd,	Haines,	Moran,	Tahl,
Brancato,	Hall,	Moser, F. S.,	Tarr,
Bretherick,	Hamilton,	Moser, J. L.,	Taylor,
Broad,	Harbeson,	Muir,	Terry,
Bronson,	Harkins,	Munley,	Thistle,
Brown, H. S.,	Haudenshield,	O'Brien,	Thompson, E. F.,
Brown, S. W.,	Henry,	O'Connor,	Thompson, G. R.,
Brunner,	Hess,	O'Dare,	Tiemann,
Burns,	Hewitt,	O'Keefe,	Tronzo,
Burris,	Hindman,	Ominsky,	Trout,
Cadwalader,	Hocke,	O'Neill,	Van Allsburg,
Calvin,	Hoffman, J. N.,	Peacock,	Van Belle,
Carpenter,	Hoffman, S. K.,	Peale,	Voorhees,
Check,	Holland,	Powers,	Wagner,
Chervenak,	Hoyt,	Preston,	Walsh,
Christler,	Huntley,	Readinger,	Watkins,
Clark,	James,	Reagan,	Webster,
Clearwater,	Jirolanio,	Reese, D. P.,	Weiss,
Cohen, H. B.,	Johnston,	Reese, R. E.,	Welsh, E. B.,
Cohen, R. E.,	Jones,	Regan,	Welsh, M. J.,
Cook,	Kane,	Reynolds,	Westrick,
Cooper,	Keenan,	Rhodes,	Wilkinson,
Cordier,	Kenehan,	Rider,	Williams,
Corrigan,	Kilroy,	Riley,	Wilson,
Curran,	Kline,	Robertson,	Winner,
Dalrymple,	Knoble,	Rooney,	Wood, H. M.,
Denman,	Kowalski,	Rose,	Wood, L. H.,
DeNote,	Krise,	Roseberry,	Wood, N.,
Dick,	Lee,	Rosenfeld,	Woodside,
Dix,	Leisey,	Rothenberger,	Yeakel,
Donahue,	Levy,	Royer,	Turner,
Donohoe,	Leydic,	Sarge,	Speaker.

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 478, (Senate Bill No. 16), as follows:

An Act to amend section one as amended of the act approved the third day of June one thousand nine hundred and nineteen (Pamphlet Laws three hundred seventy) entitled "An act to fix the number and salaries of assistant district attorneys in counties of this Commonwealth having over one million five hundred thousand inhabitants and prescribing the powers and duties of said assistant district attorneys" by increasing the number and fixing the salaries of the assistant district attorney thereof

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section one of the act approved the third day of June one thousand nine hundred and nineteen (Pamphlet Laws three hundred seventy) entitled "An act to fix the number and salaries of assistant district attorneys in counties of this Commonwealth having over one million five hundred thousand inhabitants and prescribing the powers and duties of said assistant district attorneys" as amended by the act approved the twenty-ninth day of April one thousand nine hundred and twenty-five (Pamphlet Laws three hundred and fifty-one Act Number 204) is hereby amended to read as follows

Section 1 Be it enacted et cetera That in every county of this Commonwealth having over one million five hundred thousand inhabitants the district attorney shall have the power to appoint one or more assistants learned in the law not exceeding [twenty] thirty in number to assist him in the discharge of his duties One of said assistant district attorneys shall receive a salary of seven thousand five hundred dollars per annum one of said assistant district attorneys shall receive a salary of six thousand five hundred dollars per annum three of said assistant district attorneys shall receive salaries of six thousand dollars per annum each eight of said assistant district attorneys shall receive salaries of five thousand dollars per annum each four of said assistant district at-

torneys shall receive salaries of four thousand dollars per annum each and [three] thirteen of said assistant district attorneys shall receive salaries of three thousand dollars per annum each. In the event of the appointment of a less number of assistants than [twenty] thirty the district attorney shall have the power to determine in which class as to salaries the appointee or appointees shall be placed. Said salaries shall be paid out of the county treasury.

Section 2 This act shall become effective immediately upon its final enactment.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—202

Achterman,	Eckels,	Long,	Sarraf,
Ackermann,	Ely,	Lovett,	Scanlon,
Allen,	Ewing,	Lyons,	Schrock,
Allmond,	Falkenstein,	Madden,	Schrope,
Alspach,	Fauset,	Malloy,	Schwab,
Andrews,	Finerty,	Malone,	Seif,
Atkins,	Fiss,	Marr,	Serrill,
Baker,	Flanagan,	Matthews,	Shaw,
Balliet,	Fleming,	McClester,	Shearer,
Balthaser,	Foor,	McGarrity,	Simons,
Bardes,	Freed,	McKinney,	Skale,
Bennett,	Furman,	McLane,	Sloan,
Bohn,	Gates,	McNally,	Snyder,
Boles,	Gillan,	McVay,	Sollenberger,
Boney,	Gillette,	Melchiorre,	Stambaugh,
Boorse,	Goll,	Mihm,	Stank,
Boose,	Gorski,	Montgomery,	Stewart,
Bower,	Habbyshaw,	Mooney,	Stockham,
Boyd,	Haines,	Moran,	Sweeney,
Brancato,	Hall,	Moser, F. S.,	Tahl,
Bretherick,	Hamilton,	Moser, J. L.,	Tarr,
Broad,	Harbeson,	Muir,	Taylor,
Bronson,	Harkins,	Munley,	Terry,
Brown, H. S.,	Haudenschild,	O'Brien,	Thistle,
Brown, S. W.,	Henry,	O'Connor,	Thompson, E. F.,
Brunner,	Hess,	O'Dare,	Thompson, G. R.,
Burns,	Hewitt,	O'Keefe,	Tiemann,
Burris,	Hindman,	Ominsky,	Tronzo,
Cadwalader,	Hocke,	O'Neill,	Trout,
Calvin,	Hoffman, J. N.,	Peacock,	Van Allsburg,
Carpenter,	Hoffman, S. K.,	Peale,	Van Belle,
Check,	Holland,	Powers,	Voorhees,
Chervenak,	Hoyt,	Preston,	Wagner,
Christler,	Huntley,	Readinger,	Walsh,
Clark,	James,	Reagan,	Watkins,
Clearwater,	Jirolanio,	Reese, D. P.,	Webster,
Cohen, H. B.,	Johnston,	Reese, R. E.,	Weiss,
Cohen, R. E.,	Jones,	Regan,	Welsh, E. B.,
Cook,	Kane,	Reynolds,	Welsh, M. J.,
Cooper,	Keenan,	Rhodes,	Westrick,
Cordier,	Kenahan,	Rider,	Wilkinson,
Corrigan,	Kilroy,	Riley,	Williams,
Curran,	Kline,	Robertson,	Wilson,
Dalrymple,	Knoble,	Rooney,	Winner,
Denman,	Kowalski,	Rose,	Wood, H. M.,
DeNote,	Krise,	Roseberry,	Wood, L. H.,
Dick,	Lee,	Rosenfeld,	Wood, N.,
Dix,	Lelsey,	Rothenberger,	Woodside,
Donahue,	Levy,	Royer,	Yeakel,
Donohoe,	Leydic,	Sarge,	Turner,
Downey,	Lichtenwalter,		Speaker.

NAYS—1

Auker,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed it with amendments in which the concurrence of the Senate is requested.

SENATE MESSAGE

HOUSE BILL CONCURRED IN BY SENATE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 80.

An Act to amend sections one and two of the act, approved the twenty-first day of June, one thousand nine hundred and thirty-seven (P. L. 1932), entitled "An act authorizing the Supreme Court of Pennsylvania to prescribe rules of practice and procedure in civil actions at law and in equity in certain courts of this Commonwealth, to prescribe rules and regulations for the conduct of any general business, either civil or criminal, by judges of any court of record; authorizing the courts of common pleas to prescribe and adopt local rules, not inconsistent with such general rules of the Supreme Court of Pennsylvania; authorizing the Supreme Court of Pennsylvania to appoint a Procedural Rules Committee, and to fix and define its powers and duties; imposing duties on judges and other officers of every court of record," by including the municipal court of Philadelphia.

With the information that the Senate had passed same without amendment.

COMMUNICATION FROM THE GOVERNOR

The Secretary to the Governor being introduced, presented a communication in writing from His Excellency the Governor, which was read as follows:

APPROVAL OF HOUSE BILLS NOS. 131 and 132

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, March 21, 1939
To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed the following:

House Bill No. 131, Printer's No. 16, entitled, "An Act to repeal the act approved the thirtieth day of July one thousand nine hundred and thirty-eight (Pamphlet Laws thirteen) entitled 'An act relating to the investigation of charges of or involving misdemeanor in office made against civil officers subject to impeachment providing that the jurisdiction of the House of Representatives to make such investigations shall have precedence over the jurisdiction of grand juries and limiting the circumstances under which courts of oyer and terminer and general jail delivery or courts of quarter sessions or judges of such courts may authorize grand juries to make such investigations.'"

House Bill No. 132, Printer's No. 17, entitled "An Act to repeal the act approved the thirtieth day of July one thousand nine hundred and thirty-eight (Pamphlet Laws eighteen) entitled 'An Act suspending retroactively as well as prospectively any other pending investigation legislative executive or judicial of charges of or involving misdemeanor in office on the part of civil officers liable to impeachment which the House of Representatives undertakes to investigate and providing under what circumstances the suspended investigation may be resumed.'"

ARTHUR H. JAMES.

COMMUNICATION FROM THE GOVERNOR

The Secretary to the Governor being introduced, presented a communication in writing from His Excellency the Governor, which was read as follows:

APPROVAL OF HOUSE BILLS NOS. 128 and 129

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, March 20, 1939
To the Honorable, the House of Representatives of the
Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day
approved and signed the following:

House Bill No. 128, Printer's No. 14, entitled, "An Act to repeal the act approved the thirtieth day of July one thousand nine hundred and thirty-eight (Pamphlet Laws seventeen) entitled 'An act defining the relative powers of the Attorney General and of district attorneys in investigations or proceedings in the criminal courts authorizing the judges thereof to appoint subject to appeal to the Supreme Court special prosecutors in certain cases and providing for their compensation by the county.'"

House Bill No. 129, Printer's No. 15, entitled, "An Act to repeal the act approved the thirtieth day of July one thousand nine hundred and thirty-eight (Pamphlet Laws fifteen) entitled 'An act defining the procedure for and regulating the investigation by the House of Representatives and its committees of charges of or involving misdemeanor in office on the part of civil officers liable to impeachment authorizing the Speaker of the House to appoint a special committee for any such investigation authorizing the presentation of evidence by the Attorney General and other counsel and the officers investigated providing for the summoning of witnesses and for the punishment of persons refusing to appear produce evidence or testify and authorizing the employment and compensation of counsel and other assistants'."

ARTHUR H. JAMES

REPORT FROM COMMITTEE

Mr. KANE from the Committee on Professional License reported as amended, House Bill No. 475, entitled:

An Act defining and regulating the practice of photography; providing for the licensing of individuals, partnerships, associations and corporations operating photographic studios and of individuals engaging in the practice of photography; creating a Board of Photographic Examiners in the Department of Public Instruction; defining its powers and duties; and providing penalties.

COMMITTEE MEETINGS

There will be meetings of the Committee on
Cities—Third Class, Wednesday, March 22, 1939, at 11
a. m. in Room 546.

Counties, Wednesday, March 22, 1939, at 12 noon in
Room 100.

Judiciary General, March 22, 1939, at 11 a. m. in Room
A.

Judiciary Special, March 22, 1939, at 12:30 p. m. in
Room 333.

Labor, Wednesday, March 22, 1939, at 11 a. m. in Room
541.

Welfare, Wednesday, March 22, 1939, at 10 a. m. in
Room 323.

There will be a Public Hearing before the Committee
on Municipal Corporations on House Bill No. 189 on
Tuesday, April 4, 1939, at 10 a. m. on "Police Civil Service
Bill."

ADJOURNMENT

Mr. SARGE. Mr. Speaker, I move that this House do
now adjourn until tomorrow at 1 p. m.

The motion was agreed to, and (at 4:20 p. m.) the
House adjourned until Wednesday, March 22, 1939, at 1
p. m.

COMMONWEALTH OF PENNSYLVANIA

Legislative Journal

Session 1939.

133d of the General Assembly.

Vol. 23.

HARRISBURG, PA., WEDNESDAY, MARCH 22, 1939.

No. 27.

SENATE

WEDNESDAY, March 22, 1939.

The Senate met at 1:00 o'clock, p. m.

The PRESIDENT (Lieutenant-Governor Samuel S. Lewis) in the Chair.

PRAYER

The Chaplain, Rev. BURLEIGH A. PETERS, offered the following prayer:

O Blessed Father of light and love and wisdom, as legislators assembled here today we are filled with thanksgiving that we may pause in Thy Holy presence to think just a moment about Thee and the verities both of time and eternity.

We are grateful that our forefathers founded our government upon religious convictions and freedom which, under Thy guiding hand, have pervaded our national consciousness both directly and indirectly until the present time.

May we guard this priceless heritage even with our lives, if necessary, so that we and our posterity may never forget nor refuse to be faithful unto Thee.

In this hour may each of our hearts drink satisfyingly at the fountains of eternal life so richly filled by Thy beneficent hand, that we may apply Thy heavenly wisdom to earthly realities. This is true workmanship and highly desired by Thee.

We pray in the Name of Thy Christ. Amen.

JOURNAL APPROVED

The PRESIDENT. A quorum of the Senate being present, the Clerk will read the Journal of the preceding session.

The Clerk proceeded to read the Journal of the preceding session, when, on motion of Mr. OWLETT and Mr. GELDER, the further reading was dispensed with, and the Journal was approved.

NOMINATIONS BY THE GOVERNOR

NOTARIES PUBLIC

The Secretary to the Governor, being introduced presented in writing from His Excellency, the Governor of the Commonwealth, nominations for appointments as Notaries Public, which were laid on the table.

He also presented communications in writing from His Excellency, the Governor of the Commonwealth, which were read as follows, and referred to the Committee on Executive Nominations.

MEMBERS OF STATE WORLD'S FAIR COMMISSION

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, February 27, 1939.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor to nominate for the advice and consent of the Senate the following persons for appointment as members of the State World's Fair Commission, to serve until annulled:

Mrs. Caroline R. Huber, Haverford, Montgomery County.
Chas. J. Graham, Coaropolis, Allengheny County.
Jos. W. Wear, Gypsy Hill Road, Penllyn, Montgomery County.

ARTHUR H. JAMES.

BOARD OF TRUSTEES OF STROUDSBURG STATE TEACHERS' COLLEGE

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, March 14, 1939.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor to nominate for the advice and consent of the Senate the appointment of J. E. Reese Kilgore, Stroudsburg, Monroe County, as a member of the Board of Trustees of East Stroudsburg State Teachers' College, for the term of four years, and until his successor is qualified, vice Grant W. Nitrauer.

ARTHUR H. JAMES.

BOARD OF TRUSTEES OF FARVIEW STATE COLLEGE

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, March 22, 1939.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor to nominate for the advice and consent of the Senate the appointment of Olaf J. Pedersen, 21 North Greene Street, East Stroudsburg, Monroe County, as a member of the Board of Trustees of Farview State Hospital, for the term of four years and until his successor is qualified, vice Edward J. Healey, Jr.

ARTHUR H. JAMES.

COMMUNICATION FROM THE SPEAKER OF THE HOUSE

Mr. GELDER, Mr. President, I am in receipt of a communication from the Speaker of the House, Honorable Ellwood J. Turner, under date of March 22, 1939, which reads:

"In pursuance to the provisions of a House resolution adopted March 17, 1939, I have communicated with the United States Senators from Pennsylvania, and the Honorable James J. Davis and the Honorable Joseph F. Guffey have accepted an invitation to address the House on Monday, March 27, at 9:30 P. M., and I wish to extend

an invitation to the members of the Senate and officers, on that occasion to hear our distinguished guests."

I would suggest, Mr. President, that the Senate, if it be able, recess at that time so that the members can go over to the House to hear the addresses of the two United States Senators from Pennsylvania.

The PRESIDENT. If there is no objection a request for recess will be made Monday night, and, no doubt it will be granted.

COMMUNICATION URGING OPENING OF TUBERCULOSIS SANATORIUM AT BUTLER

Mr. SIPE. Mr. President, my colleague, Senator Gilson, has handed to me a communication which I wish to read into the Journal at this time. This is a communication from the Erie County Health and Tuberculosis Association, dated March 18, 1939, reading as follows:

ERIE COUNTY HEALTH AND TUBERCULOSIS ASSOCIATION

March 18, 1939.

Hon. Samuel Gilson, Senator,
State Legislature,
Harrisburg, Pa.

Dear Senator Gilson:

At the regular meeting of the Board of Directors of the Erie County Health and Tuberculosis Association the following Resolution was unanimously adopted:

Whereas, There were 4800 tuberculosis deaths in Pennsylvania last year and on the basis of nine (9) cases to every death, there are approximately 44,000 active cases of tuberculosis in Pennsylvania at the present time, and at the most conservative estimate, at least 12,000 of these are in need of hospital treatment and,

Whereas, There are but 4512 beds available in Tuberculosis Hospitals or sanatoria in the State at this time, and,

Whereas, It is recognized by authorities on tuberculosis that the minimum requirements are two beds for each annual death, there is a dire need for provision for additional hospital beds and,

Whereas, The program sponsored by the previous administration provided for an additional 1163 beds or a total of 5675 Tuberculosis Hospital beds for Pennsylvania, and,

Whereas, This is but half of the amount actually needed and,

Whereas, It has been reported that Governor James is considering the curtailment of this program, especially in regard to the opening of the new State Tuberculosis Sanatorium at Butler.

Be It Hereby Resolved, That this association respectfully petition the Governor and his Secretary of Health to reconsider the needs for adequate provision for our tuberculosis sick and that a sufficient sum be included in the budget for the opening of the State Sanatorium at Butler and the proposed additional beds in existing State Sanatoria.

Resolved, That a copy of this Resolution be sent to the Governor, the Secretary of Health of the Commonwealth of Pennsylvania and to the members of the State Legislature from Erie District and to State and County Tuberculosis Association of Pennsylvania.

GEO. A. REED, M. D.,
President

J. KENNETH WINTER,
Executive Sec'y

Erie County Health and Tuberculosis Association

COMMUNICATIONS URGING ASSISTANCE FOR TUBERCULOSIS SUFFERERS

Mr. DENT. Mr. President, I desire to read into the record at this time two personal letters received this morning.

Community Fund
New Kensington, Pennsylvania

March 21, 1939

Hon. John Dent, Senator
Harrisburg, Pennsylvania.

Dear Mr. Dent:

The following are the names of persons listed for sanatorium care through the Greensburg Tuberculosis Clinic.

Listed

Miss Margaret Melgot, 1420 Third Avenue	Nov. '38
Miss Helen Gidos, 1523 Fifth Avenue	Jan. 18, '39
Mr. John Hahn, 1500 Third Avenue	Mar. 1, '39
Mrs. Dessiree Hahn, 1500 Third Avenue	Mar. 1, '39

All of these persons reside in New Kensington, Pennsylvania.

There are a number of listed cases on Greensburg records of persons all living in our community who are in need of immediate sanatorium care. Living conditions of several of the patients are such that they should be given immediate hospitalization to be assured of a probably early recovery. Newspaper reports state that officials are again opening the Butler Sanatorium, and improvements to Pott and Torrance State institutions. We trust that serious consideration will be given a health program which will facilitate rehabilitation to the many sufferers of these diseases.

In writing to Dr. John M. Shaw, Secretary of Health, Harrisburg, we are advised that due to the scarcity of vacancies they are unable to arrange future dates for admissions.

It is not our intention, to tell any authority how best to function, yet in our daily associations with these persons when many are in the contagious stages of development we are called upon to assist in providing milk and diet and upon advice from the Doctors to purchase clothing and other necessities for their welfare; also, to arrange transportation to various clinics and sanatoriums. We feel that humanitarian interests are paramount in the preservation of health and life and that every effort should be made toward the early completion of these State institutions.

Respectfully yours,

EDWARD J. LINNEY,
Executive Secretary.

Paul K. McCormick
Attorney at Law
Greensburg, Pa.

March 14, 1939

Honorable John H. Dent,
Pennsylvania State Senate,
Capitol Building,
Harrisburg, Pennsylvania.

Dear John:

I seek your assistance in placing a young mother, afflicted with pulmonary tuberculosis, in a State sanatorium at this time. This woman is Mrs. Carolyn Hitchens, 99 Penn Avenue, North Irwin, Pennsylvania. She is 27 years old, the mother of a child ten months old and is expecting another baby in about six weeks.

Her physician, Dr. R. R. Bushyager of Irwin, Pennsylvania, advises that she is seriously afflicted and should have immediate hospital care, particularly in view of the fact that she is now in the latter stage of pregnancy. The doctor indicates that if she receives the proper care and treatment at this time, she will have a fair chance for recovery.

This meritorious case has been called to my attention by very close friends of mine, and I would like for you to use your influence with the State Department of Health to have her admitted to Cresson or other state institution as soon as possible. You know that we will greatly appreciate your effort on behalf of this poor woman.

Thanking you for your attention and assistance in this matter, I am,

Cordially yours,

PAUL K. McCORMICK

I want to state further that I have applied to the Department of Health, and they tell me there are no vacancies and they do not know when there will be.

HOUSE MESSAGE

SENATE BILL NO. 16 RETURNED
WITH AMENDMENTS

The Clerk of the House of Representatives, being introduced, returned to the Senate, Senate Bill No. 16, entitled:

An Act to amend section one as amended of the act approved the third day of June, one thousand nine hundred and nineteen (Pamphlet Laws three hundred seventy) entitled "An act to fix the number and salaries of assistant district attorneys in counties of this Commonwealth having over one million five hundred thousand inhabitants, and prescribing the powers and duties of said assistant district attorneys" by increasing the number and fixing the salaries of the assistant district attorneys thereof.

with the information that the House has passed the same with amendment, in which the concurrence of the Senate is requested.

Mr. GELDER. Mr. President, I move that Rule 21, which requires amended bills to be noted on the calendar, be in this case dispensed with, and that the Senate proceed to the consideration of the amendment made by the House of Representatives to the foregoing bill.

Mr. OWLETT. Mr. President, I second the motion.

The motion was agreed to.

On the question,

Will the Senate agree to the amendment?

POINT OF ORDER

Mr. EDMONDS. Mr. President, I understand that Senate Bill No. 16, (House Bill No. 478), has been amended in the House, and if that is so I have not heard the reading of the amendment. The amendment ought to be read and our attention ought to be directed to it before we are asked to vote.

MOTION TO SUSPEND ROLL CALL

Mr. GELDER. Mr. President, I move you that the roll call be suspended.

Mr. SHAPIRO. Mr. President, I second the motion.

The motion was agreed to.

Mr. GELDER. Mr. President, I request that the amendment be read for the information of the Senate.

The amendment was read by the Secretary, as follows:

The SECRETARY. The words "The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows" are taken out of Section 1, and, by the amendment, are made to precede Section 1.

Mr. CAVALCANTE. Mr. President, is that the only amendment?

The PRESIDENT. That is the only House amendment; the other two or three amendments were made in the Senate.

And the question recurring,

Will the Senate agree to the amendments?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—39

Bartlett,

Farrell,

Mallery,

Shapiro,

Cavalcante,
Coleman,
Crowe,
Dando,
Deltrick,
Dent,
Ealy,
Edmonds.
Eroe,Frey,
Gelder,
Geltz,
Gilson,
Haluska,
Heyburn,
Homsher,
Kunkel,
Letzler,McCreesh,
McGinnis,
Miller,
Mundy,
Owlett,
Pierson,
Reed,
Ruth,
Scarlett,Sipe,
Snowden,
Stevenson,
Tallman,
Thomas,
Walker,
Wolfenden,
Woodward,

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk inform the House of Representatives accordingly.

BILL SIGNED

The PRESIDENT (Lieutenant-Governor Samuel S. Lewis) announced that the Chief Clerk having reported that the following bills had passed both houses of the General Assembly and the same being correct, the titles were publicly read as follows:

Senate Bill No. 16, entitled:

An Act to amend section one as amended of the act approved the third day of June, one thousand nine hundred and nineteen (Pamphlet Laws three hundred seventy) entitled "An act to fix the number and salaries of assistant district attorneys in counties of this Commonwealth having over one million five hundred thousand inhabitants, and prescribing the powers and duties of said assistant district attorney" by increasing the number and fixing the salaries of the assistant district attorneys thereof.

Whereupon,

The PRESIDENT (Lieutenant-Governor Samuel S. Lewis) in the presence of the Senate signed the same.

HOUSE MESSAGE

HOUSE BILLS FOR CONCURRENCE

The Clerk of the House of Representatives, being introduced, presented for concurrence bills of the House, as follows:

House Bill No. 199, (Senate Bill No. 262), entitled:

An Act to confirm and validate past tax levies or assessments made by school districts of the first class and liens filed thereon.

Which was committed to the Committee on Education.

House Bill No. 301, (Senate Bill No. 263), entitled:

An Act providing that sentence shall not be imposed by any court of criminal jurisdiction on any person convicted of any offense before such court, until after the expiration of five days from the date of conviction.

Which was committed to the Committee on Judiciary General.

House Bill No. 343, (Senate Bill No. 264), entitled:

An Act to amend section one of the act approved the twenty-second day of May one thousand nine hundred and thirty-three (P. L. 851) entitled "An act fixing the pay and mileage of jurors and witnesses" by authorizing the court to direct additional compensation for jurors in certain cases.

Which was committed to the Committee on Judiciary General.

House Bill No. 383, (Senate Bill No. 265), entitled:

An Act to amend the title and the act approved the sixteenth day of May one thousand nine hundred thirty-five (Pamphlet Laws 176) entitled "An act requiring cities of the second and third class to allow members of the police departments twenty-four consecutive hours of rest each week and fourteen days vacation each year except in emergency cases" extending the provisions of said act to cities of the second class A.

Which was committed to the Committee on Municipal Government.

House Bill No. 444, (Senate Bill No. 266), entitled:

An Act to amend section nine of the act approved the twenty-fifth day of May, one thousand nine hundred and thirty-three, (P. L. 1050), entitled "An act creating and establishing a fund for the care, maintenance, and relief of aged, retired and disabled employees of the bureau of fire in cities of the second class; creating a board for the management thereof; providing the mode and manner of payment to beneficiaries, and for the care and disposition of its funds; and providing for the transfer and payment of all moneys and securities in existing funds in similar boards superseded by the fund and board herein created," by changing the amount and method of contributions for, and payment of, death benefits.

Which was committed to the Committee on Municipal Government.

House Bill No. 449, (Senate Bill No. 267), entitled:

An Act to amend clause (a) of section one and section four of the act approved the thirty-first day of March, one thousand nine hundred and thirty-seven (P. L. 160), entitled "An act creating a commission to be known as the Pennsylvania Public Utility Commission; defining in part the powers and duties of such commission; abolishing The Public Service Commission of the Commonwealth of Pennsylvania, terminating the terms of the members thereof, and transferring to the Pennsylvania Public Utility Commission the records, employes, property, and equipment of The Public Service Commission of the Commonwealth of Pennsylvania; authorizing the Pennsylvania Public Utility Commission to appear in and complete all pending proceedings, legal or otherwise, instituted before, by or against The Public Service Commission of the Commonwealth of Pennsylvania; providing that all certificates of public convenience, contracts, orders, and rules and regulations of the latter commission shall remain effective until repealed, changed or modified by the Pennsylvania Public Utility Commission, and transferring and appropriating to the Pennsylvania Public Utility Commission any unexpended balance of any existing appropriation to The Public Service Commission of the Commonwealth of Pennsylvania," by changing method of appointing and removing members of the Commission and making political activity a grounds for their removal.

Which was committed to the Committee on State Government.

REPORTS FROM COMMITTEES

Mr. EALY, from the Committee on Executive Nominations, reported with a favorable recommendation the following nominations, made by His Excellency, the Governor:

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, February 27, 1939
To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor to nominate for the advice and consent of the Senate the following persons for appointment as members of the State World's Fair Commission, to serve until annulled:

Mrs. Caroline R. Huber, Haverford, Montgomery County.
Chas. J. Graham, Coraopolis, Allegheny County.
Jos. W. Wear, Gypsey Hill Road, Penllyn, Montgomery County.

ARTHUR H. JAMES.

Mr. WOODWARD, from the Committee on Executive Nominations, reported with a favorable recommendation the following nomination, made by His Excellency, the Governor:

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, March 14, 1939
To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor to nominate for the advice and consent of the Senate the appointment of J. E. Reese Kilgore, Stroudsburg, Monroe County, as a member of the Board of Trustees of East Stroudsburg State Teachers College, for the term of four years, and until his successor is qualified, vice Grant W. Nitrauer.

ARTHUR H. JAMES.

EXECUTIVE SESSION

By unanimous consent,

A motion was made by Mr. EDMONDS and Mr. GELDER.

That Rule 38, which requires nominations made by the Governor, and reported from Committee, to lie on the table one day, and that nominations made by the Governor be referred to an appropriate committee, be dispensed with, and the Senate do now resolve itself into Executive Session for the purpose of acting on the foregoing nominations just reported from Committee, and those nominations of Notaries Public sent to the Senate today, March 22, 1939, by his Excellency, the Governor of the Commonwealth.

Which was agreed to.

The nominations for Notaries Public were read as follows:

NOTARIES PUBLIC

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, March 22, 1939
To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointment as Notaries Public, for terms of four years to compute from the date of confirmation:

ALLEGHENY COUNTY

Miss Anne L. Madden, Pittsburgh, 504 County Office Bldg.

Mrs. Rebekah M. McKinney, Pittsburgh, Enterprise Employment Agency.

Miss J. A. McShane, Pittsburgh, 124 S. Highland Ave.
Miss Myra Richards, Pittsburgh, 1230 Brighton Road, N. S.

ARMSTRONG COUNTY

Duncan C. McCallum, Leechburg.

CAMBRIA COUNTY

F. M. Farabaugh, Carrolltown.

DELAWARE COUNTY

Miss Eva Wittlin, Chester.

ERIE COUNTY

Miss Julia C. Emig, Erie.

GREENE COUNTY

R. S. Kiger, Waynesburg.

LACKAWANNA COUNTY

Miss Agnes Madeline Shander, Blakely.

NORTHAMPTON COUNTY

Mrs. Mary Wallace Helms, Bethlehem.

Miss Marie Van Heek, Easton.

NORTHUMBERLAND COUNTY

W. J. Bryan Bloom, Sunbury.

PHILADELPHIA COUNTY

Wm. R. Gangemi, Phila., Goodman Bldg.

William C. Neil, Phila., 5305 Saul St.

ARTHUR H. JAMES.

Whereupon,

A motion was made by Mr. EDMONDS and Mr. GELDER,

That the Senate do advise and consent to said nominations.

On the question,

Will the Senate agree to the motion?

Mr. SHAPIRO. Mr. President, I desire to interrogate the Chairman of the Committee on Executive Nominations.

The PRESIDENT. Will the Chairman of the Committee on Executive Nominations, Mr. Ealy, permit himself to be interrogated.

Mr. EALY. Mr. President, I will.

Mr. SHAPIRO. Will the Senator from Somerset, Mr. EALY, state whether it is not true that the appointment of Mr. Kilgore to the Stroudsburg State Teachers College is to fill a vacancy arising out of a resignation occurring in December of 1938?

Mr. EALY. Mr. President, I am not sure regarding that. I will ask the Senator from Monroe, Mr. Crowe, to answer that question.

Mr. CROWE. Mr. President, perhaps I can satisfy the Senator from Philadelphia, Mr. Shapiro. That is to fill a vacancy caused by the resignation, of his own volition, of a member of the Board last December.

And the question recurring,

Will the Senate agree to the motion?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS 39.

Bartlett,	Eroe	Letzler,	Shapiro,
Cavalcante,	Farrell,	Mallery,	Sipe,
Coleman,	Frey,	McCreesh,	Snowden,
Crowe,	Gelder,	McGinnis,	Stevenson,
Dando,	Geltz,	Miller,	Tallman,
Deitrick,	Haluska,	Cwlett,	Thomas,
Dent,	Heyburn,	Pierson,	Walker,
DiSilvestro,	Homsher,	Reed,	Wolfenden,
Ealy,	Kilgallen,	Ruth,	Woodward,
Edmonds,	Kunkel,	Scarlett,	

NAYS 0.

Two-thirds of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Governor be informed accordingly.

Mr. EDMONDS. Mr. President, I move that the Executive Session do now rise.

Mr. MALLERY. Mr. President, I second the motion.

The motion was agreed to.

REPORTS FROM COMMITTEES

Mr. DENT, from the Committee on Federal Relations, reported as committed, Senate Bill No. 241, entitled:

An Act authorizing counties of the second class to make appropriations to the State World's Fair Commission.

He also, from the Committee on Labor and Industry, reported as committed, Senate Bill No. 108, (House Bill No. 26), entitled:

An Act to amend section three of the act approved the twenty-seventh day of April one thousand nine hundred and twenty-seven (Pamphlet Laws four hundred sixty-five) entitled "An act to provide for the safety of persons employed housed or assembled in certain buildings and structures not in cities of the first class second class and second class A by requiring certain construction and ways of egress equipment and maintenance providing for the licensing of projectionists requiring the submission of plans for examination and approval providing for the promulgation of rules and regulations for the enforcement of this act providing for the enforcement of this act by the Department of Labor and Industry and in certain cases by the chiefs of fire departments in cities of the third class providing penalties for violations of the provisions of this act and repealing acts as amended eliminating the requirement that certain buildings shall be equipped with certain equipment in connection with gas meters to prevent or retard the escape of gas.

Mr. BARTLETT, from the Committee on Judiciary General reported as committed, Senate Bill No. 199, entitled:

An Act authorizing the courts of common pleas to make orders relative to the payment of costs in road cases.

Mr. FARRELL, from the Committee on Judiciary General reported as committed, Senate Bill No. 170, entitled:

A Joint Resolution proposing an amendment to article nine, section eight of the Constitution of the Commonwealth of Pennsylvania.

Mr. OWLETT, from the Committee on Elections reported as committed, Senate Bill No. 111, (House Bill No. 92), entitled:

An Act to prohibit assessments and demands for contributions for political purposes and providing a penalty.

Mr. MALLERY read in his place and presented to the Chair Senate Bill No. 268, entitled:

An Act to amend paragraph (c) of section four hundred nine paragraphs (a) and (c) of section four hundred eleven of the act, approved the twenty-eighth day of May, one thousand nine hundred and thirty-seven (P. L. 1053), entitled "An act relating to the regulation of public utilities; defining as public utilities certain corporations, companies, associations, and persons; providing for the regulation of public utilities, including, to a limited extent, municipalities engaging in public utility business by prescribing, defining, and limiting their duties, powers, and liabilities, and regulating the exercise, surrender or abandonment of their powers, privileges, and franchises; defining and regulating contract carriers by motor vehicle and brokers in order to regulate effectively common carriers by motor vehicle; conferring upon the Pennsylvania Public Utility Commission the power and duty of supervising and regulating persons, associations, companies, and corporations, including, to a limited extent, municipal corporations subject to this act, and administering the provisions of this act; authorizing the commission to fix temporary rates; placing the burden of proof on public utilities to sustain their rates and certain other matters: authorizing a permissive or mandatory

sliding scale method of regulating rates; providing for the supervision of financial and contractual relations between public utilities and affiliated interests, and supervision and regulation of accounts and securities or obligations issued, assumed, or kept by persons, associations, companies, corporations of municipal corporations subject to this act; conferring upon the commission power to vary, reform, or revise certain contracts; conferring upon the commission the exclusive power to regulate or order the construction, alteration, relocation, protection, or abolition of crossing of facilities of public utilities, and of such facilities by or over public highways, to appropriate property for the construction or improvement of such crossings, and to award or apportion resulting costs and damages; authorizing owners of such property to sue the Commonwealth for such damages; providing for ejectment proceedings in connection with the appropriation of property for crossings; conferring upon the commission power to control and regulate budgets of public utilities; imposing upon persons, associations, companies, and corporations (except municipal corporations) subject to regulation, the cost of administering this act; prescribing and regulating practice and procedure before the commission and procedure for review by the courts of commission action; giving the court of common pleas of Dauphin County exclusive original jurisdiction over certain proceedings; prescribing penalties, fines, and imprisonment for violations of the provisions of this act and regulations and orders of the commission, and the procedure for enforcing such fines and penalties; and repealing legislation supplied and superseded by or inconsistent with this act," by further defining and limiting exemptions; the transfer and acquisition of property; the crossing of facilities; the issuance of securities; relations between affiliated interests; the imposition of costs of administering the act; and otherwise clarifying and supplementing the provisions of the said sections of the act.

Which was committed to the Committee on Public Utilities.

Mr. MILLER. Mr. President, before I present these two bills, I respectfully request the indulgence of my colleagues in order that I may set forth a brief resume respecting these bills. These bills affect anthracite coal. In view of the vital importance of their effect upon my constituents and the general welfare of the entire Commonwealth of Pennsylvania, I desire to make a statement concerning them. These bills provide for the creation and establishment of a Bureau of Research, as an adjunct of the Department of Mines of the Commonwealth of Pennsylvania, to conduct researches to discover a by-product for the use of anthracite coal, and to develop new scientific, chemical and other uses, and new and extended markets for anthracite coal and its products, as well as making an appropriation of \$1,000,000, for the next biennium, to be used for the purchasing, leasing, and maintaining of equipment materials, and such other things necessary to conduct this Bureau of Research, the payment of salaries of chemists, engineers and such other experts and employees and all other necessary expenses.

I am in favor and advocate an aggressive, vigorous and intensive attack upon the discovery of a by-product for the use of anthracite coal for other than domestic heat. I am interested in such an attack and not a lackadaisical effort.

I am satisfied that the discovery of a by-product for the use of anthracite coal will not fall into our laps, and that we must go after it. I am for just that. I am in favor of taking the pick and shovel and digging in.

An appropriation of \$1,000,000 for the next biennium is not too much. The effect upon our economic welfare

and the effect upon unemployment upon a discovery of a by-product surely must be fully appreciated by everyone. It is my plan that a Bureau of Research be set up with the best trained experts in the field without regard to politics and equipped with the most modern equipment available.

I feel that the discovery of a by-product for the use of anthracite coal is most essential to the welfare of my community in particular and to Pennsylvania in general. Such a discovery belongs to the people of the State and I am against saddling the cost of the production of anthracite coal with more royalties, which would be the case if the discovery of a by-product is left to individual efforts. If my plan is successful all the consumers of anthracite coal will get the benefit and it will keep down the cost in order to permit anthracite coal to compete with substitutes. A discovery of such a by-product by the Bureau of Research of the Department of Mines of the Commonwealth under my plan will become the property of the State and not require the payment of any royalties for the discovery in the producing of anthracite coal and its products.

Mr. MILLER read in his place and presented to the Chair Senate Bill No. 269, entitled:

An Act to add section one thousand nine hundred and four to the act, approved the ninth day of April, one thousand nine hundred and twenty-nine (P. L. 177), entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments, boards, commissions, and officers thereof, including the boards of trustees of State Normal Schools, or Teachers' Colleges; abolishing, creating, reorganizing or authorizing the reorganization of certain administrative departments, boards, and commissions; defining the powers and duties of the Governor and other executive and administrative officers, and of the several administrative departments, boards, commissions, and officers; fixing the salaries of the Governor, Lieutenant Governor, and certain other executive and administrative officers; providing for the appointment of certain administrative officers, and of all deputies and other assistants and employees in certain departments, boards, and commissions; and prescribing the manner in which the number and compensation of the deputies and all other assistants and employees of certain departments, boards, and commissions shall be determined," providing for the creation of a Bureau of Research in the Department of Mines to conduct researches to discover a by-product for the use of anthracite coal, and to develop new scientific, chemical and other uses, and new and extended markets for anthracite coal and its products; and granting the right to the Commonwealth to accept and receive gifts, contributions, bequests and devises of real or personal property for such purposes, designated for the use of such bureau.

Which was committed to the Committee on Mines and Mining.

He also read in his place and presented to the Chair Senate Bill No. 270, entitled

An Act making an appropriation to the Department of Mines for researches to discover and develop new uses and markets for anthracite coal.

Which was committed to the Committee on Appropriations.

Mr. KUNKEL, by request, read in his place and presented to the Chair Senate Bill No. 271, entitled:

An Act making an appropriation to the Department of Property and Supplies for the acquisition of a site and the construction thereon of a Veterans' Administration Building, and furnishing said building; and authorizing the Commonwealth to accept loans and grants therefor from the Federal Government.

Which was committed to the Committee on Appropriations.

Mr. HALUSKA in behalf of Mr. DENT and himself, read in his place and presented to the Chair Senate Bill No. 272, entitled:

An Act to further amend paragraph (c) of section three, of the act, approved the twenty-fifth day of July, one thousand nine hundred thirteen (P. L. 1024), entitled "An act to protect the public health and welfare, by regulating the employment of females in certain establishments, with respect to their hours of labor and the conditions of their employment; by establishing certain sanitary regulations in the establishments in which they work; by requiring certain abstracts and notices to be posted; by providing for the enforcement of this act by the Commissioner of Labor and Industry and others; by prescribing penalties for violations thereof; by defining the procedure in prosecutions; and by repealing all acts and parts of acts inconsistent with the provisions thereof," by including nurses in hospitals within the provisions of this act.

Which was committed to the Committee on Law and Order.

Mr. LETZLER read in his place and presented to the Chair Senate Bill No. 273, entitled:

An Act prohibiting the Insurance Commissioner from permitting workmen's compensation insurance rates higher than a certain amount.

Which was committed to the Committee on Insurance.

Mr. GELTZ, by request, read in his place and presented to the Chair Senate Bill No. 274, entitled:

An Act fixing the salaries of the fire marshals and the deputies and assistant fire marshals in counties of the second class; providing for their office, office supplies and clerical assistance and providing for their compensation and the payment of the same by the county.

Which was committed to the Committee on County Government

He also read in his place and presented to the Chair Senate Bill No. 275, entitled:

An Act defining the powers of fire marshals in counties of the second class with regard to buildings and premises and fire hazards in connection therewith, including the prescribing of rules and regulations with regard to explosives and inflammable substances; providing for the enforcement of the orders of the fire marshal; providing penalties and imposing certain duties upon fire insurance companies.

Which was committed to the Committee on County Government

Mr. DEITRICK read in his place and presented to the Chair Senate Bill No. 276, entitled:

An Act authorizing the compromise of delinquent taxes on real property and the penalties, interest and costs due thereon before a tax sale of such real property, and providing the procedure in such case.

Which was committed to the Committee on Judiciary General

Mr. STEVENSON read in his place and presented to the Chair Senate Bill No. 277, entitled:

An Act to amend Route 18033 established by amendment to the act, approved the twenty-second day of June, one thousand nine hundred and thirty-one (Pamphlet Laws 594) entitled "An act establishing certain township roads as State highways; authorizing their construction, maintenance and improvement under certain conditions and restriction; limiting the obligation of the Commonwealth in the construction of certain structures located on such highways; conferring certain powers upon the Department of Highways and local authorities, persons, associations and corporations for sharing the cost of the maintenance and construction of such highways; and making an appropriation to carry out the provisions of said act," as added.

Which was committed to the Committee on Highways

QUESTION OF PERSONAL PRIVILEGE

Mr. EDMUNDS. Mr. President, I rise to a question of personal privilege.

The PRESIDENT. The Senator from Montgomery, Mr. Edmonds, will state his question of personal privilege.

Mr. EDMUNDS. Mr. President, yesterday there was presented to the Senate a very interesting report from Mr. Russell, Secretary of the Department of Public Assistance, relating to recipients of old age pensions among aliens. You will recall that the figures showed there were, all together, 87,837 who received old age assistance in the month of January, and of these 3,738 did not have American citizenship nor had they applied.

In going through an analysis of the counties it is rather interesting to note that there are several counties in the State in which there are no aliens who are receiving old age assistance.

They are generally the smaller counties, I take it, such as Adams county, Clarion county, Cumberland county, and so on.

There are other counties in which the percentage of aliens receiving old age assistance is as high as 9.9, such as Philadelphia County.

Senator Dent yesterday raised the question that there were a great many aliens in Pennsylvania who had never had the opportunity of preparing themselves for citizenship.

I think it would be very interesting, especially to the committee on Relief, if Senators who find in their districts that facilities do not exist whereby aliens can prepare themselves for citizenship would let us know, because that is one of the studies that will be appropriate to our work.

I therefore ask the cooperation of the Senate in letting us know whether there are any places in Pennsylvania where an alien is beyond reach of the instruction that would make him an American citizen. It would certainly seem to me that when they reach the stage of old age pension, which will be with them until the end of their lives, this is a group of people of whom we certainly have a right to ask that they shall study to be able to accept American citizenship.

BILL ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 134, entitled:

An Act requiring aliens to register with the Department of Labor and Industry and to carry and upon proper demand to exhibit identification cards prohibiting the issuing of certain registrations and licenses to or the employment of aliens under certain circumstances and prescribing penalties.

And said bill having been read at length the third time, And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

Mr. SHAPIRO. Mr. President, earlier in this week I suggested that this bill be sent back to the committee for further study, but my colleagues saw fit to refuse to adopt that motion. I am going to vote against this bill and I would like to explain my reason.

I stated, in discussing the motion, that this bill, instead of restricting the activities of aliens, in some respects increases their powers. I also stated that in some respects it infringes on international law.

Section 3 of this act provides: "No motor vehicle shall be registered in the name of any alien nor shall any license to operate a motor vehicles or any liquor license or malt brewed beverage license be issued to any alien unless such alien shall exhibit an alien identification card for the current registration period."

I take it that under the provisions of this act if an alien proceeded to register and presented his card to the liquor license control board he would have the right to insist that a liquor license be furnished to him. Under the present existing law no alien can receive a license; in order to receive a license a man must be a citizen, naturalized or otherwise.

Now, it may be argued that the Act does not say he shall receive it, but I argue that under this Act, since it comes later than the liquor license board, it will be interpreted to amend the Act to the extent to which it is inconsistent; and it is inconceivable to me that the framers of the Act should provide that a man should not get a liquor license unless he produces a registration certificate, when they intend he should not get a license when he does produce it.

There is also some question in my mind with respect whether ambassadors and others who travel through our streets, who have the right to operate and they are certainly foreigners, aliens, what would happen to our rights if we would take automobiles over to foreign countries and attempt to operate them, which we have the right to do now.

That is only one of my objections I have to this bill. I pointed out last week—I am not going to detail—but it seems to me unfair to delegate to the Department of Labor and Industry the right to ask of any person any question which it sees fit and the right to compel him to answer those question and to record those answers or documents which they will keep; and under those circumstances I am obliged to say I am compelled to vote against this bill.

I should like to add one other thought. The Senator from Montgomery, Mr. Edmonds, has called our attention to the fact that there are 3,700 aliens on the old age pension, and that they are receiving \$87,000 a year.

The effect of this bill, if there are that many old age pensioners, if it is true that there are that many on the old age pension, there must be considerably more on the

relief rolls—the effect of this bill will be to increase relief expenditures by five dollars per year for every alien.

All he will have to do is to register and if he has not the money for registration, I am sure the welfare workers will consider that is a proper thing to be included in the estimate for that man to exist and so, if we have three thousand on the old age pension list and we spent \$1,800,000 last month, and we spend \$8,000,000 per month—\$7,000,000 or \$8,000,000—\$7,200,000 per month for direct relief, I would imagine there are four times as many aliens on that roll as there are on the old age, so that we will have 14,800 aliens, and if we multiply that by five that will give \$90,000 a year, for the purpose of allowing these aliens to receive the benefits of the relief roll.

Mr. EDMONDS. Mr. President, will the Senator from Philadelphia, Mr. Shapiro, allow me to make a slight correction in the figures he quoted me as saying? I did not say \$87,000 but I said there were 87,837 recipients of relief, but 3,738 is the number of aliens that collect.

Mr. KUNKEL. I intend to vote against this bill, and I would like to state for the record my reasons for opposing it.

In the first place, this bill, I believe can fairly be characterized as a species of punitive legislation against a minority group. I can see no particular reason for passing this bill.

I believe that the matter of dealing with aliens is primarily a federal matter. I think the State is acting beyond the scope of its authority when it legislates on this subject. Furthermore, I believe that the bill is unconstitutional. And for these reasons I intend to oppose the bill.

Mr. SPIE. Mr. President, I would like to say a few words on this bill. I am sorry that it has traveled so fast that I have not had opportunity or time to consider it as much as I should have liked to consider it.

I am greatly interested, Mr. President, in the foreign-born and unnaturalized aliens, and I have had a great deal of experience with them. During my law-student days it was my good fortune to be principal, faculty and janitor of a night school for teaching foreigners to read English and to learn enough of the fundamentals of our American system to become naturalized. It was one of the most delightful experiences of my life. During those three years I made eight hundred citizens, and I am very proud of that record.

I did not find many people of criminal intent among these unnaturalized person; however, I found that the majority of them, who did not make any attempt to become naturalized were men and women who came to this country after their youth had fled—they were in mature life and it was practically impossible for them at that age to learn enough of our English language to pass the test for citizenship.

So, I want to say that while I will vote for this bill I regret that I have not had time to consider it as much as I should; and I will say, when voting for it, that my large experience among the unnaturalized aliens has not led me to believe that there is any considerable percentage of people of criminal intent among them; and I would not be fair to them or fair to myself if I were to fail to mention at this time that there are two many of our old—line American stock, too many citizens of the United States whose ancestral roots run back to the pre-revolutionary days, too many of that class who set a mighty bad example for the foreign born. I do not intend to take up the time of

the Senate to enumerate the number of old-line American lawyers, bank presidents, bank officers, and so on, that I have come in contact with in my life-time, who have been sent within the cold walls of penitentiaries.

So, I will end, as I began, with the regret that I have not had enough time to examine into all the portents of this bill, but I shall vote for it.

Mr. SHAPIRO. Mr. President, I would like to make myself clear on this proposition. I can see no reason why a man who comes to this country and enjoys the privileges of the Democracy, and who has an opportunity to live and think here freely, should not want to be a citizen of this country. I hold no brief for them, and I am not asking a single member of this Senate to follow my views in voting against this bill; and the reason I am making this statement is that when a Senator who is interested in legislation requests that a bill as important as this one go over and be placed in the hands of the committee for further study, so that some of the things which appeal to us as being wrong may be corrected, it is only fair and right that that should be done.

If there was any opportunity on the part of any of us, myself particularly, for killing this bill by sending it back to committee, my motives might be impugned or questioned. I have pointed out something, and I may be one hundred per cent wrong, but in my opinion that that paragraph leaves the implication that an alien may be able to get a liquor license now where he could not get it before.

I only point that out, and not a number of other things that are objectionable in the bill, because I do not want to prolong the discussion. However, I want emphatically to say there is no excuse for any man who has—certainly for very few men who have the opportunity of becoming citizens, to live here and enjoy the privileges of this country and not become citizens; I hold no brief for them; but because there may be a great many of those people who should be and are not citizens there is no reason why we should carelessly prepare legislation and inflict punishment on those who for some reason may not be able to become citizens. It is with that thought in mind I raise objection to this bill, not for the purpose of having the bill defeated, but for the purpose of placing myself on record as pointing out the objections I see to the bill and requesting a more orderly procedure and a more careful procedure be adopted in relation to this legislation, as well as all others.

I say to my colleagues on this side I am not asking them to vote against this bill, but I do not intend to vote for it because I do not think that it is carefully drawn legislation, with all due respect to the sponsor of the bill—I mean no reflection against him. It is a large subject, an important subject, carrying with it many ramifications, and all of those things should be looked into before it is passed, and for that reason I am opposing the bill and shall vote against it.

Mr. REED. Mr. President, if there is some language in there that might be slightly hard to interpret, that can be corrected in the House. We have had this bill on the calendar now for some time; it is an important measure; I think the language in it is very clear; and if the Senator from Philadelphia, Mr. Shapiro, wants further time to study it, as it goes over to the House, he can study it there.

We ought to pass this bill or we ought to defeat it now, and get on to something else.

Mr. DENT. Mr. President, I have a few questions I would like to ask the sponsor of the bill, Mr. Geltz.

The PRESIDENT. Will the Senator from Allegheny, Mr. Geltz, permit himself to be interrogated?

Mr. GELTZ. I will, Mr. President.

Mr. DENT. Will the Senator from Allegheny, Mr. Geltz, give me his definition, description, of an alien?

Mr. GELTZ. Mr. President, I think an alien is a person in this country—for the purpose of this discussion—who is not a native citizen nor a naturalized citizen.

Mr. DENT. Mr. President, I further desire to interrogate the Senator from Allegheny, Mr. Geltz.

The PRESIDENT. Will the Senator from Allegheny, Mr. Geltz, permit himself to be interrogated further?

Mr. GELTZ. Mr. President, I will.

Mr. DENT. Mr. President, Section 4 of the proposed Act prohibits the employment of any alien who is not registered and in possession of an alien identification card. What effect would that have if a man happens to belong to some organization where citizenship is not a requirement for membership and he comes within the protective jurisdiction of that particular organization in the matter of employment?

Mr. GELTZ. Mr. President, does the Senator from Westmoreland mean in connection with private employment by a particular group or something of that kind?

Mr. DENT. Mr. President, I was referring to the section of the Act, which says, "No person, co-partnership, association, corporation, political sub-division of the Commonwealth or any of its agencies shall employ any alien who is not registered and in possession of an alien identification card for the current period."

Mr. GELTZ. Mr. President, my interpretation of that clause is just what it says; unless an alien is registered for the current period, they are not permitted to employ him.

Mr. DENT. In other words, Mr. President, if a man happens to belong—to give an illustration—say to the United Mine Workers for a period of thirty years, and his rights to be employed are protected by the Association in that union, will the union be forced to withdraw its support of his claim to a position or job in that mine unless he is registered?

Mr. GELTZ. Mr. President, I would say that is correct, that is the purpose of the bill, not that there will be punishment inflicted upon him, but to see that we can have a check upon what aliens we have in this country.

Mr. DENT. Mr. President, what is the necessity of the five dollars a year and the hundred dollars fine and all that, if it is not punitive?

Mr. GELTZ. Mr. President, I think if there is not some penalty provided for you will not have compliance with the Act. I am afraid that American citizens generally, as well as others residing in this country, are not too inclined to comply with the law unless there is some reason for it, and that unfortunately is the situation.

Mr. DENT. Mr. President, as I said Monday evening, I fully intend to vote for the bill, because of the implications that might be construed from any vote to the contrary on my part by those in my county who are anxious at all times to identify me particularly with any

movement which might not be so-called one hundred per cent Americanism.

I have in my own mind a doubt as to the reasonableness of this measure. I do not want to delay it and I will vote for it, but I cannot distinguish in my own mind between the so-called immigrant and an alien. There must be a difference in the immigrant and in the alien, but under this Act they are all aliens.

There is no need in rehash a story that has been once told, but I believe we are being unfair to a great many persons who came to this country and who, because of their economic conditions, have not become citizens. They have been taken out into the coal-mining communities and I venture to say that for thirty-five years a great many of those persons have voted as legal voters, and it was not their fault, because they were voted by the coal companies, lists were made out of employees of the coal companies and they never saw a ballot, but their names were turned in, and they were voted. For years they thought that they were legally members of these great United States.

I am not particularly disturbed over what will happen to them; I suppose they will probably die within a few years. Since we are going to root out all the "isms," I am going to vote for the bill; and I hope that from now on, after we pass this bill, we will not hear so much about Nazism and Communism and Fascism, because all the aliens will be under control.

Mr. CAVALCANTE. Mr. President, I have studied the bill as carefully as any of the other colleagues in the Senate. I want to say to the Senator from Westmoreland that if in the years past these aliens were herded like sheep and brought to the polls, given ballots and made to vote, that it was never done by any Democratic organization. It is very pleasant to me when one can differ with his best friend honestly, without incurring the enmity of his best friend. I disagree with my colleague from Washington, as friendly as we are to each other.

I have never subscribed to the policy that this Senate ought to send a bill over to the house, knowing that it may be defective in some form or another. I agree with the Senator from Philadelphia, Mr. Shapiro, that Section 3 of this act leaves the implication that an alien does have the right to have issued to him a liquor license or malt or brewed beverage license, and on that particular item I think the bill does not read right. I would rather see in this bill a provision along the same lines as was contained in Senate Bill 206, Printer's No. 23, introduced by Senator Wolfenden and passed yesterday. That bill required all applicants for licenses or permits to display a per capita tax receipt. If this particular bill before us now would contain a general provision of that kind then there would be no implication that an applicant or an alien might have the right to apply for a liquor license or a malt or brewed beverage license.

I am fully in accord with the principles of this bill. I do not think the requiring of an alien to register is such an inconvenience as great and troublesome as the inconveniences imposed upon American citizens in many other countries of the world.

We can say, with a great deal of pride here in America, that as long as we have been a nation there is no evidence—no indication that at any time during our national existence the property of an alien has been confiscated by our government or any political subdivision.

Yet in other countries of this world the property of our American citizens have been confiscated, they have been despoiled and they have been destroyed. I say that this restriction, or this requirement that aliens register, is not an inconvenience to be compared with the inconvenience caused to American citizens traveling or residing in many other countries of this world.

The principle of this bill is excellent and I am for the bill. The only objection that I have is on this section No. 3, that I think could be better and I will not subscribed to the policy announced by my colleague from Washington, that, knowing a bill to be faulty in any particular, we ought to send it over to the House I would like to see this Senate do its work thoroughly on all bills before we leave them out of our possession.

Mr. REED. Mr. President, I believe, in the few remarks that I made, the Senator from Fayette misconstrued my intention. I do not admit that this bill is faulty; I think the language in the bill is all right. I think that the Courts would hold the language legal and the section that the Senator from Fayette refers to, Section 3, in my opinion, as a lawyer, does not hold that inference. I think the bill ought to be considered at the present time and either passed or rejected, so that the Senate can get on to some other business.

Mr. KUNKEL. Mr. President, I would like to state for the information of my colleagues, to avoid any false implications, that I was a veteran of the World War—I am a veteran of the World War—and that I fought in that war with aliens who were soldiers in the American army.

I feel, too, that my ancestors were aliens, and so were the ancestors of every member of this Senate. This bill appeals to me as of a punitive character.

Furthermore, I believe that under the provisions of this bill, and as the enforcement of it would work out, any minor police officer, investigator of the Department of Labor and Industry, or any constable, might on sight arrest any one with a foreign appearance or foreign accent, and threaten to imprison that person, unless the fine which might be imposed by a summary conviction were forthcoming.

In other words, it seems to me that this bill will work out, and, in effect, amount to a legal shake-down. Since it seems to have the tendency to encourage that sort of thing I will oppose it for that reason, as well as the other reasons already stated.

Mr. SHAPIRO. Mr. President, I should like to interrogate the Senator from Allegheny, Mr. Geltz.

The PRESIDENT. Will the Senator from Allegheny, Mr. Geltz permit himself to be interrogated?

Mr. GELTZ. Mr. President, I will.

Mr. SHAPIRO. Will the Senator state whether it is not true that before an alien who wants to become a citizen can even declare his intention to be a citizen he must have resided in this country for a period of time?

Mr. GELTZ. Mr. President, that is correct.

Mr. SHAPIRO. Mr. President, is it also correct that the period of time is at least two years?

Mr. GELTZ. Mr. President, I think that is correct; I am not certain.

Mr. SHAPIRO. Mr. President, is it not true that if an alien came over to this country yesterday and wanted to become a citizen, under this bill he could not get a license, he could not register, he could not get any work,

because, even though he wanted to become a citizen and is eighteen years of age, he cannot even declare his intention to become a citizen?

Mr. GELTZ. No, Mr. President, but he has the opportunity to be registered as an alien.

Mr. SHAPIRO. Mr. President, the Senator is asking that a man be registered, under this bill, as an alien, even though he would like to become a citizen and cannot under the circumstances.

Mr. GELTZ. That is correct, Mr. President.

Mr. SHAPIRO. Mr. President, could not this bill be amended so that a person coming over here now might be given an opportunity to register, or permitted to go along until a time when he can declare his intention to become a citizen?

Mr. GELTZ. Mr. President, I do not think that is a good suggestion, because the purpose of the this bill is to to have some accurate check on those who are not citizens of this State. Whether they are here six months, six years, or sixteen years, I do not feel this bill will work any hardship on an individual who has the right to become an American citizen, by asking him when he comes here and becomes a resident of this state that he then register—I cannot see that that is any hardship. I think we have a right to demand that; we are entitled to that.

Mr. SHAPIRO. Mr. President, it seems to me that when you make people carry cards around when they are aliens and want to become citizens and cannot become citizens only because of existing laws, you are putting a hardship on them by stigmatizing them as aliens.

And the question recurring,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—31

Bartlett,	Eroe,	Letzler,	Snowden,
Cavalcante,	Farrell,	McGinnis,	Stevenson,
Coleman,	Frey,	Miller,	Tallman,
Crowe,	Geltz,	Owlett,	Thomas,
Dando,	Haluska,	Pierson,	Walker,
Dent,	Heyburn,	Reed,	Wolfenden,
Ealy,	Homsher,	Scarlett,	Woodward,
Edmonds,	Kilgallen,	Sipe,	

NAYS—5

Gelder,	McCreesh	Ruth,	Shapiro,
Kunkel,			

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 94, as follows:

An Act abating certain unpaid penalties and interest imposed on counties cities boroughs townships school districts and incorporated districts for the nonpayment of state taxes on scrip bonds certificates and evidences of indebtedness and authorizing the Board of Finance and Revenue to compromise the Commonwealth's claims against such political subdivisions for such unpaid taxes
The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 All unpaid penalties and interest heretofore imposed on any county city borough township school district for its failure to pay taxes for state purposes on all scrip bonds certificates and evidences of indebtedness assumed or on which interest shall be paid by any county city borough township school district or incorporated district of the Commonwealth are hereby abated if all taxes imposed on such scrip bonds certificates and evidences of indebtedness owning or assumed by such political subdivision for the year of one thousand nine hundred and thirty-eight have been or shall be paid on or before December thirty-first one thousand nine hundred and thirty-nine

Section 2 The Board of Finance and Revenue is hereby authorized and empowered to agree with any county city borough township school district or incorporated district owing to the Commonwealth on and before January 1 1938 any delinquent taxes on scrip bonds certificates or evidences of indebtedness to accept in compromise of the amount of such taxes and costs due any sum less than the whole of such amount so due if the penalties and interest on any such taxes shall have been abated under the provisions of section one of this act

Section 3 This act shall become effective immediately upon final enactment

And said bill, as amended, having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 186, as follows:

An Act to amend subsection twelve of section seven hundred and two of the act approved the first day of May one thousand nine hundred and thirty-three (Pamphlet Laws 103) entitled "An act concerning townships of the second class and amending revising consolidating and changing the law relating thereto" by empowering townships of the second class to prohibit the storage of abandoned and junked automobiles

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Subsection twelve of section seven hundred and two of the act approved the first day of May one thousand nine hundred and thirty-three (Pamphlet Laws 103) entitled "An act concerning townships of the second class and amending revising consolidating and changing the law relating thereto" is hereby amended to read as follows

Section 702 Supervisors to Exercise Powers The corporate powers of townships of the second class shall be exercised by the township supervisors They shall have power

* * * *

XII Nuisances To prohibit accumulations of garbage and rubbish and the storage of abandoned or junked automobiles on private and public property and the carrying on of any offensive manufacture or business and to remove any nuisance or dangerous structure on public or private grounds after notice to the owner to do so and in his default to collect the cost of such removal together with a penalty of ten dollars from the owner by summary proceedings In the exercise of the powers herein conferred the township may institute proceedings in courts of equity

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

RECESS

Mr. OWLETT. Mr. President I move that the Senate do now take a recess for ten minutes for the purpose of a meeting of the Committee on Education.

Mr. HEYBURN. Mr. President, I second the motion. The motion was agreed to.

AFTER RECESS

The PRESIDENT. The time of recess having elapsed the Senate will be in order.

REPORTS FROM COMMITTEES

Mr. FARRELL. Mr. President I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. FARRELL, from the Committee on Education, reported, as committed, Senate Bill No. 262, (House Bill No. 199), entitled:

An Act to confirm and validate past tax levies or assessments made by school districts of the first class and liens filed thereon.

Mr. DEITRICK. Mr. President I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. DEITRICK, from the Committee on Education, reported, as committed, Senate Bill No. 138, entitled:

An Act authorizing counties, cities, boroughs, townships of the first and second class, and school districts to issue and sell bonds for certain purposes and for a certain period of time; providing for a trust fund and a sinking fund for the payment thereof, and defining the duties of the officers and governing bodies of the said municipalities or quasi-municipalities in relation to said funds; and fixing a penalty for the violation thereof.

MOTION TO READ BILLS THE FIRST TIME

Mr. EDMONDS. Mr. President, I move that the Senate do now proceed to the first reading of all bills reported from committees for the first time at today's session.

Mr. HOMSHER. Mr. President, I second the motion. The motion was agreed to.

BILLS ON FIRST READING

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 108, (House Bill No. 26), entitled:

An Act to amend section three of the act, approved the twenty-seventh day of April, one thousand nine hundred and twenty-seven (P. L. 465), entitled "An act to provide for the safety of persons employed, housed, or assembled in certain buildings and structures not in cities of the first class, second class, and second class A, by requiring certain construction and ways of egress, equipment, and maintenance providing for the licensing of projectionists; requiring the submission of plans for examination and approval; providing for the promulgation of rules and regulations for the enforcement of this act; providing for the enforcement of this act by the Department of Labor and Industry and, in certain cases, by the chiefs of fire departments in cities of the third class; providing penalties for violations of the provisions of this act; and repealing acts," as amended, eliminating the requirement that certain buildings shall be equipped with certain equipment in connection with gas meters to prevent or retard the escape of gas.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 111, (House Bill No. 92), entitled:

An Act to prohibit assessments and demands for contributions for political purposes and providing a penalty.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 170, entitled:

A Joint Resolution proposing an amendment to article nine, section eight of the Constitution of the Commonwealth of Pennsylvania.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 199, entitled:

An Act authorizing the courts of common pleas to make orders relative to the payment of costs in road cases.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 241, entitled:

An Act authorizing counties of the second class to make appropriations to the State World's Fair Commission.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 262, (House Bill No. 199), entitled:

An Act to confirm and validate past tax levies or assessments made by school districts of the first class and liens filed thereon.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

ADJOURNMENT

Mr. GELDER. Mr. President, I move that the Senate do now adjourn until Monday, March 27, 1939, at 9:00 o'clock, p. m.

Mr. CAVALCANTE. Mr. President, I second the motion.

The motion was agreed to.

The Senate adjourned at 3:12 o'clock, p. m., until Monday, March 27, 1939, at 9:00 o'clock, p. m.

HOUSE OF REPRESENTATIVES

WEDNESDAY, March 22, 1939.

The House met at 1 p. m.

The SPEAKER (Ellwood J. Turner) in the Chair.

PRAYER

Rev. Dr. Clyde Alvin Lynch, President of Lebanon

Valley College, Annville, Pa., offered the following prayer:

Almighty God, Lawgiver Supreme, Whose statutes are eternally valid, in humble acknowledgment of Thy glorious Sovereignty we approach our duties this day, remembering that "Righteousness exalteth a nation: but sin is a reproach to any people."

We thank Thee for the dawn of human conscience in ancient Egypt; for its development in Palestine, where lawgivers, sages, poets, and prophets expressed Thy revealed will; for its culmination in Jesus of Nazareth, who left the home of a Jewish carpenter with the blueprint of the Kingdom of God to assist humanity in building a new world.

Help us to learn the lessons of history, that we who are making the history of tomorrow may avoid those fatal mistakes of the past and seek to perpetuate and enhance only those well-tested character values that make men good and nations strong and prosperous. That such goodness may be wisely directed we invoke Thy blessing upon our public schools, the institutions of higher learning, and all other agencies that conduce to the moral and spiritual development of our citizens and the strangers within our gates.

Bestow upon these representatives of the people and their executive and judicial associates Thy heavenly grace. Reveal unto them Thy truth and impart Thy strength, and may their service to this Commonwealth eventuate in the greatest good for the largest number, the preservation of our American way of life, and the greater glory of Thy name. Amen.

The SPEAKER. The Chair desires to thank Dr. Lynch. It was a pleasure not only for the Chaplain of the House but for the members of the House to welcome the head of this interesting Pennsylvania College to the House.

JOURNAL APPROVED

The SPEAKER. The Clerk will read the Journal of yesterday.

The Clerk proceeded to read the Journal of yesterday, when, on motion of Mr. KRISE, the further reading was dispensed with and the Journal approved.

BILLS INTRODUCED AND REFERRED

By Mr. VAN ALLSBURG. HOUSE BILL No. 637.

An Act to repeal the act approved the twenty-eighth day of June, one thousand nine hundred and thirty-five (P. L. 477), entitled "An act providing for the payment of the compensation, medical and hospital expenses of policemen and firemen by cities (except of the second class A), boroughs, towns, and townships who are injured in the performance of their duty, and providing that absence during such injury shall not reduce any usual sick leave period," as amended by the act approved the fourteenth day of May, one thousand nine hundred and thirty-seven (P. L. 632), insofar as it relates to boroughs.

Referred to the Committee on Boroughs.

By Mr. LLOYD H. WOOD. HOUSE BILL No. 638.

An Act to further amend part of section four of the act, approved the twenty-seventh day of June, one thousand nine hundred and twenty-three (P. L. 858), entitled "An act establishing a State employees' retirement system, and creating a retirement board for the administration thereof: establishing certain funds from contributions by the Commonwealth and contributing State employees, de-

fining the uses and purposes thereof and the manner of payments therefrom, and providing for the guaranty by the Commonwealth of certain of said funds, imposing powers and duties upon the heads of departments in which State employees serve; excepting annuities, allowances, returns, benefits, and rights from taxation and judicial process; and providing penalties," transferring the State Employees Retirement Board from the Treasury Department to the Department of State; and making the Secretary of the Commonwealth the chairman thereof.

Referred to the Committee on State Government.

By Mr. BOORSE. HOUSE BILL No. 639.

An Act to repeal certain obsolete acts relating to military history, records and historical works.

Referred to the Committee on Military Affairs.

By Mr. McVAY. HOUSE BILL No. 640.

An Act to amend section one of the act, approved the twenty-second day of June, one thousand nine hundred and thirty-one (P. L. 844), entitled "An act authorizing the Commonwealth of Pennsylvania, or any department or division thereof, and counties, cities, boroughs, incorporated towns, townships, school districts and poor districts to make contracts of life, health, and accident policies for the benefit of employees thereof, and contracts for pensions for such employees; and providing for the payment of the cost thereof," by further authorizing the making of such contracts and authorizing deductions from pay of employees.

Referred to the Committee on Municipal Corporations.

By Mr. JAMES. HOUSE BILL No. 641.

An Act to amend section one of the act, approved the thirty-first day of May, one thousand nine hundred and thirty-three (P. L. 1108), entitled "An act providing for the appointment, promotion, reduction, removal and reinstatement of paid officers, firemen and employees of fire departments and of fire alarm operators and fire box inspectors in the bureaus of electricity in cities of the second and third class; defining the powers and duties of civil service commissions for such purposes; and fixing penalties," by providing for the removal of certain officers.

Referred to the Committee on Cities—Third Class.

By Mr. BRUNNER. (By Request).

HOUSE BILL No. 642.

An Act to amend the title and section one of the act, approved the twenty-fifth day of June, one thousand nine hundred and thirty-one (P. L. 1364), entitled "An act prohibiting the use of counterfeit or spurious coins in automatic instruments or machines; and providing a penalty," as amended by including the use of other fraudulent methods and artifices to procure the operation of such instruments or machines.

Referred to the Committee on Judiciary Special.

By Mr. LYONS. HOUSE BILL No. 643.

An Act making an appropriation to the State Veterans' Commission for expenses of the Commission and for the assistance of needy Pennsylvania Veterans of any War and their dependents; and of needy widows and orphans of deceased war veterans.

Referred to the Committee on Appropriations.

By Mr. LYONS. HOUSE BILL No. 644.

An Act to add clause fifty-nine to section one thousand two hundred and two of the act, approved the fourth day of May, one thousand nine hundred and twenty-seven (P. L. 519), entitled "An act concerning boroughs, and

revising, amending, and consolidating the law relating to boroughs," by authorizing appropriations for the support, maintenance, discipline and training of units of the National Guard, and regulating the expenditure and accounting of such moneys.

Referred to the Committee on Boroughs.

By Mr. WINNER. HOUSE BILL No. 645.

An Act to further reenact and amend the title and the act approved the sixteenth day of May, one thousand nine hundred thirty-five (P. L. 208) entitled as amended "An act to provide revenue for State purposes by imposing an excise tax, for a limited period of time, on the net incomes of certain corporations, joint-stock associations, and limited partnerships; providing for the assessment, collection, settlement and resettlement of taxes, and reviews and appeal therefrom; conferring powers, and imposing duties on certain persons, corporations, joint-stock associations, limited partnerships, State, and county officers, boards, and departments; making an appropriation; and providing penalties," by making said tax a permanent tax and changing the basis for computing taxable net incomes.

Referred to the Committee on Ways and Means.

By Mr. WINNER. HOUSE BILL No. 646.

An Act to further amend sections twenty and twenty-one of the act approved the first day of June, one thousand eight hundred and eighty-nine, (P. L. 420), entitled "A further supplement to an act, entitled 'An act to provide revenue by taxation,' approved the seventh day of June, Anno Domini one thousand eight hundred and seventy-nine," by changing the basis for valuing taxable capital stock, both of domestic and foreign corporations, joint-stock associations, limited partnerships and companies, and substituting a capital stock tax on foreign corporations in lieu of the franchise tax on such corporations.

Referred to the Committee on Ways and Means.

By Mr. WINNER. HOUSE BILL No. 647.

An Act to further amend sections one, two and three of the act approved the twentieth day of April, one thousand nine hundred and twenty-seven (P. L. 311), entitled "An act providing for a more equitable method of assessing capital stock tax against corporations, limited partnerships, joint-stock associations, and companies in certain cases," extending the provisions thereof to foreign corporations, joint-stock associations, limited partnerships and companies.

Referred to the Committee on Ways and Means.

By Mr. WINNER. HOUSE BILL No. 648.

An Act to further amend section eighteen (renumbered section seventeen), of the act, approved the second day of June, one thousand nine hundred and thirty-five (P. L. 414), entitled "An act to provide revenue for State purposes; imposing taxes upon certain classes of personal property; providing for the assessment, collection, and lien of the same, and the distribution of the proceeds thereof; imposing duties on executors, administrators, registers of wills, recorders of deeds, prothonotaries, and court clerks, and on persons, copartnerships, associations, banks, national banks, trust companies, and other corporations receiving deposits of money and on certain corporations and limited partnerships; conferring powers and imposing duties on certain State officers and departments; imposing penalties; and making an appropriation," by exempting certain personal property held for the benefit of nonresidents.

Referred to the Committee on Ways and Means.

By Mr. SIMONS.

HOUSE BILL No. 649.

An Act to add clause twenty-one to section seven hundred and two of the act, approved the first day of May, one thousand nine hundred and thirty-three (P. L. 103), entitled "An act concerning townships of the second class, and amending, revising, consolidating, and changing the law relating thereto," by authorizing appropriations for the support, maintenance, discipline, and training of units of the National Guard, and regulating the expenditure and accounting of such moneys.

Referred to the Committee on Townships.

By Mr. WINNER.

HOUSE BILL No. 650.

An Act to further amend the act, approved the first day of May, one thousand nine hundred and thirteen (P. L., one hundred thirty-eight), entitled "An act defining vocational education; providing for the establishment and regulation of vocational schools; and providing for State aid in the maintenance thereof, and for the payment of tuition by certain school districts, and reimbursement thereof by the State," by providing for the election of county supervisors of agriculture and homemaking, the election of principals, instructors and lectures for the Public Service Institute, and by further providing for the reimbursement by the Commonwealth of districts of the second, third, and fourth classes.

Referred to the Committee on Education.

By Mr. MATHEW J. WELSH. HOUSE BILL No. 651.

A Joint Resolution proposing an amendment to section one, article nine of the Constitution of the Commonwealth of Pennsylvania.

Referred to the Committee on Constitutional Amendments.

By Mr. REGAN.

HOUSE BILL No. 652.

An Act to amend clauses (a) and (g) of section one thousand one hundred ten of the act, approved the first day of May, one thousand nine hundred and twenty-nine (P. L. 905), entitled "An act for the protection of the public safety; regulating the use of highways, and the operation of vehicles, tractors, street cars, trackless trolley omnibuses, bicycles, pedestrians, and the riding of animals upon the highways of this Commonwealth; providing for the titling, including liens, encumbrances, and legal claims; registration of certain vehicles and licensing the operators thereof, upon payment of prescribed fees; prescribing and limiting the powers of local authorities to deal with the subject matter of this act; conferring powers and imposing duties upon the Department of Revenue, the Department of Highways, peace officers, mayors, burgesses, magistrates, aldermen, justices of the peace, the courts and the clerks thereof, owners of vehicles, and garage keepers; providing that records are admissible as evidence; imposing upon owners, counties, cities, boroughs, incorporated towns, townships, within the Commonwealth, liability for damages caused by the negligent operation of their motor vehicles; imposing penalties; imposing certain costs upon counties; providing for the disposition of fines, forfeitures, fees, and miscellaneous receipts; making an appropriation and providing for refunds," as amended, by changing the date when electrically operated traffic signals must be altered to conform with the provisions of the said act, and the regulations of the Secretary of Highways; authorizing, and in certain cases requiring the Secretary of Highways to erect and alter such signals on streets that are part of the State highway system in cities of the second class A.

Referred to the Committee on Motor Vehicles.

By Mr. TRONZO.

HOUSE BILL No. 653.

An Act providing for the survival of certain rights of action by or against executors or administrators representing decedents where such rights would have existed in favor of or against such decedent if living; and further providing for extension of statutes of limitations in such cases.

Referred to the Committee on Judiciary General.

By Mr. TRONZO.

HOUSE BILL No. 654.

An Act making it unlawful for police officers and keepers of jails and police stations to refuse, hinder or prevent a person arrested or detained from communicating with any outside person for the purpose of securing bail.

Referred to the Committee on Judiciary Special.

By Mr. ELY.

HOUSE BILL No. 655.

An Act to further amend section one of the act, approved the seventeenth day of June, one thousand nine hundred and thirteen (P. L. 507), entitled "An act to provide revenue for State and county purposes, and, in cities coextensive with counties, for city and county purposes; imposing taxes upon certain classes of personal property; providing for the assessment and collection of the same; providing for the duties and compensation of prothonotaries and recorders in connection therewith; and modifying existing legislation which provided for raising revenue for State purposes," by excluding property of cooperative agricultural associations from the provisions thereof.

Referred to the Committee on Ways and Means.

By Mr. ELY.

HOUSE BILL No. 656.

An Act to further amend section one of the act, approved the second day of May, one thousand eight hundred and ninety-nine (P. L. 184), entitled "An act to provide revenue by imposing a mercantile license tax on venders of or dealers in goods, wares and merchandise, and providing for the collection of said tax," excluding cooperative agricultural associations from the provisions thereof.

Referred to the Committee on Ways and Means.

By Mr. ECKELS.

HOUSE BILL No. 657.

An Act to amend section two and clause (d) of section nine of the act, approved the twenty-fourth day of June, one thousand nine hundred and thirty-seven (Pamphlet Laws 2051), entitled "An act relating to public assistance; providing for and regulating assistance to certain classes of persons designated and defined as dependent children, aged persons, blind persons and other persons requiring relief; providing for the administration of this act by the Department of Public Assistance and county boards of assistance hereby created for this purpose; authorizing the Department of Public Assistance to cooperate with, and to accept and disburse moneys received from the United States Government for assistance to such persons; providing for the liquidation of the State Emergency Relief Boards, of Trustees of the Mothers' Assistance Fund, and Boards of Trustees of Pension Fund for the Blind; and repealing laws relating to mothers' assistance, pensions for the blind, old age assistance, and the State Emergency Relief Board;" providing that in certain cases when relief is given, milk orders shall be included in such relief.

Referred to the Committee on Welfare.

By Mr. PEALE.

HOUSE BILL No. 658.

An act to add clause forty-six to section one thousand five hundred and two of the act, approved the twenty-fourth day of June, one thousand nine hundred and thirty-one (Pamphlet Laws 1206), entitled "An act concerning townships of the first class; amending, revising, consolidating, and changing the law relating thereto," by authorizing

appropriations for the support, maintenance, discipline, and training of units of the National Guard, and regulating the expenditure and accounting of such moneys.

Referred to the Committee on Townships.

By Messrs. SWEENEY and O'NEIL.

HOUSE BILL No. 659.

An Act authorizing the Insurance Department and the Department of Revenue to make a fair and impartial joint investigation of the efficacy, wisdom and practicability of the laws of the Commonwealth relating to automobile insurance and the laws in effect in other states relating to automobile insurance, for the purpose of ascertaining the advisability of enacting in this Commonwealth a compulsory motor vehicle insurance law or an automobile accident compensation law, or both; requiring said departments to make a joint report to the next session of the General Assembly of their findings and recommendations as to such legislation as may be necessary or desirable, and conferring upon the Insurance Commissioner and the Secretary of Revenue power to issue subpoenas, and the courts power to punish those refusing to obey the same.

Referred to the Committee on Insurance.

By Mr. VOORHEES.

HOUSE BILL No. 660.

An Act providing minimum standards for dog food and cat food packed in hermetically sealed containers, regulating the slaughtering of animals for use in such food, providing for the inspection and licensing of the manufacturers of such food and the proper packing and labeling thereof, imposing duties on the Department of Agriculture, and imposing penalties.

Referred to the Committee on Agriculture.

By Mr. FALKENSTEIN.

HOUSE BILL No. 661.

An Act making an appropriation to the Jefferson Medical College, of Philadelphia, Pennsylvania, for medical education.

Referred to the Committee on Appropriations.

By Mr. REAGAN.

HOUSE BILL No. 662.

An Act to amend section one of the act approved the sixth day of May, one thousand nine hundred and twenty-seven, (P. L. 843), entitled "An act authorizing the Department of Highways, with the approval of the Governor, to build, rebuild, construct, and maintain roads wholly upon the lands of State institutions and State parks, and providing for the payment of the cost thereof," by authorizing the Department of Highways, with the approval of the Governor, to build, rebuild, construct and maintain roads, bridges and viaducts wholly on State Armory properties and State Military Reservations, and on the grounds of the Soldiers' and Sailors' Home of Erie, Pennsylvania.

Referred to the Committee on Highways.

By Mr. G. R. THOMPSON.

HOUSE BILL No. 663.

An Act to further amend section six hundred and four of the act, approved the first day of May, one thousand nine hundred and twenty-nine (P. L. 905), entitled "An act for the protection of the public safety; regulating the use of highways, and the operation of vehicles, tractors, street cars, trackless trolley omnibuses, bicycles, pedestrians, and the riding of animals upon the highways of this Commonwealth; providing for the titling, including liens, encumbrances, and legal claims; registration of certain vehicles and licensing the operator thereof, upon payment of prescribed fees; prescribing and limiting the powers of local authorities to deal with the subject matter of this act; conferring powers and imposing duties upon the Department of Revenue, the Department of Highways, peace officers, mayors, burgesses, magistrates, aldermen, justices of the peace, the courts and the clerks

thereof, owners of vehicles, and garage keepers; providing that records are admissible as evidence; imposing upon owners, counties, cities, boroughs, incorporated towns, townships, within the Commonwealth, liability for damages caused by the negligent operation of their motor vehicles; imposing penalties; imposing certain costs upon counties; providing for the disposition of fines, forfeitures, fees, and miscellaneous receipts; making an appropriation and providing for refunds," by providing that an operator's license or learner's permit shall not be issued unless applicant is able to establish proof of his having paid all taxes of the State and the political subdivisions thereof.

Referred to the Committee on Motor Vehicles.

By Mr. SNYDER. HOUSE BILL No. 664.

An Act suspending the taking effect of certain laws with respect to transportation; reimbursement to school districts of the Commonwealth for tuition, transportation, vocational education and employment of certain employees.

Referred to the Committee on Education.

By Mr. GILLAN. HOUSE BILL No. 665.

An Act authorizing the adjournment and readjournment of county treasurers' sales, and further regulating the holding of such sales; validating any action taken prior to the effective date of this act in adjourning or readjournment or failing to adjourn or readjourn tax sales, or failing to advertise or hold tax sales, and preserving the lien of all taxes on lands to be sold at such sales.

Referred to the Committee on Municipal Corporations.

SENATE MESSAGE

SENATE BILLS FOR CONCURRENCE

The Clerk of the Senate being introduced, presented for concurrence bills numbered and entitled as follows:

SENATE BILL No. 39. (HOUSE BILL No. 666.)

An Act validating county treasurers sales for delinquent taxes when the reports and returns of such sales were made to the court of common pleas and the deeds thereto were executed and acknowledged by an attache of the office of the county treasurer and not by the county treasurer as required by law.

Referred to the Committee on Judiciary General.

SENATE BILL No. 12. (HOUSE BILL No. 667.)

An Act for the prevention of congenital syphilis providing for and regulating the taking of serological tests of women pregnant with child and requiring notation thereof on the birth and still-birth certificates of their children imposing duties upon the Department of Health and upon physicians and other persons attending women pregnant with child.

Referred to the Committee on Public Health and Sanitation.

SENATE BILL No. 13. (HOUSE BILL No. 668.)

An Act regulating the issuance of marriage licenses prohibiting the issuance thereof to persons infected with syphilis in certain stages requiring each applicant to produce certain evidence of freedom from such disease imposing duties upon the Department of Health and the clerk of the orphans' court of the various counties and imposing penalties.

Referred to the Committee on Public Health and Sanitation.

SENATE BILL No. 93. (HOUSE BILL No. 669.)

An Act to validate private sales of real estate of decedents heretofore made under authority of orphans' courts upon petition of executors or administrators for payment of debts.

Referred to the Committee on Judiciary General.

SENATE BILL No. 206. (HOUSE BILL No. 670.)

An Act requiring all applicants for licenses or permits to be accompanied by a per capita school tax receipt for the last calendar year preceding the year in which the application is made and making exceptions as to applicants residing without the Commonwealth or in school districts where no such tax is imposed or those exempt by law or action of the tax levying authorities.

Referred to the Committee on State Government.

RESOLUTIONS INTRODUCED AND REFERRED

By Mr. WAGNER. Concurrent RESOLUTION No. 46.

In the House of Representatives, March 21, 1939.

Whereas, school teachers in many districts of the Commonwealth have not been paid their wages for months; and

Whereas, many school districts have been unable to collect their school taxes that are due because of the economic conditions of their respective districts, particularly in the districts in which the coal industry is centered; and

Whereas, if relief is not started immediately, many schools will have to be closed; and

Whereas, the public school system is the first line of defense in a democracy, and this great Commonwealth cannot permit those responsible for its maintenance to be demoralized and made destitute by economic distress; therefore be it

Resolved (if the Senate concur), That a committee of twelve members shall be appointed, six by the Speaker of the House of Representatives and six by the President pro tempore of the Senate, among whom shall be the Chairman of the Ways and Means, Appropriation and Education Committees of each House, and three members from the Committee on Education in the House and three members from the Committee on Education in the Senate. The said committee shall devise plans of meeting the distressed financial conditions of the school districts of this Commonwealth, and shall submit a legislative program to be introduced at this session of the General Assembly for the immediate relief of the said distressed school districts.

Referred to the Committee on Rules.

By Mrs. FAUSET. Concurrent RESOLUTION No. 47.

In the House of Representatives, March 21, 1939.

Whereas, the Public schools in America are a vital force in preserving and carrying on our democratic traditions, and whereas all American children are entitled to equal educational opportunities, and

Whereas, the burden of maintaining high standards in school programs is becoming increasingly difficult for some of our states and municipalities to bear since they do not all have equal resources for supporting an adequate educational system, and

Whereas, several of our states and municipalities are in a precarious financial position resulting in stringent retrenchment and even in the closing of schools, thus causing a local problem so serious as to have become a matter of national concern, and

Whereas, there has been introduced into the United States Senate by Senator Thomas and Senator Harrison, and into House of Representatives by Congressman Larabee, a bill to "promote the general welfare through appropriation of funds to assist States and Territories in providing more effective programs of public education," and

Whereas, this Federal Aid Bill (S 1305 and HR 3517)

gives grants to states on the basis of the index of educational load and financial ability for Adult Education, Rural Library Services, Cooperative Educational Research and Demonstrations, and for the improvement of Public Elementary and Secondary Schools by improving Teacher Preparation, Constructing of School Buildings, and Administration of State Departments of Education; now

Therefore be it resolved, that the Legislature of the State of Pennsylvania hereby memorialize the Congress of the United States to approve Senate Bill 1305 and HR 3517, the Federal Aid to Education Act of 1939.

Be it also resolved, that one copy of this resolution be forwarded to each of the following:

The President of the United States—Franklin D. Roosevelt.

Vice-President John N. Garner, President of the U. S. Senate.

Speaker Bankhead, House of Representatives.

Senator Elbert D. Thomas, Chairman, Senate Committee on Education and Labor.

Congressman William H. Larrabee, Chairman, House Committee on Education.

Senator Joseph Guffey.

Senator James J. Davis.

All members of the House delegation from Pennsylvania.

Referred to the Committee on Federal Relations.

COMMUNICATION BY THE GOVERNOR

The Secretary to the Governor being introduced, presented a communication in writing from His Excellency the Governor, which was read as follows:

APPROVAL OF HOUSE BILL NO. 338

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, March 21, 1939.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed House Bill No. 338, Printer's No. 42, entitled "An act to amend Clause ten of Section two and Section Three hundred one of an Act approved the Twenty-seventh day of May one thousand nine hundred and thirty-seven Pamphlet Laws one thousand and fifty-three known as the "Public Utility Law" by excluding from the definition of "Facilities" as used therein property owned by municipal corporations of the Commonwealth of Pennsylvania when the said act became effective and providing that the Pennsylvania Public Utility Commission shall have power to regulate and fix the rates for service furnished by public utilities owned by municipal corporations of the Commonwealth of Pennsylvania only when the public service being furnished or rendered by any municipal corporations shall be beyond its corporate limits and extending such freedom from regulation and control by the Commission to public utility service furnished or rendered by an operating agency of any such municipal corporation."

ARTHUR H. JAMES

COMMUNICATION

MILK CONTROL

The SPEAKER laid before the House a communication which was read by the Clerk as follows:

SENATE OF PENNSYLVANIA

George F. Holmes, Secretary

Harrisburg, Penna., March 31, 1939.

Hon. Ellwood J. Turner,
Speaker of the House of Representatives,
Harrisburg, Pennsylvania.

Dear Speaker:

By direction of the Senate of Pennsylvania, I am transmitting herewith copy of resolution adopted by the Senate

of Pennsylvania, March twentieth, one thousand nine hundred and thirty-nine.

Respectfully yours,

GEORGE F. HOLMES.

Secretary, Senate of Pennsylvania.

In the Senate, March 20, 1939.

Whereas, There was introduced in this Senate by Senators Scarlett and Heyburn, February 7, 1929, a Resolution, Serial No. 103, creating a commission to investigate and report on the matter of Milk Control, and

Whereas, There was introduced in this Senate by Senators Reed and Sipe, March 6, 1939, a Resolution, Serial No. 106, increasing the duties of the Joint Legislative Committee to be set up by the Resolution adopted by the Senate, February 28, 1939, and

Whereas, There was introduced in this Senate by Senators Cavalcante and Sipe, March 6, 1939, a Resolution, Serial No. 107, pertaining to this question of Milk Distribution and Control, and

Whereas, There has been much discussion on the floor of this Senate and in the press of the State relative to this subject, and

Whereas, There have been rumors, circulated to the effect that powerful interests are at work to stop the passage of the above mentioned resolution, Serial No. 103, in the House of Representatives, and

Whereas, At the present time according to this week's History, Senate Resolution No. 103 is resting in the Committee on Rules in the House of Representatives since the date of March 1st, and

Whereas, It is vitally important to all concerned particularly the producer and the consumer of Milk and Milk Products; therefore be it hereby

Resolved And It Is Hereby Resolved, That the Senate respectfully petition and solicit the Cooperation of the House Committee on Rules and further petition said Committee on Rules in the House of Representatives to report said Resolution, Serial No. 103 favorably to the House in order that the Commission may commence this all important work for the benefit of Pennsylvania Producers and Consumers of Milk. Copies of said resolution to be presented to the Speaker of the House of Representatives and the Committee on Rules in the House of Representatives.

The foregoing is a true and correct copy of resolution adopted by the Senate of Pennsylvania, March twentieth, one thousand nine hundred and thirty-nine.

(Signed) WILLIAM J. RIDGE,
Chief Clerk, Senate of Pennsylvania.

The communication and resolution were referred to the Committee on Rules.

LEAVE OF ABSENCE

Mr. FLANAGAN asked and obtained leave of absence for himself for the remainder of the week after today's session.

REPORTS FROM COMMITTEES

Mr. DAVID P. REESE from the Committee on Counties reported as committed, House Bill No. 104, entitled:

An Act validating certain tax liens in counties having a controller when the claims whereupon the liens were filed were not signed by, and did not have stamped thereon a facsimile signature of the controller of the county as required by law.

Mr. DONAHUE from the Committee on Cities—Third Class reported as committed, House Bill No. 209, entitled:

An Act to amend section two thousand eight hundred forty-two of the act, approved the twenty-third day of June, one thousand nine hundred thirty-one (P. L. 932), entitled "An act relating to cities of the third class; and amending, revising, and consolidating the law relating thereto," by authorizing the city to appeal from reports

of viewers, and demand a trial by jury, and making such provisions retroactive so as to apply to cases now pending.

Mr. FISS from the Committee on Counties reported as committed, House Bill No. 349, entitled:

An Act to further amend section two hundred fifty-six of the act, approved the second day of May, one thousand nine hundred and twenty-nine (P. L. 1278), entitled "An act relating to counties of the second, third, fourth, fifth, sixth, seventh and eighth classes; and revising, amending, and consolidating the laws relating thereto," by providing for the appointment and compensation of assistant district attorneys in counties of the sixth class where there are two or more judges of the court of common pleas.

Mr. KRISE from the Committee on Judiciary General reported as committed, House Bill No. 345, entitled:

An Act to validate and quiet the title of real estate in this Commonwealth held by a foreign corporation unauthorized to hold the same, and heretofore conveyed to a citizen of the United States or a corporation authorized to hold such real estate.

Mr. KRISE from the Committee on Judiciary General reported as committed, House Bill No. 346, entitled:

An Act to validate mortgages on real estate in this Commonwealth given by a foreign corporation unauthorized to hold title to the said real estate, said real estate having been heretofore conveyed to a citizen of the United States or a corporation authorized to hold such real estate.

Mr. BREThERICK from the Committee on Judiciary General reported as committed, House Bill No. 378, entitled:

An Act to amend paragraph (d) of section twenty-eight of the act, approved the seventh day of June, one thousand nine hundred and seventeen (P. L. 447), entitled as amended "An act relating to the administration and distribution of the estates of decedents and of minors, and of trust estates; including the appointment, bonds, rights, powers, duties, liabilities, accounts, discharge and removal of executors, administrators, guardians, and trustees, herein designated as fiduciaries; the administration and distribution of the estates of presumed decedents; widow's and children's exemptions; debts of decedents, rents of real estate as assets for payment thereof, the lien thereof, sales and mortgages of real estate for the payment thereof, judgments and executions therefor, and the discharge of real estate from the lien thereof; contracts of decedents for the sale or purchase of real estate; legacies, including legacies charged on land; the discharge of residuary estates and of real estate from the lien of legacies and other charges; the appraisement of real estate devised at a valuation; the ascertainment of the curtilage of dwelling houses or other buildings devised; the abatement and survival of actions, and the substitution of executors and administrators therein; the survival of causes of action and suits thereupon by or against fiduciaries; investments by fiduciaries; the organization of corporations to carry on the business of decedents; the audit and review of accounts of fiduciaries; refunding bonds; transcripts to the court of common pleas of balances due by fiduciaries; the rights, powers, and liabilities of nonresident and foreign fiduciaries; the appointment, bonds, rights, powers, duties, and liabilities of trustees durante absentia; the recording and registration of decrees, reports and other proceedings, and the fees therefor; appeals in certain cases; and, also, generally dealing with the jurisdiction, powers, and procedure of the orphans' court in all matters relating to fiduciaries concerned with the estates of decedents," authorizing surviving, acting or remaining testamentary trustees to act in respect to real estate left to them to be sold or which they are authorized or directed to sell.

Mr. DENMAN from the Committee on Judiciary General reported as committed, House Bill No. 379, entitled:

An Act to further amend section nine of the act, approved the eighteenth day of April, one thousand eight hundred fifty-three (P. L. 503), entitled "An act relating to the sale and conveyance of real estate," directing accumulations for minors to be added to the principal or corpus of the estate, unless otherwise directed.

Mr. DENMAN from the Committee on Judiciary General reported as committed, House Bill No. 331, entitled:

An Act defining and prohibiting unfair sales, providing remedies for violations thereof, and establishing penalties therefor.

Mr. DENMAN from the Committee on Judiciary General reported as committed, House Bill No. 284, entitled:

An Act to amend clause (d) of section two of the act, approved the seventh day of June, one thousand nine hundred and seventeen (P. L. 447) entitled as amended "An act relating to the administration and distribution of the estates of decedents and of minors, and of trust estates; including the appointment, bonds, rights, powers, duties, liabilities, accounts, discharge and removal of executors, administrators, guardians, and trustees, herein designated as fiduciaries; the administration and distribution of the estates of presumed decedents; widow's and children's exemptions; debts of decedents, rents of real estate as assets for payment thereof, the lien thereof, sales and mortgages of real estate for the payment thereof, judgments and executions therefor, and the discharge of real estate from the lien thereof, contracts of decedents for the sale or purchase of real estate; legacies, including legacies charged on land; the discharge of residuary estates and of real estate from the lien of legacies and other charges; the appraisement of real estate devised at a valuation; the ascertainment of the curtilage of dwelling houses or other buildings devised; the abatement and survival of actions, and the substitution of executors and administrators therein; the survival of causes of action and suits thereupon by or against fiduciaries; investments by fiduciaries; the organization of corporations to carry on the business of decedents; the audit and review of accounts of fiduciaries; refunding bonds; transcripts to the court of common pleas of balances due by fiduciaries; the rights, powers, and liabilities of nonresident and foreign fiduciaries; the appointment, bonds, rights, powers, duties and liabilities of trustees durante absentia; the recording and registration of decrees, reports and other proceedings, and the fees therefor; appeals in certain cases; and, also, generally dealing with the jurisdiction, powers, and procedure of the orphans' court in all matters relating to fiduciaries concerned with the estates of decedents," as amended, providing that where a resident of this Commonwealth petitions the register of wills of a county other than the one in which he resides, for the issuance of letters testamentary, the affidavit and oath or affirmation required by this act before the issuance of such letters may be taken before, and administered by the register of wills of the county in which the applicant resides, and letters testamentary may be issued by the register of wills of the proper county without a personal appearance of the applicant.

Mr. MARR from the Committee on Welfare reported as committed, House Bill No. 404, entitled:

An Act to amend sections three and five of the act, approved the thirteenth day of May, one thousand nine hundred and twenty-five (P. L. 644), entitled "An act relating to and regulating the solicitation of moneys and property for charitable, religious, benevolent, humane, and patriotic purposes," as amended, by requiring the corporations, copartnerships and associations affected by the provisions of this act to publish certain facts relative to their organization once a year, and to file proof of such publication with the Department of Welfare.

Mr. LOVETT from the Committee on Labor reported as committed, House Bill No. 496, entitled:

As Act to amend section four of the act, approved the twenty-fifth day of July, one thousand nine hundred thirteen (Pamphlet Laws, one thousand twenty-four), entitled "An act to protect the public health and welfare, by regulating the employment of females in certain establishments, with respect to their hours of labor and the conditions of their employment; by establishing certain sanitary regulations in the establishments in which they work; by requiring certain abstracts and notices to be posted; by providing for the enforcement of this act by the Commissioner of Labor and Industry and others; by prescribing penalties for violations thereof; by defining the procedure in prosecutions; and by repealing all acts and parts of acts inconsistent with the provisions thereof," by extending the night restrictions on employment in manufacturing establishments in certain cases.

Mr. BAKER from the Committee on Ways and Means reported as committed, House Bill No. 409, entitled:

An Act imposing a tax in relief of financially distressed school districts on the net income of residents of Pennsylvania, including fiduciaries and on net income of non-residents derived from property or business in Pennsylvania; defining taxable income and requiring filing of returns thereof; providing for the assessment, collection and lien of said tax; providing for administration and enforcement of the act by the Department of Revenue; conferring powers and imposing duties on certain persons, partnerships, associations, corporations, State and county officers, employees and departments; providing for the use of, and appropriating the proceeds of such tax; and imposing penalties.

Mr. BAKER from the Committee on Ways and Means re-reported as committed, House Bill No. 312, entitled:

An Act to reenact and amend the title and the act approved the ninth day of June one thousand nine hundred thirty-six (Special Session of one thousand nine hundred thirty-six Pamphlet Laws thirteen) entitled "An act imposing an emergency State tax for a limited period of time on liquor as herein defined sold by the Pennsylvania Liquor Control Board providing for the collection and payment of such tax and imposing duties upon the Department of Revenue and the Pennsylvania Liquor Control Board" as previously reenacted and amended by extending the provisions thereof for a further limited period of time.

Mr. HESS from the Committee on Ways and Means re-reported as committed, House Bill No. 313, entitled:

An Act to further amend section one of the act approved the thirteenth day of June one thousand nine hundred seven (Pamphlet Laws six hundred forty) entitled "An act to provide revenue by levying a tax upon the shares of stock of companies incorporated under the provisions of section twenty-nine of an act entitled 'An act to provide for the incorporation and regulation of certain corporations' approved April twenty-ninth one thousand eight hundred and seventy-four and the supplements thereto for the insurance of owners of real estate mortgages and others interested in real estate from loss by reason of defective titles liens and encumbrances and of companies entitled to the benefits of and of companies having any of the powers of companies entitled to the benefits of an act entitled 'An act conferring upon certain fidelity insurance safety deposit trust and savings companies the powers and privileges of companies incorporated under the provisions of section twenty-nine of an act entitled "An act to provide for the incorporation and regulation of certain corporations" approved April twenty-ninth Anno Domini one thousand eight hundred and seventy-four and of the supplements thereto' approved June twenty-seventh one thousand eight hundred and ninety-five commonly known as title insurance or trust companies" by continuing the increased rate of tax for a further limited period of time and reducing the rate of tax after such limited period of time.

Mr. HAUDENSHIELD from the Committee on Ways and Means re-reported as committed, House Bill No. 314, entitled:

An Act to further amend the act approved the first day of June one thousand eight hundred eighty-nine (Pamphlet Laws four hundred twenty) entitled "A further supplement to an act entitled 'An act to provide revenue by taxation' approved the seventh day of June Anno Domini one thousand eight hundred and seventy-nine" by increasing for a further limited period of time the rate of tax imposed by the act upon the gross receipts of certain companies limited partnerships associations joint-stock associations copartnerships and persons.

Mr. KRISE from the Committee on Ways and Means re-reported as committed, House Bill No. 315, entitled:

An Act to further amend section one of the act approved the fifteenth day of July one thousand eight hundred ninety-seven (Pamphlet Laws two hundred ninety-two) entitled "An act to provide revenue by taxation" by increasing the rate of tax for a further limited period of time.

Mr. TROUT from the Committee on Ways and Means re-reported as committed, House Bill No. 316, entitled:

An Act to further amend section four of the act approved the twenty-first day of May one thousand nine hundred thirty-one (Pamphlet Laws one hundred forty-nine) entitled "An act imposing a State tax payable by those herein defined as distributors on liquid fuels used or sold and delivered within the Commonwealth which are ordinarily practically and commercially usable in internal combustion engines for the generation of power providing for the collection and lien of the tax and the distribution and use of the proceeds thereof requiring such distributors to secure permits to file corporate surety bonds and reports and to retain certain records imposing duties on retail dealers common carriers county commissioners and such distributors providing for rewards imposing certain costs or counties conferring powers and imposing duties on certain State officers and departments providing for refunds imposing penalties and making an appropriation" by imposing and continuing the additional emergency tax on liquid fuels for a further limited period of time.

Mr. YEAKEL from the Committee on Ways and Means re-reported as committed, House Bill No. 317, entitled:

An Act to reenact and amend the title and the act approved the sixteenth day of May one thousand nine hundred thirty-five (Pamphlet Laws two hundred eight) entitled as amended "An act to provide revenue for State purposes by imposing an excise tax for a limited period of time on the net incomes of certain corporations joint-stock associations and limited partnerships providing for the assessment collection settlement and resettlement of taxes and reviews and appeal therefrom conferring powers and imposing duties on certain persons corporations joint-stock associations limited partnerships State and county officers board and departments making an appropriation and providing penalties" as previously reenacted and amended by extending the provisions of the act for a further limited period of time exempting title insurance companies and making certain changes in the procedure for the collection and adjustment of the tax.

Mr. BRETHERICK from the Committee on Ways and Means re-reported as amended, House Bill No. 318, entitled:

An Act to reenact and amend the title and the act approved the twenty-second day of June one thousand nine hundred thirty-five (Pamphlet Laws four hundred fourteen) entitled "An act to provide revenue for State purposes imposing taxes upon certain classes of personal

property providing for the assessment collection and lien of the same and the distribution of the proceeds thereof imposing duties on executors administrators registers of wills recorders of deeds prothonotaries and court clerks and on persons copartnerships associations banks national banks trust companies and other corporations receiving deposits of money and on certain corporations and limited partnerships conferring powers and imposing duties on certain State officers and departments imposing penalties and making an appropriation" as previously reenacted and amended by eliminating ground rents from list of taxable personal property providing for the apportionment in certain cases of the taxes imposed by the act defining clarifying and limiting certain exemptions and continuing the State personal property tax for a further limited period of time.

Mr. GATES from the Committee on Ways and Means re-reported as committed, House Bill No. 319, entitled:

An Act to reenact and amend the title and the act approved the fourteenth day of June one thousand nine hundred thirty-five (Pamphlet Laws three hundred forty-one) entitled as amended "An act to provide revenue by imposing a State tax upon sales of cigarettes by dealers as herein defined requiring persons engaged in the sale of cigarettes at wholesale and retail to secure permits prescribing the method and manner of collecting such tax conferring powers and imposing duties on the Department of Revenue and persons as herein defined engaged in the sale of cigarettes at retail or wholesale and providing penalties" as previously reenacted and amended by extending the provisions of the act for a further limited period of time.

Mr. DAVID P. REESE from the Committee on Judiciary Special re-reported as amended, House Bill No. 221, entitled:

An Act declaring prosecutions against defendants finally ended and terminated where the Grand Jury has returned bills of indictment ignoramus unless a re-submission is authorized by the court for certain reasons and providing the procedure and for appeals in such cases.

Mr. MADDEN from the Committee on Mines and Mining reported as committed, House Resolution No. 13.

BILLS INTRODUCED

Mr. SARRAF. Mr. Speaker, I ask unanimous consent to present bills containing the names of three sponsors.

The SPEAKER. The gentleman from Allegheny, Mr. Sarraf, asked unanimous consent to introduce these bills with three sponsors. Rule 18 provides that only two sponsors shall appear upon a bill. If there be no objection, the bills will be received. The Chair hears none and the bills will be filed with the Chief clerk.

BILLS ON FIRST READING

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 567, entitled:

An Act to amend section one of the act approved the nineteenth day of May one thousand nine hundred and twenty-three (P. L. 275) entitled "An act fixing the salary of sheriffs in counties of the eighth class providing for the payment for the care and maintenance of prisoners where the sheriff is the keeper or warden of the jail requiring all fees and mileage earned by sheriffs in such counties to be paid into the county treasury for the use of the county and prescribing penalties" increasing the salary of sheriffs in such counties and providing for the payment of mileage thereto by the counties

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 359, entitled:

An Act to add clause (f) to section twenty-three of the act approved the seventh day of June one thousand nine hundred seventeen (P. L. 403) entitled "An act relating to the form execution revocation and interpretation of wills to nuncupative wills to the appointment of testamentary guardians to spendthrift trusts to forfeiture of devise or legacy in case of murder of testator to elections to take under or against wills and to the recording and registering of such elections and of decrees relative thereto and to the fees therefor" by empowering the orphans' court in certain cases to extend the time for filing of elections by surviving spouses to take under or against wills of decedents

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 610, entitled:

A Supplement to the act approved the twenty-first day of July one thousand nine hundred and thirty-seven (Appropriation Acts page 74) entitled "An act to provide for the ordinary expenses of the Executive Legislative and Judicial Departments of the Commonwealth interest on the public debt and the support of the public schools for two years beginning June first one thousand nine hundred and thirty-seven and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending May thirty-first one thousand nine hundred and thirty-seven" by lapsing a portion of the unobligated balance of the appropriation made to the Chief Clerk of the House of Representatives for the use of the Commission on Interstate Cooperation and re-appropriating such lapsed moneys to the said Chief Clerk for the use of the Interstate Commission on the Delaware River Basin

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 495, entitled:

An Act relating to the seizure of gambling machines or devices requiring inventory of all moneys and articles seized and imposing penalty

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 376, entitled:

An Act to add paragraph four to clause (a) of section forty-one of the act approved the seventh day of June one thousand nine hundred seventeen (P. L. 447) entitled as amended "An act relating to the administration and distribution of the estates of decedents and of minors and of trust estates including the appointment bonds rights powers duties liabilities accounts discharge and removal of executors administrators guardians and trustees herein designated as fiduciaries the administration and distribution of the estates of presumed decedents widow's and children's exemptions debts of decedents rents of real estate as assets for payment thereof the lien thereof sales and mortgages of real estate for the payment thereof judgments and executions therefor and the discharge of real estate from the lien thereof contracts of decedents for the sale or purchase of real estate legacies including legacies charged on land the discharge of residuary estates and of real estate from the lien of legacies and other charges the appraisement of real estate devised at a valuation the ascertainment of the curtilage of

dwelling houses or other buildings devised the abatement and survival of actions and the substitution of executors and administrators therein the survival of causes of action and suits thereupon by or against fiduciaries investments by fiduciaries the organization of corporations to carry on the business of decedents the audit and review of accounts of fiduciaries refunding bonds transcripts to the court of common pleas of balances due by fiduciaries the rights powers and liabilities of nonresident and foreign fiduciaries the appointment bonds rights powers duties and liabilities of trustees durante absentia the recording and registration of decrees reports and other proceedings and the fees therefor appeals in certain cases and also generally dealing with the jurisdiction powers and procedure of the orphans' court in all matters relating to fiduciaries concerned with the estates of decedents" as amended by permitting fiduciaries holding mortgages to accept deeds in lieu of foreclosures and prescribing the effect thereof

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 408, entitled:

An Act to repeal the act approved the twelfth day of June one thousand nine hundred seven (P. L. 527) entitled "An act establishing precautionary regulations to prevent forest fires on lands in which oil-wells and gas-wells are situated and diminish danger therefrom making certain violations thereof misdemeanors and prescribing punishment for the same and in other cases affixing penalties and declaring liability for damages"

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 176, entitled:

An Act to amend the act approved the seventeenth day of June one thousand nine hundred and thirteen (P. L. 507) entitled "An act to provide revenue for State and county purposes and in cities coextensive with counties for city and county purposes imposing taxes upon certain classes of personal property providing for the assessment and collection of the same providing for the duties and compensation of prothonotaries and recorders in connection therewith and modifying existing legislation which provided for raising revenue for State purposes" as amended by imposing the tax upon the value of certain equitable interests by excluding from the provisions of said act shares of stock of corporations liable to pay a franchise tax personal property held or possessed by certain executors administrators and fiduciaries and by employees thrift or savings associations personal property held by trustees for religious charitable scientific literary and educational organizations personal property held for non-residents and foreign corporations under certain circumstances and loans issued by first class or non-profit corporations and by making further provision for the return and payment of the tax by executors administrators trustees agents and attorneys-in-fact

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 453, entitled:

An Act to further amend section eight of the act approved the tenth day of June one thousand nine hundred and thirty-one (P. L. 485) entitled "An act to provide for the better protection of life and health of the citizens of this Commonwealth by requiring and regulating the examination licensure and registration of persons and

registration of corporations engaging in the care preparation and disposition of the bodies of deceased persons and providing penalties" by providing for additional grounds for refusing suspending or revoking licenses

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 574, entitled:

A supplement to the act approved the second day of July one thousand nine hundred thirty-seven (Appropriation Acts page seventy-four) entitled "An act to provide for the ordinary expenses of the Executive Legislative and Judicial Departments of the Commonwealth interest on the public debt and the support of the public schools for two years beginning June first one thousand nine hundred and thirty-seven and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending May thirty-first one thousand nine hundred and thirty-seven" providing for deficiencies in certain appropriations for fiscal biennium ending May thirty-first one thousand nine hundred thirty-nine and providing for the payment of certain of the deficiency appropriations out of revenues of the fiscal biennial period beginning June first one thousand nine hundred thirty-nine

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 362, entitled:

An Act to amend clause (d) of section fifty-nine of the act approved the seventh day of June one thousand nine hundred seventeen (P. L. 447) entitled as amended "An act relating to the administration and distribution of the estates of decedents and of minors and of trust estates including the appointment bonds rights powers duties liabilities accounts discharge and removal of executors administrators guardians and trustees herein designated as fiduciaries the administration and distribution of the estates of presumed decedents widow's and children's exemptions debts of decedents rents of real estate as assets for payment thereof the lien thereof sales and mortgages of real estate for the payment thereof judgments and executions therefor and the discharge of real estate from the lien thereof contracts of decedents for the sale or purchase of real estate legacies including legacies charged on land the discharge of residuary estates and of real estate from the lien of legacies and other charges the appraisement of real estate devised at a valuation the ascertainment of the curtilage of dwelling houses or other buildings devised the abatement and survival of actions and the substitution of executors and administrators therein the survival of causes of action and suits thereupon by or against fiduciaries investments by fiduciaries the organization of corporations to carry on the business of decedents the audit and review of accounts of fiduciaries refunding bonds transcripts to the court of common pleas of balances due by fiduciaries the rights powers and liabilities of nonresidents and foreign fiduciaries the appointment bonds rights powers duties and liabilities of trustees durante absentia the recording and registration of decrees reports and other proceedings and the fees therefor appeals in certain cases and also generally dealing with the jurisdiction powers and procedure of the orphans' court in all matters relating to fiduciaries concerned with the estates of decedents" increasing the amount of estates of minors that may be paid without the appointment of a guardian and prescribing the conditions of such payments by municipal state or federal agencies

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 366, entitled:

An Act making certain written reports or findings of fact made by officers of this Commonwealth competent legal evidence under certain conditions providing for the cross-examination of certain persons in connection therewith and making uniform the law with reference thereto

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 365, entitled:

An Act for the judicial notice of the laws of other jurisdictions and for proof thereof and to make uniform the law with reference thereto

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 483, entitled:

An Act regulating the appointing or election of deputy controllers in cities of the second class A and prescribing their powers and duties

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 364, entitled:

An Act making business records competent legal evidence under certain conditions and making uniform the law with reference thereto

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 172, entitled:

An Act to amend section two of the act approved the twelfth day of July one thousand nine hundred and nineteen (P. L. 941) entitled "An act providing for the preparation contents style printing and binding of the Legislative Journal and its delivery and distribution providing for the preparation printing and binding of the Journals of the Senate and House of Representatives authorizing the appointment of official reporters expert typewriters clerks and other employes and providing for their compensation and mileage providing for the making of an appendix and index the printing of wrappers or envelopes for mailing the Legislative Journal and repealing all acts or parts of acts inconsistent herewith" by eliminating certain requirements as to matter to be printed in the Legislative Journal

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 374, entitled:

An Act to amend section three of article one and section forty of article four of the act approved the twentieth day of June one thousand nine hundred nineteen (P. L. 521) entitled as amended "An act providing for the imposition and collection of certain taxes upon the transfer

of property passing from a decedent who was a resident of this Commonwealth at the time of his death and of property within this Commonwealth of a decedent who was a nonresident of the Commonwealth at the time of his death defining and taxing transfers made in contemplation of death defining as a transfer and taxing the right of survivorship in property as to which such right exists and making it unlawful for any corporation of this Commonwealth or national banking association located therein to transfer the stock of such corporation or banking association standing in the name of any such decedent until the tax on the transfer thereof has been paid and providing penalties and citing certain acts for repeal" providing for the release of lien of inheritance tax on remainder interests in real estate in certain cases by entry of security therefor and providing for the repayment of taxes paid in excess of amount due on future estates

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 260, entitled:

An Act to protect the public health by prohibiting the re-use of containers for flowers or floral designs at funerals by those dealing in the sale of flowers and floral emblems and providing penalties

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 371, entitled:

An Act to provide for contribution among tortfeasors

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 486, entitled:

An Act authorizing the appointment of a deputy mayor in cities of the second class A and limiting and prescribing his powers and duties

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 369, entitled:

An Act to further amend section eleven of the act approved the twenty-sixth day of April one thousand eight hundred and fifty-five (P. L. 328) entitled "An act relating to corporations and to estates held for corporate religious and charitable uses" to change the duration of the period within which certain conveyances are void

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 370, entitled:

An Act to further amend section six of the act approved the seventh day of June one thousand nine hundred and seventeen (P. L. 403) entitled "An act relating to the form execution revocation and interpretation of wills to nuncupative wills to the appointment of testamentary guardians to spendthrift trusts to forfeiture of devise or legacy in case of murder of testator to elections to take under or against wills and to the recording and register-

ing of such elections and of decrees relative thereto and to the fees therefor" to change the duration of the period within which certain bequests or devises are void

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,
The House proceeded to the first reading and consideration of House Bill No. 372, entitled:

An Act concerning the risk of loss after a contract to sell realty and to make uniform the law with reference thereto

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,
The House proceeded to the first reading and consideration of House Bill No. 575, entitled:

An Act authorizing the Commonwealth to negotiate temporary emergency loans to defray the current and other expenses of the State Government during the two fiscal years beginning the first day of June one thousand nine hundred thirty-nine evidenced by tax anticipation notes secured by and payable from current revenues levied assessed collectible and accruing during such two fiscal years defining the powers and duties of the Governor the Auditor General and the State Treasurer in relation thereto providing for the payment of interest on and the repayment of such loans and making an appropriation

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,
The House proceeded to the first reading and consideration of House Bill No. 480, entitled:

An Act regulating the appointment promotion suspension reduction removal and reinstatement of employees (except chiefs deputy chiefs and chief clerks) in bureaus of fire and fire alarm operators and fire box inspectors in bureaus of electricity in cities of the second class defining the powers and duties of Civil Service Commissions for such purpose in said cities and repealing inconsistent legislation

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,
The House proceeded to the first reading and consideration of House Bill No. 358, entitled:

An Act to amend section one of the act approved the seventh day of June one thousand nine hundred seventeen (P. L. 388) entitled "An act relating to the jurisdiction powers and procedure of the orphans' court and the court of common pleas as to sales mortgages conveyances or ground-rent leases extinguishment of ground-rents partition exchange squaring and adjusting of lines between adjoining owners consolidation and combination of mining lands and the leasing thereof the joining by owners of undivided interests in making and taking conveyances in order to change the route or location of any right of way or passage over adjoining or other lands and the subdivision of premises so as to command the highest price or greatest rents and for such purpose the laying out or dedication of roads streets and alleys or the vacation of such as have not been accepted by the public authorities where the court shall be of opinion that such decree will be to the interest and advantage of all those interested and where the legal title is held by minors lunatics habitual drunkards or weak-minded persons a married person whose spouse is a lunatic or has

abandoned him or her for one year or has been absent and unheard of for seven years by corporations having no capacity to convey or by any unincorporated association by any religious beneficial or charitable society or association incorporated or unincorporated and the title is subject to forfeiture if real estate is held in excess of the amount prescribed by its charter or by law by a corporation or individual or individuals and is subject to a trust of any description whatever by any person as to whom a presumption of death may have arisen or any interest wherein is held by any person under legal disability to dispose thereof where the legal title is an estate tail or is subject to the lien of debts of a decedent not of record contingent remainders executory devises or remainders to a class some or all of whom may not be in being or ascertained where estates shall have been devised or granted for special or limited purposes where there is a power of sale but the time may not have arrived for its exercise any preliminary act may not have been done to bring it into exercise the time limited for its exercise may have expired or any one or more persons required to consent or join in its exercise may be non compos mentis have removed out of the State have died refuse to act unreasonably withhold consent or be absent and unheard of where there has been or shall be a defective appointment in any deed or will and the necessary power is not given to the executor devisee or appointee to make sale and conveyance where a trust has been created and no power conferred on the trustee to do any of the acts which the court is hereby empowered to authorize or confirm and to the effects of such decrees" by conferring on the orphans' court concurrent jurisdiction with the court of common pleas in certain cases

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,
The House proceeded to the first reading and consideration of House Bill No. 410, entitled:

An Act relating to the practice of the occupation or business of opticians and providing for the licensing and registration of opticians and optical technicians and the registration of optician's apprentices and for the revocation and suspension of such licenses and registrations subject to appeal and for their reinstatement defining the powers and duties of the State Board of Examiners of Opticians and the Department of Public Instruction and providing penalties

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,
The House proceeded to the first reading and consideration of House Bill No. 373, entitled:

An Act declaring valid provisions in wills and trust instruments directing that certain dividends upon the profits realized from corporate stock be treated in whole or in part either as principal or income and repealing inconsistent legislation

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,
The House proceeded to the first reading and consideration of House Bill No. 476, (Senate Bill No. 40), entitled:

An Act making an appropriation to the Department of Forests and Waters for the use of the Pennsylvania State Park and Harbor Commission of Erie and for the joint use of the Department of War of the United States Government and the Department of Forests and Waters of the Commonwealth of Pennsylvania and the use of the Department of Forests and Waters in cooperation with the Federal Beach Erosion Board.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 475, entitled:

An Act defining and regulating the practice of photography providing for the licensing of individuals copartnerships associations and corporations operating photographic studios and of individuals engaging in the practice of photography creating a Board of Photographic Examiners in the Department of Public Instruction defining its powers and duties and providing penalties

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

BILL ON SECOND READING

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 556, (Senate Bill No. 79), entitled:

An Act permitting the county treasurer with the consent of the county commissioners or the approval of the court to adjourn county treasurers' sales of seated and unseated lands for non-payment of taxes in all counties except counties of the first class and preserving the lien of all taxes on such lands

The first section was as follows:

Section 1 The county treasurer of every county except counties of the first class may with the consent by resolution of the county commissioners of such county or the approval of the court adjourn or readjourn to such time or times not later than the first Monday of August one thousand nine hundred and thirty-nine all tax sales on seated and unseated lands for non-payment of taxes Where any such tax sales are adjourned or readjourned after advertisement an additional advertisement or notice shall be necessary for such adjourned or readjourned sale No such adjournment or readjournment shall invalidate the lien of any tax due and unpaid or any penalties or interest due thereon but the lien of all such taxes shall remain in full force and effect until such sale shall take place in accordance with this act

On the question,

Will the House agree to the section?

Mr. O'CONNOR. Mr. Speaker, I desire to offer the following amendments.

The SPEAKER. The amendments will be read by the Clerk.

The amendments were read by the Clerk as follows:

Amend Sec. 1, page 2, lines 3, and 4, by striking out the words: "the first Monday of"

Amend Sec. 1, page 2, line 4, by striking out the following: the dark-face brackets before and after the word "first"

Amend Sec. 1, page 2, line 5, by striking out the following: the dark-face brackets before and after the word "forty"

Amend Sec. 1, page 2, line 5, by striking out the words: "thirty-nine"

Amend Sec. 1, page 2, line 8, by striking out the following: the dark-face brackets before and after the word "no"

Amend Sec. 1, page 2, line 8, by striking out the word: "an"

On the question,

Will the House agree to the amendments?

Mr. WOODSIDE. Mr. Speaker, I would like to interrogate the gentleman from Cambria, Mr. O'Connor.

The SPEAKER. Will the gentleman from Cambria permit himself to be interrogated?

Mr. O'CONNOR. I will, Mr. Speaker.

Mr. WOODSIDE. Mr. Speaker, I would like to inquire of the gentleman from Cambria, if the only affect of the amendment will be to change the date of adjournment of the sales from August 1st, 1939 to August 1st, 1940.

Mr. O'CONNOR. That is not correct, Mr. Speaker.

Mr. WOODSIDE. Mr. Speaker, will the gentleman explain the purpose of the amendments.

Mr. O'CONNOR. Mr. Speaker, the purpose of the amendments is to restore the bill to the same status it was when it passed the Senate, with the exception that the Committee of the House had another section added to the bill making the bill effective immediately upon its final enactment.

Mr. WOODSIDE. Mr. Speaker, I would like to inquire of the gentleman whether he will agree to have the bill placed upon the postponed calendar and withdraw his amendments until we have had an opportunity to consult with him concerning the matter.

Mr. O'CONNOR. Mr. Speaker, personally I should be glad to do that, but I believe the member of the committee who had the bill amended in the House committee, accompanied me to the Senate where we conferred with the sponsors of the bill, and they have assured us that if we pass the bill with the amendments as they now are, they will refuse to concur in the amendments. They want the bill passed in the form in which we received it from the Senate.

Mr. WOODSIDE. Mr. Speaker and members of the House, the amendments were placed in this bill primarily for the purpose of adjourning the sales until 1939, instead of 1940. The committee on municipal corporations has been working diligently upon a program concerning tax sales, tax abatements and installment payments, also concerning the entire municipal tax liens and return set-up. If this bill is passed in the form in which it was before amendments were placed in it, it will result in hampering the carrying out of the program which that committee is working on. For that reason it was amended so that the sales will take place in April. In other words, the sales which are now immediately before the various counties and which it is necessary for us to take immediate action upon can be postponed and will not cause a hardship upon the people, which hardships would be caused by the failure to pass the bill at this time. There will be a comprehensive bill presented by the committee on municipal corporations which will meet this problem and which will set up certain provisions for the postponement of the sales, at least in part, in the future. We feel that this would meet the immediate situation and would not hamper the committee in carrying out their very splendid work and the ideas which are taking form as a result of the very diligent work of this committee. For that reason I ask that these amendments be voted down.

Mr. O'CONNOR. Mr. Speaker and members of the House, I regret that I cannot agree with the majority floor leader that these amendments should not be inserted in this bill.

First of all, I do not believe that he or anyone else can assure the membership of this House that this comprehensive bill which has been spoken of will be passed by

this Legislature and approved by the Governor. We all know that April first is the deadline for the postponement of these tax sales and that something must be done at once to pass this bill. In my opinion it is merely to fool the public. It will postpone tax sales until August, and then, if for any reason, we should fail to enact the bill to which he refers, those properties must be sold because I feel confident that this House will not continue in session until August, at which time we would have to remedy the condition.

Also, Mr. Speaker and members of the House, it has been the history of these tax postponement bills in previous Legislatures to postpone the tax bills for the benefit of those who are unfortunate enough to be in a position where they might lose their homes for failure to pay their taxes. This bill adds an additional burden. All previous bills postponing tax sales have contained a provision that where the property had once been advertised and the sale was then postponed, it would not be necessary to advertise the property for the second time. That was the provision in the bill when it came from the Senate. However, the House Committee saw fit to amend the bill, that is, if the sale were postponed after the property had once been advertised, it must again be advertised, which in effect would be soaking the poor people double instead of helping them as the bill purports to do.

I repeat, Mr. Speaker and members of the House, that it will be foolish for us to pass this bill as amended, and then have our action turned down in the Senate as we have been assured it will be by the sponsor of the bill.

POINT OF ORDER

Mr. ANDREWS. Mr. Speaker, I rise to a point of order.

The SPEAKER. The gentleman will state his point of order.

Mr. ANDREWS. The gentleman is out of order in unofficially conveying messages from the Senate.

The SPEAKER. The point of order is well taken. The gentleman will confine his remarks to the amendments, the question before the House.

Mr. O'CONNOR. Mr. Speaker, I thank my colleague from Cambria because I appreciate a guardian. However, it is not my intention to convey any secrets from the Senate, but it is a matter of vital importance to the poor people of Pennsylvania who are going to be soaked, and while I appreciate my colleague is a newspaper editor, I still am not in favor of double advertising and doubly soaking the poor people in order sell their homes and property.

Therefore, Mr. Speaker and members of the House, if you are sincere in your attempt and in your desires to help the distressed home owners of Pennsylvania, I ask you to support these amendments and vote to have them inserted.

Mr. WOODSIDE. Mr. Speaker and members of the House, taxes, as far back as 1931, have been returned to the county commissioners and to the county treasurers in the various counties of this Commonwealth, and properties have not been sold since that time. Liens have been filed on many of them and some of them we are told are as far in arrears as twenty years. This has created a situation in the Commonwealth of Pennsylvania that demands the serious attention of this Legislature; it creates

a problem which all of us should consider seriously as one of the really vital problems of this state.

The Committee on Municipal Corporations has been working on this problem. We all know that year after year, session after session, we have come here and postponed tax bills. It was necessary possibly to do this on several occasions, but the result of this action, repeated year after year and session after session, has been to bring about a situation whereby many people who are perfectly able to pay their taxes do not pay them because they know that they will never be forced to pay them. This has created a situation in many counties of the state about which something must be done and it is the purpose of the Committee on Municipal Corporations to deal with this problem, and they will present to this House of Representatives a bill which will deal with the entire problem. Goodness knows they all know the difficulties that exist in the counties where people cannot pay their taxes, and the bill will be so prepared that it will not interfere, it will not cause serious harm or difficulty to these people who are not able to pay their taxes. I cannot state definitely exactly what the committee will propose, because I do not know whether it is in final form or not. My suggestion was that at this time we force the sale for taxes which are back as far, say, as 1933 or 1934 and previous years. In order that there be no hardship upon the people, we have a tax abatement bill and an installment bill, so that it will be possible for these people whose properties are not to be sold to come in and pay one-fifth of their delinquent taxes without penalty and without interest, and thereby avoid the sale of property. Whether or not that is the proceeding that will be adopted by the Committee on Municipal Corporations I am not able to say. I understand that their present suggestion is, that no taxes that have been assessed within the last five years shall be sold and that a bill will be presented which will include in it an adjournment of tax sales for taxes incurred during the last five years. That bill will meet the situation with reference to those taxes which are more than five years old and will not force the sale of all properties at one time.

If we put these amendments into this bill it will interfere with the program of the Committee on Municipal Corporations and unless this situation is cleaned up at this time, with justice to the Municipalities, to the taxing authorities, and certainly justice to the people who owe taxes, it will be impossible to create such a program for a period of two more years. Of course, we will not be in session in August, but legislation which will relate to the August sales will be passed before we adjourn. Therefore, the entire situation will be met before we adjourn this Legislature and before August sales will be due. This bill is a temporary measure to stop the sales in April and at the same time to permit the Committee on Municipal Corporations to carry out a comprehensive program which will meet a situation that has been growing more serious year by year.

I ask the members of the House to vote down these amendments so that the program can be carried out without interference.

QUESTION OF PERSONAL PRIVILEGE

Mr. ANDREWS. Mr. Speaker, I rise to a question of personal privilege.

The SPEAKER. The gentleman will state his question of personal privilege.

Mr. ANDREWS. Mr. Speaker, my colleague from Cambria County has seen fit to reflect upon my dual capacity as an editor and a member of this House. If he were more familiar with conditions in Cambria County he would realize that I am interested in a minority party newspaper, and I don't give a continental cuss about official advertising. If he were familiar with the Legislative Record he would know that invariably I have voted against the curtailment or elimination of official advertising in newspapers, because I think it is mostly a waste of money. If he were also familiar with the record he would know that I have invariably voted against those bills which create jobs for lawyers.

Mr. O'CONNOR. Mr. Speaker, I desire to interrogate the gentleman from Dauphin, Mr. Woodside.

The SPEAKER. Will the gentleman from Dauphin permit himself to be interrogated?

Mr. WOODSIDE. I shall, Mr. Speaker.

Mr. O'CONNOR. Mr. Speaker, I desire to ask the gentleman from Dauphin if he will agree to one of the amendments that I have offered, that amendment being to strike out of the bill the requirement that a property after having been once advertised, in case the sale is postponed, it will not have to be advertised again.

Mr. WOODSIDE. Mr. Speaker, I will agree to a separation of the amendments—to a separate vote on each of the amendments. As a matter of fact, I am not particularly concerned about that phase of the amendment one way or the other.

I wish to call the gentleman's attention, however, to the fact that a lot of the county commissioners have felt that by advertising they are enabled to get in a great deal of tax which they otherwise could not get, and that some of them would like to have the advertising because they feel that it would be a paying proposition to the municipalities or the taxing authorities. I will agree with the gentleman to separate the two, and will make no objection to whatever action the House takes on the amendment to which he refers.

The SPEAKER. The Chair would inquire of the gentleman from Cambria where the division will take place in the amendment. Has the gentleman a copy of the amendment before him?

Mr. O'CONNOR. I have not, Mr. Speaker.

Mr. Speaker, the amendment to which I have referred and concerning which I interrogated the gentleman from Dauphin is the amendment that strikes out the word "and". That is the amendment I would like to have put in the bill.

BILL PASSED OVER

Mr. WOODSIDE. Mr. Speaker, I ask unanimous consent to have this bill go over in its order and proceed with the calendar, returning to it later.

The SPEAKER. The Chair would suggest that this bill be placed on the postponed calendar until you are ready to call it up.

BILL POSTPONED

Mr. WOODSIDE. Mr. Speaker, I move that this bill be placed upon the postponed calendar.

The motion was agreed to.

SENATE MESSAGE

AMENDED SENATE BILL CONCURRED IN BY SENATE

The Clerk of the Senate being introduced informed that the Senate has concurred in the amendments made by the House of Representatives to Senate Bill numbered and entitled as follows, viz:

SENATE BILL No. 16.

An Act to amend section one as amended of the act approved the third day of June one thousand nine hundred and nineteen (Pamphlet Laws three hundred seventy) entitled "An act to fix the number and salaries of assistant district attorneys in counties of this Commonwealth having over one million five hundred thousand inhabitants and prescribing the powers and duties of said assistant district attorneys" by increasing the number and fixing the salaries of the assistant district attorneys thereof

BILL SIGNED BY SPEAKER

Bill numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the title was publicly read as follows:

SENATE BILL No. 16.

An Act to amend section one as amended of the act approved the third day of June, one thousand nine hundred and nineteen (P. L. 370), entitled "An act to fix the number and salaries of assistant district attorneys in counties of this Commonwealth having over one million five hundred thousand inhabitants, and prescribing the powers and duties of said assistant district attorneys" by increasing the number and fixing the salaries of the assistant district attorneys thereof

Whereupon,

The SPEAKER, in the presence of the House, signed the same.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 342, entitled:

An Act to further amend section one thousand thirteen of and add section one thousand eleven and one-tenth to the act approved the fifth day of May one thousand nine hundred and thirty-three (P. L. 364) entitled "An act relating to business corporations defining and providing for the organization merger consolidation reorganization winding up and dissolution of such corporations conferring certain rights powers duties and immunities upon them and their officers and shareholders prescribing the conditions on which such corporations may exercise their powers providing for the inclusion of certain existing corporations of the second class within the provisions of this act prescribing the terms and conditions upon which foreign business corporations may be admitted or may continue to do business within the Commonwealth conferring powers and imposing duties on the courts of common pleas and certain State departments commissions and officers authorizing certain State departments boards commissions or officers to collect fees for services required to be rendered by this act imposing penalties and repealing certain acts and parts of acts relating to corporations" authorizing the issuance of subpoenas with clause of duces tecum upon foreign corporations registered to do business within the Commonwealth of Pennsylvania and providing a method of service thereof upon such corporations and its proper officers agents and employes and providing a penalty for noncompliance therewith.

On the question,

Will the House agree to the bill on third reading?

It was agreed to.
On the question,
Shall the bill pass finally?

Mr. HOMER S. BROWN. Mr. Speaker, I desire to interrogate the gentleman from McKean, Mr. Kane.

The SPEAKER. Will the gentleman from McKean, Mr. Kane permit himself to be interrogated.

Mr. KANE. I will, Mr. Speaker.

Mr. HOMER S. BROWN. Mr. Speaker, I should like to ask the gentleman from McKean, Mr. Kane, if this bill provides that a court of proper jurisdiction in this Commonwealth may issue a subpoena duces tecum on the proper offices of a foreign corporation doing business in this Commonwealth, and have the same served upon the Secretary of the Commonwealth for the production of any books, papers or records of a foreign corporation anywhere in the United States.

Mr. KANE. Mr. Speaker, in answer to that question I would say my opinion is that it does so provide, and that it should so provide. In further answer I would say that there is no reason why we as Legislators of the state of Pennsylvania should throw our protecting arms about a foreign corporation to the extent that we do not protect a corporation which is incorporated in this state. A corporation of our own state must produce these records and there is no reason why those who choose to do business here should not also be subject to the production of their records in a proper court.

Mr. HOMER S. BROWN. Mr. Speaker, I should like to ask the gentleman from McKean, Mr. Kane, if this bill or a similar bill is in force in any other state in the Union.

Mr. KANE. Mr. Speaker, in answer to the gentleman's question I would say that I am not aware of the same bill, or a similar bill, having been introduced in any other state or being in force there.

I am however, Mr. Speaker, in position to give the gentleman my reasons for introducing this bill and I will do so. It is not directly in answer to the interrogation. To specifically answer his question: I don't know of any other state which has this bill.

Mr. HOMER S. BROWN. Mr. Speaker, I would like to ask the gentleman from McKean, Mr. Kane, if what is intended by this bill is not already in the law in our reciprocal agreements between various nearby states and that records of corporations doing business in another state can be brought into the demanding state upon proper application in the state of incorporation.

Mr. KANE. Mr. Speaker, I would say that it might appear that we have that authority but apparently when it comes to a test we do not have it.

Mr. HOMER S. BROWN. Mr. Speaker, may I ask the gentleman whether or not we have such legislation between the states.

Mr. KANE. Mr. Speaker, it is my opinion that we do have.

Mr. HOMER S. BROWN. May I ask the gentleman why does the state of Pennsylvania seek by this method to get the books, records and papers of a foreign corporation, the books records of that corporation being in another state.

Mr. KANE. I would say in answer to that that the matter having been tested in specific cases, if was found that as long as the law remained as it was, the states have refused to produce their records. Further I want

to say, Mr. Speaker, that the production of those records is sometimes of the utmost importance to persons accused of crime in this Commonwealth, when the only defense sometimes is in the records and books of a foreign corporation doing business here. They might have participated in the offense, and they may refuse to help in the defense. If the other state does not compel them to produce the documents, they apparently do not do so. If they are allowed to have property here, Mr. Speaker, I submit to the House that they should also be willing to come into court and produce their records.

Mr. HOMER S. BROWN. Mr. Speaker and members of the House, I want to thank the gentleman from McKean, Mr. Kane. I think he knows that we have talked about this bill and that my interest in the bill is not to protect any foreign corporation. I doubt if any foreign corporation has raised a hand in defense of this bill or in protest of the bill.

My objection is that we ought to be slow, first of all in passing legislation when we already have laws recognized by the state, and when there is no precedent to such a law, as I understand, anywhere in the United States.

We ought to be careful for another reason, it seems to me in the light of recent decisions of our Supreme Court, which decisions go to show that a subpoena can violate the search and seizure clause of the Constitution, in view of the fact that a foreign corporation feels if it has the right to come in and do business it is protected by the Constitution. This bill is an unlawful exercise of our power to do something which we cannot do. I think the gentleman from McKean, Mr. Kane, will agree that the court has power to strike down legislation that is oppressive and unreasonable.

I submit to the House that it should not pass a piece of legislation that gives the right to a court of this Commonwealth, or any other authority, to issue a subpoena duces tecum, have it served upon the Secretary of the Commonwealth and then have the Secretary of the Commonwealth serve that subpoena and give notice to the proper officers of a foreign corporation doing business within this State that the books, records or other papers of that corporation from California, from Maine, from Florida be brought into this State, and if the corporation does not bring those books, records and papers in, . . . and by the way, the bill does not specify that they must be germane to the issue, . . . if the corporation does not bring those books, records and papers into the Commonwealth, then this Commonwealth can forfeit the right of that corporation to do business. It does seem to me that such a law is going too far.

If the law should happen to be good as a matter of law, which I seriously doubt, there is another reason: I have heard in this House at this session that bills have been presented, or are in preparation, for the setting up of a Department of Commerce. The purpose of that Department is to get new business into the state. How can we get new business into this state if we are going to put such burdens on corporations? I don't believe corporations will come into this state when Pennsylvania takes the lead in assuming the right to run all over the United States and bring their books, papers and records into this Commonwealth and, "If you don't do it we will penalize you by keeping you out." We are primarily interested in bringing business into the state. We

can't rely entirely upon domestic corporations. We know as a matter of fact that the great business enterprises in these United States are the foreign corporations that employ thousands and thousands and thousands of men. I am not here to defend any of them. I am here to oppose any laws which may be oppressive, unreasonable and without warrant, and it does seem to me that inasmuch as we have a law which will do identically this same thing, which is recognized by the state, whereby we can get the records of corporations after it has been shown that those records are germane to the issue, and after the foreign corporation has had a chance to defend itself about bringing those books here from the state in which it was incorporated. This bill goes too far, and with all due respect to my very good friend from McKean, Mr. Kane, notwithstanding the most cordial relationship that exists between us, I do feel that this bill ought to be defeated.

Mr. KANE. Mr. Speaker and members of the House, at the risk of being considered a co-founder of a mutual admiration society, I want to say that I am one of those who have the greatest admiration for the high talents and for the impersonal manner in which Mr. Brown on many occasions has discussed matters of legislation before this House. We have one point in common, we are habitual defenders of what we term the "down trodden."

However, on this occasion Mr. Speaker, let me say that this bill was brought to my attention by a condition which exists in my own county of McKean, and which also exists in Dauphin County. It was the feeling of the authorities in those counties that the present law was not adequate. Let me also say that the papers and books, to clear the good name of a friend of mine, were refused by a foreign corporation which has property in my county and which in all other respects is subject to the same laws as any of the other seventy-five thousand citizens of that county.

I might go further and say to the gentleman from Allegheny, that I think the courts have erred in including corporations under the fourteenth amendment of the United States Constitution. I think they are persons, yes, but they are persons in another sense. I think certainly they are not persons which are entitled to special privileges and immunities. If a working man on a lease of an oil company in my county can be brought into court under subpoena and made to exhibit the car in which he has had an accident, then most assuredly the corporation who owns the lease on which the man works should be compelled to also bring in its records, but that is purely hypothetical, and is not the case in point.

Let me say that if in Allegheny County the United States Steel Corporation, a very laudable and enormous corporation, which happens not to be incorporated in the State of Pennsylvania, were to take a notion that they would not produce certain papers that were essential to the defense of Homer S. Brown or E. Kent Kane accused of crime in that county, they may under the present law absolutely decline to do so and will delay and refuse until perhaps it is too late for the defendant.

I say to you, Mr. Speaker, that foreign corporations need have no particular fear of my being an aggressor against them because they are foreign, but I say it is a ridiculous thing, and so regarded by the bulk of the people who sent us here, that our neighboring state of Delaware, for example, is being used as a hide-out for

corporations that do not care to comply with the ethical, moral and economic standards in the state in which they do business on exactly the same plane as our domestic corporations are required to do.

Mr. Speaker, I wish to say that I think this bill has no possible damage in it to a corporation that has nothing that it need cover from the proper authorities in the State of Pennsylvania, since the courts must pass upon the matter as to whether or not subpoenas shall be issued on that concern. I think we can trust the courts to be reasonable. We trust the courts in the issuance of subpoenas in regard to our own companies, and I ask the members of the House to pass this bill.

If an amendment which could have made it more satisfactory were in order I would have been glad to receive it either on second or third reading, but the bill now being up for third reading, I think it should be put through, and if proper amendments are presented in the Senate, no doubt they will be considered.

I ask the vote of the members of the House on the bill.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—118

Ackermann,	Ewing,	Lovett,	Simons,
Alspach,	Fleming,	Lyons,	Sloan,
Atkins,	For,	Madden,	Snyder,
Auker,	Freed,	Marr,	Sollenberger,
Balliet,	Gates,	Matthews,	Stambaugh,
Bennett,	Gillan,	McClester,	Stewart,
Boorse,	Gillette,	McGarrity,	Stockham,
Boose,	Goll,	McKinney,	Sweeney,
Bower,	Habbyshaw,	McNally,	Tahl,
Boyd,	Haines,	McVay,	Taylor,
Brancato,	Hall,	Montgomery,	Terry,
Bronson,	Hamilton,	Moser, F. S.,	Thistle,
Brown, S. W.,	Harbeson,	Moser, J. L.,	Thompson, G. R.,
Brunner,	Haudenschild,	Muir,	Tiemann,
Calvin,	Henry,	O'Dare,	Van Belle,
Carpenter,	Hewitt,	Peacock,	Voorhees,
Check,	Hocke,	Peale,	Wagner,
Christler,	Hoffman, J. N.,	Reagan,	Watkins,
Clark,	Hoyt,	Reese, D. P.,	Weiss,
Clearwater,	Huntley,	Reese, R. E.,	Wilkinson,
Cook,	Johnston,	Riley,	Wilson,
Cooper,	Jones,	Robertson,	Winnier,
Cordier,	Kane,	Rose,	Wood, H. M.,
Cortese,	Kline,	Roseberry,	Wood, L. H.,
Dalrymple,	Knoble,	Sarge,	Wood, N.,
Denman,	Kowalski,	Sarra,	Woodside,
Dick,	Krise,	Schrock,	Yeakel,
Dix,	Lee,	Self,	Turner,
Donahue,	Lichtenwalter,	Serrill,	Speaker,
Ely,	Long,	Shearer,	

NAYS 74

Achterman,	Curran,	Leydic,	Rider,
Allen,	DeNote,	Malloy,	Rooney,
Allmond,	Donohoe,	Malone,	Rothenberger,
Andrews,	Eckels,	McLane,	Royer,
Baker,	Fauset,	Melchiorre,	Scanlon,
Balthaser,	Fiss,	Mihm,	Schrope,
Bardes,	Furman,	Mooney,	Schwab,
Bohn,	Gorski,	Moran,	Tarr,
Boles,	Harkins,	Munley,	Thompson, E. F.,
Boney,	Hess,	O'Connor,	Tronzo,
Bretherick,	Hindman,	O'Keefe,	Trout,
Broad,	Hoffman, S. K.,	O'Neill,	Van Aillsburg,
Brown, H. S.,	Holland,	Powers,	Walsh,
Burns,	James,	Preston,	Webster,
Burris,	Jirolanio,	Readinger,	Welsh, E. B.,
Cadwalader,	Keenan,	Regan,	Welsh, M. J.,
Chervenak,	Kenehan,	Reynolds,	Westrick,
Cohen, R. E.,	Kilroy,	Rhodes,	Williams,
Corrigan,	Lelsey,		

The majority required by the Constitution having voted

in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

REASON FOR VOTE

Mr. JAMES filed the following reason for his vote:

I have voted "no" on the question of passing finally House Bill No. 342 for the reason that I believe the passage of the bill would tend to discourage the development of industry in this State.

BILL ON SECOND READING

Agreeably to order,

The bill having been called up from the postponed calendar, by Mr. WOODSIDE.

The House resumed the consideration on second reading of House Bill No. 556, (Senate Bill No. 79), entitled:

An Act permitting the county treasurer with the consent of the county commissioners or the approval of the court to adjourn county treasurers' sales of seated and unseated lands for non-payment of taxes in all counties except counties of the first class and preserving the lien of all taxes on such lands

The first section was read as follows:

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The county treasurer of every county except counties of the first class may with the consent by resolution of the county commissioners of such county or the approval of the court adjourn or readjourn to such time or times not later than the first Monday of August one thousand nine hundred and thirty-nine all tax sales on seated and unseated lands for non-payment of taxes Where any such tax sales are adjourned or readjourned after advertisement an additional advertisement or notice shall be necessary for such adjourned or readjourned sale No such adjournment or readjournment shall invalidate the lien of any tax due and unpaid or any penalties or interest due thereon but the lien of all such taxes shall remain in full force and effect until such sale shall take place in accordance with this act.

On the question,

Will the House agree to the section?

Mr. O'CONNOR. Mr. Speaker, I ask for a division of the amendments offered before the postponement of this bill.

The SPEAKER. The Chair understands that the gentleman from Cambria is asking for a division of the amendments at this time.

Mr. O'CONNOR. That is right, Mr. Speaker.

The SPEAKER. The amendments to lines 3, 4 and 5 of section 1, offered by Mr. O'Connor will be read by the Clerk.

The amendments were read by the Clerk as follows:

Amend Sec. 1, page 2, lines 3 and 4, by striking out the words: "the first Monday of"

Amend Sec. 1, page 2, line 4, by striking out the following: the dark-face brackets before and after the word "first"

Amend Sec. 1, page 2, line 5, by striking out the following: the dark-face brackets before and after the word "forty"

Amend Sec. 1, page 2, line 5, by striking out the words: "thirty-nine"

On the question,

Will the House agree to the amendments?

Mr. O'CONNOR. Mr. Speaker and members of the House, the amendments which I have offered, as you

know, have been divided. You first voted on whether or not the bill before the House on second reading will be amended so as to postpone tax sales until the first day of August, 1940.

Mr. WOODSIDE. Mr. Speaker, on the question of the division, I would like to ask the members of the House to vote "no" on the amendments we are about to vote upon, which would continue all of the tax sales from August, 1939 to August, 1940, it being the understanding, as stated before, that the bill which will be presented will continue most of the tax sales from August, 1939 until a future date, but that a few tax sales might possibly be held in August, 1939.

On the question recurring,

Will the House agree to the amendments?

They were not agreed to.

On the question recurring,

Will the House agree to the section?

The SPEAKER. The amendments to line 8 section 1, offered by Mr. O'Connor will be read by the Clerk.

The amendments were read by the Clerk as follows:

Amend Sec. 1, page 2, line 8, by striking out the following: the dark-face brackets before and after the word "no"

Amend Sec. 1, page 2, line 8, by striking out the word: "an"

On the question,

Will the House agree to the amendments?

Mr. O'CONNOR. Mr. Speaker, and members of the House, the amendment that you are now voting on would amend the bill so that properties proposed to be sold for non-payment of taxes having once been advertised and the sale postponed you need not have them advertised the second time. In other words, this amendment means that once a property has been advertised, the party losing his property for non-payment of taxes would not have to pay advertising costs the second time. I ask you to support this amendment.

On the question recurring,

Will the House agree to the amendments?

The SPEAKER declared the "Ayes" appeared to have it,

Whereupon, a division was called for, seventy-one members having voted in the affirmative and eighty-four in the negative the question was determined in the negative and the amendments were not agreed to.

On the question recurring,

Will the House agree to the section?

Mr. WATKINS. Mr. Speaker, I desire to offer the following amendment.

The SPEAKER. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend Section 1, Page 2, by striking out at the end of line 8, the following word: "or" and inserting in lieu thereof, the word: "and"

On the question,

Will the House agree to the amendment?

It was agreed to.

On the question,

Will the House agree to the section as amended?

It was agreed to.

The second, third and fourth sections and title were separately read and agreed to as follows:

Section 2 This act shall have no force or effect upon any tax sale held prior to the approval hereof

Section 3 All acts and parts of acts inconsistent herewith are hereby repealed

Section 4 This act shall become effective immediately upon final enactment

An Act permitting the county treasurer, with the consent of the county commissioners or the approval of the court, to adjourn county treasurers' sales of seated and unseated lands for non-payment of taxes in all counties, except counties of the first class, and preserving the lien of all taxes on such lands.

And said bill having been read at length the second time and agreed to as amended.

Ordered, To be transcribed for a third reading.

BILL ON THIRD READING

Agreeably to order.

The House proceeded to the third reading and consideration of House Bill No. 442, as follows:

An Act making an appropriation out of the Motor License Fund to the Department of Highways for allocation to and expenditure in the second class townships of the Commonwealth for maintenance construction reconstruction resurfacing or improvement of township roads and bridges during the calendar years one thousand nine hundred forty and one thousand nine hundred forty-nine permitting the use of the funds for maintenance and repair of township roads and bridges under certain conditions and providing for the method of payment to townships

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The sum of eight million five hundred thousand dollars (\$8,500,000) is hereby appropriated to the Department of Highways for the two calendar years beginning January first one thousand nine hundred forty out of the Motor License Fund for allocation to and expenditure in the townships of the second class of the Commonwealth in the amounts upon the terms in the manner and for the purposes hereinafter set forth in this act

Section 2 The moneys hereby appropriated shall be allocated and apportioned among the second class townships of this Commonwealth in the ratio which the mileage of township roads in each township of the second class bears to the total mileage of township roads in all of the townships of the second class in the Commonwealth as of January first one thousand nine hundred forty

The funds so apportioned shall be expended by the township supervisors of each township under the supervision and subject to the approval of the Department of Highways and in compliance with such rules and regulations which the Department of Highways may prescribe in carrying out the provisions of this act

The funds allocated by this act shall be used for the maintenance construction reconstruction resurfacing and improvement of township roads and the maintenance construction and reconstruction of township bridges in townships of the second class excepting that in townships which do not have sufficient funds from other sources for the maintenance and repair of all the roads and bridges under their jurisdiction the allocations to such townships shall be used in whole or in part for such maintenance and repair purposes

Section 3 Before any of the funds allocated to townships by this act shall be expended for [maintenance] construction reconstruction resurfacing or improvement the supervisors of the respective townships shall by resolution specify the location and type of construction of the highway proposed to be [maintained] constructed reconstructed resurfaced or improved or the bridge to be constructed or reconstructed and shall submit the same to the Department of Highways together with estimates plans if any and specifications for the approval of said Department

Section 4 Nothing in this act shall be construed to re-

lieve any of the second class townships from any obligation they may have incurred under any contract or agreement entered into prior to January first one thousand nine hundred forty for the construction or repair of any highway or structure now under their jurisdiction

Section 5 The supervisors of each township shall appoint a foreman who may be a member of the board of supervisors to supervise the work to be done under the provisions of this act and in the event more than one foreman is required the Department of Highways may authorize the supervisors to appoint one or more additional foremen The Secretary of Highways shall have the right to remove any foreman so appointed for incompetency or for neglect or refusal to comply with the rules and regulations of the Department of Highways prescribed for the work under this act Said supervisors shall also employ any laborers required for said work and fix their wages

Nothing herein contained shall be construed to prevent work under the act being done by contract let by the township supervisors and approved by the Department of Highways

Section 6 No payment shall be made from moneys allocated under this act to the townships of the second class except on warrants drawn by the Auditor General upon the State Treasurer as provided by the Act of Assembly to the treasurer of the board of supervisors on vouchers approved by the Secretary of Highways and such payment if approved by the Secretary of Highways shall be made in four equal installments payable the first day of March the first day of June the first day of September and the first day of December of each year

There shall be submitted to the Department of Highways by the board of township supervisors a report on the last days of February May August and November of each year showing the cost of the work done under the provisions of this act in such detail as may be required by the Department of Highways

Nothing in this act shall be construed to permit the funds appropriated by the act to be paid for other than labor and equipment rental payrolls material purchases including repair parts for equipment small tools road drags and snow fence on road and bridge work performed by the townships under the provisions of this act

Nothing herein contained shall be construed to prevent the use of any of the funds allocated under this act for Federal projects sponsored by the townships and approved by the Department of Highways or for county-aid work relating to the improvement of roads and bridges

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

Mr. ANDREWS. Mr. Speaker, I do not rise to voice in any sense the views of the minority portion of the House. I understand that both the majority and minority are committed to this bill on the ground that it is sound politics. I oppose this measure because I am against the diversion of Motor License funds directly or indirectly from the immediate control of the Highway Department. If we have had one department of our State government which has been more conspicuous than another in rendering sound service, it is the Highway Department, and I can concede to the minority party the fact that the Highway Department was never better equipped to render an effective service than it is right now.

Unfortunately the Highway Department, gentlemen of the House, is a bit hard-boiled. It is insisting that county superintendents, that the local representatives in charge of highway engineering in the various counties, be men of merit and experience. I understand and can sympathize with the members of the minority group, when

I am told that political influence in landing jobs in the Highway Department isn't as potent as it used to be, and so it comes about that since the Highway Department is prepared to render this state that sterling service, there must be somewhere in the picture a wicked party. We are going to keep the Highway Department clean and pure and efficient, but it is necessary it seems, to recognize the political element, so we are preparing to recognize the township supervisor under the guise of "home rule," that great principle which is in vogue in order to keep communities in the mud and to place unskilled men in charge of highway affairs. If there is any group of men who have failed conspicuously, as compared with the Highway Department, it is the supervisors and we carefully provide in this bill that the highway supervisors can name himself foreman and then he goes ahead and gets John, Bill and all the rest of the relations to man the force.

Of course it provides that the Highway Department shall have general supervision of these supervisors, but you know and I know that the Highway Department cannot police all of the supervisors and all of the politicians in the State of Pennsylvania at one and the same time, and you know that under this set-up the supervisors of highway work, financed by state money, will be as political as the politicians can make them.

So I want to rise, not speaking in any sense for the group on this side of the House, to protest against the principle of placing state funds in the hands of incompetent, untrained men, particularly at a time when you are creating a Highway Department that in spite of all the opposition is endeavoring to launch itself and maintain itself upon a non-political basis.

Mr. FISS. Mr. Speaker and members of the House, I am somewhat surprised at the position of the gentleman from Cambria, that being a good Democrat he would oppose a democratic form of government.

There is nothing further from the truth than saying we would place this money in the hands of inefficient men unable to handle money or work. At the same time it is not aimed particularly at politics, politics does not enter into it, because a Republican board in Cambria County would fulfill the same objective as a Democratic board, and a Democratic board in Snyder County would fulfill the very same thing that a Republican board would fulfill. In that respect it is far from any political scheme to make this a wild scramble for jobs.

On the other hand, these districts in the state, representing about one thousand five hundred and twelve districts, if even ten or twenty men could be employed part time in those districts it would account for about thirty thousand men having part time employment in this state. We do not deny the fact that there are always loose ends in any bill and any scheme to build roads or bridges, or reconstruct or repair bridges or things of that type in this Commonwealth, but when we say that this is brought forth in the guise of "home rule," that also must be denied. After all the bill only provides to give elective officers of these districts, officers elected by the people, a part in the frame of government, and if that isn't one hundred per cent home rule then I surely don't know what I am talking about. It is the old rule that made possible the great advance of this state as well as many other states in this nation. If we talk about the cost or the need for bills of this kind, there is no denying that fact, because, in this

state there are more persons employed in agriculture than any other occupation you can find in the State of Pennsylvania.

I want to recall to you this fact, just to give you a few figures:

There are about one hundred and ninety-one thousand two hundred and eighty-four farms in the State of Pennsylvania, with a tremendous value—eight hundred and sixty-one million dollars. They own stock in the amount of one hundred and forty-three million dollars; they own machinery, farm machinery, I mean, to the extent of one hundred and fifty million dollars.

Pennsylvania ranks fourteenth among all of the states in the nation in agriculture. They have crops to the value, quoting from the year 1936, of two hundred and fifty million dollars; poultry, their poultry amounts to eighteen million dollars, and so on down the line—eggs, thirty-five million dollars.

I want to specifically show you and state to the members of this House that we are an agricultural state, and we want the supervisors in every district of this Commonwealth to become a part of the government. There is a place for these men, and home rule should never be denied these people who are as aggressive and patriotic and willing to do their share, carry their burden as anyone engaged in any other occupation in Pennsylvania.

You cannot deny the fact that this state is an agricultural state, and these men who live back in the rural sections in the farming sections of Pennsylvania only ask to become a part of our government, only ask to assume some responsibility and be under the direction and supervision of the Highway Department. We wouldn't want it any other way. The sub-committee working on these bills never asked for anything. We want it to be under the direct supervision of the Department of Highways.

Just a little further. Let me say it reminds me, if I may give this illustration, of a great tree that is fed by roots that go back into the farming sections of Pennsylvania, feeding that grand trunk until it finally bursts forth in a volume of leaves. That is what these rural roads will be. They are necessary in our form of government here in Pennsylvania; they are necessary to the great transportation problem that we have in Pennsylvania; they are necessary because they are a great part of Pennsylvania.

Another thing I want to recall is this: What greater benefit could we give to the rural sections of Pennsylvania than some aid to get them out of the mud, in order to enable them to bring their crops and produce to market, which we will admit is necessary, as well as form the feeder lines to the great transportation system we have here in Pennsylvania.

Now, may I ask you, how many of you members in this House like to go out on a Sunday or Monday or Tuesday or Wednesday or whatever day it may be and enjoy the benefits of the outdoors and these roads which might be improved.

Again, I can't help but state that this money given to the supervisors in our various districts in the state of Pennsylvania, by reason of their custom and tradition will make those dollars go as far as any department that I know of. I am not finding fault with the Department of Highways and I am not saying they are inefficient. I worked with them for a number of years, for many years, but I do say that by reason of the custom and the traditions of our people in Pennsylvania, they will make

those dollars go as far as any department we have. We are only asking some sense of home rule for these people, some responsibility. They want it; they ask for it. Let us at least place them in some position where they are to be a part of us and part of our form of government. I assure you we will make no mistake as far as results are concerned in this great Commonwealth.

Mr. AUKER. Mr. Speaker, I wish to second all of the remarks of the gentleman from Snyder, but I wish to go a little bit further in speaking in favor of this bill.

To my mind at least it is a step in the right direction.

The fund from which these moneys are to be allocated is paid by the motorists of the cities, boroughs and townships of this State and they should have the right to have part of it back for the punishment that the streets and roads of these various cities, boroughs and townships have to bear, by reason of the increased heavy traffic of motor vehicles.

It has come to the point where real estate no longer should be called upon to bear the burden of the heavy motor vehicle traffic. This act simply takes part of the money that is paid in by these townships and gives part of it back to the place from which it came. Naturally you run into some opposition from various departments of the state government when you seek to relieve them of some of the powers which they now have. Any department of any central government hates to lose any powers they may have. It is always that way when various powers move from local control to centralized control, the expense of administration goes up, and goes up enormously, and to my mind, it is one of the big faults of our country. In this state today, there is too much centralized control and not enough of local control.

This bill should make possible a reduction of the taxes on real estate in the townships to which this money is allocated. One of the biggest industries located in this country today is the building industry and until we cut heavy taxation on real estate we will never be able to revive the building industry.

The one fault that I find with the bill is this: The bill doesn't go far enough. I feel that the cities and the boroughs of the state should have the right to have a like allocation to the end that the real estate taxes on property in the cities and boroughs can be reduced. The burden is getting too much to bear. When any taxes are to be raised they go to real estate for it. Nevertheless, I am in favor of the bill and I ask the members of this House to vote for the bill.

When the gentleman from Snyder stated that it was going to increase employment in the fifteen-hundred districts of the state to which this money will be allocated, I would ask the members to keep in mind this point, that if such a bill passes the House, it will allocate money to the cities and boroughs, and you can't imagine how much unemployment will be taken up with a consequent decrease in our unemployment rolls and public assistance rolls. It will give to the elective officers, if such a bill be passed, the right to allocate moneys to the cities and boroughs who are now excluded from their proper proportion. The elective officers could help spend some of the money that comes from the cities and boroughs; the big bulk of these funds comes from the cities and boroughs—the greater part of it comes from people who live in the cities and boroughs. We are not getting any relief and we are asking for it. We feel we have the right

to it. This is a step in the right direction, and I ask the members of the House to support this bill.

Mr. KANE. Mr. Speaker and members of the House, I don't want to take too much of the time of the House, but I do want to call to the attention of the gentleman from Cambria several provisions of this bill which are very, very clear.

If you look at page two, lines sixteen, seventeen and eighteen you will find that it says:

"The funds so apportioned shall be expended by the township supervisors of each township under the supervision and subject to the approval of the Department of Highways."

You will find on page three the following:

"Before any of the funds allocated to townships by this act shall be expended for construction, reconstruction resurfacing or improvement the supervisors of the respective townships shall by resolution specify the location and type of construction of the highway proposed to be constructed reconstructed resurfaced or improved or the bridge to be constructed or reconstructed and shall submit the same to the Department of Highways together with estimates plans if any and specifications for the approval of said Department."

At the bottom of the same page it is stated:

"The supervisors of each township shall appoint a foreman who may be a member of the board of supervisors to supervise the work to be done under the provisions of this act and in the event more than one foreman is required the Department of Highways may authorize the supervisors to appoint one or more additional foremen. The Secretary of Highways shall have the right to remove any foreman so appointed for incompetency or for neglect or refusal to comply with the rules and regulations."

Mr. Speaker, I might suggest that there is an improvement that could be made to this bill, which should have been offered before third reading, and that is in section four. That section provides that any contract or agreement entered into prior to January first, nineteen hundred forty shall stand. That perhaps should be changed to read that a contract or agreement that has been entered into prior to the enactment of this bill.

Further, Mr. Speaker, I would like to call the attention of the members of this House to the fact, that we who have recently come from the other side to this side have had the experience of having absolutely nothing to say for a short period about the road right alongside of our own houses and our own farms. We talked to the local supervisor, but what good did it do? It was strictly political and the highway superintendent would pay no attention to us. I hope that condition has gone, but that was a very recent experience to me at least, and I have always felt that when it came right down to it, I could go to the supervisor, perhaps as a reasonable fellow citizen suffering under the same conditions under which I suffered and talk a little sense into him by one means or another. It is, however, a very difficult thing to get something through the head of a county superintendent of highways or through the heads of the department down here.

I think this is a step in the right direction, and I feel that the bill provides ample safeguards. As I said to the gentleman from Cambria and to the rest of the members of the House, the bill if it is to be improved must be

improved in the Senate by amendment, but I would like to see the bill pass the House.

Mr. LLOYD H. WOOD. Mr. Speaker and members of the House, I would like to give you briefly my views on House Bill 442.

I listened rather intently to the criticism which the gentleman from Cambria levelled at this bill. He stated in the first place that he was opposed to the diversion of funds from the Motor License Fund for purposes other than highway purposes. In the second instance he stated that it was a consensus of opinion on both sides of the House that this bill was introduced as a matter of political expediency, and his third criticism was levelled at the incompetency and inefficiency of second class township supervisors.

As to the first criticism I would like to say that we have in Pennsylvania over twelve thousand miles of unimproved roads on the highway system; we have approximately seventy thousand miles of unimproved roads that are not on the highway system. Since these unimproved roads serve our farm population, which as Mr. Fiss has pointed out to you, represents one of the largest and most substantial groups of our population, I want to say to you, Mr. Speaker, that this group pays into the Motor License Fund for the privilege of operating automobiles, a tax on the gasoline that it uses, and fees for license tags. Those fees and this tax represent in effect a contribution to the Motor License Fund from which certain benefits are supposed to flow to those who use our highways, whether they be on the highway system or whether they be off of it. It would be manifestly unfair, and I think that thought was in the minds of the Legislature in 1932, when the first bill was enacted, whereby an allocation was made to second class townships, I say that it would be manifestly unfair to deprive those who reside in second class townships, along roads that are nothing but mud holes in the spring, summer and fall, and depositories for snow in the winter time, to fail to give them some sort of relief out of the money that they expend in the form of taxes to make up the Motor License Fund.

Now, since it must be admitted that they are entitled to some sort of benefit from this money that they expend, the question arises how much should they receive and in what form should this benefit be bestowed upon them? Under this bill, which contemplates an allocation of eight million, five hundred thousand dollars for the calendar years of 1940 and 1941, second class townships will receive the benefit of possibly ninety-three dollars per mile. I say to you, Mr. Speaker, that that is a modest amount for road improvements. How in the world, if we don't pass a bill of this sort, are the members of that group to which I have just alluded going to get any benefit whatsoever out of the moneys that are expended by the Highway Department for road purposes? It is true that this group has an opportunity to use the improved highways on a highway system, but that is only a part of the story. What benefit, I ask you, is it to members of this group if they have to go to market, as an illustration, a distance of about ten miles, if they have the benefit, perhaps, of one, two, three or five miles of improved roads, and the rest of it over unimproved roads? I say to you, Mr. Speaker, there is no question in my mind but that some kind of benefit should be bestowed upon this group for no other reason than that they are entitled to it.

The second criticism of the gentleman from Cambria

is that this bill is nothing more or less than a matter of political expediency. To that criticism I wish to plead surprise. This is the first time I heard that, and I, incidentally, happened to be a member of the sub-committee of the Highway Committee that assisted in drafting this bill.

In conclusion I would like to point out, Mr. Speaker, with reference to the third criticism of the gentleman from Cambria, as to the supervisors of second class townships to which he rather facetiously referred as Bill, John, and so forth, that those supervisors are elected by the voters of the second class townships of this Commonwealth, and it is equivalent to saying that when they know of someone in the township that is incompetent and inefficient, that they will make out of him a township supervisor.

It reminds me of my experience during the World War when I was in the Army. I always had the impression that the cook was one of the most important individuals connected with a military organization, but in the organization in which I happened to serve during the war they were constantly pointing out to us if you don't do this and if you don't do that—if you are not successful in your activities in learning to be a soldier, they would make a cook out of you. I want to say to you that it is a fallacious argument to say that second class township supervisors are incompetent individuals because there might be one here and there and elsewhere who is not up to standard.

I am not going to take up any more of the time of this House in speaking in behalf of this bill, other than to say that it is an equitable allocation of funds to a group that deserves consideration.

Mr. ANDREWS. Mr. Speaker, the gentlemen on my right are using sixteen inch siege guns to kill a sparrow. The probabilities are, Mr. Speaker, that when this bill comes to a vote there will be only one vote against it, my own. However, if I had not made the first talk, the gentlemen on my right would not have been able to register so magnificently with the supervisors' lobby. I have given them a chance to go home and say, "Bill, we certainly put it across against those fellows that tried to count you out." Do not think, Mr. Speaker, that I am not perfectly conscious of the power and strength of the supervisors' lobby. Their power at Harrisburg is only equalled, I think, by their inefficiency at home.

Now just for the sake of the record, this bill is unscientific in its allotment of funds, because it recognizes as being entitled to a portion of the allotment every cow path and every trail in a county. Everybody knows that there are certain roads in every township that are back roads, that do not have the right to be included in the allocation of funds, and so when you recognize every cow path and every trail that a farmer or Indian laid, it seems to me you don't get the correct allocation of funds throughout the State.

The gentleman from Blair is in error when he says that this measure will reduce taxes, because this measure supplants a bill which forbade the township commissioners from levying taxes in keeping with the amount of state aid they received, but they can go ahead now under the legislation you are proposing, get the State aid and levy their taxes.

You have listened very patiently and as far as I am dis-

posed this bill can come to a vote, you can all vote "aye," and I will vote "no."

Mr. JOHN N. HOFFMAN. Mr. Speaker and members of the House, I appreciate that you have been patient and have listened with interest to the very fine debate on behalf of the bill that is now before the House for final passage. I don't know that I can add anything to the debate because the high under-lying principle of this bill appeals to me more than anything that we may say in words. It brings to my attention the opportunity to approach the bill with a great deal of delight because of the under-lying principle that is involved.

Now, there is an adage that is more than an adage, because it is an everlasting truth "Where there is no vision, people perish."

I am glad that this House has the opportunity today to take action upon a bill that concentrates attention and interest upon the common humanity that makes up our Commonwealth. We can entrust the execution of this bill into the hands of people who by history and tradition have been known for their sterling qualities of economy and common sense.

Too far have we gone along the line of centralization of government and I believe that here and now is the opportunity for us to show the common folks we are concerned about their interests in government. I say to you that when we destroy the initiative of home rule we attack and undermine the very bulwark of our civilization and government. It is therefore with a great real of pleasure that I rise to make these few brief remarks in support of a bill that from the standpoint of its principle opens up the door, of interest in government to our local people in the spirit, on the basis and on the fundamentals of home rule.

Mr. LOVETT. Mr. Speaker and members of the House, I notice that most all of the speeches on this particular measure came from the other side of the House.

I just want to say that we as Democrats, or at least some of us, feel that our party is for home rule and when we vote on this particular measure we don't vote with any particular lobbyists or supervisors or anybody else; we vote because we feel that our party stands for home rule. I ask the members of my party to support this bill.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—194

Achterman,	Falkenstein,	Long,	Sarraff,
Ackermann,	Fauset,	Lovett,	Schrock,
Allen,	Finnerty,	Lyons,	Schrope,
Allmond,	Fiss,	Madden,	Schwab,
Alspach,	Fleming,	Malloy,	Self,
Atkins,	Foor,	Malone,	Serrill,
Auker,	Freed,	Marr,	Shaw,
Baker,	Fullerton,	Mathews,	Shearer,
Ballet,	Furman,	McClester,	Simons,
Balthaser,	Gates,	McGarrity,	Skale,
Bardes,	Gillan,	McKinney,	Sloan,
Bennett,	Gillette,	McLane,	Snyder,
Bohn,	Goll,	McNally,	Sollenberger,
Bols,	Gorski,	McVay,	Stambaugh,
Boney,	Habbyshaw,	Melchiorre,	Stank,
Boorse,	Haines,	Mihm,	Stewart,
Boose,	Hall,	Montgomery,	Stockham,
Bower,	Hamilton,	Mooney,	Sweeney,
Boyd,	Harbeson,	Moran,	Tahl,
Brancato,	Harkins,	Moser, F. S.,	Tarr,
Bretherick,	Haudenschild,	Moser, J. L.,	Taylor,

Broad,	Henry,	Muir,	Terry,
Bronson,	Hess,	Munley,	Thistle,
Brown, S. W.,	Hewitt,	O'Brien,	Thompson, E. F.,
Brunner,	Hin nan,	O'Connor,	Thompson, G. R.,
Burns,	Hocke,	O'Dare,	Tiemann,
Burris,	Hoffman, J. N.,	O'Keefe,	Trout,
Cadwalader	Hoffman, S. K.,	O'Neill,	VanAllsburg,
Calvin,	Holland,	Peacock,	Van Belle,
Carpenter,	Hoyt,	Peale,	Voorhees,
Check,	Huntley,	Powers,	Wagner,
Chervenak,	James,	Preston,	Walsh,
Christler,	Jirolanio,	Readinger,	Watkins,
Clark,	Johnston,	Reagan,	Webster,
Clearwater,	Jones,	Reese, D. P.,	Weiss,
Cohen, R. E.	Kane,	Reese, R. E.	Welsh, E. B.,
Cook,	Keenan,	Regan,	Welsh, M. J.,
Cooper,	Kenehan,	Reynolds,	Westrick,
Cordier,	Kilroy,	Rhodes,	Wilkinson,
Dalrymple,	Kline,	Rider,	Williams,
Denman,	Knoble,	Riley,	Wilson,
Dick,	Kowalski,	Robertson,	Winnor,
Dix,	Krise,	Rooney,	Wood, H. M.,
Donahue,	Lee,	Rose,	Wood, L. H.,
Donohoe,	Lelsey,	Roseberry,	Wood, N.,
Downey,	Levy,	Rothenberger,	Woodside,
Eckels,	Leydic,	Royer,	Yeakel,
Ely,	Lichtenwalter,	Sarge,	Turner,
Ewing,			Speaker.

NAYS—4

Andrews, Corrigan, Curran, Tronzo,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

BILL SIGNED BY SPEAKER

Bill numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the title was publicly read as follows:

HOUSE BILL No. 80.

An Act to amend sections one and two of the act approved the twenty-first day of June one thousand nine hundred and thirty-seven (Pamphlet Laws 1982) entitled "An act authorizing the Supreme Court of Pennsylvania to prescribe rules of practice and procedure in civil actions at law and in equity in certain courts of this Commonwealth to prescribe rules and regulations for the conduct of any general business either civil or criminal by judges of any court of record authorizing the courts of common pleas to prescribe and adopt local rules not inconsistent with such general rules of the Supreme Court of Pennsylvania authorizing the Supreme Court of Pennsylvania to appoint a Procedural Rules Committee and to fix and define its powers and duties imposing duties on judges and other officers of every court of record" by including the municipal court of Philadelphia

Whereupon,

The SPEAKER, in the presence of the House, signed the same.

BILL ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 443, entitled:

An Act to amend the appropriation act approved the fifth day of June one thousand nine hundred thirty-seven (Appropriation Act No. 51-A) entitled "An act making an appropriation out of the Motor License Fund to the Department of Highways for expenditure in the various second-class townships of the Commonwealth for the maintenance of township roads and bridges during the calendar years one thousand nine hundred thirty-eight and one thousand nine hundred thirty-nine apportioning the funds to the several counties on the basis of the maintenance

costs for the year one thousand nine hundred thirty-two permitting the use of any surplus funds for construction and reconstruction and resurfacing of township roads and bridges requiring townships to exclude provision for maintenance of roads and bridges from their annual budget and tax levy for road and street purposes for said years authorizing the Department of Highways to rent road building machinery and equipment belonging to such townships in carrying out the provisions of this act and lapsing the unexpended or unencumbered balance of the appropriation remaining on January first one thousand nine hundred forty" by providing that the unexpended and unencumbered balance of such appropriation at the time this act becomes effective shall be allocated to and apportioned among the various second-class townships on the basis of the amount of road mileage in such townships authorizing the township supervisors to expend the moneys allocated to the township for the purpose prescribed under the approval and supervision of the Department of Highways and excluding the provision for expenditure by the Department of Highways of such balances the taxing and budgeting limitations on townships of the second class and the right of the Department of Highways to rent road-building machinery and equipment belonging to such townships

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

Mr. LICHTENWALTER. Mr. Speaker and members of the House, in January I introduced a bill amending a section of Act 51A which was passed at the last session of this Legislature, sponsored by a member of this House from my own county, representing a district comprised entirely by the city of Allentown. I introduced that bill because I felt that that act was a vicious piece of legislation. It was preventing the men who were elected by the people of the district from doing the job that was expected of them by their people. That act left with the supervisors the responsibility of any lawsuits that might arise out of the carelessness or the negligence of the State Highway Department in the various counties in caring for the maintenance of the roads.

We feel that it is rightly proper that the supervisors of the districts of this Commonwealth, being duly elected officers of the people, should have the right to say, if they are to be responsible for the acts that are committed upon that highway, to be also responsible for the expending of money on the roads in these townships. The bill that I introduced provided for allocation to the townships rather than to the counties in this State. Act 51-A as it is presently operating allows a great deal more politics than if this amendment is passed, because the commissioners of the counties under the present act can give to any particular favorite township any amount of money that they see fit and the township in that county which is in most need of funds would probably receive none.

I think that the amendment to this act is fair in its distribution of money to the townships in this Commonwealth. I want to state that this bill 443 embodies all of the principles that I introduced in my particular bill, and I want to ask the members of this House to vote in favor of this bill.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—200

Achterman.	Downey,	Leydic,	Sarge,
Ackermann.	Eckels,	Lichtenwalter,	Sarra,
Allen,	Ely,	Long,	Scanlon,
Allmond,	Ewing,	Lovett,	Schrock,
Alspach,	Falkenstein,	Lyons,	Schrope,
Atkins,	Fauset,	Madden,	Schwab,
Auker,	Finnerty,	Malloy,	Seif,
Baker,	Fiss,	Malone,	Serrill,
Balliet,	Flanagan,	Marr,	Shaw,
Balthaser,	Fleming,	Matthews,	Shearer,
Barde,	Foor,	McClester,	Simons,
Bennett,	Freed,	McGarrity,	Sloan,
Bohn,	Fullerton,	McKinney,	Snyder,
Bois,	Furman,	McLane,	Sollenberger,
Boney,	Gates,	McNally,	Stambaugh,
Boorse,	Gillan,	McVay,	Stank,
Bouise,	Gillette,	Melchiorre,	Stewart,
Bower,	Goll,	Mihm,	Stockham,
Boyd,	Gorski,	Montgomery,	Sweeney,
Brancato,	Habbyshaw,	Mooney,	Tahl,
Bretherick,	Haines,	Moran,	Tarr,
Broad,	Hall,	Moser, F. S.,	Taylor,
Bronson,	Hamilton,	Moser, J. L.,	Terry,
Brown, H. S.,	Harbeson,	Muir,	Thistle,
Brown, S. W.,	Harkins,	Munley,	Thompson, E. F.,
Brunner,	Haudenshield,	O'Brien,	Thompson, G. R.,
Burns,	Henry,	O'Connor,	Tiemann,
Burris,	Hess,	O'Dare,	Trout,
Cadwalader,	Hewitt,	O'Keefe,	VanAillsburg,
Calvin,	Hindman,	O'Neill,	Van Belle,
Carpenter,	Hocke,	Peacock,	Voorhees,
Check,	Hoffman, J. N.,	Peale,	Wagner,
Chervenak,	Hoffman, S. K.,	Powers,	Walsh,
Christler,	Holland,	Preston,	Watkins,
Clark,	Hoyt,	Readinger,	Webster,
Clearwater,	Huntley,	Reagan,	Weiss,
Cohen, R. E.,	James,	Reese, D. P.,	Welsh, E. B.,
Cook,	Johnston,	Reese, R. E.,	Welsh, M. J.,
Cooper,	Jones,	Regan,	Westrick,
Cordier,	Kane,	Reynolds,	Wilkinson,
Corrigan,	Keenan,	Rhodes,	Williams,
Cortese,	Kenehan,	Rider,	Wilson,
Curran,	Kilroy,	Riley,	Winner,
Dalrymple,	Kline,	Robertson,	Wood, H. M.,
Denman,	Knoble,	Rooney,	Wood, L. H.,
DeNote,	Kowalski,	Rose,	Wood, N.,
Dick,	Krise,	Roseberry,	Woodside,
Dix,	Lee,	Rosenfeld,	Yeakel,
Donahue,	Lelsey,	Rothenberger,	Turner,
Donohoe,	Levy,	Royer,	Speaker,

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

RECESS

The SPEAKER. If there are no objections the Chair is about to declare a recess until 3:45 p. m. Are there objections? The Chair hears none and declares a recess until 3:45 p. m.

AFTER RECESS

The House reconvened at 3:45 p. m.

The SPEAKER (Ellwood J. Turner) in the Chair.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 344, as follows:

An Act to amend section seventy-seven of the act approved the thirty-first day of March one thousand eight hundred and sixty (P. L. 427) entitled "An act to consolidate revise and amend the laws of this Commonwealth relating to penal proceedings and pleadings" by permitting indictments against public officers and

employees and their accomplices and confederates to be brought or exhibited within two years after such officer or employee shall have ceased to occupy such office or employment

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section seventy-seven of the act approved the thirty-first day of March one thousand eight hundred and sixty (P. L. 427) entitled "An act to consolidate revise and amend the laws of this Commonwealth relating to penal proceedings and pleadings" is hereby amended to read as follows

Section 77 All indictments which shall hereafter be brought or exhibited for any crime or misdemeanor murder and voluntary manslaughter excepted shall be brought or exhibited within the time and limitation hereafter expressed and not after that is to say all indictments and prosecutions for treason arson sodomy buggery robbery burglary perjury counterfeiting forgery uttering or publishing any bank note check or draft knowing the same to be counterfeited or forged shall be brought or exhibited within five years next after the offence shall have been committed and all indictments and prosecutions for other felonies not named or excepted heretofore in this section and for all misdemeanors perjury excepted shall be brought or exhibited within two years next after such felony or misdemeanor shall have been committed Provided however That if the person against whom such indictment shall be brought or exhibited shall not have been an inhabitant of this state or usual resident therein during the said respective terms for which he shall be subject and liable to prosecution as aforesaid then such indictment shall or may be brought or exhibited against such person at any period within a similar space of time during which he shall be an inhabitant of or usually resident within this state And provided also That indictments for misdemeanors committed by any officer of a bank or other corporation may be commenced and prosecuted at any time within six years from the time the alleged offense shall have been committed And provided also That indictments for malfeasance misfeasance or nonfeasance in office or for extortion or blackmail by order of office or for embezzlement of public moneys or property or fraudulent conversion of public moneys or property or for any misdemeanor in office or for any conspiracy to commit any of said offences heretofore or hereafter committed by any officer or employee of this Commonwealth or of any agency thereof or of any city county borough township or school district or of any agency thereof and their accomplices and confederates may be brought or exhibited at any time within two years from the time when said public officer or said employee shall have ceased to occupy such office or such employment but in no event more than six years from the commission of the offense

Section 2 The act shall become effective immediately upon its final enactment

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—168

Achterman,	Dick,	Kline,	Schrope,
Ackermann,	Dix,	Knobie,	Seif,
Allmond,	Donahue,	Kowalski,	Serrill,
Andrews,	Donohoe,	Krise,	Shearer,
Atkins,	Downey,	Lee,	Simons,
Auker,	Eckels,	Leydic,	Snyder,
Baker,	Ely,	Lichtenwalter,	Sollenberger,
Balliet,	Ewing,	Lovett,	Stambaugh,
Balthaser,	Falkenstein,	Lyons,	Stank,
Bardes,	Fauset,	Marr,	Stewart,
Bennett,	Finnerty,	Matthews,	Stockham,
Bohn,	Fiss,	McClester,	Sweeney,
Bois,	Flanagan,	McGarrity,	Tahl,
Boney,	Fleming,	McKinney,	Tarr,

Boorse,	Fullerton,	McLane,	Taylor,
Boose,	Furman,	McNally,	Terry,
Bower,	Gates,	McVay,	Thistle,
Boyd,	Gillan,	Melchiorre,	Thompson, E. F.,
Brancato,	Gillette,	Montgomery,	Thompson, G. R.,
Broad,	Habbysshaw,	Mooney,	Tiemann,
Bronson,	Haines,	Moran,	Trout,
Brown, H. S.,	Hall,	Moser, F. S.,	VanAllsburg,
Brown, S. W.,	Harbeson,	Moser, J. L.,	Van Belle,
Brunner,	Harkins,	Muir,	Voorhees,
Burns,	Haudenschild,	O'Connor,	Wagner,
Burris,	Henry,	O'Dare,	Walsh,
Cadwalader,	Hess,	Peacock,	Watkins,
Calvin,	Hewitt,	Peale,	Webster,
Carpenter,	Hocke,	Preston,	Weiss,
Check,	Hoffman, J. W.,	Readinger,	Welsh, E. B.,
Chervenak,	Hoffman, S. K.,	Reagan,	Welsh, M. J.,
Christler,	Holland,	Reese, D. P.,	Westrick,
Clark,	Hoyt,	Reynolds,	Wilkinson,
Clearwater,	Huntley,	Rhodes,	Williams,
Cohen, H. B.,	James,	Rider,	Wilson,
Cohen, R. E.,	Jirolanio,	Riley,	Winnier,
Cook,	Johnston,	Robertson,	Wood, H. M.,
Cooper,	Jones,	Rosenfeld,	Wood, L. H.,
Cordier,	Kane,	Rothenberger,	Wood, N.,
Cortese,	Keenan,	Royer,	Woodside,
Dalrymple,	Kenehan,	Sarge,	Yeakel,
Denman,	Kilroy,	Schrock,	Turner,

Speaker.

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 424, as follows:

An Act to authorize cities of the first class of this Commonwealth to provide for the payment of certain deficits and indebtedness as herein defined in equal annual installments of two million five hundred thousand dollars (\$2,500,000) and to authorize the making of contracts the drawing of warrants and the approval thereof without appropriation for the payment of such deficits and indebtedness except as provided by this act and to levy and fix the tax rate and to make appropriations and prepare and formulate the financial programs of such cities upon the basis of the discharge of deficits and indebtedness in the manner provided by this act requiring annual provision for payment of mandamus executions and suspending and/or repealing inconsistent legislation

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 As used in this act the word "deficits" shall mean all unfunded obligations of the city and county of Philadelphia remaining unpaid as of the thirty-first day of December one thousand nine hundred and thirty-eight other indebtedness payable out of the current funds including indebtedness evidenced by outstanding writs of mandamus execution but not including obligations due the sinking fund commission

Section 2 Cities of the first class be and they are hereby authorized and directed to pay the amount of deficits as hereinabove defined which have arisen and which may arise on or before the thirty-first day of December one thousand nine hundred and thirty-eight in equal annual installments during the year one thousand nine hundred and thirty-nine and succeeding years and to provide by appropriation for the payment thereof during the said years The council of said cities in levying and fixing the tax rate and in making appropriations and in framing and formulating their annual financial programs or budgets during the said years shall not be required to provide for or include therein the amount of such deficits as hereinabove defined except as to two million five hundred thousand dollars (\$2,500,000) for each year and the city controller in furnishing date for the preparation of

the financial programs or budgets for said years as required by law shall take into account as a current liability of said cities by reason of such deficits to be discharged during each of said years only the said two million five hundred thousand dollars (\$2,500,000) and in countersigning and approving contracts and warrants he is hereby duly authorized to approve and countersign the same notwithstanding that no provision has been made by appropriation for the payment of the balance of the amounts of such cities and duly approved by the city controller and warrants drawn and issued by municipal authorities of such cities add duly approved by the city controller although no appropriations have been made to discharge such deficits except as herein provided. Provided however That all indebtedness arising from writs of mandamus executions incurred in accordance with law during the year one thousand nine hundred and thirty-nine or any subsequent year and not paid during such year shall be included and certified as a current liability by the city controller in furnishing date for the preparation of the financial programs or budgets for the next succeeding year and shall be provided for in the budget and tax levy for such next succeeding year.

Section 3 So much of article seventeen of the act approved the twenty-fifth day of June one thousand nine hundred and nineteen (Pamphlet Laws 581) entitled "An act for the better government of cities of the first class of this Commonwealth" and of all other parts of such act or acts inconsistent herewith be and the same are suspended to the extent of such inconsistency during the period for which the provisions of this act shall remain in effect and the act approved the twenty-fifth day of June one thousand nine hundred and thirty-seven (Pamphlet Laws 2061) entitled "An act to authorize cities of the first class of this Commonwealth to provide for the payment of certain deficits and indebtedness as herein defined in five equal annual instalments and to authorize the making of contracts the drawing of warrants and the approval thereof without appropriation for the payment of such deficits and indebtedness except as provided by this act and to levy and fix the tax rate and to make appropriations and prepare and formulate the financial programs of such cities upon the basis of the discharge of such deficits and indebtedness in the manner provided by this act requiring annual provision for payment of mandamus executions and suspending inconsistent legislation" is hereby repealed.

Section 4 It is hereby declared that the provisions of this act are severable one from another and if for any reason any provision or part of this act is held by the court to be unconstitutional or invalid for any reason such decision of the court shall not affect or impair any of the remaining provisions or parts of this act. It is hereby declared as the legislative intent that this act would have been adopted had such provision or part hereof not been included herein.

Section 5 This act shall become effective immediately upon final enactment.

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

MR. REUBEN E. COHEN. Mr. Speaker and members of the House, Philadelphia again comes to the Legislature with its problems.

Philadelphia is asking a delay at this time in the passage of this bill for very practical and obvious reasons. This House only recently passed the so-called gas bill, which would allow the city of Philadelphia and its council to borrow \$50,000,000 with which to get out of its present financial difficulties. Bringing all of the facts and figures down to actual amounts of money, there are three courses which Philadelphia might take at the present time.

The first is, if the Supreme Court in its decision on the case argued last Monday, and which I believe will be

decided very shortly because of the importance of the situation, were to decide that the borrowing of \$50,000,000 on our gas house is legal and proper, Council would then have \$50,000,000 in its pocket to spend, and which they have evidenced they proposed to spend as follows: \$40,000,000 will immediately be used to pay off the deficit that has accumulated during the past few years. That would then leave the city with \$10,000,000 with which to bridge the gap between this year's estimated income and expenses. If the plan works out in that manner, we would have no deficit to spread and therefore the bill would not be necessary. If on the other hand, the Citizens Committee, which intervened in the argument before the Supreme Court, is successful, it would result in the Supreme Court saying that you can only borrow \$40,000,000 and that \$40,000,000 could be used to pay off all our deficit and we would then be faced with the problem of only meeting this year's difference between estimated receipts and estimated expenses. We would have no deficit concerning which any legislation could be passed as this bill pretends to do, and this deficit would not exist under those circumstances.

The third situation is, if the Supreme Court would say that the gas loan is not legal, we would then have a deficit of forty million dollars by the end of the year, should there be no further taxes. I might say in that regard that an independent newspaper in Philadelphia on a poll which was conducted in a scientific manner by Dr. Gallup, indicated that the people of Philadelphia want no new taxes. Assuming that council would at this time heed the wishes of the people of Philadelphia, and say it will put on no new taxes, we will have a fifty million dollar deficit at the end of the year. Now, if we put this bill into effect spreading the deficit at two and one-half million dollars a year, it would necessarily run us into a situation where we would bind every future council in the City of Philadelphia for at least sixteen years, and at the same time they have to worry about paying back to the bankers for the gas company seventy-three and one-half million dollars over a period of seventeen and one-half years. So that in the future, besides trying to meet the gap between income and expenses, we have to worry about a fixed charge under this act and under the gas loan of over six million dollars to pay back the waste that has accumulated in Philadelphia. I am not referring to sewage, I am referring to the financial waste that we have in Philadelphia today.

Now, my purpose in rising at this time, Mr. Speaker and members of the House, is that if either of the first two propositions turns out to be true, we don't need this bill. If either of the first two propositions can be looked forward to or be expected at the hands of the Supreme Court, that great arm of this Legislature, we would then have to talk about this bill later on to determine how it might fit in with Philadelphia's plan, as to whether or not City Council will have the courage in the face of an overwhelming poll indicating a repugnance as to new taxes to make a new levy, and whether we would have a little bit or a lot to think about.

Now, the argument might be made that two years ago, this House, supported by the Democratic majority, including the Democrats from Philadelphia, passed a bill to spread what was then a twenty-five million dollar deficit over a period of five years at the rate of five million dollars per year. It is true at that time we never even

thought of hocking our gas lease and we felt that with that five million dollars a year, council might make an effort to get rid of our tremendous deficit, but council never made an attempt to take advantage of it, so that goes bye-bye and is in default?

What will Council do with this money? That is our problem today. Council might with the same disdain for public opinion as it has indicated in the past, use that money to pay the deficit, or they might decide to use ten million dollars of it or twenty million, or thirty million, or forty million dollars of it, because the Supreme Court's decision won't say "You must use it for certain purposes," leaving the City with a deficit to cover.

If we have only a ten million dollar deficit left after this year is over, would it not be good sense on our part to say to Philadelphia, "we will pass a bill to spread the deficit." Let us say it is only ten million dollars, why not spread it out to provide for payment at the rate of one million dollars a year, so that the burden of future councils might be a little bit lessened over the next ten years, rather than to say it must be two million five hundred thousand dollars.

MOTION TO POSTPONE

Mr. REUBEN E. COHEN. I move you, Mr. Speaker, that this bill be placed on the postponed calendar and remain there at least for one week as we may know by that time what the Supreme Court will decide for the benefit of Philadelphia, and we will then know what the expression of city council will be, and what they intend to do with the benevolence which will be heaped upon them by the Supreme Court.

On the question,

Will the House agree to the motion?

Mr. SWEENEY. Mr. Speaker and members of the House, I do not intend to take up a great deal of your time. This bill was discussed the other day when amendments were offered, or rather when Mr. Ominsky suggested that it be placed on the postponed calendar.

It is true that in Philadelphia we are faced with a deficit. Our budget for the coming year is eighty-six million dollars and our estimated receipts according to City Council are seventy-six million dollars, leaving a deficit of about ten million dollars. We have an accumulated deficit of about forty million dollars. If the Supreme Court which heard this tax case on Monday would find, as we would like it to, that this gas sale can go through, we can use this fifty million dollars to pay off first our accumulated deficit of forty million dollars and ten million dollars of our anticipated deficit. It seems to me, members of the House, after listening to Mr. Cohen, that the Democratic members of the House from Philadelphia are desirous of putting City Council into a position where they will have to levy new taxes on the people of Philadelphia. Mr. Cohen told you, and has told you truthfully that the people of Philadelphia in a pole conducted by an independent newspaper were against any new taxes. Still the Democratic members of this House, especially the Democratic members from Philadelphia, would have City Council go against the wishes of the people who elected them and levy new taxes upon them. Evidently this situation is not peculiar to Philadelphia. I heard on the floor of the House Monday night that the school teachers in some of the counties of the

state have not been paid for five or six months. They are all bankrupt. We hear a lot of talk about waste and extravagance by City Council of Philadelphia. There was a survey made by a supposedly independent group of individuals—I have never seen the report of that survey or a copy of it—which stated that if City Council were to fire every available man that could be fired there would be a saving of possibly three million dollars. This is an eighty-six million dollar budget, and we might save three million dollars were we to fire everybody that we figure could be fired, so you see that won't help us out in Philadelphia. Our situation in Philadelphia has arisen because of one reason, and that is that the assessed values of our real estate have decreased one billion dollars. We don't get the revenue. There is only one reason why the minority members in this House, especially the Democrats from Philadelphia, want this bill postponed or not passed, and that is because they want to put City Council, all the members of which are coming up for election next year, in the position of going against the will of the people and levying new taxes. I therefore ask you, members of the House, to vote against putting this bill on the postponed calendar.

On the question recurring,

Will the House agree to the motion?

The yeas and nays were required by Messrs. Reuben E. Cohen, Check and Broad and were as follows:

YEAS—55

Achterman,	Donohoe,	McLane,	Rothenberger,
Ailmond,	Falkenstein,	Mihm,	Sarra,
Andrews,	Fauset,	Moran,	Schrope,
Baker,	Furman,	Munley,	Schwab,
Balthaser,	Harkins,	O'Brien,	Stank,
Bohn,	Hess,	O'Connor,	Tarr,
Boney,	Hindman,	O'Keefe,	Thompson, E. F.,
Brancato,	Holland,	O'Neill,	Tronzo,
Broad,	Kane,	Powers,	Walsh,
Burns,	Keenan,	Preston,	Welsh,
Check,	Kenehan,	Reynolds,	Welsh, E. B.,
Chervenak,	Kilroy,	Rider,	Welsh, M. J.,
Cohen, H. B.,	Long,	Rooney,	Westrick,
Cohen, R. E.,	Lovett,	Rosenfeld,	

NAYS—111

Ackermann,	Ewing,	Matthews,	Sollenberger,
Alspach,	Flas,	McClester,	Stambaugh,
Atkins,	Fleming,	McGarrity,	Stewart,
Auker,	Floor,	McKinney,	Stockham,
Balliet,	Freed,	McNally,	Sweeney,
Bardes,	Fullerton,	McVay,	Tahl,
Bennett,	Gates,	Montgomery,	Taylor,
Boorse,	Gillan,	Moser, F. S.,	Terry,
Boose,	Gillette,	Moser, J. L.,	Thistle,
Bower,	Goll,	Muir,	Thompson, G. R.,
Boyd,	Habbyshaw,	O'Dare,	Tiemann,
Bretherick,	Haines,	Peale,	Trout,
Brunner,	Hall,	Reagan,	VanAllsburg,
Cadwalader,	Harbeson,	Reese, D. P.,	Van Belle,
Carpenter,	Haudenschild,	Rhodes,	Voorhees,
Christler,	Henry,	Riley,	Wagner,
Clark,	Hewitt,	Robertson,	Watkins,
Clearwater,	Hoffman, J. N.,	Rose,	Webster,
Cooper,	Hoyt,	Roseberry,	Wilkinson,
Cordier,	Huntley,	Royer,	Wilson,
Cortese,	James,	Sarge,	Winnier,
Dairymple,	Jones,	Schrock,	Wood, H. M.,
Denman,	Kline,	Seif,	Wood, L. H.,
Dick,	Knoble,	Serrill,	Wood, N.,
Dix,	Kowalski,	Shearer,	Woodside,
Donahue,	Lelsey,	Simons,	Yeakel,
Eckels,	Leydic,	Sloan,	Turner,
Ely,	Lichtenwalter,	Snyder,	Speaker.

So the question was determined in the negative and the motion was not agreed to.

On the question recurring,

Shall the bill pass finally?

Mr. LONG. Mr. Speaker and members of the House, I merely wish to call the attention of the membership to the fact that the particular bill upon which we are about to vote does not in any sense constitute a solution of Philadelphia's financial difficulties at the present time, nor does it extend any hope of a solution in the future.

If the present plan to hock the proceeds from the gas works of four million, two hundred thousand dollars a year income to the city of Philadelphia for a period of sixteen and one-half years, is successful, then this bill will not be necessary in order to balance this year's budget in Philadelphia. On the other hand, if the gas sale is unconstitutional, this particular bill would not contribute to any great extent to the solution of this year's budget problem. I believe that all of the people familiar with conditions in Philadelphia today admit that even the sale of the gas revenues of the city of Philadelphia for an extended period will only solve the budget for this year. Mr. Jay Cooke, Chairman of the Republican City Committee of Philadelphia, in a statement to the press a couple of weeks ago, admitted that some new taxes must be levied in the city of Philadelphia to balance next year's budget, or a curtailed service to the people of Philadelphia will result.

I wish to impress upon you first of all that this bill is not a solution of these difficulties. However, the city of Philadelphia has an opportunity to solve its difficulties in the future. You have within your power the right to give to the citizens of Philadelphia the privilege of voting upon a City Charter which might possibly offer some solution to Philadelphia's future difficulties. Such palliatives as the sale, or the mortgaging of the gas lease, the selling of Philadelphia's future revenues to the extent of four million, two hundred thousand dollars a year for a period of sixteen and one-half years, which sum must be made up in taxation, as well as twenty-six million dollars more in interest which will accrue, merely imposes upon the citizens of Philadelphia extra difficulties and added burdens and only accentuates the problems that must be faced after this year.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—123

Ackermann,	Ely,	Lelsey,	Shearer,
Atkins,	Ewing,	Leydio,	Simons,
Auker,	Fiss,	Lichtenwalter,	Sloan,
Baillet,	Fleming,	Lyons,	Snyder,
Bardes,	Foor,	Madden,	Sollenberger
Bennett,	Freed,	Marr,	Stambaugh,
Boorse,	Fullerton,	Matthews,	Stewart,
Boose,	Gates,	McClester,	Stockham,
Bower,	Gillan,	McGarrity,	Sweeney,
Boyd,	Gillette,	McKinney,	Tahl,
Bretherick,	Goll,	McNally,	Taylor,
Bronson,	Habbyshaw,	McVay,	Thistle,
Brown, S. W.,	Haines,	Montgomery,	Thompson, G. R.,
Brunner,	Hall,	Moser, F. S.,	Tiemann,
Cadwalader,	Hamilton,	Moser, J. L.,	Trout,
Calvin,	Harbeson,	Muir,	VanAllsburg,
Carpenter,	Haudenshield,	O'Dare,	Van Belle,
Christler,	Henry,	Peacock,	Voorhees,
Clark,	Hewitt,	Peale,	Wagner,
Clearwater,	Hocke,	Reagan,	Watkins,
Cook,	Hoffman, J. N.,	Reese, D. P.,	Webster,
Cooper,	Huntley,	Rhodes,	Wilkinson,
Cordier,	James,	Riley,	Wilson,
Cortese,	Johnston,	Robertson,	Winner,
Curran,	Jones,	Rose,	Wood, H. M.,

Dalrymple,	Kane,	Roseberry,	Wood, L. H.,
Denman,	Kline,	Royer,	Wood, N.,
Dick,	Knoble,	Sarge,	Woodside,
Dix,	Kowalski,	Schrock,	Yeakel,
Donahue,	Krise,	Seif,	Turner,
Eckels,	Lee,	Serrill,	Speaker.

NAYS—50

Achterman	Donohoe,	Munley,	Sarra,
Allen,	Finnerty,	O'Brien,	Schrope,
Allmond,	Gorski,	O'Connor,	Stank,
Andrews,	Harkins,	O'Keefe,	Tarr,
Baker,	Hess,	O'Neill,	Thompson, E. F.,
Balthaser,	Hindman,	Preston,	Tronzo,
Boney,	Jirolanio,	Regan,	Walsh,
Brancato,	Kenehan,	Reynolds,	Weiss,
Burns,	Kilroy,	Rider,	Welsh, E. B.,
Check,	Long,	Rooney,	Welsh, M. J.,
Chervenak,	Malloy,	Rosenfeld,	Westrick,
Cohen, H. B.,	Mihm,	Rothenberger,	Williams,
Cohen, R. E.,	Moran,		

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 473, entitled:

An Act to further amend a part of section one of article three of the act approved the seventh day of March one thousand nine hundred and one (P. L. 20) entitled "An act for the government of cities of the second class" providing for the removal and dismissal of policemen in cities of the second class.

On the question,

Will the House agree to the bill on third reading?

BILL POSTPONED

Mr. SARRAF. Mr. Speaker, I move that this bill be placed upon the postponed calendar.

The motion was agreed to.

BILL PASSED OVER

There being no objection House Bill No. 356, Printer's No. 63 was passed over at the request of Mr. ATKINS.

BILL ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 282, entitled:

An Act to repeal the act approved the twenty-second day of September one thousand nine hundred and thirty-eight (Pamphlet Laws 37) entitled "An act relating to and removing the remaining additional persons now serving as Pennsylvania members of the Delaware River Joint Commission by virtue of appointment by the General Assembly under the act approved June twelfth one thousand nine hundred and thirty-one (Pamphlet Laws five hundred seventy-five) entitled 'An act providing for joint action by Pennsylvania and New Jersey in the development of the ports on the lower Delaware River and the improvement of the facilities for transportation across the river authorizing the Governor for these purposes to enter into an agreement with New Jersey creating The Delaware River Joint Commission and specifying the powers and duties thereof including the power to finance projects by the issuance of revenue bonds transferring to the new commission all the powers of The Delaware River Bridge Joint Commission and making an appropriation' and providing for the appointment of their successors"

And said bill having been read at length the third time, considered and agreed to.

On the question,
Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—126

Ackermann,	Ewing,	Leydic,	Simons,
Alspach,	Fiss,	Lichtenwalter,	Sloan,
Atkins,	Fleming,	Lyons,	Snyder,
Auker,	Foor,	Madden,	Sollenberger,
Balliet,	Freed,	Marr,	Stambaugh,
Bardes,	Fullerton,	Matthews,	Stewart,
Bennett,	Gates,	McClester,	Stockham,
Boorse,	Gillan,	McGarrity,	Sweeney,
Boose,	Gillette,	McKinney,	Tahl,
Bower,	Goll,	McNally,	Taylor,
Boyd,	Habbyshaw,	McVay,	Terry,
Bretherick,	Haines,	Montgomery,	Thistle,
Bronson,	Hall,	Moran,	Thompson, G. R.,
Brunner,	Hamilton,	Moser, F. S.,	Tiemann,
Cadwalader,	Harbeson,	Moser, J. L.,	Trout,
Calvin,	Haudenshield,	Muir,	VanAllsburg,
Carpenter,	Henry,	O'Dare,	Van Belle,
Christler,	Hewitt,	O'Neill,	Voorhees,
Clark,	Hocke,	Peale,	Wagner,
Clearwater,	Hoffman, J. N.,	Reagan,	Watkins,
Cook,	Hoyt,	Reese, D. P.,	Webster,
Cooper,	Huntley,	Rhodes,	Wilkinson,
Cordier,	James,	Riley,	Wilson,
Cortese,	Johnston,	Robertson,	Winner,
Curran,	Jones,	Rose,	Wood, H. M.,
Dalrymple,	Kane,	Roseberry,	Wood, L. H.,
Denman,	Kline,	Royer,	Wood, N.,
Dick,	Knoble,	Sarge,	Woodside,
Dix,	Kowalski,	Schrock,	Yeakel,
Donahue,	Krise,	Self,	Turner,
Eckels,	Lee,	Serrill,	Speaker.
Ely,	Leisey,	Shearer,	

NAYS—51

Achterman,	Cohen, R. E.,	Lovett,	Sarraf,
Allen,	Donohoe,	McLane,	Schrope,
Allmond,	Downey,	Melchiorre,	Stank,
Andrews,	Falkenstein,	Mihm,	Tarr,
Baker,	Fauset,	O'Connor,	Thompson, E. F.,
Balthaser,	Finnerty,	O'Keefe,	Tronzo,
Bohn,	Furman,	Powers,	Walsh,
Boney,	Harkins,	Preston,	Weiss,
Brancato,	Hess,	Regan,	Welsh, E. B.,
Burns,	Hindman,	Reynolds,	Welsh, M. J.,
Burris,	Jirolanio,	Rooney,	Westrick,
Check,	Keneshan,	Rosenfeld,	Williams,
Cohen, H. B.,	Kilroy,	Rothemberger,	

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

ANNOUNCEMENT BY SPEAKER

The SPEAKER. The Chair would advise the members that by reason of the predicament in which he finds himself it will be necessary for him to ask the House to adjourn before five o'clock. The State Authority Board meets on Wednesday of each week. It was supposed to meet at two o'clock today, but the Speaker was unable to attend the meeting at that time because of the session of this House, and the meeting was adjourned, until five o'clock. The Speaker has promised to be present at that meeting.

The gentleman from Green, Mr. Furman, has been trying for two days to present a resolution. The Chair does not feel that it would be fair to adjourn without giving him a chance to present it. However, if other

members seek to introduce resolutions we will not be able to adjourn before five o'clock.

The Chair would therefore ask that the gentleman from Green, Mr. Furman, be permitted to present his resolution, and that as far as possible we take up other resolutions until the time for adjournment. The Chair asks that as a courtesy from the members of the House.

If there is no objection the Chair will proceed accordingly. The Chair hears none.

The Chair understands the purpose of the resolution which the gentleman has to offer, it having been explained to him. The Speaker feels that he does not care to occupy the Chair when this resolution is presented, and therefore requests the gentleman from Lancaster, Mr. Wood, to come to the rostrum.

MR. NORMAN WOOD IN THE CHAIR

RESOLUTION

Mr. FURMAN offered a resolution and asked unanimous consent to have it read for the information of the House.

The SPEAKER pro tempore. Will the House give its unanimous consent to have the resolution read? Is there objection?

Mr. WOODSIDE. Mr. Speaker, I object.

The SPEAKER pro tempore. The Chair hears objection and consent is not granted.

MOTION TO SUSPEND RULE

Mr. FURMAN. Mr. Speaker, I move that Rule No. 84 be suspended for the specific purpose of having this resolution read.

On the question,

Will the House agree to the motion?

On a rising vote, fifty-eight members having voted in the affirmative and one hundred and thirteen in the negative, the question was determined in the negative and the motion was not agreed to.

The SPEAKER pro tempore. The resolution will be filed with the Clerk under the Rules.

THE SPEAKER (Ellwood J. Turner) IN THE CHAIR

The SPEAKER. The Chair thanks the gentleman from Lancaster for his presence on the rostrum.

REPORTS FROM COMMITTEES

Mr. KLINE from the Committee on Cities—Third Class reported as amended, House Bill No. 263, entitled:

An Act to amend section two thousand one of the act, approved the twenty-third day of June, one thousand nine hundred and thirty-one (P. L. 932), entitled "An act relating to cities of the third class and amending, revising and consolidating the law relating thereto," by fixing the minimum compensation for patrolmen in such cities.

Mr. MADDEN from the Committee on Mines and Mining reported as amended, House Bill No. 291, entitled:

An Act to amend section one of the act, approved the first day of July, one thousand nine hundred and thirty-seven (P. L. 281), entitled "An act relating to, and regulating the manufacture, storing, and possession of explosives; requiring permits for magazines, and prescribing permit fees; and providing penalties," by excluding from the provisions of said act explosives used in clay mining or in rock or stone quarries.

RESOLUTION SYMPATHY EXTENDED

Mr. McGARRITY offered the following resolution which was twice read, considered and unanimously adopted by a rising vote:

In the House of Representatives, March 22, 1939.

Almighty God, in his Divine Wisdom, has summoned to his Eternal Reward, Joseph Cortese, beloved and distinguished father of the Honorable Americo V. Cortese, our esteemed colleague and fellow-member of the House of Representatives.

Joseph Cortese dedicated his life to the honorable and noble pursuit of guiding and rearing children, in the love of God and Country, and in the service of his fellow-men.

He was born in Marsicovetere, Province of Basilicata, Italy, and entered the United States about forty-five years ago.

From the age of seven years until he had passed the half century mark he was a master of the violin, composed music and played before the crowned heads of Europe and in the White House at Washington.

For many years he conducted his own orchestra in Philadelphia at the old Bellevue Hotel. He also engaged in the jewelry and banking business.

The past score of years he spent in the quiet enjoyment of the society of his wife and family.

The passing of Joseph Cortese has brought to his wife and to our grief-stricken colleague and his brothers and sisters a sense of deep and irreparable loss; Therefore be it

Resolved, That this House extends its most sincere sympathy to Caroline Cortese, his wife, who devoted her life to his care and the care of their children, and likewise to our sorrowing colleague and to his brothers and sisters who so deeply mourn the loss of their father; and be it further

Resolved, That a copy of this resolution be transmitted by the Chief Clerk of this House to our colleague, the Honorable Americo V. Cortese.

COMMITTEE MEETING

There will be meetings of the Committees on:

Agriculture, immediately after the session in Room 325.

Military Affairs, Thursday, March 23, 1939 at 11 A. M., in Room 541.

There will be a Public Hearing before the Committee on Municipal Corporations on House Bill No. 189 on Tuesday, April 4, 1939, at 10 A. M., in the House Caucus Room.

Republican Caucus, Thursday, March 23, 1939, at 10 A. M. in the House Caucus Room.

ADJOURNMENT

Miss BRANCATO. Mr. Speaker, I move that this House do now adjourn until tomorrow at 12 noon.

The motion was agreed to, and (at 4:45 P. M.) the House adjourned until Thursday, March 23, 1939 at 12 noon.

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Legislative Journal.

Session 1939.

133d of the General Assembly.

Vol. 23

HARRISBURG, PA., THURSDAY, MARCH 23, 1939.

No. 28.

HOUSE OF REPRESENTATIVES

THURSDAY, March 23, 1939.

The House met at 12 noon.

The SPEAKER (Ellwood J. Turner) in the Chair.

PRAYER

The Chaplain, Rev. Walter Evans Deibler, offered the following prayer:

In profound reverence we approach Thee, O God, Eternal Creator, who "of the dust of the ground" didst form man and didst breathe into his nostrils "the breath of life, and he became a living being." Surely where breath is present there is life and power; where it is absent there is only flesh, weakness and decay. May Thy eternal spirit ever abide in us so that we may be conscious of Thy indwelling presence. Grant that the mention of Thy Name in our devotions may not only be the formal profession of our lips but also the deepest confession of our hearts of our faith in and our dependence upon Thee, O God. In this spirit we beseech Thee, O God, to bless the undertakings of this day. May unity and peace abide in all our hearts. May we work together to promote the interest and the welfare of these tasks to which Thou hast called us. May the words of our mouths, and the meditations of our hearts, be acceptable in Thy sight, O Lord, our strength, and our redeemer. Amen.

JOURNAL APPROVED

The SPEAKER. The Clerk will read the Journal of yesterday.

The Clerk proceeded to read the Journal of yesterday, when, on motion of Mr. KOWALSKI, the further reading was dispensed with and the Journal approved.

BILLS INTRODUCED AND REFERRED

By Mr. TRONZO.

HOUSE BILL No. 671.

An Act providing for the establishment and administration of a system of health insurance, creating or providing for the creation and prescribing the powers and duties of various state and local agencies, imposing duties on the State Department of Health, imposing duties and liabilities on employers and employees, prescribing penalties and making an appropriation.

Referred to the Committee on Public Health and Sanitation.

By Mr. ANDREWS.

HOUSE BILL No. 672.

An act to amend further section one hundred seventy-one of the act approved the second day of May one thousand nine hundred twenty-nine (Pamphlet Laws, one

thousand two hundred seventy-eight) entitled "An act relating to counties of the second, third, fourth, fifth, sixth seventh and eighth classes; and revising, amending, and consolidating the laws relating thereto," by reducing the mileage to be received by members of boards of viewers in counties of the third and fourth classes.

Referred to the Committee on Counties.

By Mr. STEWART.

HOUSE BILL No. 673.

An act to amend subsection (7) of section two of the act, approved the twenty-eighth day of May, one thousand nine hundred and thirty-seven (P. L. 1053), entitled "An act relating to the regulation of public utilities; defining as public utilities certain corporations, companies, associations, and persons; providing for the regulation of public utilities, including, to a limited extent, municipalities engaging in public utility business, by prescribing, defining, and limiting their duties, powers, and liabilities, and regulating the exercise, surrender or abandonment of their powers, privileges, and franchises; defining and regulating contract carriers by motor vehicle; and brokers in order to regulate effectively common carriers by motor vehicle; conferring upon the Pennsylvania Public Utility Commission the power and duty of supervising and regulating persons, associations, companies, and corporations subject to this act, and administering the provisions of this act; authorizing the commission to fix temporary rates; placing the burden of proof on public utilities to sustain their rates and certain other matters; authorizing a permissive or mandatory sliding scale method of regulating rates; providing for the supervision of financial and contractual relations between public utilities and affiliated interests, and supervision and regulation of accounts and securities or obligation issued, assumed, or kept by persons, associations, companies, corporations or municipal corporations subject to this act; conferring upon the commission power to vary, reform, or revise certain contracts; conferring upon the commission the exclusive power to regulate or order the construction, alteration, relocation, protection, or abolition of crossings of facilities of public utilities, and of such facilities by or over public highways, to appropriate property for the construction or improvement of such crossings, and to award or apportion resultant costs and damages; authorizing owners of such property to sue the Commonwealth for such damages; providing for ejectment proceedings in connection with the appropriation of property for crossings; conferring upon the commission power to control and regulate budgets of public utilities; imposing upon persons, associations, companies, and corporations (except municipal corporations) subject to regulation, the cost of administering this act; prescribing and regulating practice and procedure before the commission and procedure for reviews by the courts of commission action; giving the court of common pleas of Dauphin County exclusive original jurisdiction over certain proceedings; prescribing penalties, fines, and imprisonment for violations of the provisions of this act and regulations and orders of the commission, and the procedure for enforcing such fines and penalties; and repealing legislation supplied and superseded by or inconsistent with this act," by enlarging the definition of the

phrase "Contract Carrier by Motor Vehicle" to include persons or corporations who furnish transportation of school children exclusively.

Referred to the Committee on Public Utilities.

By Mr. FLEMING. HOUSE BILL No. 674.

An Act requiring justices of the peace and aldermen to use only the forms of warrants, notices, writs and processes as furnished by the county commissioners through the county controllers; requiring that records of the issuance thereof be kept and returns be made quarterly thereon to the county controllers; and providing penalties.

Referred to the Committee on Counties.

By Mr. JOHN N. HOFFMAN. HOUSE BILL No. 675.

An Act to amend subsection eight of clause (b) of section eight hundred twenty-eight of the act, approved the first day of May, one thousand nine hundred twenty-nine (P. L. 335), entitled "An act for the protection of the public safety; regulating the use of highways, and the operation of vehicles, tractors, street cars, trackless trolley omnibuses bicycles, pedestrians, and the riding of animals upon the highways of this Commonwealth; providing for the titling, including liens, encumbrances, and legal claims; registration of certain vehicles and licensing the operators thereof, upon payment of prescribed fees; prescribing and limiting the powers of local authorities to deal with the subject matter of this act; conferring powers and imposing duties upon the Department of Revenue, the Department of Highways, peace officers, mayors, burgesses, magistrates, aldermen, justices of the peace, the courts and the clerks thereof, owners of vehicles, and garage keepers; providing that records are admissible as evidence; imposing upon owners, counties, cities, boroughs, incorporated towns, townships, within the Commonwealth, liability for damages caused by the negligent operation of their motor vehicles; imposing penalties; imposing certain costs upon counties; providing for the disposition of fines, forfeitures, fees, and miscellaneous receipts; making an appropriation and providing for refunds," by further suspending the operation of the provisions of the section relating to school busses.

Referred to the Committee on Motor Vehicles.

By Mrs. FAUSET. HOUSE BILL No. 676.

An Act to amend section one thousand two hundred one of the act approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent herewith," as amended by limiting the circumstances under which boards of school directors shall have power to employ substitute teachers.

Referred to the Committee on Education.

By Mr. O'CONNOR. HOUSE BILL No. 677.

An Act validating certain proceedings and elections of municipalities had and held pursuant to the provisions of an act, approved the twentieth day of April, one thousand eight hundred and seventy-four (P. L. 65), entitled "An act to regulate the manner of increasing the indebtedness of municipalities, to provide for the redemption of the same, and to impose penalties for the illegal increase thereof," and the amendments and supplements thereto, and validating bonds issued or authorized to be issued in pursuance of such proceedings and elections, and in case any bonds have been sold by a municipality and the publication of notices of the sale have been defective,

to cure such defective publication of sale notices and validate the sale thereof.

Referred to the Committee on Judiciary General.

By Messrs. MATTHEWS and RILEY.

HOUSE BILL No. 678.

An Act to amend section two hundred and one and part of section two hundred and two of, to add section three hundred and four and article twenty-eight A to, and to repeal section four hundred and thirty-nine, clause (a) of section two thousand one hundred and nine, and section two thousand one hundred and ten of the act, approved the ninth day of April, one thousand nine hundred and twenty-nine (P. L. 177), entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments, boards, commissions, and officers thereof, including the boards of trustees of State Normal Schools, or Teachers Colleges; abolishing, creating, reorganizing or authorizing the reorganization of certain administrative departments, boards, and commissions; defining the powers and duties of the Governor and other executive and administrative officers, and of the several administrative departments, boards, commissions, and officers; fixing the salaries of the Governor, Lieutenant Governor, and certain other executive officers; providing for the appointment of certain administrative officers, and of all deputies and other assistants and employes in certain departments, boards, and commissions; and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments, boards, and commissions shall be determined," by providing that the Sanitary Water Board shall be an independent administrative board; prescribing its powers and duties, and authorizing the appointment of a chief engineer therefor upon nomination by the Attorney General.

Referred to the Committee on State Government.

By Mr. FALKENSTEIN. HOUSE BILL No. 679.

An Act to amend article nineteen of the act, approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith," by adding thereto sections one thousand nine hundred eight, one thousand nine hundred nine, one thousand nine hundred ten, one thousand nine hundred eleven, one thousand nine hundred twelve and one thousand nine hundred thirteen, providing for the establishment of free city colleges in school districts of the first class.

Referred to the Committee on Education.

By Mr. SOLLENBERGER. HOUSE BILL No. 680.

An Act to further amend the act, approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith," by changing the provisions for compulsory attendance and for enumeration of illiterate children and alien residents; changing provisions relating to employment of children; providing for the education of physically and mentally handicapped children, and for the care of uneducable children, and changing the provisions for the required number of days school shall be kept open.

Referred to the Committee on Education.

By Messrs. CLEARWATER and JAMES.

HOUSE BILL No. 681.

An Act providing for the licensing and regulation of tourist camps both privately and municipally owned, by the Department of Health, and prescribing its powers and duties; fixing fees for such licenses, giving the owners of such camps liens in certain cases upon the property of his guests; and providing penalties.

Referred to the Committee on Public Health and Sanitation.

By Mr. LYONS.

HOUSE BILL No. 682.

An Act to further amend paragraph (b) of section two hundred one of the act, approved the twenty-ninth day of November, one thousand nine hundred thirty-three (P. L. 15, 1933-1934) entitled, as amended, "An act to regulate and restrain the sale, manufacture, possession, transportation, importation, traffic in, and use of alcohol, and alcoholic and malt or brewed beverages; conferring powers and imposing duties upon the Pennsylvania Liquor Control Board and its agents, the Department of Public Instruction, other officers of the State government, courts, and district attorneys; authorizing the establishment and operation of State stores for the sale of such beverages not for consumption on the premises, and the granting of licenses, subject to local option, to sell such beverages for consumption on and off the premises; forbidding importation or bringing of such beverages into the State except as herein provided; prohibiting certain sales or practices in, connection with, and transactions in such beverages by licensees and others; providing for the forfeiture of certain property; making disposition of the receipts from State stores and of fees; and imposing penalties," by establishing standards to be followed by the Pennsylvania Liquor Control Board in fixing sales prices of liquor.

Referred to the Committee on Liquor Control.

By Mr. ROYER.

HOUSE BILL No. 683.

An Act to amend section four hundred thirteen, section five hundred ten as amended and sections six hundred and thirteen and seven hundred ten of the act approved the first day of May one thousand nine hundred and twenty-nine (Pamphlet Laws 905), entitled "An act for the protection of the public safety regulating the use of highways and the operation of vehicles tractors street cars trackless trolley omnibuses bicycles pedestrians and the riding of animals upon the highways of this Commonwealth providing for the titling including liens encumbrances and legal claims registration of certain vehicles and licensing the operators thereof upon payment of prescribed fees prescribing and limiting the powers of local authorities to deal with the subject matter of this act conferring powers and imposing duties upon the Department of Revenue the Department of Highways peace officers mayors burgesses magistrates aldermen justices of the peace the courts and the clerks thereof owners of vehicles and garage keepers providing that records are admissible as evidence imposing upon owners counties cities boroughs incorporated towns townships within the Commonwealth liability for damages caused by the negligent operation of their motor vehicles imposing penalties imposing certain costs upon counties providing for the disposition of fines forfeitures fees and miscellaneous receipts making an appropriation and providing for refunds," changing motor vehicles registration years fractions of registration years and operators license years.

Referred to the Committee on Motor Vehicles.

By Mr. STAMBAUGH.

HOUSE BILL No. 684.

An Act to further amend section ten of the act, approved the twenty-seventh day of June, one thousand nine hundred and twenty-three (P. L. 858), entitled "An act establishing a State employees' retirement system, and creating a retirement board for the administration thereof; establishing certain funds from contributions by the Commonwealth and contributing State employees, defining the

uses and purposes thereof and the manner of payments therefrom, and providing for the guaranty by the Commonwealth of certain of said funds; imposing powers and duties upon the heads of departments in which State employees serve; excepting annuities, allowances, returns, benefits, and rights from taxation and judicial process; and providing penalties," by making further provision for credits on account of services rendered prior to the thirty-first day of December, one thousand nine hundred and twenty-three.

Referred to the Committee on State Government.

By Messrs. SERRILL, SARRAF and HINDMAN.

HOUSE BILL No. 685.

An Act to further amend the act, approved the fifth day of May, one thousand nine hundred and thirty-three (Pamphlet Laws, two hundred and eighty-nine), entitled "An act relating to non-profit corporations; defining and providing for the organization, merger, consolidation, and dissolution of such corporations; conferring certain rights, powers, duties and immunities upon them and their officers and members; prescribing the conditions on which such corporations may exercise their powers; providing for the inclusion of certain existing corporations of the first class within the provisions of this act; prescribing the terms and conditions upon which foreign non-profit corporations may be admitted or may continue to do business within the Commonwealth; conferring powers and imposing duties on the courts of common pleas, prothonotaries of such courts, recorder of deeds, and certain State departments, commissions and officers; authorizing certain local public officers and State departments to collect fees for services required to be rendered by this act; imposing penalties; and repealing certain acts and parts of acts relating to corporations," by providing for and regulating the incorporation of non-profit medical service corporations organized to provide medical services for subscribers of low income and their dependents; conferring powers on the Department of Health and the Insurance Department with respect thereto; further prescribing the conditions on which such corporations may exercise their powers; providing for the dissolution of nonprofit medical service corporations by and under the supervision of the Insurance Commissioner; and further defining the scope of the Act.

Referred to the Committee on Public Health and Sanitation.

By Messrs. SERRILL, SARRAF and HINDMAN.

HOUSE BILL No. 686.

An Act providing for the regulation and supervision of nonprofit medical service corporations organized to provide medical services to subscribers of low income by the Department of Health and the Insurance Department and defining the functions of such departments with respect thereto; authorizing certain departments, commissions, officers and other agencies of the State and its political subdivisions to subscribe under certain circumstances to the medical service plan of such corporations on behalf of persons of low income; prescribing legal investments for the funds of such corporations, and the rights of doctors of medicine to register with such corporations; conferring authority on the Department of Health and on the Insurance Commissioner each within its own sphere of lawful activity to regulate and supervise such corporations; conferring certain rights, powers, duties and immunities upon such corporations and their officers and members; prescribing the conditions on which such corporations may exercise their powers; exempting such corporations from taxation; prohibiting any person, copartnership, association, Common Law Trust or corporation except a non-profit medical service corporation from providing medical services on a nonprofit plan in return for prepayment, periodical or lump sum payments; providing penalties for the violation of and mandatory and injunctive relief for, the enforcement of the provisions of this act.

Referred to the Committee on Public Health and Sanitation.

By Messrs. ROSE and ANDREWS. HOUSE BILL No. 687.

An Act to amend section three thousand seven hundred and twenty of the act, approved the twenty-third day of June, one thousand nine hundred and thirty-one (P. L. 932), entitled "An act relating to cities of the third class; and amending, revising, and consolidating the law relating thereto", by extending the power of park guards to police the lands, properties and buildings taken for park purposes, which are located beyond the limits of such cities.

Referred to the Committee on Cities—Third Class.

By Mr. BOHN. HOUSE BILL No. 688.

An Act requiring hospitals receiving state aid to pay internes a prescribed annual salary.

Referred to the Committee on Appropriations.

By Mr. ECKELS. HOUSE BILL No. 689.

An Act providing that in any action before any court of record, when one party moves for judgment non obstante veredicto or for a new trial, the costs of transcribing the notes of testimony shall be taxed and paid as part of costs of such action.

Referred to the Committee on Judiciary General.

By Mr. TAYLOR. HOUSE BILL No. 690.

An Act to further amend the act, approved the fifth day of December, one thousand nine hundred and thirty-six (1937, P. L. 2897), entitled "An act establishing a system of unemployment compensation to be administered by the Department of Labor and Industry and its existing and newly created agencies with personnel (with certain exceptions) selected on a civil service basis; requiring employers to keep records and make reports, and certain employers to pay contributions based on payrolls to provide moneys for the payment of compensation to certain unemployed persons; providing procedure and administrative details for the determination, payment and collection of such contribution and the payment of such compensations; providing for cooperation with the Federal Government and its agencies; creating certain special funds in the custody of the State Treasurer; and prescribing penalties;" excepting employment covered by certain Federal unemployment compensation or insurance systems from the provisions thereof; providing for cooperation with Federal, local or private agencies in connection with free public employment offices; making further provisions for reciprocal arrangements and compacts with agencies of other states and the Federal Government; further defining eligibility for compensation; authorizing transfers from the Commonwealth's Unemployment Compensation Fund in the Unemployment Trust Fund of the United States Treasury to Railroad Unemployment Insurance Account; and terminating certain compensation rights hereunder.

Referred to the Committee on Welfare.

By Mr. O'NEILL. HOUSE BILL No. 691.

An Act to amend section two of the act, approved the fifth day of June, one thousand nine hundred and thirty-seven (P. L. 1660), entitled "A supplement to the act, approved the eighteenth day of May, one thousand nine hundred eleven (P. L. 309), entitled 'An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith,' providing for certain additions to minimum annual salaries for members of the teaching staffs of schools in fourth class school districts; and authorizing the suspension of this supplement in certain cases," providing that the Commonwealth shall pay

seventy-five per centum of the salaries paid to teaching staffs of fourth class school districts.

Referred to the Committee on Education.

By Messrs. O'NEILL and O'CONNOR.

HOUSE BILL No. 692.

An Act to amend clause two of section one, and section fourteen of the act, approved the second day of June, one thousand nine hundred and thirty-three (P. L. 1433), entitled "An act defining the powers of the courts of quarter sessions, the Municipal Court of Philadelphia, and the County or Juvenile Court of Allegheny County, with respect to the care, guidance, control, trial, placement and commitment of delinquent, dependent and neglected children under sixteen years of age and of persons over sixteen years of age contributing to or encouraging the delinquency, neglect and dependency of children; and amending, revising and consolidating the law relating thereto," by raising the age of children subject to the provisions of this act.

Referred to the Committee on Judiciary General.

By Mr. TRONZO. HOUSE BILL No. 693.

An Act to amend section ten of the act, approved the seventh day of June, one thousand nine hundred and seventeen (P. L. 447), entitled as amended "An act relating to the administration and distribution of the estates of decedents and of minors, and of trust estates; including the appointment, bonds, rights, powers, duties, liabilities, accounts discharge and removal of executors, administrators, guardians, and trustees, herein designated as fiduciaries; the administration and distribution of the estates of presumed decedents; widow's and children's exemptions; debts of decedents, rents of real estate as assets for payment thereof, the lien thereof, sales and mortgages of real estate for the payment thereof, judgments and executions therefor, and the discharge of real estate from the lien thereof; contracts of decedents for the sale or purchase of real estate; legacies, including legacies charged on land; the discharge of residuary estates and of real estate from the lien of legacies and other charges; the appraisement of real estate devised at a valuation; the ascertainment of the curtilage of dwelling houses or other buildings devised; the abatement and survival of actions, and the substitution of executors and administrators therein; the survival of causes of action and suits thereupon by or against fiduciaries; investments by fiduciaries; the organization of corporations to carry on the business of decedents; the audit and review of accounts of fiduciaries; refunding bonds; transcripts to the court of common pleas of balances due by fiduciaries; the rights, powers, and liabilities of nonresident and foreign fiduciaries; the appointment, bonds, rights, powers, duties, and liabilities of trustees durante absentia; the recording and registration of decrees, reports and other proceedings, and the fees therefor; appeals in certain cases; and, also, generally dealing with the jurisdiction, powers, and procedure of the orphans' court in all matters relating to fiduciaries concerned with the estates of decedents," by changing the number of times required to advertise the granting of letters.

Referred to the Committee on Judiciary General.

By Mr. TRONZO. HOUSE BILL No. 694.

An Act to amend section one hundred and eighty-one of the act approved the thirty-first day of March, one thousand eight hundred sixty (P. L. 382), entitled "An act to Consolidate, Revise and Amend the Penal Laws of this Commonwealth," by prescribing the effect on an alien for serving a sentence under the provisions of this act.

Referred to the Committee on Judiciary Special.

By Mr. AUKER. HOUSE BILL No. 695.

An Act to amend section four hundred twenty-six of the

act approved the second day of May, one thousand nine hundred and twenty-nine, (P. L. 1278), entitled "An act relating to counties of the second, third, fourth, fifth, sixth, seventh and eighth classes; and revising, amending and consolidating the laws relating thereto," as amended, by extending the provisions as to headstones, markers, or concrete bases for graves of service men.

Referred to the Committee on Counties.

By Messrs. FINNERTY and BRONSON.

HOUSE BILL No. 696.

An Act to further amend section nine of the act, approved the nineteenth day of June, one thousand nine hundred and thirty-one (P. L. 589), entitled "An act to promote the public health and safety, by providing for the examination and licensure of those who desire to engage in the occupation of barbering; regulating barber shops, barber schools and barber colleges, and apprentices and students therein; conferring certain powers and duties on the Department of Public Instruction; and providing penalties," by prohibiting any form of advertising by barbers.

Referred to the Committee on Professional Licensure.

By Messrs. FINNERTY and BRONSON.

HOUSE BILL No. 697.

An Act to amend the act, approved the ninth day of April, one thousand nine hundred and twenty-nine (P. L. 177), entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments, boards, commissions, and officers thereof, including the boards of trustees of State Normal Schools, or Teachers Colleges; abolishing, creating, reorganizing or authorizing the reorganization of certain administrative departments, boards, and commissions; defining the powers and duties of the Governor and other executive and administrative officers, and of the several administrative departments, boards, commissions, and officers; fixing the salaries of the Governor, Lieutenant Governor, and certain other executive and administrative officers; providing for the appointment of certain administrative officers, and of all deputies and other assistants and employes in certain departments, boards, and commissions; and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments, boards and commissions shall be determined," as amended; by creating the State Board of Barber Examiners as a departmental administrative board in the Department of Public Instruction.

Referred to the Committee on Professional Licensure.

By Mr. WATKINS.

HOUSE BILL No. 698.

An Act to amend the act approved the sixteenth day of May, one thousand nine hundred and twenty-three (P. L. 207), entitled "An act providing when, how, upon what property, and to what extent, liens shall be allowed for taxes and for municipal improvements, for the removal of nuisances, and for water rents or rates, sewer rates, and lighting rates; for the procedure upon claims filed therefor; the methods for preserving such liens and enforcing payment of such claims; the effect of judicial sales of the properties liened; the distribution of the proceeds of such sales, and the redemption of the property therefrom, for the lien and collection of certain taxes heretofore assessed, and of claims for municipal improvements made and nuisances removed, within six months before the passage of this act; and for the procedure on tax and municipal claims filed under other and prior acts of Assembly," limiting the said act so that it shall not be effective in counties other than counties of the first and second classes as to the future filing of tax claims, removing the right to revive, extend or continue existing liens of tax claims in counties other than counties of the first and

second classes, prescribing the time for selling properties for the nonpayment of such claims and in certain cases extending existing liens.

Referred to the Committee on Municipal Corporations.

By Mr. KOWALSKI.

HOUSE BILL No. 699.

An Act to amend clause eight of subsection (b) of section eight hundred and twenty-eight of the act, approved the first day of May, one thousand nine hundred and twenty-nine (P. L. 905), entitled "An act for the protection of the public safety; regulating the use of highways, and the operation of vehicles, tractors, street cars, trackless trolley-omnibuses, bicycles, pedestrians, and the riding of animals upon the highways of this Commonwealth; providing for the titling, including liens, encumbrances, and legal claims, registration of certain vehicles and licensing the operators thereof, upon payment of prescribed fees; prescribing and limiting the powers of local authorities to deal with the subject matter of this act; conferring powers and imposing duties upon the Department of Revenue, the Department of Highways, peace officers, mayors, burgesses, magistrates, aldermen, justices of the peace, the courts and the clerks thereof, owners of vehicles, and garage keepers; providing that records are admissible as evidence; imposing upon owners counties, cities, boroughs, incorporated towns, townships, within the Commonwealth, liability for damages caused by the negligent operation of their motor vehicles; imposing penalties; imposing certain costs upon counties; providing for the disposition of fines, forfeitures, fees, and miscellaneous receipts; making an appropriation; and providing for refunds," by permitting the continued use as a school bus of any vehicle now under contract for transportation of school children.

Referred to the Committee on Motor Vehicles.

By Messrs. FINNERTY and BRONSON.

HOUSE BILL No. 700.

An Act to further amend the act, approved the nineteenth day of June, one thousand nine hundred and thirty-one (P. L. 589), entitled as amended "An act to promote the public health and safety, by providing for the examination and licensure of those who desire to engage in the occupation of barbering; regulating barber shops and barber schools, and apprentices and students therein; regulating compensation for service rendered; conferring certain powers and duties on the Department of Public Instruction; and providing penalties," by changing the provisions as to fees charged apprentices and students; prohibiting advertising by registrants; requiring all barber shops to be registered and transferring the administration of the provisions of this act to the State Board of Barber Examiners.

Referred to the Committee on Professional Licensure.

By Mr. WEBSTER.

HOUSE BILL No. 701.

An Act to further amend clause (c) of section twenty-one of the act, approved the first day of June, one thousand eight hundred eighty-nine (P. L. 420), entitled "A further supplement to an act entitled 'An act to provide revenue by taxation,' approved the seventh day of June, Anno Domini one thousand eight hundred and seventy-nine," restoring, after a certain period, the exemption of that portion of the capital stock of certain corporations, joint-stock associations, limited partnerships, and companies which were formerly exempt.

Referred to the Committee on Ways and Means.

SENATE MESSAGE

SENATE BILL FOR CONCURRENCE

The Clerk of the Senate being introduced, presented for concurrence bill numbered and entitled as follows:

SENATE BILL No. 134.

(HOUSE BILL No. 702.)

An Act requiring aliens to register with the Department of Labor and Industry and to carry and upon proper demand to exhibit identification cards prohibiting the issuing of certain registrations and licenses to or the employment of aliens under certain circumstances and prescribing penalties.

Referred to the Committee on Labor.

RESOLUTIONS INTRODUCED AND REFERRED

By Mr. WEISS.

RESOLUTION No. 48.

In the House of Representatives, March 22, 1939.

Whereas, Many bills have been introduced during this session dealing with group and industrial insurance; and

Whereas, There has not been established any uniformity in the forms of the policies issued for such insurance; and

Whereas, By reason thereof, fraud may be easily practiced by companies upon policy holders; therefore be it

Resolved, By the House of Representatives of the General Assembly that the Speaker of the House shall appoint a legislative committee consisting of three members of the House whose duty it shall be to confer with the Department of Insurance and determine upon a uniform form of policy or policies to be used in writing such insurance within the Commonwealth so that appropriate legislation can be enacted at this session of the Legislature.

Referred to the Committee on Insurance.

By Mr. WEISS.

RESOLUTION No. 49.

In the House of Representatives, March 22, 1939.

"Ghost towns" are the ghosts of what were once happily populated and thriving communities in the mining regions of the Commonwealth.

They are now but a pitiable and tragic wreck of their former condition.

They are filled with squalor and inhabited by a jobless and unhappy people.

These unsmiling denizens of the "Ghost towns" have no work and no future, they are destitute and hopeless; therefore be it

Resolved, That the Speaker of the House of Representatives is authorized to appoint a legislative committee, composed of five members of this House of Representatives, whose duty it shall be to make a thorough investigation of the Ghost towns within the Commonwealth, for the purpose of determining what can be done for the people existing therein, in order to improve their condition, to determine the possibility of providing them with work or the advisability of removing them into some different environment, and to report the result of such investigation to this House of Representatives as soon as possible.

Referred to the Committee on Rules.

By Mr. WEISS.

RESOLUTION No. 50.

In the House of Representatives, March 22, 1939.

Whereas, "Speed traps" planned to catch the unsuspecting motorist and subject him to humiliation, fine and embarrassment are in most cases but the legalized means adopted by unscrupulous peace officers to enrich themselves; and

Whereas, Many of our citizens have been entrapped when far from home and have been compelled to pay the charges imposed or to put themselves to great inconvenience and expense in order to contest the charges preferred; and

Whereas, The General Assembly should be made familiar with the operation of "speed traps" in order to intelligently eliminate them without opening the highways to reckless and illegal traffic; therefore be it

Resolved, That the Speaker of the House is authorized to appoint a Legislative Committee composed of five members of the House whose duty it shall be to investigate "speed traps" existing in the Commonwealth in order to

determine the best method of eliminating them and substituting some better method of curbing reckless and illegal driving, and to report to this House as speedily as possible the result of its investigation.

Referred to the Committee on Rules.

By Mr. FURMAN. Concurrent RESOLUTION No. 51.

In the House of Representatives, March 22, 1939.

Whereas, The General State Authority was created by Act No. 190 approved June 28, 1935, P. L. 452, as a separate independent public corporation and empowered to construct and improve projects for the use of the Commonwealth and of the Pennsylvania State College; and

Whereas, During the years 1937 and 1938 the said Authority undertook, at the behest of the Commonwealth, the construction at a gross cost of \$65,000,000.00 of eighty-one (81) projects situate in forty-three (43) counties of the Commonwealth for the use, occupancy and accommodations of a number of the Departments of the Commonwealth and of the College, which program of projects is now approximately 75% completed; and

Whereas, In the prosecution of its construction progress, the Authority has entered into contracts with its own employees, with construction contractors, with the purchasers of its bonds, with the owners of property used and occupied as its offices, and with the Government of the United States of America with relation to Public Works Administration grants; and

Whereas, The governing board of the said Authority has not held any meetings since February 1, 1939 and has permitted to accumulate a large volume of its business urgently in need of attention, thereby contributing to the detriment of and to possible loss to the public and the Commonwealth, to the embarrassment of those entitled to expect prompt performance of the functions of the Authority, and to the possible demoralization of the employed personnel of the Authority; and

Whereas, The officers of the Authority have failed and refused to execute bonds of the Authority, part of the issue of \$55,000,000.00 authorized on January 12, 1938 to finance its present program, in order to meet the January and February construction obligations of the Authority thereby endangering its credit, embarrassing its contractors and creating the hazards of the stoppage of the execution of the many construction contracts, of throwing contractors into financial difficulties, of putting workmen out of employment, and of endangering the solvency of the Authority itself; and

Whereas, the good name of the Authority is of vital concern to the members of the General Assembly of the Commonwealth,

Resolved, (if the Senate concur) that the membership of this Legislature appeal and it hereby does appeal to the membership of the Board of the General State Authority, without further undue delay to do all things lawfully within their powers to provide for the proper and expeditious transactions of the business of the Authority to the end that the honor and good faith of the people of this Commonwealth, as reflected in the conduct of the Authority, may be fully maintained and preserved; and be it further

Resolved, that a copy of this resolution be immediately transmitted to each member of the Board of the General State Authority.

Referred to the Committee on Rules.

COMMUNICATION

The SPEAKER laid before the House the following communication which was read by the Clerk.

RELIEF

A resolution from the Workers Alliance of East Pittsburgh protesting passage of legislation returning administration of relief to counties.

Referred to the Committee on Counties.

LEAVES OF ABSENCE

Mr. Leisey asked and obtained leave of absence for Mr. WEBSTER for today's session.

Mr. Lee asked and obtained leave of absence for Mr. BOYD for today's session.

Mr. Lee asked and obtained leave of absence for Mr. HAMILTON for today's session.

Mr. Check asked and obtained leave of absence for Mr. WEISS for today's session.

Mr. Woodside asked and obtained leave of absence for Mr. HABBYSKAW on account of death in the family.

REPORTS FROM COMMITTEES

Mr. DICK from the Committee on Municipal Corporations reported as committed, House Bill No. 586, entitled:

An Act authorizing the abatement of certain portions of the interest charges, expenses or debt of claims imposed or assessed for improvements or for the abatement of nuisances, by any city, county, borough, incorporated town, township, school district or institution district.

Mr. DICK from the Committee on Municipal Corporations reported as committed, House Bill No. 579, entitled:

An Act to amend section sixteen of the act, approved the twenty-ninth day of May, one thousand nine hundred thirty-one (P. L. 280), entitled "An act relating to delinquent taxes on seated lands, and prescribing interest charges on non-payment thereof; requiring the receivers and collectors of county, city, borough, town, township, school district and poor district taxes to make a return to the county commissioners of such unpaid taxes, and providing for the lien thereof; authorizing the county treasurers to collect such taxes, and to sell seated lands at public sale for taxes heretofore or hereafter returned as unpaid; and authorizing the county commissioners to purchase such lands and resell the same under certain circumstances," as amended by giving county commissioners the right to recover possession of real property purchased at tax sales, and to rent such lands; and providing for the disposition of moneys received from such rentals.

Mr. LEYDIC from the Committee on Municipal Corporations reported as committed, House Bill No. 497, entitled:

An Act enabling city, county, poor, institution district, ward, school, borough, and township tax collectors, their executors and administrators if they are deceased, or either surety or sureties, to collect taxes for the payment of which they have become personally liable, without having collected the same by the expiration of the authority of their respective warrants, or by the expiration of their terms of office; extending the time for the collection of the same for a period of two years from the passage of this act; and validating collections and proceedings for collections made or commenced without previous authority.

Mr. AUKER from the Committee on Municipal Corporations reported as committed, House Bill No. 286, entitled:

An Act providing that officials charged with the duty of assessing real estate for taxation, except in cities of the first class, may at any time split or separate the assessment on any tract of real estate which has been or is to be divided in order to permit the payment of taxes due on a portion of such tract; requiring tax collectors to accept payment of such taxes and validating all such split or separated assessments heretofore made.

Mr. BONEY from the Committee on Municipal Corporations reported as committed, House Bill No. 298, entitled:

An Act to amend section one of the act, approved the fourteenth day of April, one thousand nine hundred and thirty-seven (P. L. 313), entitled "An act to enable cities of the first, second, and second class A, incorporated towns, boroughs, and townships of the second class, to govern and regulate by ordinance the construction, alteration, repairs, occupation, maintenance, sanitation, lighting, ventilation, water supply, toilet facilities, drainage, use and inspection of all buildings and land appurtenant thereto; providing for the enforcement of such ordinances; and repealing existing laws," by making provision for adoption of standard building codes; and dispensing with the publishing of such codes in full.

Mr. CORDIER from the Committee on Municipal Corporations reported as amended, House Bill No. 555, entitled:

An Act authorizing the abatement of certain tax penalties, interest and costs on county, city (except city of the first class), borough, town, township, school district (except school district of the first class), and poor district taxes; prohibiting the sale of real property for the nonpayment of any such taxes for a certain period; and preserving certain tax liens, and providing for the extension thereof.

Mr. FALKENSTEIN from the Committee on Municipal Corporations reported as amended, House Bill No. 543, entitled:

An Act to amend the act, approved the twenty-ninth day of May, one thousand nine hundred and thirty-one (P. L. 280), entitled "An act relating to delinquent taxes on seated lands, and prescribing interest charges on non-payment thereof; requiring the receivers and collectors of county, city, borough, town, township, school district and poor district taxes to make a return to the county commissioners of such unpaid taxes, and providing for the lien thereof; authorizing the county treasurers to collect such taxes, and to sell seated lands at public sale for taxes heretofore or hereafter returned as unpaid; and authorizing the county commissioners to purchase such lands and resell the same under certain circumstances," by making the provisions of said act mandatory as to all delinquent taxes in counties other than counties of the first and second classes, extending such provisions to taxes on unseated lands, further regulating the lien of such taxes; removing the right to revive, extend or continue such liens; preserving and extending existing liens in certain cases, prescribing the time for selling properties for the nonpayment of such taxes and the effect of such sales upon mortgages and other liens; changing the period of redemption on properties purchased at such sales by the county, and requiring the county commissioners to sell such properties within a certain period of time.

Mr. READINGER from the Committee on Judiciary General reported as amended, House Bill No. 363, entitled:

An Act to amend section six of the act approved the twelfth day of May, one thousand nine hundred and twenty-five, (P. L. 603), entitled "An act concerning conditional sales and to make uniform the law relating thereto," by providing that all such contracts heretofore or hereafter filed shall be judicial records and subject to the control of the court.

Mr. LONG from the Committee on Municipal Corporations reported as committed, House Bill No. 557, (Senate Bill No. 132), entitled:

An Act to amend sections one two and four of the act approved the sixteenth day of May one thousand nine hundred nineteen (Pamphlet Laws 180) entitled "An act providing a method of establishing title to land acquired at a sale for unpaid taxes or municipal claims" extending the provisions of said act to include land acquired at county treasurer's sales for unpaid taxes

Mr. WATKINS from the Committee on Municipal Corporations reported as committed, House Bill No. 558, (Senate Bill No. 166), entitled:

An Act to authorize cities boroughs incorporated towns townships and school districts to file suggestions of non-payment and averments of default or to sue out writs of scire facias on certain tax or municipal claims and to revive judgments where the lien of such claims or the judgments thereon have been lost and providing for the reinstatement of the liens of such claims and judgments

COMMITTEE MEETING

There will be a meeting of the Committee on Military Affairs in Room 541 during the recess.

RECESS

The SPEAKER. If there are no objections the Chair is about to declare a recess until 1:30 p. m. Are there objections? The Chair hears none and declares a recess until 1:30 p. m.

AFTER RECESS

The House reconvened at 1:30 p. m.

The SPEAKER (Ellwood J. Turner) in the Chair.

The SPEAKER. The Chair requests the gentleman from Bucks, Mr. Yeakel to preside during the consideration of bills on first reading.

MR. YEAKEL IN THE CHAIR

BILLS ON FIRST READING

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 104, entitled:

An Act validating certain tax liens in counties having a controller when the claims whereupon the liens were field were not signed by and did not have stamped thereon a facsimile signature of the controller of the county as required by law.

And said bill having been read at length the first time.
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 209, entitled:

An Act to amend section two thousand eight hundred forty-two of the act approved the twenty-third day of June one thousand nine hundred thirty-one (P. L. 932) entitled "An act relating to cities of the third class and amending revising and consolidating the law relating thereto" by authorizing the city to appeal from reports of viewers, and demand a trial by jury and making such provisions retroactive so as to apply to cases now pending.

And said bill having been read at length the first time.
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 349, entitled:

An Act to further amend section two hundred fifty-six of the act approved the second day of May one thousand nine hundred and twenty-nine (P. L. 1278) entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto" by providing for the appointment and compensation of assistant district

attorneys in counties of the sixth class where there are two or more judges of the court of common pleas.

And said bill having been read at length the first time.
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 345, entitled:

An Act to validate and quiet the title to real estate in this Commonwealth held by a foreign corporation unauthorized to hold the same and heretofore conveyed to a citizen of the United States or a corporation authorized to hold such real estate.

And said bill having been read at length the first time.
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 346, entitled:

An Act to validate mortgages on real estate in this Commonwealth given by a foreign corporation unauthorized to hold title to the said real estate said real estate having been heretofore conveyed to a citizen of the United States or a corporation authorized to hold such real estate.

And said bill having been read at length the first time.
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 378, entitled:

An Act to amend paragraph (d) of section twenty-eight of the act approved the seventh day of June one thousand nine hundred seventeen (P. L. 447), entitled as amended "An act relating to the administration and distribution of the estates of decedents and of minors and of trust estates including the appointment bonds rights powers duties liabilities accounts discharge and removal of executors administrators guardians and trustees herein designated as fiduciaries the administration and distribution of the estates of presumed decedents widow's and children's exemptions debts of decedents rents of real estate as assets for payment thereof the lien thereof sales and mortgages of real estate for the payment thereof judgments and executions therefor and the discharge of real estate from the lien thereof contracts of decedents for the sale or purchase of real estate legacies including legacies charged on land the discharge of residuary estates and of real estate from the lien of legacies and other charges the appraisal of real estate devised at a valuation the ascertainment of the curtilage of dwelling houses or other buildings devised the abatement and survival of actions and the subsection of executors and administrators therein the survival of causes of action and suits thereupon by or against fiduciaries investments by fiduciaries the organization of corporations to carry on the business of decedents the audit and review of accounts of fiduciaries refunding bonds transcripts to the court of common pleas of balances due by fiduciaries the rights powers and liabilities of nonresident and foreign fiduciaries the appointment bonds rights powers duties and liabilities of trustees durante absentia the recording and registration of decrees reports and other proceedings and the fees therefor appeals in certain cases and also generally dealing with the jurisdiction powers and procedure of the orphans' courts in all matters relating to fiduciaries concerned with the estates of decedents" authorizing surviving acting or remaining testamentary trustees to act in respect to real estate left to them to be or which they are authorized or directed to sell.

And said bill having been read at length the first time.
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 379, entitled:

An Act to further amend section nine of the act approved the eighteenth day of April one thousand eight hundred fifty-three (P. L. 503) entitled "An act relating to the sale and conveyance of real estate" directing accumulations for minors to be added to the principal or corpus of the estate, unless otherwise directed.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 331, entitled:

An Act defining and prohibiting unfair sales, providing remedies for violations thereof and establishing penalties therefor.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 284, entitled:

An Act to amend clause (d) of section two of the act approved the seventh day of June one thousand nine hundred and seventeen (P. L. 447) entitled as amended "An act relating to the administration and distribution of the estates of decedents and of minors and of trust estates including the appointment bonds rights powers duties liabilities accounts discharge and removal of executors administrators guardians and trustees herein designated as fiduciaries the administration and distribution of the estates of presumed decedents widow's and children's exemptions debts of decedents rents of real estate as assets for payment thereof the lien thereof sales and mortgages of real estate for the payment thereof judgments and executions therefor and the discharge of real estate from the lien thereof contracts of decedents for the sale or purchase of real estate legacies including legacies charged on land the discharge of residuary estates and of real estate from the lien of legacies and other charges the appraisal of real estate devised at a valuation the ascertainment of the curtilage of dwelling houses or other buildings devised the abatement and survival of actions and the substitution of executors and administrators therein the survival of causes of action and suits thereupon by or against fiduciaries investments by fiduciaries the organization of corporations to carry on the business of decedents the audit and review of accounts of fiduciaries refunding bonds transcripts to the court of common pleas of balances due by fiduciaries the rights power and liabilities of nonresident and foreign fiduciaries the appointment bonds rights powers duties and liabilities of trustees durante absentia the recording and registration of decrees reports and other proceedings and the fees therefor appeals in certain cases and also generally dealing with the jurisdiction powers and procedure of the orphans court in all matters relating to fiduciaries concerned with the estates of decedents" as amended providing that where a resident of this Commonwealth petitions the register of wills of a county other than the one in which he resides for the issuance of letters testamentary the affidavit and oath of affirmation required by this act before the issuance of such letters may be taken before and administered by the register of wills of the county in which the applicant resides and letters testamentary may be issued by the register of wills of the proper county without a personal appearance of the applicant.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 404, entitled:

An Act to amend sections three and five of the act approved the thirteenth day of May one thousand nine hundred and twenty-five (P. L. 644) entitled "An act relating to and regulating the solicitation of moneys and property for charitable religious benevolent humane and patriotic purposes" as amended by requiring the corporations partnerships and associations affected by the provisions of this act to publish certain facts relative to their organization once a year and to file proof of such publication with the Department of Welfare.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 496, entitled:

An Act to amend section four of the act approved the twenty-fifth day of July one thousand nine hundred thirteen (Pamphlet Laws one thousand twenty-four) entitled "An act to protect the public health and welfare by regulating the employment of females in certain establishments with respect to their hours of labor and the conditions of their employment by establishing certain sanitary regulations in the establishments in which they work by requiring certain abstracts and notices to be posted by providing for the enforcement of this act by the Commissioners of Labor and Industry and others by prescribing penalties for violations thereof by defining the procedure in prosecutions and by repealing all acts and parts of acts inconsistent with the provisions thereof" by extending the night restrictions on employment in manufacturing establishments in certain cases.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 409, entitled:

An Act imposing a tax in relief of financially distressed school districts on the net income of residents of Pennsylvania including fiduciaries and on net income of non-residents derived from property or business in Pennsylvania defining taxable income and requiring filing of returns thereof providing for the assessment collection and lien of said tax providing for administration and enforcement of the act by the Department of Revenue conferring powers and imposing duties on certain persons partnerships associations corporations State and county officers employees and departments providing for the use of and appropriating the proceeds of such tax and imposing penalties.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

BILL POSTPONED

Mr. GATES. Mr. Speaker, I move that this bill be placed upon the postponed calendar.

The motion was agreed to.

BILLS ON FIRST READING

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 263, entitled:

An Act to amend section two thousand one of the act approved the twenty-third day of June one thousand nine hundred and thirty-one (P. L. 932) entitled "An act re-

lating to cities of the third class and amending revising and consolidating the law relating thereto" by fixing the minimum compensation for patrolmen in such cities.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 291, entitled:

An Act to amend section one of the act approved the first day of July one thousand nine hundred and thirty-seven (P. L. 2681) entitled "An act relating to and regulating the manufacture storing and possession of explosives requiring permits for magazines and prescribing permit fees and providing penalties" by excluding from the provisions of said act explosives used in clay mining or in rock or stone quarries.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

BILL ON SECOND READING

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 183, entitled:

An Act to amend sections five hundred and fifty-seven and five hundred and fifty-eight of the act approved the eighteenth day of May one thousand nine hundred and eleven (Pamphlet Laws 309) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" as amended by making all employers including governmental agencies liable for delinquent per capita taxes of their employes in school districts of the second third and fourth classes and requiring tax collectors to collect the same from the employers

The first section was read as follows:

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Sections five hundred and fifty-seven and five hundred and fifty-eight of the act approved the eighteenth day of May one thousand nine hundred and eleven (Pamphlet Laws 309) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" as amended by sections eight and nine of the act approved the eleventh day of May one thousand nine hundred and twenty-one (Pamphlet Laws 508) are hereby further amended to read as follows

Section 557 In case any resident or inhabitant of any school district of the second third and fourth class in this Commonwealth neglects or refuses to pay his or her per capita tax as herein provided after having received ten days' notice or demand so to do the collector of such school taxes shall notify any person firm association [or] corporation or governmental agency where such delinquent tax payer is employed that such taxpayer has failed or neglected to pay his or her per capita tax as required and such collectors of school taxes [may] shall thereupon [request] demand the payment of such per capita tax by such employer out of any money then due and owing or thereafter to become due and owing to such delinquent taxpayer whereupon every person firm association [or] corporation or governmental agency employ-

ing any such delinquent taxpayer [may] shall deduct from the wages that are then or may thereafter become due and owing to him the amount of such delinquent per capita tax and pay the same over to such collector of school taxes and the proper receipt for such taxes paid to the tax collector by any employer shall be a good and sufficient voucher to offset any claim that such delinquent taxpayer may have against such employer for any wages to the amount thereof

Section 558 If any person firm association [or] corporation or governmental agency receiving a notice from any school tax collector [requesting] demanding the payment of any per capita tax of any employe shall fail or refuse to deduct from any wages when due or that may thereafter become due and owing to such employe the amount of such per capita tax or if such person firm association [or] corporation or governmental agency deducts the amount of such per capita tax and fails to pay the same over to the collector of school taxes in any district within thirty days after making such deduction or deductions such person firm association [or] corporation or governmental agency shall forfeit any pay to the said school district a sum equal to the amount of such occupation tax [collected from such employe or employes] demanded as aforesaid which sum together with costs may be recovered by the said school district in any action of assumpsit against said person firm association or corporation failing to pay over such tax as debts of like amount are now recoverable In the collection of any judgment recovered for any such delinquent occupation tax against any person firm association or corporation the defendant therein shall not be entitled to the benefit of any exemption appraisement law or stay of execution.

On the question,

Will the House agree to the section?

BILL POSTPONED

Mr. STEWART. Mr. Speaker, I move that this bill be placed upon the postponed calendar.

The motion was agreed to.

BILLS ON SECOND READING

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 24, as follows:

An Act prohibiting any political subdivision from imposing any income or occupation tax upon non-residents
The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 That from and after the effective date of this act it shall be unlawful for any political subdivision of this Commonwealth to impose any income or occupation tax upon any non-resident of any such political subdivision

Section 2 This act shall become effective immediately upon final enactment

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 359, as follows:

An Act to add clause (f) to section twenty-three of the act approved the seventh day of June one thousand nine hundred seventeen (Pamphlet Laws 403) entitled "An act relating to the form execution revocation and interpretation of wills to nuncupative wills to the appointment of testamentary guardians to spendthrift trusts to forfeiture of devise or legacy in case of murder of testator to elections to take under or against wills and to the recording and registering of such elections and

of decrees relative thereto and to the fees therefor" by empowering the orphans' court in certain cases to extend the time for filing of elections by surviving spouses to take under or against wills of decedents. The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1 Section twenty-three of the act approved the seventh day of June one thousand nine hundred seventeen (Pamphlet Laws 403) entitled "An act relating to the form execution revocation and interpretation of wills to nuncupative wills to the appointment of testamentary guardians to spendthrift trusts to forfeiture of devise or legacy in case of murder of testator to elections to take under or against wills and to the recording and registering of such elections and of decrees relative thereto and to the fees therefor" is hereby amended by adding thereto after clause (e) clause (f) to read as follows:

(f) The orphans' court on the application of a surviving spouse of any decedent made within seven months from the death of the testator may issue a citation to the executor or administrator of the estate of such decedent and all parties other than the petitioner interested therein to appear at a certain time to be fixed by the court and show cause why the time for the filing of such election should not be extended for such period and upon such terms and conditions as the court aided if desired by reference to auditors or otherwise may deem proper and the final decree of the court entered thereon shall be filed and recorded of record and shall be conclusive. Thereafter the date thus fixed by the court within which the election must be filed shall supersede to all intents and for all purposes the period of one year as provided under clause (b) of this section.

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 610, as follows:

A Supplement to the act approved the twenty-first day of July one thousand nine hundred and thirty-seven (Appropriation Acts page 74) entitled "An act to provide for the ordinary expenses of the Executive Legislative and Judicial Departments of the Commonwealth interest on the public debt and the support of the public schools for two years beginning June first one thousand nine hundred and thirty-seven and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending May thirty-first one thousand nine hundred and thirty-seven" by lapsing a portion of the unobligated balance of the appropriation made to the Chief Clerk of the House of Representatives for the use of the Commission on Interstate Cooperation and re-appropriating such lapsed moneys to the said Chief Clerk for the use of the Interstate Commission on the Delaware River Basin.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1 The sum of two thousand seven hundred fifty dollars (\$2,750) of the unobligated balance of the appropriation made to the Chief Clerk of the House of Representatives for the payment of wages and other compensation of employees for the expenses of members in attending conferences and for the payment of the general expenses necessary for the conduct of the work of the Commission on Interstate Cooperation by the act to which this is a supplement is hereby lapsed and is specifically re-appropriated to the Chief Clerk of the House of Representatives for the payment of wages and other compensation of employees for the expenses of members in attending conferences and for the payment of the general expenses necessary for the proper conduct of the work of the Interstate Commission on the Delaware River Basin created by the Commission on Interstate Cooperation to be paid on warrants of the Auditor General in favor of the Chairman of said Interstate Commission on the Delaware River Basin. The Chairman of said Commission shall file an accounting of said expenses with the Auditor General.

Section 2 This act shall become effective immediately upon final enactment.

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 376, as follows:

An Act to add paragraph four to clause (a) of section forty-one of the act approved the seventh day of June one thousand nine hundred seventeen (Pamphlet Laws 447) entitled as amended "An act relating to the administration and distribution of the estates of decedents and of minors and of trust estates including the appointment bonds rights powers duties liabilities accounts discharge and removal of executors administrators guardians and trustees herein designated as fiduciaries the administration and distribution of the estates of presumed decedents widow's and children's exemptions debts of decedents rents of real estate as assets for payment thereof the lien thereof sales and mortgages of real estate for the payment thereof judgments and executions therefor and the discharge of real estate from the lien thereof contracts of decedents for the sale or purchase of real estate legacies including legacies charged on land the discharge of residuary estates and of real estate from the lien of legacies and other charges the appraisement of real estate devised at a valuation the ascertainment of the curtilage of dwelling houses or other buildings devised the abatement and survival of actions and the substitution of executors and administrators therein the survival of causes of action and suits thereupon by or against fiduciaries investments by fiduciaries the organization of corporations to carry on the business of decedents the audit and review of accounts of fiduciaries refunding bonds transcripts to the court of common pleas of balances due by fiduciaries the rights powers and liabilities of nonresident and foreign fiduciaries the appointment bonds rights powers duties and liabilities of trustees durant absentia the recording and registration of decrees reports and other proceedings and the fees therefor appraisals in certain cases and also generally dealing with the jurisdiction powers and procedure of the orphans' court in all matters relating to fiduciaries concerned with the estates of decedents as amended by permitting fiduciaries holding mortgages to accept deeds in lieu of foreclosures and prescribing the effect thereof.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1 Clause (a) of section forty-one of the act approved the seventh day of June one thousand nine hundred seventeen (Pamphlet Laws 447) entitled as amended "An act relating to the administration and distribution of the estates of decedents and of minors and of trust estates including the appointment bonds rights powers duties liabilities accounts discharge and removal of executors administrators guardians and trustees herein designated as fiduciaries the administration and distribution of the estates of presumed decedents widow's and children's exemptions debts of decedents rents of real estate as assets for payment thereof the lien thereof sales and mortgages of real estate for the payment thereof judgments and executions therefor and the discharge of real estate from the lien thereof contracts of decedents for the sale or purchase of real estate legacies including legacies charged on land the discharge of residuary estates and of real estate from the lien of legacies and other charges the appraisement of real estate devised at a valuation the ascertainment of the curtilage of dwelling houses or other buildings devised the abatement and survival of actions and the substitution of executors and administrators therein the survival of causes of action and suits thereupon by or against fiduciaries investments by fiduciaries the organization of corporations to carry on the business

of decedents the audit and review of accounts of fiduciaries refunding bonds transcripts to the court of common pleas of balances due by fiduciaries the rights powers and liabilities of nonresident and foreign fiduciaries the appointment bonds rights power duties and liabilities of trustees durante absentia the recording and registration of decrees reports and other proceedings and the fees therefor appeals in certain cases and also generally dealing with the jurisdiction powers and procedure of the orphans' court in all matters relating to fiduciaries concerned with the estates of decedents" as last amended by the act approved the twenty-eight day of May one thousand nine hundred thirty-seven (Pamphlet Laws 1037) is hereby further amended by adding thereto after paragraph three of such clause a new paragraph to read as follows

4 Acceptance of Deeds in Lieu of Foreclosures In all cases where fiduciaries may hold in their hands any mortgage or mortgages they may accept from the owners of the mortgaged property a deed or deeds in lieu of foreclosure of such mortgage or mortgages with the same effect as to the maintenance of the fiction of personality to the same extent as though title were acquired by foreclosure and purchase by such fiduciary at sheriff's sale Provided That the deed or deeds so made shall recite that such deed is made to save the cost of foreclosure under the terms of this act and provided further that nothing in this act shall relieve such fiduciaries from responsibility for their acts in other cases

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 408, as follows:

An Act to repeal the act approved the twelfth day of June one thousand nine hundred seven (Pamphlet Laws 527) entitled "An act establishing precautionary regulations to prevent forest fires on lands in which oil-wells and gas-wells are situated and diminish danger therefrom making certain violations thereof misdemeanors and prescribing punishment for the same and in other cases affixing penalties and declaring liability for damages"

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The act approved the twelfth day of June one thousand nine hundred seven (Pamphlet Laws 527) entitled "An act establishing precautionary regulations to prevent forest fires on lands in which oil-wells and gas-wells are situate dand diminish danger therefrom making certain violations thereof misdemeanors and prescribing punishment for the same and in other cases affixing penalties and declaring liability for damages" is hereby repealed

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 176, as follows:

An Act to amend the act approved the seventeenth day of June one thousand nine hundred and thirteen (Pamphlet Laws 507) entitled "An act to provide revenue for State and county purposes and in cities coextensive with counties for city and county purposes imposing taxes upon certain classes of personal property providing for the assessment and collection of the same providing for the duties and compensation of prothonotaries and recorders in connection therewith and modifying existing legislation which provided for raising revenue for State purposes" as amended by imposing the tax upon the value of certain equitable interests by exclud-

ing from the provisions of said act shares of stock of corporations liable to pay a franchise tax personal property held or possessed by certain executors administrators and fiduciaries and by employees thrift or savings associations personal property held by trustees for religious charitable scientific literary and educational organizations personal property held for non-residents and foreign corporations under certain circumstances and loans issued by first class or non-profit corporations and by making further provision for the return and payment of the tax by executors administrators trustees agents and attorneys-in-fact

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section one of the act approved the seventeenth day of June one thousand nine hundred and thirteen (Pamphlet Laws 507) entitled "An act to provide revenue for State and county purposes and in cities coextensive with counties for city and county purposes imposing taxes upon certain classes of personal property providing for the assessment and collection of the same providing for the duties and compensation of prothonotaries and recorders in connection therewith and modifying existing legislation which provided for raising revenue for State purposes" as last amended by the act approved the twenty-first day of April one thousand nine hundred and thirty-three (Pamphlet Laws 54) is hereby further amended to read as follows

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That all personal property of the classes hereinafter enumerated owned held or possessed by any resident which as used in this section shall mean person persons copartnership or unincorporated association or company resident located or liable to taxation within this Commonwealth or by any joint-stock company or association limited partnership bank or corporation whatsoever formed erected or incorporated by under or in pursuance of any law of this Commonwealth or of the United States or of any other State or government and liable to taxation within this Commonwealth whether such personal property be owned held or possessed by such [person or persons copartnership unincorporated association company joint-stock company or association limited partnership bank or corporation] resident in his her their or its own right or as active trustee agent attorney-in-fact or in any other capacity except as executor or administrator of the estate of a non-resident decedent and except as trustee for a resident or non-resident religious charitable scientific literary or educational organization no part of the net earnings of which inures to the benefit of any private stockholder or individual for the use benefit or advantage of any other person persons copartnership unincorporated association company joint-stock company or association limited partnership bank or corporation and the equitable interest in any such personal property of the classes hereinafter enumerated owned held or possessed by any resident where the legal title to such personal property is vested in a trustee agent or attorney-in-fact domiciled in another state and where such resident is entitled to receive all or any part of the income therefrom is hereby made taxable annually for county purposes and in cities coextensive with counties for city and county purposes at the rate of four mills on each dollar of the value thereof and no failure to assess or return the same shall discharge such owner or holder thereof from liability therefor that is to say

All mortgages all moneys owing by solvent debtors whether by promissory note or penal or single bill bond or judgment all articles of agreement and accounts bearing interest all public loans whatsoever except those issued by this Commonwealth or the United States and those made taxable for State purposes [by section seventeen thereof] all loans issued by any corporation association company or limited partnership created or formed under the laws of this Commonwealth or of the United States or of any other State or government including car-trust securities and loans secured by bonds or any other

form of certificate or evidence of indebtedness whether the interest be included in the principal of the obligation or payable by the terms thereof except such loans as are made taxable for State purposes [by section seventeen hereof] and loans issued by first class or non-profit corporations of this Commonwealth all shares of stock in any bank corporation association company or limited partnership created or formed under the laws of this Commonwealth or of the United States or of any other State or government except shares of stock in any bank bank and trust company national banking association savings institution corporation or limited partnership [that may be] liable to a tax on is shares or [its] a capital stock or franchise tax for State purposes under the law of this Commonwealth [or relieved from the payment of tax on its shares or capital stock for State purposes by the laws of the Commonwealth] all moneys loaned or invested in other States Territories the District of Columbia or foreign countries all other moneyed capital [in hand of] owing to individual citizens of the State [all stages omnibuses hacks cabs and other vehicles used in transporting passengers for hire except steam and street passenger railway cars owned used or possessed within this Commonwealth by any person or persons or by any corporate body or bodies] and the principal value of all annuities [yielding annually over two hundred dollars] Provided That this section shall not apply to bank notes or notes discounted or negotiated by any bank or banking institution savings institution or trust company nor to loans shares of stock or other securities held by bankers or brokers solely for trading purposes nor to accounts or debit balances owing by customers of bankers or brokers in the usual courses of business or to interest bearing accounts in any bank or banking institution savings institution employees thrift or savings association whether operated by employees or the employer or trust company And provided That the provisions of this act shall not apply to building and loan associations or to shares of stock issued by building and loan association or to savings institutions having no capital stock and if at any time either now or hereafter any person individuals or bodies corporate have agreed or shall hereafter agree to issue his their or its securities bonds or other evidences of indebtedness clear of and free from the said four mills tax herein provided for or have agreed or shall hereafter agree to pay the same nothing herein contained shall be so construed as to relieve or exempt him it or them from paying the said four mills tax on any of the said such securities bonds or other evidences of indebtedness as may be held owned by or owing to the said savings institution having no capital stock And provided further That the provisions of this act shall not apply to fire companies firemen's relief associations life or fire insurance corporations having no capital stock secret and beneficial societies labor unions and labor union relief associations and all beneficial organizations paying sick or death benefits or either or both from funds received from voluntary contributions or assessments upon members of such associations societies or unions And provided further That corporations limited partnerships and joint-stock associations liable to tax on their shares or a capital stock tax for State purposes shall not be required to make any reprot or pay any further tax under this section on the mortgages bonds and other securities owned by them in their own right but corporations limited partnerships and joint-stock associations holding such securities as active trustee executors administrators guardians or in any other manner except as executor or administrator of the estate of a non-resident decedent and except as trustee for a resident or non-resident religious charitable scientific literary or educational organization no part of the net earnings of which inures to the benefit of any private stockholder or individual shall return and pay the tax imposed by this section upon all securities so held by them as in the case of individuals And provided further That none of the classes of property made taxable by this section for county purposes and in cities coextensive with counties for city and county purposes shall be taxed or taxable for any other local purpose [or for State purposes] under

the laws of this Commonwealth And provided further That the provisions of this section shall not apply to personal property of the class hereinabove enumerated hereafter received from any person or persons copartnership or unincorporated association or company non-resident in or not located within this Commonwealth or from any joint-stock company or association limited partnership bank or corporation formed erected or incorporated by under or in pursuance of any law of the United States or of any State or government other than this Commonwealth [and not doing business within this Commonwealth] by any person or persons copartnership unincorporated association company joint-stock company or association limited partnership bank or corporation as [active] trustee agent attorney-in-fact or in any other capacity for the use benefit or advantage of any person or persons copartnership or unincorporated association or company nonresident in or not located within this Commonwealth or for the use benefit or advantage of any joint-stock company or association limited partnership bank or corporation formed erected or incorporated by under or in pursuance of any law of the United States or of any State or government other than this Commonwealth [and not doing business within this Commonwealth] Nor shall the provisions of this section apply to personal property held for the use benefit or advantage of any resident who shall have in each of the ten preceding calendar years given or contributed all of his net income to any corporation organized or operated exclusively for religious charitable scientific literary or educational purposes

The value of the equitable interest in any personal property made subject to tax by this section shall be measured by ascertaining the value of the personal property in which such resident has the sole equitable interest or in case of divided equitable interests in the same personal property then by ascertaining such part of the value of the whole of such personal property as represents the equitable interest of such resident therein

Section 2 Section 2 of the said act is hereby amended to read as follows

Section 2 That the board of revision of taxes or the commissioners of every county in this Commonwealth shall annually furnish the assessors of the several townships boroughs and cities of the respective counties with blanks to be prepared by them and it shall be the duty of each of said assessors to furnish a copy of the same to every taxable person copartnership unincorporated association joint-stock association and company limited partnership and corporation in his respective ward district borough or township or to any other agent or employe found at the place of business of any such limited partnership or corporation in his ward district borough or township upon which blank each taxable person copartnership unincorporated association company limited partnership joint-stock association and corporation shall respectively make return annually of the aggregate amount of all the different classes of personal property made taxable by the first section of this act held owned or possessed by said person copartnership unincorporated association company limited partnership joint-stock association or corporation either in his her or its own right or as trustee agent attorney-in-fact or in any other capacity for the use benefit or advantage of any other person persons copartnership unincorporated association company limited partnership joint-stock association or corporation which return shall be made and sworn or affirmed to by such taxable person and in the case of copartnerships unincorporated associations and joint-stock associations and companies by some member thereof and in the case of limited partnerships and corporations by the president chairman or treasurer thereof Provided That any corporation joint-stock association or limited partnership doing business in more than one county shall be liable to make such return only in the county in which its principle office within this Commonwealth is situated and Provided further That whenever any personal property taxable under the provisions of this act was owned by a decedent at the time of his death and is held by his executor or administrator return of such personal property shall be made and the tax paid in the county

wherein such decedent was domiciled at the time of his death notwithstanding the residence or location of such executor or administrator or of any beneficiary or the place where such securities are kept and Provided further That whenever any personal property taxable under the provisions of this act is held owned or possessed as trustee agent attorney-in-fact or in any other manner as hereinabove set forth by two or more persons copartnerships unincorporated associations companies limited partnerships joint-stock associations or corporations not all of which are domiciled in the same county return of such personal property shall be made in each county of this Commonwealth where any of the same are domiciled and there shall be paid in each such county that portion of the tax imposed upon such personal property so held owned or possessed as the number of such trustees agents or attorneys-in-fact domiciled therein bears to the total number thereof notwithstanding the residence of any beneficiary or the place where such personal property is kept

Section 3 The provisions of this act shall become effective immediately upon its final enactment and shall apply to all taxes payable during the year one thousand nine hundred and thirty-nine except to such as may already have been paid on the effective date of this act In all cases where any executor administrator or trustee has not made a return for the purposes of the tax payable during the year one thousand nine hundred and thirty-nine as required by this act such return shall be made within thirty days of the effective date of this act and the tax shall be levied by and paid to such county and as herein provided

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 362, as follows:

An Act to amend clause (d) of section fifty-nine of the act approved the seventh day of June one thousand nine hundred seventeen (Pamphlet Laws 447) entitled as amended "An act relating to the administration and distribution of the estates of decedents and of minors and of trust estates including the appointment bonds rights powers duties liabilities accounts discharge and removal of executors administrators guardians and trustees herein designated as fiduciaries the administration and distribution of the estates of presumed decedents widow's and children's exemptions debts of decedents rents of real estate as assets for payment thereof the lien thereof sales and mortgages of real estate for the payment thereof judgments and executions therefor and the discharge of real estate from the lien thereof contracts of decedents for the sale or purchase of real estate legacies including legacies charged on land the discharge of residuary estates and of real estate from the lien of legacies and other charges the appraisalment of real estate devised at a valuation the ascertainment of the curtilage of dwelling houses or other buildings devised the abatement and survival of actions and the substitution of executors and administrators therein the survival of causes of action and suits thereupon by or against fiduciaries investments by fiduciaries the organization of corporations to carry on the business of decedents the audit and review of accounts of fiduciaries refunding bonds transcripts to the court of common pleas of balances due by fiduciaries the right powers and liabilities of nonresident and foreign fiduciaries the appointment bonds rights powers duties and liabilities of trustees durante absentia the recording and registration of decrees reports and other proceedings and the fees therefor appeals in certain cases and also generally dealing with the jurisdiction powers and procedure of the orphans' court in all matters relating to fiduciaries concerned with the estates of decedents" increasing the amount of estates of minors that may be paid without the appointment of a guardian and prescribing the conditions of such payments by municipal state or federal agencies

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Clause (d) of section fifty-nine of the act approved the seventh day of June one thousand nine hundred seventeen (Pamphlet Laws 447) entitled as amended "An act relating to the administration and distribution of the estates of decedents and of minors and of trust estates including the appointment bonds rights powers duties liabilities accounts discharge and removal of executors administrators guardians and trustees herein designated as fiduciaries the administration and distribution of the estates of presumed decedents widow's and children's exemptions debts of decedents rents of real estate as assets for payment thereof the lien thereof sales and mortgages of real estate for the payment thereof judgments and executions therefor and the discharge of real estate from the lien thereof contracts of decedents for the sale or purchase of real estate legacies including legacies charged on land the discharge of residuary estates and of real estate from the lien of legacies and other charges the appraisalment of real estate devised at a valuation the ascertainment of curtilage of dwelling houses or other buildings devised the abatement and survival of actions and the substitution of executors and administrators therein the survival of causes of action and suits thereupon by or against fiduciaries investments by fiduciaries the organization of corporations to carry on the business of decedents the audit and review of accounts of fiduciaries refunding bonds transcripts to the court of common pleas of balances due by fiduciaries the rights powers and liabilities of nonresident and foreign fiduciaries the appointment bonds rights powers duties and liabilities of trustees durante absentia the recording and registration of decrees reports and other proceedings and the fees therefor appeals in certain cases and also generally dealing with the jurisdiction powers and procedure of the orphans' court in all matters relating to fiduciaries concerned with the estates of decedents" as last amended by the act approved the twenty-fifth day of May one thousand nine hundred thirty-three (Pamphlet Laws 1055) is hereby further amended to read as follows

(d) The orphans' court shall not appoint the father or mother of a minor as guardian of the estate of said minor Provided That nothing herein contained shall be construed to extend to the case of a testamentary guardian And provided further That where the estate of the minor shall be of the value of [two] five hundred dollars or less the court may in its discretion authorize payment or delivery thereof to the natural guardian of the minor or the person by whom the minor is maintained or to the minor without appointment of a guardian by the court or the entry of security Where the amount thus due any minor is payable by any municipal state or federal agency such amount may be paid as above provided upon information satisfactory to such agency and the receipt of the person by whom the minor is maintained or the minor if over the age of fourteen years shall be a full and complete acquittance and discharge to the agency thus paying And provided further That when the estate of the minor shall consist of an interest in real property to the value of not more than two hundred dollars the orphans' court may authorize the natural guardian of the minor or the person by whom the minor is maintained to convey or mortgage such real property for and in behalf of said minor without the appointment of a guardian by the court or the entry of security

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 366, as follows:

An Act making certain written reports or findings of fact made by officers of this Commonwealth competent legal evidence under certain conditions providing for the cross-examination of certain persons in connection

therewith and making uniform the law with reference thereto

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Official Reports Written reports or findings of fact made by officers of this State on a matter within the scope of their duty as defined by statute shall in so far as relevant be admitted as evidence of the matters stated therein

Section 2 Notice Before Trial Such report or finding shall be admissible only if the party offering it has delivered a copy of it or so much thereof as may relate to the controversy to the adverse party a reasonable time before trial unless in the opinion of the trial court the adverse party has not been unfairly surprised by the failure to deliver such copy

Section 3 Cross-Examination Any adverse party may cross-examine any person making such reports or findings or any person furnishing information used therein but the fact that such testimony may not be obtainable shall not affect the admissibility of the report or finding unless in the opinion of the court the adverse party is unfairly prejudiced thereby

Section 4 Uniformity of Interpretation This act shall be so interpreted and construed as to effectuate its general purpose to make uniform the law of those states which enact it

Section 5 Short Title This act may be cited as the Uniform Official Reports as Evidence Act

Section 6 Repeal All acts or parts of acts which are inconsistent with the provisions of this act are hereby repealed

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 365, as follows:

An Act for the judicial notice of the laws of other jurisdictions and for proof thereof and to make uniform the law with reference thereto

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Judicial Notice Every court of this State shall take judicial notice of the common law and statutes of every state territory and other jurisdiction of the United States

Section 2 Information of the Court The court may inform itself of such laws in such manner as it may deem proper and the court may call upon counsel to aid it in obtaining such information

Section 3 Ruling Reviewable The determination of such laws shall be made by the court and not by the jury and shall be reviewable

Section 4 Evidence as to Laws of Other Jurisdictions Any party may also present to the trial court any admissible evidence of such laws but to enable a party to offer evidence of the law in another jurisdiction or to ask that judicial notice be taken thereof reasonable notice shall be given to the adverse parties either in the pleadings or otherwise

Section 5 Foreign Country The law of a jurisdiction other than those referred to in section one shall be an issue for the court but shall not be subject to the foregoing provisions concerning judicial notice

Section 6 Interpretation This act shall be so interpreted and construed as to effectuate its general purpose to make uniform the law of those states which enact it

Section 7 Short Title This act may be cited as the Uniform Judicial Notice of Foreign Law Act

Section 8 Repeal All acts or parts of acts inconsistent with the provisions of this act are hereby repealed

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 483, as follows

An Act regulating the appointing or election of deputy controllers in cities of the second class A and prescribing their powers and duties

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The controller of cities of the second class is hereby authorized to appoint a deputy controller who in case of death resignation removal sickness absence or inability of such controller to act shall exercise all the powers and shall perform the same duties as imposed by law upon the regularly elected city controller Subject however that in the event of the sickness absence or inability of the city controller to perform his duties the deputy controller shall not have the power of appointing or discharging from office in the city controller's office

Section 2 In case a vacancy occurs in the office of city controller thirty days or more prior to the time for holding the next fall or municipal primary election in said cities of the second class A the deputy controller shall serve until the first Monday of January next succeeding the time of holding said fall or municipal primary election and the qualified voters of the city in which said vacancy occurs shall at said fall or municipal primary election nominate and at the succeeding fall or municipal election elect in the manner provided by law a city controller who shall serve for the regular term of four years from the first Monday of January succeeding his election but in case the vacancy occurs less than thirty days prior to the next fall or municipal primary election the deputy controller shall serve during the remainder of the term of the city controller whose office has become vacant The deputy controller prior to assuming the powers and duties of the city controller shall take the same oath of office as given to the city controller and shall give bond to be approved by the city solicitor in the same sum as required of the controller Said bond to be deposited with the mayor The premium for said bond shall be paid by the city

Section 3 All acts and parts of acts inconsistent with this act are hereby repealed

Section 4 This act shall become effective immediately upon final enactment

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 364, as follows:

An Act making business records competent legal evidence under certain conditions and making uniform the law with reference thereto

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Definition The term "business" shall include every kind of business profession occupation calling or operation of institutions whether carried on for profit or not

Section 2 Business Record A record of an act condition or event shall in so far as relevant be competent evidence if the custodian or other qualified witness testifies to its identity and the mode of its preparation and if it was made in the regular course of business at or near the time of the act condition or event and if in the opinion of the court the sources of information method and time of preparation were such as to justify its admission

Section 3 Uniformity of Interpretation This act shall be so interpreted and construed as to effectuate its general purpose to make uniform the law of those states which enact it

Section 4 Short Title This act may be cited as the "Uniform Business Records as Evidence Act"

Section 5 All acts or parts of acts which are inconsistent with the provisions of this act are hereby repealed

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 172, as follows:

An Act to amend section two of the act approved the twelfth day of July one thousand nine hundred and nineteen (Pamphlet Laws 941) entitled "An act providing for the preparation contents style printing and binding of the Legislative Journal and its delivery and distribution providing for the preparation printing and binding of the Journals of the Senate and House of Representatives authorizing the appointment of official reporters expert typewriters clerks and other employees and providing for their compensation and mileage providing for the making of an appendix and index the printing of wrappers or envelopes for mailing the Legislative Journal and repealing all acts of parts of acts inconsistent herewith" by eliminating certain requirements as to matter to be printed in the Legislative Journal

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section two of the act approved the twelfth day of July one thousand nine hundred and nineteen (Pamphlet Laws 941) entitled "An act providing for the preparation contents style printing and binding of the Legislative Journal and its delivery and distribution providing for the preparation printing and binding of the Journals of the Senate and House of Representatives authorizing the appointment of official reporters expert typewriters clerks and other employees and providing for their compensation and mileage providing for the making of an appendix and index the printing of wrappers or envelopes for mailing the Legislative Journal and repealing all acts or parts of acts inconsistent herewith" is hereby amended to read as follows

Section 2 The Legislative Journal shall be prepared under the direction of the chief clerks of the Senate and House of Representatives by the official reporters clerks and employes of each House authorized to supervise and prepare the same shall contain the following matters namely motions resolutions (simple and concurrent) in full petitions remonstrances and memorials by brief reference debate in full bills and joint resolutions on first and second reading by title [on second reading at length in the House in which said bill or joint resolution originates only unless amended when it shall be inserted in full and by title] on third reading and final passage [unless amended when it shall be inserted] in full reports of conference committees in full in the proceedings of both Houses the yeas and nays messages and communications from either House to the other or to the Governor or messages and communications from the Governor to either House in full the biennial messages and inaugural address of the Governor and tabulated return of elections for State officers in full in the proceedings of the Senate and by reference only in the proceedings of the House returns of elections for Senators and Members in full in the proceedings of the respective Houses to which returns are made annual communications of the several State departments by brief reference reports of institutions and organizations required by law to be made to the Legislature by brief reference in the proceedings of the day on which presented [and in full in an appendix] reports of committees on bills by title only bills introduced by title only executive nominations when confirmed at the same time and by the same vote with but one list of yeas and nays appended in full in the proceedings of the Senate and generally what is actually said read or done under the limitations heretofore prescribed A list of the standing committees of the Senate and House of Representatives shall be printed in solid form at the end of the proceedings in the last number of each month The reports of all special committees presented in either House shall be printed in

an appendix unless authorized by resolution to be printed in the same day's Journal on which the report is presented in which case the said report shall be printed but once in separate form following the proceedings of both Houses The Legislative Journal shall include an appendix which shall contain an index to the Legislative Journal and said appendix the index to be compiled under the direction of the Librarian of the Senate and shall be prepared as concisely as possible the said appendix and index to be part of the Legislative Journal The reports and other matters in the appendix shall be printed in separate sections Provided That the chief clerks of the respective Houses may each order not more than three thousand extra copies of any particular report or matter appearing in the appendix to be delivered by the printer to the Division of Distribution of Documents subject to requisition as follows by the Senate three-twelfths by the House of Representatives five-twelfths and four-twelfths by the Legislative Reference Bureau The appendix shall be printed in the manner and style provided in section three of this act Five hundred and fifty copies of the appendix and four hundred copies of the index shall be printed Fifty copies of the complete unbound appendix shall be furnished and delivered by the printer to the Senate fifty copies to the House of Representatives and fifty copies to the Legislative Reference Bureau Four hundred copies each of the appendix and index shall be retained by the printer of the Legislative Journal and bound by him together with a like number of each copy of the Legislative Journal as hereinafter provided and be delivered by him to the Division of Distribution of Documents and be subject to requisition as herein provided

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 374, as follows:

An Act to amend section three of article one and section forty of article four of the act approved the twentieth day of June one thousand nine hundred and nineteen (Pamphlet Laws 521) entitled as amended "An act providing for the imposition and collection of certain taxes upon the transfer of property passing from a decedent who was a resident of this Commonwealth at the time of his death and of property within this Commonwealth of a decedent who was a nonresident of the Commonwealth at the time of his death defining and taxing transfers made in contemplation of death defining as a transfer and taxing the right of survivorship in property as to which such right exists and making it unlawful for any corporation of this Commonwealth or national banking association located therein to transfer the stock of such corporation or banking association standing in the name of any such decedent until the tax on the transfer thereof has been paid and providing penalties and citing certain acts for repeal" providing for the release of lien of inheritance tax on remainder interests in real estate in certain cases by entry of security therefor and providing for the repayment of taxes paid in excess of amount due on future estates

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section three of article one and section forty of article four of the act approved the twentieth day of June one thousand nine hundred and nineteen (Pamphlet Laws 521) entitled as amended "An act providing for the imposition and collection of certain taxes upon the transfer of property passing from a decedent who was a resident of this Commonwealth at the time of his death and of property within this Commonwealth of a decedent who was a nonresident of the Commonwealth at the time of his death defining and taxing transfers made in contemplation of death defining as a transfer and taxing the right of survivorship in property as to which such

right exists and making it unlawful for any corporation of this Commonwealth or national banking association located therein to transfer the stock of such corporation or banking association standing in the name of any such decedent until the tax on the transfer thereof has been paid and providing penalties and citing certain acts for repeal" are hereby amended to read as follows

Section 3 Where there is a transfer of property by a devise descent bequest gift or grant liable to the tax hereinbefore imposed which devise descent bequest gift or grant is to take effect in possession or to come into actual enjoyment after the expiration of any one or more life-estates or a period of years the tax on such estate shall not be payable nor shall interest begin to run thereon until the person liable for the same shall come into actual possession of such estate by the termination of the estates for life or years The tax shall be assessed upon the value of the estate at the time the right of possession accrues to the owner but the owner may pay the tax at any time prior to his coming into possession In such cases the tax shall be assessed on the value of the estate at the time of the payment of the tax after deducting the value of the life-estate or estates for years The tax on real estate shall remain a lien on the real estate on which the same is chargeable until paid The owner of any such personal estate passing to him from a resident decedent shall make a full return of the same to the register of wills within one year from the death of the decedent and within that time enter into security for the payment of the tax to the satisfaction of such register-In case of failure so to do the tax shall be immediately payable

The owner of any such personal estate passing to him from a nonresident decedent shall make a full return of the same to the Auditor General within one year from the death of the decedent and within that time enter into security for the payment of the tax to the satisfaction of the Auditor General In case of failure so to do the tax shall be immediately payable and collectible

Provided that in case of sale and conveyance or mortgage of real property if the fiduciary or other person making such sale or mortgage or any person interested shall enter into security for the payment of the tax to the satisfaction of such Register or of the Auditor General the real property so sold or mortgaged shall be free of the lien of the tax

Section 40 In all cases where any amount of such tax is paid erroneously or where the tax on a future estate is paid in an amount in excess of the amount legally chargeable the State Treasurer on satisfactory proof rendered to him by the register of wills or Auditor General of such erroneous payment or such payment in excess of the amount legally chargeable may refund and pay over to the person paying such tax the amount erroneously paid or such excess payment All such applications for the repayment of such tax erroneously paid in the treasury shall be made within two years from the date of payment and application for the repayment of tax paid in excess of the amount legally chargeable on future estates shall be made within two years from the termination of the particular estate [except] Provided however That when the estate upon which such tax has been erroneously paid shall have consisted in whole or in part of a partnership or other interest of uncertain value or shall have been involved in litigation by reason whereof there shall have been an over-valuation of that portion of the estate on which the tax has been assessed and paid which over-valuation could not have been ascertained within said period of two years in such case the application for repayment shall be made to the State Treasurer within one year from the termination of such litigation or ascertainment of such over-valuation

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 260, as follows:

An Act to protect the public health by prohibiting the reuse of containers for flowers or floral designs at funerals by those dealing in the sale of flowers and floral emblems and providing penalties

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 No person association copartnership or corporation engaged in the business of selling or furnishing flowers or floral designs for use at any funeral shall rent lease or loan any basket vessel vase or other container of any kind for use as a receptacle for such flowers or floral design or use give or deliver free of charge any such basket vessel vase or other container for use as a receptacle for flowers if such basket vessel vase or other container has previously been used at any funeral

Section 2 Whoever violates any of the provisions of the foregoing section of this act shall be guilty of a misdemeanor and upon conviction shall be sentenced to pay a fine of twenty-five dollars

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 486, as follows:

An Act authorizing the appointment of a deputy mayor in cities of the second class A and limiting and prescribing his powers and duties

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 In all cities of the second class A of this Commonwealth the mayor thereof in addition to the powers now possessed is hereby authorized and empowered to designate in writing and file with the city clerk of said city one of the heads of the city departments entitled to vote as set forth in section four except the city controller to act as deputy mayor in case of the necessary absence of the mayor from the city or his illness or other temporary disability The person so designated shall be known as deputy mayor and shall exercise all the powers and discharge all the duties of mayor during said absence illness or temporary disability except the power of appointing to or discharging from office in the city government Such head of department shall serve without additional compensation and such deputy mayor shall give bond to be approved by the city solicitor in an amount equal to one-half of the bond furnished by the mayor said bond to be deposited with the city controller The deputy mayor shall take the same oath of office as that prescribed by law for the mayor The premium for said bond shall be paid by said city

Section 2 The mayor shall have the power to revoke any designation so made at any time without giving reasons therefor by filing said revocation in writing with the city clerk

Section 3 The mayors of cities of the second class A shall within thirty days after the effective date of this act designate in writing to the city clerk the appointment of a deputy mayor in accordance with the provisions of this act Any person elected mayor of a city of the second class A or vested with the power of mayor shall within the period of thirty days after assuming the duties of said office file a designation in the city clerk's office in writing appointing a deputy mayor in accordance with the provisions of this act

Section 4 In the event that the mayor shall fail to appoint a deputy mayor in accordance with the provisions of this act or in the event that the person designated by the mayor to act as deputy mayor shall for any reason be unable or unwilling to act as deputy mayor then and in that event a majority of the heads of the departments of cities of the second class A shall designate the deputy

mayor who shall exercise all the powers and discharge all the duties of mayor except the power of appointing to or discharging from office in the city government. The following department heads shall be entitled to vote: City treasurer, city solicitor, director, department of public health, director, department of public safety, director, department of public works, and director, department of supplies. In the event of a tie vote, the president judge of the county in which said city of the second class A is situated shall vote for one of the candidates within a period of twenty-four hours after the city clerk has notified him in writing of the tie vote. For the purposes of this act, the city clerk shall act as chairman of all meetings for the purposes of designating a deputy mayor but under no circumstances shall have the right to vote on the appointment of a deputy mayor. For the purposes of selecting a deputy mayor, four of the department heads shall constitute a quorum.

Section 5. For the purposes of this act, necessary absence from the city, illness or other temporary disability shall continue for fifteen consecutive days before the deputy mayor shall be empowered to assume the duties of office of mayor, subject however to the provision that in the event that there shall be before the mayor an ordinance or resolution for approval or disapproval and that said mayor by reason of his illness is unable to act within the period allowed by law, then and in that event the deputy mayor shall assume the duties of the office of mayor upon the filing with the city clerk by the mayor's attending physician of a statement in writing that the mayor is unable to perform the duties of his office.

Section 6. All acts and parts of acts inconsistent herewith are hereby repealed.

Section 7. This act shall become effective immediately upon final enactment.

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 369, as follows:

An Act to further amend section eleven of the act approved the twenty-sixth day of April one thousand eight hundred and fifty-five (P. L. 328) entitled "An act relating to corporations and to estates held for corporate religious and charitable uses" to change the duration of the period within which certain conveyances are void.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1. Section eleven of the act approved the twenty-sixth day of April one thousand eight hundred and fifty-five (P. L. 328) entitled "An act relating to corporations and to estates held for corporate religious and charitable uses" as amended by the act approved the seventh day of June one thousand nine hundred and eleven (P. L. 702) is hereby further amended to read as follows:

Section 11. That no estate real or personal shall hereafter be [bequeathed devised or] conveyed inter-vivos to any body politic or to any person in trust for religious or charitable uses except the same be done by deed [or will] attested by two credible and at the time disinterested witnesses at least [one calendar month] thirty days before the decease of the [testator or] alienor, which period shall be so computed as to exclude the first and to include the last day thereof, a disinterested witness being a witness not interested in such religious or charitable use, this act not being intended to apply to a witness interested in some other [devise bequest or] gift in the same instrument and all dispositions of property contrary hereto shall be void [and go the residuary legatee or devisee next of kin or heirs according to law]. Provided That any [disposition] conveyance of property within said period bona fide made for a fair valuable consideration shall not be hereby avoided.

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 370, as follows:

An Act to further amend section six of the act approved the seventh day of June one thousand nine hundred and seventeen (Pamphlet Laws 403) entitled "An act relating to the form of execution revocation and interpretation of wills to nuncupative wills to the appointment of testamentary guardians to spendthrift trusts to forfeiture of devise or legacy in case of murder of testator to elections to take under or against wills and to the recording and registering of such elections and of decrees relative thereto and to the fees therefor" to change the duration of the period within which certain bequests or devises are void.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1. Section six of the act approved the seventh day of June one thousand nine hundred and seventeen (Pamphlet Laws 403) entitled "An act relating to the form of execution revocation and interpretation of wills to nuncupative wills to the appointment of testamentary guardians to spendthrift trusts to forfeiture of devise or legacy in case of murder of testator to elections to take under or against wills and to the recording and registering of such elections and of decrees relative thereto and to the fees therefor" as amended by the act approved the second day of July one thousand nine hundred and thirty-five (Pamphlet Laws 573) is hereby further amended to read as follows:

Section 6. No estate real or personal shall be bequeathed or devised to any body politic or to any person in trust for religious or charitable uses except the same be done by will at least thirty days before the decease of the testator, which period shall be so computed as to exclude the first and to include the last day thereof and all dispositions of property contrary hereto shall be void and go to the residuary legatee or devisee heirs or next of kin according to law.

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 372, as follows:

An Act concerning the risk of loss after a contract to sell realty and to make uniform the law with reference thereto.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1. Risk of Loss. Any contract hereafter made in this State for the purchase and sale of realty shall be interpreted as including an agreement that the parties shall have the following rights and duties unless the contract expressly provides otherwise:

(a) If when neither the legal title nor the possession of the subject matter of the contract has been transferred all or a material part thereof is destroyed without fault of the purchaser or is taken by eminent domain the vendor cannot enforce the contract and the purchaser is entitled to recover any portion of the price that he has paid.

(b) If when either the legal title or the possession of the subject matter of the contract has been transferred all or any part thereof is destroyed without fault of the vendor or is taken by eminent domain the purchaser is not thereby relieved from a duty to pay the price nor is he entitled to recover any portion thereof that he has paid.

Section 2. Uniformity of Interpretation. This act shall be so interpreted and construed as to effectuate its general purpose to make uniform the law of those states which enact it.

Section 3 Short Title This act may be cited as the "Uniform Vendor and Purchaser Risk Act"

Section 4 Repeal All acts or parts of acts inconsistent with this act are hereby repealed

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 575, as follows:

A.1 Act authorizing the Commonwealth to negotiate temporary emergency loans to defray the current and other expenses of the State government during the two fiscal years beginning the first day of June one thousand nine hundred thirty-nine evidenced by tax anticipation notes secured by and payable from current revenues levied assessed collectible and accruing during such two fiscal years defining the powers and duties of the Governor the Auditor General and the State Treasurer in relation thereto providing for the payment of interest on and the repayment of such loans and making an appropriation

Whereas The present Session of the General Assembly has provided revenues of the Commonwealth amounting to three hundred seventy-two million dollars (\$372,000,000) for general purposes for the biennial fiscal period beginning June first one thousand nine hundred thirty-nine and

Whereas Such revenues though levied and assessed will not be available in large part for the current and other expenses of the State government until the later parts of the two fiscal years respectively of the said biennial fiscal period and the collectible revenues will not be sufficient to defray the current and other expenses of the State government during the earlier parts of such fiscal years respectively and

Whereas In order that the obligations of the Commonwealth may be met promptly and in order that the State government might not fail through lack of funds it is necessary temporarily to obtain funds to defray the current and other expenses of the State government during the fiscal period aforesaid until the revenues that are subsequently accruing to the State Treasury during said fiscal period are available for this purpose

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The Governor the Auditor General and the State Treasurer on behalf of the Commonwealth of Pennsylvania are hereby authorized and directed during the two fiscal years beginning the first day of June one thousand nine hundred thirty-nine from time to time to borrow on the credit of the current revenues of the Commonwealth of Pennsylvania such sum or sums of money not exceeding in the aggregate the sum of one hundred seventy-five million dollars (\$175,000,000) as may be necessary to defray the current and other expenses of the State government during such fiscal years

Section 2 (a) Such loans shall be evidenced by notes of the Commonwealth of Pennsylvania All of said notes shall mature not later than the thirty-first day of May one thousand nine hundred forty-one Such notes are hereby declared to be tax anticipation notes Such notes or renewals thereof shall be issued from time to time for such total amounts in such sums and subject to such terms and conditions rates of interest not in excess of four and one-half per centum ($4\frac{1}{2}\%$) per annum and time of payment of interest as the Governor Auditor General and State Treasurer shall determine and direct

(b) All notes issued under the authority of this act shall bear the facsimile signatures of the Governor the Auditor General and the State Treasurer and a facsimile of the great seal of the Commonwealth

(c) The current revenues of the biennial fiscal period beginning the first day of June one thousand nine hundred thirty-nine are pledged for the payment of principal and interest of such notes which shall be payable in lawful money of the United States All notes issued under

the provisions of this act shall be exempt from taxation for State and local purposes

Section 3 The proceeds derived from the negotiation of loans under the provisions of this act shall be paid into the General Fund of the State Treasury and shall be used for the payment of appropriations made from such fund to defray the current and other expenses of the State government for the biennial fiscal period beginning the first day of June one thousand nine hundred thirty-nine

Section 4 Any loans negotiated under the provisions of this act shall be secured by the current revenues levied and assessed for revenue purposes of every kind or character accruing to the General Fund of the State Treasury during the two fiscal years beginning June first one thousand nine hundred thirty-nine and shall be paid out of such revenues and so much of such revenues as may be necessary for the payment of the principal and interest of such loans are hereby specifically appropriated The Department of Revenue shall allocate such revenues to said payments

Section 5 The provisions of this act are severable and if any of its provisions are held unconstitutional the decision so holding shall not be construed to impair any other provision of this act It is hereby declared as the legislative intent that this act would have been adopted had such unconstitutional provision not been included therein

Section 6 This act shall become effective immediately upon its final enactment

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 480, entitled:

An Act regulating the appointment promotion suspension reduction removal and reinstatement of employees (except chiefs deputy chiefs and chief clerks) in bureaus of fire and fire alarm operators and fire box inspectors in bureaus of electricity in cities of the second class defining the powers and duties of Civil Service Commissions for such purpose in said cities and repealing inconsistent legislation

The first to the fourth sections inclusive were separately read and agreed to as follows:

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 All positions in the bureau of fire in each city of the second class except the chief officer in charge of such bureau of fire under the director of the department by whatever title his position may be designated his ranking deputy by whatever title his position may be designated and the chief clerk in each bureau of fire and the positions of fire alarm operators and fire alarm box inspectors in the bureau of electricity in each of said cities shall be in the competitive class of the Civil Service of said city

Section 2 The Civil Service Commissions in cities of the second class shall not have the power to change any rule or regulation which shall have been established and which is in force and effect on the date of the approval of this act insofar as the same shall apply to the positions provided in this act to be in the competitive class nor shall any such Commission have the power to waive any such rule or regulation in any specific case or cases

Section 3 Each applicant for original appointment to a position in the competitive class in any bureau of fire in any city of the second class or to the position of fire alarm operator or fire alarm box inspector in any bureau of electricity in any such city shall undergo a physical examination which shall be conducted by a Commission composed of doctors of medicine appointed for that purpose by the mayor Said Commission shall certify to the Civil Service Commission that the applicant is free from bodily or mental defects deformities or diseases that might incapacitate

him from the performance of the duties of the position he is seeking before such applicant shall be permitted to take any further examination No application for such appointment shall be received from any person who is under twenty-one years of age or over thirty-five years of age at the date of his application Nor shall any such application be received from any person who shall not have been a bona fide resident of the city for one year next preceding the date of his application Provided however That any applicant for reinstatement as a member of the bureau of fire or as a fire alarm operator or as a fire alarm box inspector of any such city in which he makes such application who shall have served previously as an employee in such bureau for a period of more than six months and who at the time of his application for reinstatement shall be a resident of such city shall be eligible for such reinstatement even though such applicant shall be over the age of thirty-five years.

Section 4 Reinstatements as employees in said bureaus of fire and as fire alarm operators and fire alarm box inspectors in said bureaus of electricity may be made without any restriction or restrictions as to time No examination other than a physical examination as directed by the Civil Service Commission shall be required in any case of reinstatement Any person so reinstated shall be the lowest in rank in the bureau in which he shall be reinstated next above the probationers in such bureau

No person employed in a competitive position in any bureau of fire or as a fire alarm operator or as a fire alarm box inspector in any bureau of electricity in any city of the second class shall be eligible for promotion from a lower grade to a higher grade until such person shall have completed at least two years' service in said lower grade

The fifth section was read as follows:

Section 5 No employee in the competitive class in any bureau of fire in any city of the second class shall be removed discharged suspended for a period exceeding ten (10) days as a penalty or reduced in rank or pay without his written consent except for just cause which shall not be religious or political nor in any event except by the decision of a court either of trial or inquiry duly determined and certified in writing to the mayor and approved in writing by the mayor which court shall be composed of three persons employed in said bureau of fire equal or superior in rank therein to the accused Such decision shall only be determined by trial of charges with plain specifications made by or lodged with the Director of the Department of Public Safety of which trial the accused shall have due notice and at which he shall have the right to be present in person and also by a brother employee or an attorney-at-law to act as his counsel The persons composing such court shall be appointed as hereinafter provided and shall be sworn by the Director of the Department of Public Safety to perform their duties impartially and without fear or favor and the person of highest rank in said court shall have the same authority to issue and enforce process to secure the attendance of witnesses and to administer oaths to witnesses as is possessed by any justice of the peace of this Commonwealth If said persons shall be equal in rank then the persons composing such court shall select one of their number to exercise said authority Such charges may be of disability for service in which case the court shall be one of inquiry whose decision may be for the honorable discharge from the service of the employee concerned or of neglect or violation of law or duty inefficiency intemperance disobedience of orders or unbecoming official or personal conduct in which cases the court shall be one of trial and its decision shall authorize the Director of the Department of Public Safety to impose fines and pecuniary penalties to be stopped from pay or to suspend from pay or duty or both for a period fixed by them not exceeding one year or to dismiss from the service It shall be lawful for the Director of the Department of Public Safety at his discretion to suspend from duty before trial any employee charged as aforesaid until such trial can be had with or without pay as such court shall afterwards determine but no trial shall be delayed for more than one month after the charge has been made

On the question,

Will the House agree to the section?

Mr. FLEMING. Mr. Speaker, I desire to offer the following amendment.

The SPEAKER. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend Sec. 5, page 4, line 3, by inserting after the word "discharged" the following: "or".

On the question,

Will the House agree to the amendment?

It was agreed to.

On the question,

Will the House agree to the section as amended?

It was agreed to.

The sixth to the twelfth sections inclusive and title were separately read and agreed to as follows:

Section 6 The members of such court of inquiry or trial shall be selected as follows The Director of the Department of Public Safety shall in the presence of the employee charged and his brother officer or attorney-at-law acting as his counsel as aforesaid cause the names of at least fifty employees of the bureau of fire who hold a position in the competitive class equal or superior in rank to the employee under charges to be written upon separate slips of paper of the same size color and texture and folded or rolled so that the names thereon cannot be distinguished until drawn as hereinafter provided cause said slips to be placed in a box or other receptacle properly adapted for the drawing therefrom of names by law as hereinafter provided Said fifty names so deposited shall be provided as follows The Director of the Department of Public Safety shall supply twenty-five thereof and the employee so charged shall supply twenty-five thereof When said names shall have been so deposited in said box or receptacle the same shall be thoroughly shaken by some disinterested person until said slips of paper shall have been thoroughly mixed and thereupon such disinterested person shall draw therefrom singly and by law seven names and the Director of the Department of Public Safety and the person so charged shall each in order be entitled to exercise alternate challenges until the names of three persons are left and said three persons shall compose said court either of trial or inquiry as the case may be Any employee so charged may waive by his written consent the selection of a board by agreeing to the board that has already been chosen Any employee so charged if he shall demand it in writing shall be furnished promptly without cost or expense to him a transcript of the testimony taken before said court of inquiry or trial duly certified by the official reporter

After said decision of said court shall have been duly determined certified in writing to the mayor and approved by the mayor in writing the Director of the Department of Public Safety shall before imposing the penalty so determined furnish the person so charged with a written statement of the reasons for his said action and shall afford the person so charged a period of at least five days within which to make reply thereto if he so desires In every case of such removal discharge suspension reduction or fine a copy of the statement of the reasons therefor and the written answer thereto of the person so sought to be penalized if any together with a transcript of the proceedings and decision of said trial court shall be furnished forthwith to the Civil Service Commission and entered upon its records If the employee affected shall demand it the Civil Service Commission shall upon his written request therefor grant him a public hearing which hearing shall be held within a period of fifteen days from his said request At such hearing the burden of proof shall be upon the removing officer to justify his action If the Civil Service Commission shall fail to sustain the action of the removing officer the person sought to be removed shall be reinstated with full pay for the entire period during which he may have been prevented from performing his usual employment and no charges shall be re-

corded against him A written record of all testimony taken at such hearing shall be kept and preserved by the Civil Service Commission which record shall be sealed and not be available for public inspection unless an appeal be taken by the employee from the action of the Commission Any employee so charged if he shall demand it in writing shall be furnished promptly without cost or expense to him a transcript of the testimony taken before said Civil Service Commission duly certified by the official reporter If the Civil Service Commission shall sustain the action of the removing officer the person removed shall have the right to appeal to the court of common pleas of the county which appeal shall be taken within ninety days from the entry by the Civil Service Commission of its final order When such appeal is so taken the Civil Service Commission shall not later than ten days after notice of such appeal shall have been served upon it by the employee appealing make and certify to the court of common pleas a complete record including the written charges the employee's answer thereto if any the testimony taken before the Commission and all other papers and documents in its files in connection with said appeal The court of common pleas shall have the power to inspect said record and if it shall find the same to be incomplete or insufficient in any matter to order and direct the Civil Service Commission to supply such defect The court of common pleas shall proceed to hear said appeal upon the record so certified and no additional evidence shall be introduced The court of common pleas shall have the power to affirm or reverse the order of the Civil Service Commission or in its discretion to modify the same Any employee so charged who shall be dissatisfied with the decision of the court of common pleas shall have the right to appeal to the Supreme Court of Pennsylvania Neither the city the removing officer nor any person other than the employee so charged shall have any right to appeal either to the court of common pleas or to the Supreme Court of Pennsylvania The power to suspend shall in no event be for minor or petty offenses or for political or religious reasons

Section 7 If for reasons of economy lack of funds abolition of position or positons or for any other reason it becomes necessary for any city of the second class to reduce the number of employees of its bureau of fire or the number of fire alarm operators or fire alarm box inspectors in its bureau of electricity then the city shall follow the following procedure

First If there are any employees in its bureau of fire fire alarm operators or fire alarm box inspectors eligible for retirement under the terms of any pension fund then such reduction in numbers shall be made by retirement on pension of all the oldest in age and service

Second If the number of employees in its bureau of fire fire alarm operators and fire alarm box inspectors eligible for retirement under the pension fund of said city if any is insufficient to effect the reduction in number desired by said city or if there is no eligible person for retirement or if no pension fund exists in said city then the reduction shall be effected by suspending the last man or men including probationers that have been appointed Such removal shall be accomplished by suspending in numerical order commencing with the last man appointed all recent appointees until such reduction shall have been accomplished Whenever the number of such employees in the bureau of fire or fire alarm operators or fire alarm box inspectors in the bureau of electricity shall again be increased in numbers or if any vacancies occur the employees suspended under the terms of this act shall be reinstated to their former class before any new appointees are appointed

Section 8 If any person in the employ of a city of the second class as a fireman and employee in the bureau of fire or as a fire alarm operator or fire alarm box inspector in the bureau of electricity in such city shall be convicted of crime the proper appointing officer shall not be required to dismiss such employees but shall have the right and power to retain such employee in his said position if in the discretion of such appointing officer the facts and circumstances surrounding the conviction of such employee such as not to require his dismissal

Section 9 The provisions of this act shall be severable and if any of its provisions shall be held to be unconstitutional the decision of the court shall not affect the validity of the remaining provisions of this act It is hereby declared as a legislative intent that this act would have been adopted by the General Assembly had such unconstitutional provision not been included therein

Section 10 The act approved the thirty-first day of May one thousand nine hundred and thirty-three (Pamphlet Laws 1108) entitled "An act providing for the appointment promotion reduction removal and reinstatement of paid officers firemen and employees of fire departments and of fire alarm operators and fire box inspectors in the bureaus of electricity in cities of the second and third class defining the powers and duties of civil service commissions for such purposes and fixing penalties" is hereby repealed in so far as the same applies to cities of the second class

All other acts and parts of acts general special or local inconsistent with this act are hereby repealed

Section 11 It is the purpose of this act to furnish in connection with the act of Assembly approved the third day of May one thousand nine hundred and seven (Pamphlet Laws 206) entitled "An act to regulate and improve the Civil Service of cities of the second class in the Commonwealth of Pennsylvania making violations of its provisions to be misdemeanors and providing penalties for violations thereof" a complete and exclusive system for the appointment promotion reduction removal suspension and reinstatement of employees in the competitive class in bureaus of fire and of all fire alarm operators and fire alarm box inspectors in the bureaus of electricity in cities of the second class

Section 12 This act shall become effective immediately upon final enactment

An Act regulating the appointment promotion suspension reduction removal and reinstatement of employees (except chiefs deputy chiefs and chief clerks) in bureaus of fire and fire alarm operators and fire box inspectors in bureaus of electricity in cities of the second class defining the powers and duties of Civil Service Commissions for such purpose in said cities and repealing inconsistent legislation

And said bill having been read at length the second time and agreed to as amended.

Ordered, To be transcribed for a third reading.

Agreeably to order,
The House proceeded to the second reading and consideration of House Bill No. 358, as follows:

An Act to amend section one of the act approved the seventh day of June one thousand nine hundred seven-seen (Pamphlet Laws 388) entitled "An act relating to the jurisdiction powers and procedure of the orphans' court and the court of common pleas as to sales mortgages conveyances on ground-rent leases extinguishment of ground-rents partition exchange squaring and adjusting of lines between adjoining owners consolidation and combination of mining lands and the leasing thereof the joining by owners of undivided interests in making and taking conveyances in order to change the route or location of any right of way or passage over adjoining or other lands and the subdivision of premises so as to command the highest price or greatest rents and for such purpose the laying out or dedication of roads streets and alleys or the vacation of such as have not been accepted by the public authorities where the court shall be of opinion that such decree will be to the interest and advantage of all those interested and where the legal title is held by minors lunatics habitual drunkards or weak-minded persons a married person whose spouse is a lunatic or has abandoned him or her for one year or has been absent and unheard of for seven years by corporations having no capacity to convey or by any unincorporated association by any religious beneficial or charitable society or association in-

incorporated or unincorporated and the title is subject to forfeiture if real estate is held in excess of the amount prescribed by its charter or by law by a corporation or individual or individuals and is subject to a trust of any description whatever by any person as to whom a presumption of death may have arisen or any interest wherein is held by any person under legal disability to dispose thereof where the legal title is an estate tail or is subject to the lien of debts of a decedent not of record contingent remainders executory devises or remainders to a class some or all of whom may not be in being or ascertained where estates shall have been devised or granted for special or limited purposes where there is a power of sale but the time may not have arrived for its exercise any preliminary act may not have been done to bring it into exercise the time limited for its exercise may have expired or any one or more persons required to consent or join in its exercise may be non compos mentis have removed out of the State have died refuse to act unreasonably withhold consent or be absent and unheard of where there has been or shall be a defective appointment in any deed or will and the necessary power is not given to the executor devisee or appointee to make sale and conveyance where a trust has been created and no power conferred on the trustee to do any of the acts which the court is hereby empowered to authorize or confirm and to the effects of such decrees" by conferring on the orphans' court concurrent jurisdiction with the court of common pleas in certain cases

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section one of the act approved the seventh day of June one thousand nine hundred seventeen (Pamphlet Laws 388) entitled "An act relating to the jurisdiction powers and procedure of the orphans' court and the court of common pleas as to sales mortgages conveyances on ground-rent leases extinguishment of ground-rents partition exchange squaring and adjusting of lines between adjoining owners consolidation and combination of mining lands and the leasing thereof the joining by owners of undivided interests in making and taking conveyances in order to change the route or location of any right of way or passage over adjoining or other lands and the subdivision of premises so as to command the highest price or greatest rents and for such purpose the laying out or dedication of roads streets and alleys or the vacation of such as have not been accepted by the public authorities where the court shall be of opinion that such decree will be to the interest and advantage of all those interested and where the legal title is held by minors lunatics habitual drunkards or weak-minded persons a married person whose spouse is a lunatic or has abandoned him or her for one year or has been absent and unheard of for seven years by corporations having no capacity to convey or by any unincorporated association by any religious beneficial or charitable society or association incorporated or unincorporated and the title is subject to forfeiture if real estate is held in excess of the amount prescribed by its charter or by law by a corporation or individual or individuals and is subject to a trust of any description whatever by any person as to whom a presumption of death may have arisen or any interest wherein is held by any person under legal disability to dispose thereof where the legal title is an estate tail or is subject to the lien of debts of a decedent not of record contingent remainders executory devises or remainders to a class some or all of whom may not be in being or ascertained where estates shall have been devised or granted for special or limited purposes where there is a power of sale but the time may not have arrived for its exercise any preliminary act may not have been done to bring it into exercise the time limited for its exercise may have expired or any one or more persons required to consent or join in its exercise may be non compos mentis have removed out of the State have died refuse to act unreasonably withhold consent or be absent and unheard of where there has been or shall be a defective appointment in any deed or will and the necessary power is not given to the executor devisee or appointee to make sale

and conveyance where a trust has been created and no power conferred on the trustee to do any of the acts which the court is hereby empowered to authorize or confirm and to the effects of such decrees" is hereby amended to read as follows

Section 1 Be it enacted et cetera That the orphans' court (1) in all cases where real estate or a ground-rent issuing thereout shall be or shall have been acquired by descent or last will partly by deed and partly by descent or last will or by purchase by a trustee executor or guardian and (2) concurrently with the court of common pleas in all cases where real estate or a ground-rent issuing thereout shall be or shall have been acquired by deed or last will partly by deed and partly by last will or by purchase by a trustee of a trust inter vivos subject to the jurisdiction of the orphans' court and in all other cases the court of common pleas of each county of this Commonwealth shall have jurisdiction with respect to real estate situate within the county and in the cases herein-after specified to authorize or confirm

(a) The sale mortgaging conveying on ground rent and leasing thereof or the extinguishment or assignment of ground rents issuing thereout

(b) The amicable partition and exchange thereof

(c) The squaring and adjusting of lines between adjoining owners

(d) The consolidation and combination of mining lands with other adjoining mining lands so that they shall form one tract and the leasing thereof in such manner that the several persons interested therein shall be seised of undivided interests in the whole proportionate to their several undivided interests before such combination and consolidation the rents or royalties received under the lease to be apportioned among them in like proportions

(e) The joining by owners of undivided interests in making and taking conveyances in order to change in part or in whole the route or location of any right of way or passage existing over and upon adjoining or other lands

(f) The subdivision of the premises so as to command the highest price or greatest rents and for such purpose where the premises shall admit of or require it the laying out and dedication of roads streets and alleys or the vacating of such as shall not have been paid for or received into actual use by the public if found to be inconvenient and to make an unprofitable division of the property

Provided That such court shall be of the opinion that such decree will be to the interest and advantage of all those interested therein and without prejudice to any trust charity or purpose for which the real estate or ground rent shall be held and without the violation of any law which may confer an immunity or exemption from sale or alienation

And said bill having read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 410, as follows:

An Act relating to the practice of the occupation or business of opticians and providing for the licensing and registration of opticians and optical technicians and the registration of optician's apprentices and for the revocation and suspension of such licenses and registrations subject to appeal and for their reinstatement defining the powers and duties of the State Board of Examiners of Opticians and the Department of Public Instruction and providing penalties

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Short Title This act shall be known and may be cited as "The Opticians' Law"

Section 2 Definitions An "optician" within the meaning of this act is a person who produces or reproduces grinds or superintends the grinding of ophthalmic lenses or who fills perscriptions for ophthalmic lenses issued by a

physician or optometrist or who fits or adjusts eyeglasses spectacles and their essential parts as prescribed by a physician or optometrist or who sells or offers for sale to the ultimate consumer any eyeglasses spectacles oxfords lorgnettes or other ophthalmic frames mountings parts or accessories or ophthalmic lenses sunglasses when fitted with ophthalmic lenses industrial goggles or eye protectors when fitted with ophthalmic lenses The term "optician" does not include a duly licensed physician or optometrist acting within the scope of authority of their respective licenses

An "optical technician" is one who is legally licensed as such by the State Board of Examiners of Opticians to produce reproduce and grind ophthalmic lenses and to mount the same to supporting materials but does not do or perform any other service or function of an optician

"Ophthalmic Lenses" An "ophthalmic lens" is any lens or prism made of glass or other substance meant to be worn before the eyes which have the property of bending refracting or altering the course of light entering the eyes the intent being to modify assist or alter the visual function or the amount of sight or contribute to the comfort of seeing specifically excepting glasses intended solely for the protection of the eyes against flying particles snow rain or high wind or solely for the protection against excessive light or glare such as sunglasses or welder's glasses and not having any other power

The word "board" as used in this act means the State Board of Examiners of Opticians

Section 3 General Powers of the State Board of Examiners of Opticians The State Board of Examiners of Opticians (hereinafter called the board) created appointed and organized in accordance with the provisions of the Administrative Code and its amendments shall have power

(a) To establish and alter from time to time the standards of education and the training required for licensure to practice as an optician and as an optical technician and for registration as an apprentice

(b) To investigate and determine the acceptability and to approve and disapprove institutions of learning of this State and of other states and countries for the education of students desiring to be licensed to practice as opticians or as optical technicians and to revoke approvals where such institutions of learning no longer are deemed proper

(c) To provide for and to regulate the licensing and to license to practice as an optician after examination any duly qualified applicant at least twenty-one years of age of good moral character not addicted to the use of intoxicating liquor or narcotic drugs who has obtained the required education in an approved institution of learning or who has served as an optical technician under the supervision of an optician for a period of not less than three years

(d) To provide for and to regulate the licensing and to license as an optical technician after examination any duly qualified person not less than nineteen years of age of good moral character not addicted to the use of intoxicating liquor or narcotic drugs who has obtained the required education in an approved institution of learning or who has served as an apprentice to an optician for a period of not less than one year

(e) To provide for and to regulate the registration and to register as optician's apprentices without examination any duly qualified person not less than eighteen years of age of good moral character not addicted to the use of intoxicating liquor or narcotic drugs who has obtained the required education

(f) To prescribe the subjects character manner time and place of examinations and the filing of applications for examination and registrations and to conduct and provide for the conduct of the examinations to make written reports of such examinations which reports shall be preserved in the Department of Public Instruction for a period of not less than five years to collect such fees for such examinations and registrations as may be fixed according to law and to issue licenses to such applicants as successfully pass such examinations

(g) To accept and endorse as valid in this Common-

wealth licenses to practice as an optician or as an optical technician issued by other states and countries upon the payment of such fees as prescribed according to law for applicants in this State Provided That the standards of such other state and country are in the opinion of the Board equal to the standards of this Commonwealth And provided further That such other state and country shall recognize and endorse as valid in such state or country licenses issued by this Commonwealth

(h) To investigate and conduct hearings either before the membership of the board or committees thereof and to discipline and prosecute those guilty of illegal practices

(i) To suspend and revoke by majority action of the entire board the license or registration of any licensee or registered apprentice who has been guilty of a crime or misdemeanor involving moral turpitude or of fraudulent or unlawful practice or practices or fraudulent misleading or deceptive representations or of unethical conduct or of false misleading or deceptive advertising as respects the skill of the operator the quality of materials used or methods practiced or of habitual intemperance or who is addicted to the use of narcotic drugs or is insane and to reinstate licenses and registrations in any cases where a majority of the entire board shall determine the same to be just and proper

(j) To provide for regulate and require all persons copartnerships associations or corporations licensed in accordance with the provisions of this act to register annually with the board to prescribe the form of such registrations to require as a condition precedent to such annual registration the payment of such annual registration fee as shall be fixed according to law to issue annual registration certificates to such persons copartnerships associations or corporations and to suspend or revoke the license or registration of such persons co-partnerships associations or corporations as fail refuse or neglect to register annually or pay such fee The Department of Public Instruction shall be required to publish annually a list of the persons copartnerships associations or corporations registered for that particular year

(k) To keep a record and it shall be the duty of the board so to do of all licenses and registrations issued and all registrations made with the board and to prescribe the form of such record

(l) To submit biennially to the Department of Public Instruction an estimate of the financial requirements of the board for administrative investigative legal and miscellaneous expenses

(m) To administer and enforce the laws of the Commonwealth relating to the practice as opticians and as optical technicians and to instruct and require its agents to bring prosecutions for unauthorized and unlawful practices

(n) To keep minutes and records of all its transactions and proceedings

(o) To adopt promulgate and enforce such rules and regulations as may be deemed necessary by the board and proper to carry into effect the powers hereby conferred

Section 4 Fees The fees for an applicant for examination and licensure to practice as an optician or as an optical technician and for registration as an apprentice in this Commonwealth shall be fixed by the Department of Public Instruction in accordance with existing law It shall be the duty of all persons co-partnerships associations or corporations licensed by the board to register annually with said board and pay for each such annual registration such fee as may be fixed by the Department of Public Instruction

Until changed by the department the following fees shall be collected

All licenses granted without examination	\$10.00
Examinations Optician	25.00
Optical Technician	10.00
Annual registration Optician	5.00
Optical Technician	2.00
Reinstatement of all lapsed licenses	5.00
Registration Apprentice	3.00

Section 5 Hearing on Suspensions and Revocation of

Licenses and Registration Appeals Before the license of any licensee or any registration is suspended or revoked by the board a written copy of the complaint made shall be furnished to the licensee or registrant against whom the same is directed and an opportunity be afforded him her it or them to be heard before the board personally and by counsel At least ten days' written notice of the time and place of such hearing shall be given the licensee or registrant by registered mail addressed to the post office address as shown on the annual registration or other record or information in possession of the board

Any person co-partnership association or corporation aggrieved by the action of the board in suspending or revoking a license or registration or by any other action of the board which is alleged to be improper unreasonable or unlawful may appeal from such action of the board in writing to the court of common pleas of Dauphin County

Appeals from suspensions and revocations of licenses and registrations must be taken within thirty days after such suspension or revocation of which action immediate notice shall be given the licensee or registrant by registered mail addressed as above provided In the case of appeals from other actions of the board the appeal may be taken at any time by the person co-partnership association or corporation aggrieved by such action No such appeal shall act as supersedeas

Appeals shall be taken by serving upon the Department of Public Instruction written notice of such appeal together with reasons for such appeal Such service shall be made either by filing the said notice of appeal in the office of the department or in the event that a hearing has been had by delivering the same to the deputy whether general or special before whom the hearing in the case was had

Within thirty days after the service of such notice of appeal the department shall file with the prothonotary of the said court of common pleas a transcript of the records of the proceedings if any in its office duly certified over the seal of the department which record shall include all papers on file with the department affecting or relating to the inquiry or investigation if any conducted by the department and all the evidence taken in the hearing if any including the stenographic notes of testimony Notice of the filing of the said transcript with the term and number to which filed shall be forthwith given by the department to the licensee or registrant and as well to the party or parties if any upon whose complaint the proceedings before the department were instituted The cost of the said transcript at twenty-five cents per folio and one dollar for certification shall be entered as part of the record costs in the cause to be paid as the court may direct In all proceedings upon such appeal the Department of Justice shall appear for and represent the Commonwealth

The court upon application by the board or the appellant shall fix a time and place for hearing at which time or at any adjournment thereof the appeal shall be heard by the judge or judges of the court without a jury by whom the proceedings before the department if any its findings and rulings shall be given similar weight force and effect as are accorded to the findings and report of a referee selected or appointed under the provisions of the act entitled "An act to provide for the submission of civil cases by agreement of the parties to a referee learned in the law" approved the fourteenth day of May one thousand eight hundred and seventy-four (Pamphlet Laws 166) and its supplements After hearing the court may sustain modify or reverse the action of the board as in its judgment the facts shall warrant

Either party may appeal from the decisions of the court of common pleas of Dauphin County to the Superior Court but not later than thirty days after the entry of the decree by said court Such appeals shall be taken and prosecuted in the same manner and with like effect as is provided by law in other cases of appeal to the Superior Court and the records certified to the Superior Court shall contain all that was before the court of

common pleas The decree of the Superior Court shall be final and conclusive

Section 6 Records to be Public and be Received in Evidence The records of the board shall be public and open to inspection during business hours Copies thereof duly certified by the Superintendent of Public Instruction or any of his deputies shall be received in evidence in all courts and elsewhere

Section 7 Collection and Payment Over of Fees All fees collected under the provisions of this act shall be received by the Department of Public Instruction and shall be paid into the State Treasury through the Department of Revenue for the use of the General Fund of the Commonwealth

Section 8 Licensing of Present Opticians and Optical Technicians The board shall license without examination as opticians all persons over the age of twenty-one years co-partnerships associations or corporations who at the time of the taking effect of this act were actually engaged exclusively as opticians and who have been so engaged continuously for a period of not less than one year next preceding such time six months of which immediately preceding such effective date shall have been within this Commonwealth The board shall license without examination as optical technicians all persons over the age of nineteen years who at the time of the taking effect of this act were actually engaged exclusively as optical technicians and who have been so engaged continuously for a period of one year next preceding such time six months of which immediately preceding such effective date shall have been within this Commonwealth The board shall make such rules and regulations as it deems necessary to determine the eligibility of any person co-partnership association or corporation for a license under the provisions of this section All applications for license under the provisions of this section shall be made before the thirty-first day of December one thousand nine hundred and thirty-nine and shall be accompanied by the license fee prescribed for licenses granted without examination

Section 9 Right of Opticians to Practice as Optical Technicians Nothing contained in this act shall be construed as prohibiting a duly licensed and registered optician from performing the work of an optical technician

Section 10 Right to Operate Under Partnership Name This act shall not be construed as prohibiting two or more registered opticians from operating a joint or a co-partnership business provided the business be conducted under the names of all such licensed opticians but no optician granted an original license under this act shall conduct business under any other name than the name appearing on his or her license This Section shall not apply to persons heretofore conducting business under a fictitious name

Section 11 Requirements of Partnerships Associations or Corporations No co-partnership association or corporation may be licensed or registered by the Department as opticians unless all the members of any such co-partnership or association are actively engaged in the optical business and all the officers of any such corporation are actively engaged in the optical business and furthermore are of the age of twenty-one years and upwards are citizens of the United States and shall have been licensed as opticians for a period of not less than one year

This provision shall not apply to co-partnerships associations or corporations engaged in the optical business prior to the enactment of this Act

Section 12 Right of Widow and Estates to be Licensed The board may issue licenses and registrations and renew the same to estates of deceased opticians for a period not exceeding three years or to widows of deceased opticians as long as they remain unmarried provided the business is carried on and conducted under the supervision of a licensed optician and under the regulations of the board

Section 13 Peddling Peddling from door to door or the establishment of temporary places of business or the practice of the business of optician by a licensee outside of or away from his her or its place of business is specifically forbidden under penalty of revocation of license

by the board This shall not however be construed as prohibiting an optician from furnishing fitting or adjusting spectacles eye glasses or lenses to a person or person who by reason of illness legal restraint or physical or mental infirmity is prevented from attending the place of business of the licensee

This provision shall further not be construed or prohibiting any optician from furnishing fitting or adjusting spectacles eyeglasses or lenses to any person or persons at any hospital or any department thereof located within this Commonwealth

Section 14 Branch Offices Not Prohibited Nothing in this act shall be construed as preventing the establishment of a branch office or offices by a licensee provided the licensee shall secure from the board a copy of his her or its license or registration and keep the same prominently posted in each such branch or branches The board shall not require any additional fee for the furnishing of copies of such licenses or registration

Section 15 Physicians and Optometrists The provisions of this act shall not apply to physicians or optometrists practicing under authority of a license issued under the laws of this Commonwealth for the practice of medicine surgery or optometry

Section 16 Employes and Assistants The Department of Public Instruction shall assign to the board such clerks stenographers assistants investigators and attorneys as may be deemed necessary to carry out and enforce the provisions of this act

Section 17 Penalties On and after the thirty-first day of December one thousand nine hundred and thirty-nine it shall be unlawful for any person co-partnership association or corporation

(a) To practice as an optician or to hold himself herself or itself out as a practitioner of or entitled or authorized to practice as an optician or to assume any title of "optician" or other letters or titles in connection with his or her name which in any way represent him or her as being engaged in practice as an optician or authorized so to do unless he she or it has been duly licensed registered and authorized to engage in such practice under the provisions of this act

(b) To practice as an optician or as an optical technician unless his or her license and annual registration are displayed in his or her regularly established place of business

(c) Practicing as an optician to employ an optical technician as his or her assistant unless such assistant is licensed and registered as an optical technician as required by this act and the rules and regulations of the board

(d) Practicing as an optician to employ an apprentice as his or her assistant unless such assistant is registered as an optician's apprentice as required by this act and the rules and regulations of the board

(e) Practicing as an optician to use any title other than the title "optician" This provision shall be construed to specifically prohibit the use of any qualifying or modifying words except "Guild" or "Dispensing" either before or after the word "optician" The use of the phrase "registered optician" or "licensed optician" is expressly prohibited

Any person co-partnership association or corporation violating any of the provisions of this section or any other provisions of this act shall be guilty of a misdemeanor and upon conviction thereof shall have his her or its license revoked and shall be sentenced to pay a fine not exceeding five hundred dollars or to suffer imprisonment not exceeding six months or both in the discretion of the court

Section 18 Effective Date This act shall take effect on the thirty-first day of December one thousand nine hundred and thirty-nine

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to second reading and consideration of House Bill No. 373, as follows:

An Act declaring valid provisions in wills and trusts instruments directing that certain dividends upon and profits

realized from corporate stock be treated in whole or in part either as principal or income and repealing inconsistent legislation

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 In wills deeds of trust or other instruments creating trusts becoming effective hereafter provisions directing that extraordinary dividends declared upon corporate stock held in trust whether payable in cash stock rights to subscribe to stock of the issuing or another corporation or otherwise or directing that profits realized from such stock either upon its sale or upon the sale or dissolution of the issuing corporation or otherwise shall be treated in whole or in part either as principal or income shall be valid and enforceable

Section 2 Section nine of the act approved the eighteenth day of April one thousand eight hundred and fifty-three (Pamphlet Laws 503) entitled "An act relating to the sale and conveyance of real estate" and the amendments thereto are hereby repealed

All other acts and parts of acts are hereby repealed insofar as they are inconsistent herewith

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to second reading and consideration of House Bill No. 476, (Senate Bill No. 40), entitled:

An Act making an appropriation to the Department of Forests and Waters for the use of the Pennsylvania State Park and Harbor Commission of Erie and for the joint use of the Department of War of the United States Government and the Department of Forests and Waters of the Commonwealth of Pennsylvania and the use of the Department of Forests and Waters in cooperation with the Federal Beach Erosion Board

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to second reading and consideration of House Bill No. 312, as follows:

An Act to reenact and amend the title and the act approved the ninth day of June one thousand nine hundred thirty-six (Special Session of one thousand nine hundred thirty-six Pamphlet Laws thirteen) entitled "An act imposing an emergency State tax for a limited period of time on liquor as herein defined sold by the Pennsylvania Liquor Control Board providing for the collection and payment of such tax and imposing duties upon the Department of Revenue and the Pennsylvania Liquor Control Board" as previously reenacted and amended by extending the provisions thereof for a further limited period of time

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The title and all the sections of the act approved the ninth day of June one thousand nine hundred thirty-six (Special Session of one thousand nine hundred thirty-six Pamphlet Laws thirteen) entitled "An act imposing an emergency State tax for a limited period of time on liquor as herein defined sold by the Pennsylvania Liquor Control Board providing for the collection and payment of such tax and imposing duties upon the Department of Revenue and the Pennsylvania Liquor Control Board" as reenacted and amended by the act approved the eighth day of April one thousand nine hundred thirty-seven (P. L. 250) are hereby reenacted and further amended to read as follows

An Act imposing an emergency State tax for a limited period of time on liquor as herein defined sold by the Pennsylvania Liquor Control Board providing for the

collection and payment of such tax and imposing duties upon the Department of Revenue and the Pennsylvania Liquor Control Board

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the following words terms and phrases used in this act are for the purposes hereof defined as follows

"Liquor" Any alcoholic spiritous vinous fermented or other alcoholic beverage or combination of liquors and mixed liquor a part of which is spiritous vinous fermented or otherwise alcoholic and all drinks or drinkable liquids preparations or mixtures intended for beverage purposes which contain more than one-half of one per centum of alcohol by volume except alcohol and malt or brewed beverages

"Department" The Department of Revenue of this Commonwealth

"Board" The Pennsylvania Liquor Control Board of this Commonwealth

"Fiscal Month" The monthly period established from time to time by the Pennsylvania Liquor Control Board for the purpose of conducting its business

Section 2 Until the first day of June one thousand nine hundred [thirty-nine] forty-one an emergency State tax is hereby imposed and assessed at the rate of ten per centum of the net price of all liquors sold by the board The tax herein imposed shall be collected by the board from the purchaser of the liquor from the board. The amount of such ten per centum collected by the board under the provisions of this act shall be paid into the State Treasury through the department in the manner and within the times herein specified and shall be credited to the General Fund

Section 3 It shall be the duty of the board to transmit to the department on or before the fifteenth day of each calendar month a statement of its receipts from sales of liquor and taxes collected during the preceding fiscal month and such other information as may be necessary to effectuate the provisions of this act at which time it shall also be the duty of the board to pay to the department the tax imposed upon such liquor by the provision of this act. Provided however That the board may in its discretion add the tax imposed by this act to the wholesale and retail price at which liquors are sold and eliminate any accounting of such tax separate from sale prices and in such case the amount of the tax for any calendar month shall be ascertained by dividing the entire gross receipts derived from sales at Pennsylvania liquor stores during such month by eleven and the quotient thus obtained shall be deemed the amount of the tax for such month payable over under this section

Section 4 This act shall become effective immediately upon its final enactment

Section 2 This reenacting and amending act shall become effective immediately upon its final enactment

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 313, as follows:

An Act to further amend section one of the act approved the thirteenth day of June one thousand nine hundred seven (P. L. 640) entitled "An act to provide revenue by levying a tax upon the shares of stock of companies incorporated under the provisions of section twenty-nine of an act entitled 'An act to provide for the incorporation and regulation of certain corporations' approved April twenty-ninth one thousand eight hundred and seventy-four and the supplements thereto for the insurance of owners of real estate mortgages and others interested in real estate from loss by reason of defective titles liens and encumbrances and of companies entitled to the benefits of and of companies having any of the powers

of companies entitled to the benefits of an act entitled 'An act conferring upon certain fidelity insurance safety deposit trust and savings companies the powers and privileges of companies incorporated under the provisions of section twenty-nine of an act entitled "An act to provide for the incorporation and regulation of certain corporations" approved April twenty-ninth Anno Domini one thousand eight hundred and seventy-four and of the supplements thereto' approved June twenty-seventh one thousand eight hundred and ninety-five commonly known as title insurance or trust companies" by continuing the increased rate of tax for a further limited period of time and reducing the rate of tax after such limited period of time

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section one of the act approved the thirteenth day of June one thousand nine hundred seven (P. L. 640) entitled "An act to provide revenue by levying a tax upon the shares of stock of companies incorporated under the provisions of section twenty-nine of an act entitled 'An act to provide for the incorporation and regulation of certain corporations' approved April twenty-ninth one thousand eight hundred and seventy-four and the supplements thereto for the insurance of owners of real estate mortgages and others interested in real estate from loss by reason of defective titles liens and encumbrances and of companies entitled to the benefits of and of companies having any of the powers of companies entitled to the benefits of an act entitled 'An act conferring upon certain fidelity insurance safety deposit trust and savings companies the powers and privileges of companies incorporated under the provisions of section twenty-nine of an act entitled "An act to provide for the incorporation and regulation of certain corporations" approved April twenty-ninth Anno Domini one thousand eight hundred and seventy-four and of the supplements thereto' approved June twenty-seventh one thousand eight hundred and ninety-five commonly known as title insurance or trust companies" as last amended by the act approved the eighth day of April one thousand nine hundred thirty-seven (P. L. 251) and the act approved the first day of July one thousand nine hundred thirty-seven (P. L. 2657) is hereby further amended to read as follows

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That from and after the passage of this act every company incorporated under the provisions of section twenty-nine of an act entitled "An act to provide for the incorporation and regulation of certain corporations" approved April twenty-ninth one thousand eight hundred and seventy-four and its supplements or any other act of Assembly heretofore or hereafter approved for the insurance of owners of real estate mortgages and others interested in real estate from loss by reason of defective titles liens and encumbrances and every company entitled to benefits of and every company having any of the powers of companies entitled to the benefits of an act entitled "An act conferring upon certain fidelity insurance safety deposit trust and savings companies the powers and privileges of companies incorporated under the provisions of section twenty-nine of an act entitled 'An act to provide for the incorporation and regulation of certain corporations' approved April twenty-ninth Anno Domini one thousand eight hundred and seventy-four and of the supplements thereto" approved June twenty-seventh one thousand eight hundred and ninety-five commonly known as title insurance or trust companies and every company organized as a bank and trust company or as a trust company under any act of Assembly heretofore or hereafter approved except any such companies all of the shares of capital stock of which (other than shares necessary to qualify directors) are owned by a company which is liable to pay to the Commonwealth a tax on shares shall on or before the fifteenth day of February in each and every year make to the Department of Revenue a report in writing setting forth the full number of shares of the capital stock subscribed for or issued by such company and the actual value thereof as of December thirty-first

preceding which shall be ascertained as hereinafter provided and thereupon it shall be the duty of the Department of Revenue for the calendar years ending December thirty-first one thousand nine hundred thirty-six December thirty-first one thousand nine hundred thirty-seven [and] December thirty-first one thousand nine hundred thirty-eight December thirty-first one thousand nine hundred thirty-nine and December thirty-first one thousand nine hundred forty to assess such shares for taxation at the rate of eight mills upon each dollar of the actual value thereof and thereafter at the rate of [eight] five mills upon each dollar of the actual value thereof the actual value of each share of stock to be ascertained and fixed by adding together the amount of capital stock paid in the surplus and undivided profits and dividing this amount by the number of shares

It shall be the duty of every such company within a period of sixty days after the date of such settlement by the Department of Revenue to collect the amount of said tax from its shareholders and pay the same to the State Treasurer through the Department of Revenue Provided That upon the payment of the tax fixed by this act into the State Treasury through the Department of Revenue the shares and so much of the capital stock surplus profits and deposits of such company as shall not be invested in real estate shall be exempt from all other taxation under the laws of this Commonwealth The procedure in case the Department of Revenue be not satisfied with the report made by any title insurance or trust company and the penalties for failing to make such report and pay the tax shall be as provided by law

Section 2 This act shall become effective immediately upon its final enactment

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 314, as follows:

An Act to further amend the act approved the first day of June one thousand eight hundred eighty-nine (Pamphlet Laws four hundred twenty) entitled "A further supplement to an act entitled 'An act to provide revenue by taxation' approved the seventh day of June Anno Domini one thousand eight hundred and seventy-nine" by increasing for a further limited period of time the rate of tax imposed by the act upon the gross receipts of certain companies limited partnerships associations joint-stock associations copartnerships and persons

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section twenty-three of the act approved the first day of June one thousand eight hundred eighty-nine (Pamphlet Laws four hundred twenty) entitled "A further supplement to an act entitled 'An act to provide revenue by taxation' approved the seventh day of June Anno Domini one thousand eight hundred and seventy-nine" as last amended by the act approved the eighth day of April one thousand nine hundred thirty-seven (Pamphlet Laws two hundred forty-five) is hereby further amended to read as follows

Section 23 That every railroad company pipe line company conduit company steamboat company canal company slack water navigation company transportation company and every other company association joint-stock association or limited partnership now or hereafter incorporated or organized by or under any law of this Commonwealth or now or hereafter organized or incorporated by any other State or by the United States or any foreign government and doing business in this Commonwealth and every copartnership person or persons owning operating or leasing to or from another corporation company association joint-stock association limited partnership copartnership person or persons any railroad pipe line conduit steamboat canal slack water navigation or other device for the transportation of freight passengers baggage or oil

except taxicabs motor buses and motor omnibuses and every limited partnership association joint-stock association corporation or company engaged in or hereafter engaged in the transportation of freight or oil within this State and every telephone company telegraph company express company electric light company water-power company hydro-electric company palace car company and sleeping car company now or hereafter incorporated or organized by or under any law of this Commonwealth or now or hereafter organized or incorporated by any other State or by the United States or any foreign government and doing business in this Commonwealth and every limited partnership association joint-stock association copartnership person or persons engaged in telephone telegraph express electric light and power water-power hydro-electric palace car or sleeping car business in this Commonwealth shall pay to the State Treasurer through the Department of Revenue a tax of fourteen mills for the six months' periods ending June thirtieth one thousand nine hundred thirty-five December thirty-first one thousand nine hundred thirty-five and June thirtieth one thousand nine hundred thirty-six and twenty mills for the six months' period ending December thirty-first one thousand nine hundred thirty-six June thirtieth and December thirty-first one thousand nine hundred thirty-seven [and] June thirtieth and December thirty-first one thousand nine hundred thirty-eight June thirtieth and December thirty-first one thousand nine hundred thirty-nine and June thirtieth and December thirty-first one thousand nine hundred forty and eight mills thereafter upon the dollar of the gross receipts of said corporation company or association limited partnership joint-stock association copartnership person or persons received from passengers baggage and freight transported wholly within this State from telegraph or telephone messages transmitted wholly within the State from express palace car or sleeping car business done wholly within this State or from electric light and power water-power and hydro-electric business and from the transportation of oil done wholly within the State The said tax shall be paid within the time prescribed by law for the payment of taxes settled by the Department of Revenue and for the purpose of ascertaining the amount of the same it shall be the duty of the treasurer or other proper officer of the said company copartnership limited partnership association joint-stock association or corporation or person or persons to transmit to the Department of Revenue on or before the first days of February and August of each year a statement under oath or affirmation of the amount of gross receipts of the said companies copartnerships associations joint-stock associations limited partnerships person or persons derived from all sources and of gross receipts from business done wholly within the State during the period of six months immediately preceding the first days of January and July of each year The time for filing reports may be extended estimated settlements may be made by the Department of Revenue if reports are not filed and the penalties for failing to file reports and pay the tax shall be as prescribed by the laws defining the powers and duties of the Department of Revenue Provided That in any case where the works of any corporation company copartnership association joint-stock association limited partnership person or persons are operated by another corporation company copartnership association joint-stock association limited partnership person or persons the taxes imposed by this section shall be apportioned between the said corporations companies copartnerships associations joint-stock associations limited partnerships person or persons in accordance with the terms of their respective leases or agreements but for the payment of the said taxes the Commonwealth shall first look to the corporation company copartnership association joint-stock association limited partnership person or persons operating the works and upon payment by the said company corporation copartnership association joint-stock association limited partnership person or persons of a tax upon the receipts as herein provided derived from the operation thereof no other corporation company copartnership association joint-stock association limited partnership person or persons shall be held liable under this section for any tax upon the

proportion of said receipts received by said corporation company copartnership association joint-stock association limited partnership person or persons for the use of said works

This act shall be construed to apply to municipalities and to impose a tax upon the gross receipts derived from any municipally owned and operated public utility or from any public utility service furnished by any municipality to the extent of such gross receipts as are derived from business done outside the limits of the municipality operating the public utility service

Section 2 This act shall become effective immediately upon its final enactment

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 315, as follows:

An Act to further amend section one of the act approved the fifteenth day of July one thousand eight hundred ninety-seven (Pamphlet Laws two hundred ninety-two) entitled "An act to provide revenue by taxation" by increasing the rate of tax for a further limited period of time

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section one of the act approved the fifteenth day of July one thousand eight hundred ninety-seven (Pamphlet Laws two hundred ninety-two) entitled "An act to provide revenue by taxation" as last amended by the act approved the eighth day of April one thousand nine hundred thirty-seven (Pamphlet Laws two hundred fifty-four) is hereby further amended to read as follows

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That from and after the passage of this act every bank or savings institution having capital stock incorporated by or under any law of this Commonwealth or under any law of the United States and located within this Commonwealth shall on or before the fifteenth day of February in each and every year make to the Department of Revenue a report in writing verified as required by law setting forth the full number of shares of the capital stock subscribed for or issued as of the preceding thirty-first day of December by such bank or savings institution and the actual value thereof as of the preceding thirty-first day of December which actual value shall be ascertained as hereinafter provided It shall be the duty of the Department of Revenue to assess such shares for taxation at the same rate as that imposed upon other moneyed capital in the hands of individual citizens of the State that is to say for the calendar years ending December thirty-first one thousand nine hundred thirty-six December thirty-first one thousand nine hundred thirty-seven [and] December thirty-first one thousand nine hundred thirty-eight December thirty-first one thousand nine hundred thirty-nine and December thirty-first one thousand nine hundred forty at the rate of eight mills upon each dollar of the actual value thereof and thereafter at the rate of four mills upon each dollar of the actual value thereof the actual value of each share of stock to be ascertained and fixed by adding together the amount of capital stock paid in the surplus and undivided profits and dividing this amount by the number of shares It shall be the duty of every bank or savings institution within a period of sixty days after the date of such settlement by the Department of Revenue to collect the amount of said tax from its shareholders and pay the same to the State Treasurer through the Department of Revenue Provided That in case any bank or savings institution having capital stock incorporated under the law of this State or of the United States shall collect annually from the shareholders thereof said tax of eight mills or four mills as the case may be on the dollar upon the actual value of

all the shares of stock of said bank or savings institution according to the provisions of this act that have been subscribed for or issued and pay the same into the State Treasury through the Department of Revenue the shares and so much of the capital and profits of such bank or savings institution as shall not be invested in real estate shall be exempt from local taxation under the laws of this Commonwealth and such bank or savings institution shall not be required to make any report to the local assessor or county commissioners of its personal property owned by it in its own right for purposes of taxation and shall not be required to pay any tax thereon The procedure in case the Department of Revenue be not satisfied with the report made by any bank or savings institution and the penalties for failing to make such report and pay the tax shall be as provided by law

Section 2 This act shall become effective immediately upon its final enactment

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 316, as follows:

An Act to further amend section four of the act approved the twenty-first day of May one thousand nine hundred thirty-one (Pamphlet Laws one hundred forty-nine) entitled "An act imposing a State tax payable by those herein defined as distributors on liquid fuels used or sold and delivered within the Commonwealth which are ordinarily practically and commercially usable in internal combustion engines for the generation of power providing for the collection and lien of the tax and the distribution and use of the proceeds thereof requiring such distributors to secure permits to file corporate surety bonds and reports and to retain certain records imposing duties on retail dealers common carriers county commissioners and such distributors providing for rewards imposing certain costs on counties conferring powers and imposing duties on certain State officers and departments providing for refunds imposing penalties and making an appropriation" by imposing and continuing the additional emergency tax on liquid fuels for a further limited period of time

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section four of the act approved the twenty-first day of May one thousand nine hundred thirty-one (Pamphlet Laws one hundred forty-nine) entitled "An act imposing a State tax payable by those herein defined as distributors on liquid fuels used or sold and delivered within the Commonwealth which are ordinarily practically and commercially usable in internal combustion engines for the generation of power providing for the collection and lien of the tax and the distribution and use of the proceeds thereof requiring such distributors to secure permits to file corporate surety bonds and reports and to retain certain records imposing duties on retail dealers common carriers county commissioners and such distributors providing for rewards imposing duties on certain State officers and departments providing for refunds imposing penalties and making an appropriation" as last amended by the act approved the second day of July one thousand nine hundred thirty-seven (Pamphlet Laws two thousand seven hundred seventy-four) is hereby further amended to read as follows

Section 4 Imposition of Tax Exemptions and Deductions A permanent State tax of three cents a gallon or fractional part thereof is hereby imposed and assessed upon all liquid fuels used or sold and delivered by distributors within this Commonwealth excepting liquid fuels delivered to the United States Government on presentation of a duly authorized United States Government exemption certificate or other evidence satisfactory to the department and such liquid fuels used or sold and delivered as are not within the taxing power of this Commonwealth under the Commerce Clause of the Constitution of the United States

Provided That the tax herein imposed and assessed shall be collected by and paid to the Commonwealth but once in respect to any liquid fuels

In addition to such tax an additional emergency State tax of one cent a gallon or fractional part thereof is hereby imposed and assessed upon all liquid fuels used or sold and delivered by distributors within this Commonwealth for the period beginning on the day this act becomes effective and ending on the thirty-first day of May one thousand nine hundred and [thirty-nine] forty-one

Distributors shall be liable to the Commonwealth for the collection and payment of the tax imposed by this act The tax imposed by this act shall be collected by the distributor at the time the liquid fuels are used or sold and delivered by the distributor and shall be borne by the consumer

The tax shall be payable upon liquid fuels sold and delivered to or used by the Commonwealth and every political subdivision thereof

The department shall allow such handling and storage losses of liquid fuels as are substantiated to its satisfaction

Section 2 This act shall become effective immediately upon its final enactment

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 317, as follows:

An Act to reenact and amend the title and the act approved the sixteenth day of May one thousand nine hundred thirty-five (P. L. two hundred eight) entitled as amended "An act to provide revenue for State purposes by imposing an excise tax for a limited period of time on the net incomes of certain corporations joint-stock associations and limited partnerships providing for the assessment collection settlement and resettlement of taxes and reviews and appeal therefrom conferring powers and imposing duties on certain persons corporations joint-stock associations limited partnerships State and county officers boards and departments making an appropriation and providing penalties" as previously reenacted and amended by extending the provisions of the act for a further limited period of time exempting title insurance companies and making certain changes in the procedure for the collection and adjustment of the tax

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The title and all the sections of the act approved the sixteenth day of May one thousand nine hundred thirty-five (P. L. two hundred eight) entitled as amended, "An act to provide revenue for State purposes by imposing an excise tax for a limited period of time on the net incomes of certain corporations joint-stock associations and limited partnerships providing for the assessment collection settlement and resettlement of taxes and reviews and appeal therefrom conferring powers and imposing duties on certain persons corporations joint-stock associations limited partnerships State and county officers boards and departments making an appropriation and providing penalties" as previously reenacted and amended by the act approved the eighth day of April one thousand nine hundred thirty-seven (P. L. two hundred twenty-seven) are hereby reenacted and further amended to read as follows

An Act to provide revenue for State purposes by imposing an excise tax for a limited period of time on the net incomes of certain corporations joint-stock associations and limited partnerships providing for the assessment collection settlement and resettlement of taxes and reviews and appeal therefrom conferring powers and imposing duties on certain persons corporations joint-stock associations limited partnerships State and county officers boards and departments making an appropriation and providing penalties

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by authority of the same That this act shall be known and may be cited as the "Corporate Net Income Tax Act"

Section 2 Definitions The following words terms and phrases when used in this act shall have the meaning ascribed to them in this section except where the context clearly indicates a different meaning

"Corporation" A corporation having capital stock joint-stock association or limited partnership either organized under the laws of this Commonwealth the United States or any other state territory or foreign country or dependency and doing business in this Commonwealth or having capital or property employed or used in this Commonwealth by or in the name of itself or any person partnership association limited partnership joint-stock association or corporation The word "corporation" shall not include building and loan associations banks bank and trust companies national banks savings institutions trust companies title insurance companies beneficial life and limited life insurance companies mutual fire mutual casualty and mutual life insurance companies and foreign stock companies registered in this Commonwealth and therein engaged in doing business as life and casualty insurance companies and surety companies

"Department" The Department of Revenue of this Commonwealth

"Net income" 1 In case the entire business of the corporation is transacted within this Commonwealth net income for the calendar year or fiscal year as returned to and ascertained by the the Federal Government subject however to any correction thereof for fraud evasion or error as finally ascertained by the Federal Government Provided That additional deductions shall be allowed from net income on account of any Federal taxes paid during such calendar or fiscal year for the preceding calendar or fiscal year or accrued during such calendar or fiscal year for such year as the case may be and on account of any dividends received from any other corporation And provided further That in the case of stock life fire casualty and indemnity insurance companies doing business on the mutual or participating plan the term "Net income" shall not include the dividends paid to policy holders out of net income

2 In case the entire business of any corporation is not transacted within this Commonwealth the tax imposed by this act shall be based upon such portion of the net income of such corporation for the fiscal or calendar year as defined in clause one hereof as may be determined by allocations and apportionments made as follows

(a) Gains realized from the sale of capital assets if such assets consist of real estate or tangible personal property situated in the Commonwealth shall be allocated to this Commonwealth

(b) Gains realized from the sale of capital assets if such assets consist of real estate or tangible personal property situated outside of the Commonwealth shall not be allocated in any part to this Commonwealth

(c) The remainder of such net income shall be divided into three equal parts

(1) Of one-third such portion shall be attributed to business carried on within this Commonwealth as shall be found by multiplying said one-third by a fraction whose numerator is value of the corporation's tangible property situated within this Commonwealth and whose denominator is the value of all the corporation's tangible property wherever situated

(2) Of one-third such portion shall be attributed to business carried on within the Commonwealth as shall be found by multiplying said one-third by a fraction whose numerator is the [expenditure] expenditures of the corporation for wages salaries commissions and other compensation to its employees and assignable to this Commonwealth as hereinafter provided and whose denominator is the total expenditures of the corporation for wages salaries commissions and other compensation to all its employees

(3) Of the remaining third such portion shall be attributed to business carried on within the Commonwealth

as shall be found by multiplying said third by a fraction whose numerator is the amount of the taxpayer's gross receipts from business assignable to this Commonwealth as hereinafter provided and whose denominator is the amount of the taxpayers' gross receipts from all its businesses

In case where only two of the foregoing three rules are applicable the remainder of the net income of the corporation shall be divided into two equal parts only each of which shall be apportioned in accordance with one of the remaining two rules. If only one of the three rules is applicable the part of the net income received from business carried on within the Commonwealth shall be determined solely by that rule.

The amount assignable to this Commonwealth of expenditures of the corporation for wages salaries commissions or other compensation to its employees shall be such expenditures for the taxable year as represent the wages salaries commissions or other compensation of employees not chiefly situated at connected with or sent out from premises for the transaction of business owned or rented by the corporation outside the Commonwealth.

The amount of the corporation's gross receipts from business assignable to this Commonwealth shall be the amount of its gross receipts for the taxable year from (1) sales fees and commissions except those negotiated or effected in behalf of the corporation by agents or agencies chiefly situated at connected with or sent out from premises for the transaction of business owned or rented by the taxpayer outside of the Commonwealth (2) rentals or royalties from property situated or from the use of patents within this Commonwealth and (3) dividends and interest except such dividends and interest attributable to the business conducted on premises owned or rented by the taxpayer outside the Commonwealth. If a corporation maintains an office warehouse or other place of business in a state other than this Commonwealth for the purpose of reducing its tax under this subsection the department shall in determining the amount of its gross receipts from business assignable to this Commonwealth include therein the gross receipts attributed by the corporation to the business conducted at such place of business in another state.

A rule shall not be deemed to be inapplicable merely because all the tangible property or the expenditures of a corporation for wages salaries commissions or other compensation or the gross receipts of the corporation are found to be situated incurred or received without the Commonwealth.

"Person" Every natural person association or corporation Whenever used in any clause prescribing and imposing a fine or imprisonment or both the term "person" as applied to associations shall mean the partners or members thereof and as applied to corporations the officers thereof.

The singular shall include the plural and the masculine shall include the feminine and neuter.

Section 3 Imposition of Tax Every corporation shall be subject to and shall pay for the privilege of doing business in this Commonwealth or having capital or property employed or used in this Commonwealth by or in the name of itself or any person partnership association limited partnership joint-stock association or corporation a State excise tax at the rate of six per centum per annum upon each dollar of net income of such corporation received by and accruing to such corporation during the fiscal year commencing in the calendar year one thousand nine hundred thirty-five except where a corporation reports to the Federal Government on the basis of a fiscal year and has certified such fact to the department as required by section four of this act in which case such tax at the rate of six per centum shall be levied collected and paid upon all net income received by and accruing to such corporation during the fiscal year commencing in the calendar year one thousand nine hundred thirty-five and ending in the calendar year one thousand nine hundred thirty-six a similar tax at the rate of ten per centum per annum upon each dollar of the net income of such corporation received by and accruing to such corporation during the calendar year one thousand nine hundred thirty-six except where a corporation reports to the Federal Government on the

basis of a fiscal year and has certified such fact to the department as required by section four of this act in which case such tax at the rate of ten per centum shall be levied collected and paid upon all net income received by and accruing to such corporation during the fiscal year commencing in the calendar year one thousand nine hundred thirty-six and ending in the calendar year one thousand nine hundred thirty-seven and a similar tax at the rate of seven per centum per annum upon each dollar of the net income of such corporation during the calendar years one thousand nine hundred thirty-seven [and] one thousand nine hundred thirty-eight one thousand nine hundred thirty-nine and one thousand nine hundred forty except when a corporation reports to the Federal Government on the basis of a fiscal year and has certified such fact to the department as required by section four of this act in which case such tax at the rate of seven per centum shall be levied collected and paid upon all net income received by and accruing to such corporation during the fiscal years commencing in the calendar years one thousand nine hundred thirty-seven [and] one thousand nine hundred thirty-eight one thousand nine hundred thirty-nine and one thousand nine hundred forty

The tax hereby imposed shall be in addition to all taxes now imposed on any corporation under the provisions of existing laws.

Section 4 Report and Payment of Tax For the purpose of ascertaining the amount of tax payable under this act it shall be the duty of every corporation liable to pay tax under this act on or before the fifteenth day of April one thousand nine hundred thirty-six one thousand nine hundred thirty-seven one thousand nine hundred thirty-eight [and] one thousand nine hundred thirty-nine one thousand nine hundred forty and one thousand nine hundred forty-one to transmit to the department upon a form prescribed prepared and furnished by the department a report under oath or affirmation of its president vice-president or other principal officer and of its treasurer or assistant treasurer of net income taxable under the provisions of this act. Such report shall set forth

(a) A true copy of its return to the Federal Government of the annual net income arising or accruing in the calendar or fiscal year next preceding or such part or portions of said return as the department may designate.

(b) If no return was filed with the Federal Government the report made to the department shall show such information as would have been contained in a return to the Federal Government had one been made and

(c) Such other information as the department may require.

The failure of any corporation liable to pay tax under this act to procure or receive any report form shall not excuse it from making a report.

Every corporation upon the date its report is required herein to be made shall pay to the department not less than one-half of the tax due to the Commonwealth by it for such preceding year and the remaining one-half of such tax shall be paid within the thirty days next succeeding and except as otherwise provided by law no extension of time for the filing of any report granted by the department shall extend the date any tax imposed by this act shall be due and payable. The amount of all taxes imposed under the provisions of this act not paid on or before the times as above provided shall bear interest at the rate of six (6) per centum per annum from the date they are due and payable until sixty (60) days after settlement and thereafter at the rate of twelve (12) per centum per annum until paid except that any taxes found due as the result of an appeal to the court of common pleas or any appellate court shall bear interest at the rate of six per centum per annum from the date such taxes are due and payable until paid. Provided however That any corporation may pay the full amount of such tax or any part thereof together with interest due to the date of payment without prejudice to its right to present and prosecute a petition for resettlement a petition for review or an appeal to court. If it be thereafter determined that such taxes were overpaid the department shall enter a credit to the account of such corporation which may be used by it in the manner prescribed by law.

If the officers of any corporation shall neglect or refuse to make any report as herein required or shall knowingly make any false report an additional ten per centum of the amount of the tax shall be added by the department to the tax determined to be due

If any corporation closes its fiscal year not upon the thirty-first day of December but upon some other date and reports to the Federal Government as of such other date or would so report were it to make a return to the Federal Government such corporation shall certify such fact to the Department of Revenue and shall make the report herein required within thirty (30) days after the return to the Federal Government is due or would be due were it to be required of such corporation subject in all other respects to the provisions of this act

If the corporation shall claim in its report that the return made to the Federal Government was inaccurate the amount claimed by it to be the net income taxable under this act and the basis of such claim of inaccuracy shall be fully specified

Section 5 Consolidated Reports The department may upon application made to it in such form as it shall prescribe permit any corporation owning or controlling directly or indirectly a majority of the voting capital stock of another corporation or of other corporations subject to the provisions of this act to make a consolidated report showing the combined net income. Provided That consolidated reports may be made only by corporations making consolidated returns to the Federal Government

Section 6 Extension of time to File Reports The department may upon application made to it in such form as it shall prescribe on or prior to the last day for filing any report and upon proper cause shown grant to the corporation required to file such report and extension of not more than sixty (60) days within which such report may be filed but the amount of tax due shall in such cases nevertheless be subject to interest from the due dates and at the rates fixed by this act

Section 7 Changes Made by Federal Government (a) If the amount of the net income as returned by any corporation to the Federal Government is finally changed or corrected by the Commissioner of Internal Revenue or by any other agency or court of the United States such corporation within thirty (30) days after the receipt of such final change or correction shall make a corrected report under oath or affirmation to the department showing such finally changed or corrected net income upon which the tax is required to be paid to the United States. In case a corporation fails to file a report of such correction which results in an increase in net income within the time prescribed there shall be added to the tax a penalty of five dollars (\$5.00) for every day during which such corporation is in default but the department may abate any such penalty in whole or in part

(b) If as a result of such final change or correction there should be any [deduction] change made [from] in the amount of the net income of any corporation upon which tax is imposed by this act the [Board of Finance and Revenue] department shall have the power and its duty shall be to hear and determine any petition for the [refund] resettlement of taxes alleged to have been overpaid and upon the allowance of such petition to [refund] resettle such taxes [out of any appropriation made for the purpose or to credit the amount of the corporation entitled to such refund]. All such petitions must be filed with the board within two (2) years of the date of such change or correction. Any person aggrieved by the action of the Board of Finance and Revenue in the determination of any petition for the refund of taxes alleged to have been overpaid may within sixty days appeal to the court of common pleas of Dauphin County from the decision of the board in the [manner provided by law for appeals in the case of tax settlements]. Whenever a resettlement shall have been made hereunder the department shall resettle the account according to law and shall credit or charge as the case may be the amount resulting from such resettlement upon the current accounts of the corporation with which it is made. The resettlement shall be subject to audit and approval by the Department of the Auditor General as in the case of original settlements and in case of the failure of the two departments to agree

the resettlement shall be submitted to the Board of Finance and Revenue as in the case of original settlements

Section 8 Settlement and Resettlement (a) All taxes due under this act shall be settled by the department and such settlement shall be subject to audit and approval by the Department of the Auditor General and shall so far as possible be made so that notice thereof may reach the taxpayer before the end of a year after the tax report was required to be made

(b) Promptly after the date of any such settlement the department shall send by mail or otherwise a copy thereof to such corporation. The tax imposed by this act shall be settled resettled and otherwise imposed and adjusted in the same manner within the same periods of time and right of resettlement review appeal and [except as herein otherwise prescribed] refund as provided by law in the case of capitol stock and franchise taxes imposed upon corporations

(c) If within a period of two years after the date of any settlement the department is not satisfied with such settlement or if at any time the net income as returned by any corporation to the Federal Government is finally changed or corrected by the Commissioner of Internal Revenue or by any other agency or court of the United States with the result that tax in addition to the amount paid is due under this act the department is hereby authorized and empowered to make a resettlement of the tax due by such corporation based upon the facts contained in the report or upon any information within its possession or that shall come into its possession

Whenever a resettlement shall have been made hereunder the department shall resettle the account according to law and shall credit or charge as the case may be the amount resulting from such resettlement upon the current accounts of the corporation with which it is made

The resettlement shall be subject to audit and approval by the Department of the Auditor General as in the case of original settlement and in case of the failure of the two departments to agree the resettlement shall be submitted to the Board of Finance and Revenue as in the case of original settlements

(d) If any corporation shall neglect or refuse to make any report and payment of tax required by this act the department shall estimate the tax due by such corporation and subject to audit and approval by the Department of the Auditor General settle the amount due by it for taxes penalties and interest thereon as prescribed herein from which settlement there shall be no right of review or appeal but the department with the approval of the Department of the Auditor General may require a report to be filed and thereupon make a settlement upon such report and cancel the estimated settlement

Section 9 Enforcement Rules and Regulations Inquisitorial Powers of the Department (a) The department is hereby charged with the enforcement of the provisions of this act and is hereby authorized and empowered to prescribe adopt promulgate and enforce rules and regulations not inconsistent with this act relating to any matter or thing pertaining to the administration and enforcement of the provisions of this act and the collection of taxes penalties and interest imposed by this act. The department is hereby required to have such rules and regulations promulgated and adopted printed and shall distribute the same to any person upon request

(b) The department or any agent authorized in writing by it is hereby authorized to examine the books papers and records and to investigate the character of the business of any corporation in order to verify the accuracy of any report made or if no report was made by such corporation to ascertain and settle the tax imposed by this act. Every such corporation is hereby directed and required to give to the department or its duly authorized agent the means facilities and opportunity for such examinations and investigations as are hereby provided and authorized. Any information gained by the department as a result of any returns investigations or verifications required to be made by this act shall be confidential except for official purposes and any person divulging such information shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine of not less than one hundred dollars

(\$100.00) or more than one thousand dollars (\$1000.00) and costs of prosecution or to undergo imprisonment for not more than six (6) months or both in the discretion of the court

(c) Whenever any person acting for or on behalf of the department shall in good faith institute legal proceedings for any violations of the provisions of this act and for any reason shall fail to recover costs of record such costs shall be a charge upon the proper county as shall such costs in the event defendant is imprisoned for failure to pay fine or costs or both and shall be audited and paid as are costs of like character in said county

(d) The powers conferred by this act upon the department relating to the administration or enforcement of this act shall be in addition to but not exclusive of any other powers heretofore or hereafter conferred upon the department by law

Section 10 Retention of Records by Corporations Penalty Each corporation shall maintain and keep for a period of three (3) years after any report is filed under this act such record or records of its business within this Commonwealth for the period covered by such report and other pertinent papers as may be required by the department

Any person violating any of the provisions of this section shall be guilty of a misdemeanor and shall upon conviction thereof be sentenced to pay a fine not exceeding one thousand dollars (\$1000.00) and costs of prosecution or to undergo imprisonment for not more than six (6) months or both in the discretion of the court

Section 11 Penalties (a) Any person who shall wilfully make a false and fraudulent return of net income made taxable by this act shall be guilty of wilful and corrupt perjury and upon conviction thereof shall be subject to punishment as provided by law Such penalty shall be in addition to any other penalties imposed by this act

(b) Any person who wilfully fails neglects or refuses to make a report or to pay the tax as herein prescribed or who shall refuse to permit the department to examine the books papers and records of any corporation liable to pay tax under this act shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding one thousand dollars (\$1000.00) and costs of prosecution or to undergo imprisonment not exceeding six (6) months or both in the discretion of the court Such penalty shall be in addition to any other penalties imposed by this act

Section 12 Constitutional Construction The provisions of this act are severable and if any of its provisions shall be held unconstitutional the decision of the court shall not affect or impair any of the remaining provisions of this act It is hereby declared to be the legislative intent that this act would have been adopted had such unconstitutional provisions not been included herein

Section 13 Effective Date This act shall become effective immediately upon its final enactment and shall remain in force only for the imposition and collection of taxes on net income of corporations for the [four] six calendar years one thousand nine hundred thirty-five one thousand nine hundred thirty-six one thousand nine hundred thirty-seven [and] one thousand nine hundred thirty-eight one thousand nine hundred thirty-nine and one thousand nine hundred forty or for the [four] six fiscal years ending in the calendar years one thousand nine hundred thirty-six one thousand nine hundred thirty-seven one thousand nine hundred thirty-eight [and] one thousand nine hundred thirty-nine one thousand nine hundred forty and one thousand nine hundred forty-one

Section 2 This reenacting and amending act shall become effective immediately upon its final enactment

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 318, as follows:

An Act to reenact and amend the title and the act approved the twenty-second day of June one thousand nine

hundred thirty-five (Pamphlet Laws four hundred fourteen) entitled "An act to provide revenue for State purposes imposing taxes upon certain classes of personal property providing for the assessment collection and lien of the same and the distribution of the proceeds thereof imposing duties on executors administrators registers of wills recorders of deeds prothonotaries and court clerks and on persons copartnerships associations banks national banks trust companies and other corporations receiving deposits of money and on certain corporations and limited partnerships conferring powers and imposing duties on certain State officers and departments imposing penalties and making an appropriation" as previously reenacted and amended by eliminating ground rents from list of taxable personal property providing for the apportionment in certain cases of the taxes imposed by the act defining clarifying and limiting certain exemptions and continuing the State personal property tax for a further limited period of time

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The title and all the sections of the act approved the twenty-second day of June one thousand nine hundred thirty-five (Pamphlet Laws four hundred fourteen) entitled "An act to provide revenue for State purposes imposing taxes upon certain classes of personal property providing for the assessment collection and lien of the same and the distribution of the proceeds thereof imposing duties on executors administrators registers of wills recorders of deeds prothonotaries and court clerks and on persons copartnerships associations banks national banks trust companies and other corporations receiving deposits of money and on certain corporations and limited partnerships conferring powers and imposing duties on certain State officers and departments imposing penalties and making an appropriation" as previously reenacted and amended by the act approved the eighteenth day of May one thousand nine hundred thirty-seven (Pamphlet Laws six hundred thirty-three) are hereby reenacted and further amended to read as follows

An Act to provide revenue for State purposes imposing taxes upon certain classes of personal property providing for the assessment collection and lien of the same and the distribution of the proceeds thereof imposing duties on executors administrators registers of wills recorders of deeds prothonotaries and court clerks and on persons copartnerships associations banks national banks trust companies and other corporations receiving deposits of money and on certain corporations and limited partnerships conferring powers and imposing duties on certain State officers and departments imposing penalties and making an appropriation

Section 1 Short Title Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by authority of the same That this act shall be known and may be cited as the "State Personal Property Tax Act"

Section 2 Definitions The following words terms and phrases when used in this act shall have the meaning ascribed to them in this section except where the context clearly indicates a different meaning

"Department" The Department of Revenue of this Commonwealth

"Resident" A person copartnership or unincorporated association or company resident located or liable to taxation within this Commonwealth or a joint-stock company or association limited partnership bank or corporation formed created or incorporated by under or in pursuance of any law of this Commonwealth or of the United States or of any other state or government and liable to taxation within this Commonwealth

The singular shall include the plural and the masculine shall include the feminine and the neuter

Section headings shall not be deemed or construed to limit the text of the sections of this act

Section 3 State Tax on Mortgages Judgments Et Cetera Imposition and Rate of Tax Exceptions All personal property of the classes hereinafter enumerated owned held or possessed by any resident whether such personal property be owned held or possessed by such resident in his own

right or as active trustee agent attorney-in-fact or in any other capacity for the use benefit or advantage of any other person copartnership unincorporated association company joint-stock company or association limited partnership bank or corporation and the equitable interest in any such personal property of the classes hereinafter enumerated owned held or possessed by any resident where the legal title to such personal property is vested in a trustee agent or attorney-in-fact domiciled in another state and where such resident is entitled to receive all or any part of the income therefrom is hereby made taxable annually for State purposes at the rate of four mills on each dollar of the value thereof as of a date to be fixed annually in the manner provided in section five of this act and no failure to assess or return the same shall discharge such owner or holder thereof from liability therefor that is to say

All mortgages all moneys owing by solvent debtors whether by promissory note or penal or single bill bond or judgment all articles of agreement and accounts bearing interest all public loans whatsoever except those issued by this Commonwealth or the United States and those made taxable for State purposes by section seventeen hereof all loans issued by any corporation association company or limited partnership created or formed under the laws of this Commonwealth or of the United States or of any other state or government including car-trust securities and loans secured by bonds or any other form of certificate or evidence of indebtedness whether the interest be included in the principal of the obligation or payable by the terms thereof except such loans as are made taxable for State purposes by section seventeen hereof all shares of stock on any bank corporation association company or limited partnership created or formed under the laws of this Commonwealth or of the United States or of any other state or government except shares of stock in any bank bank and trust company national banking association savings institution corporation or limited partnership liable to a tax on its shares or the capital stock tax or franchise tax imposed by section twenty-one of the act approved the twenty-first day of June one thousand eight hundred eighty-nine (Pamphlet Laws four hundred twenty) and its amendments and supplements for State purposes under the laws of this Commonwealth all moneys loaned or invested in other states territories the District of Columbia or foreign countries all other moneyed capital owing to individual citizens of the State and the principal value of all annuities Provided That this section shall not apply to bank notes or notes discounted or negotiated by any bank or banking institution savings institution or trust company nor to loans shares of stock or other securities held by bankers or brokers solely for trading purposes nor to accounts or debit balances owing by customers of bankers or brokers in the usual courses of business nor to interest-bearing accounts in any bank or banking institution savings institution employees thrift or savings association whether operated by employees or the employer or trust company And provided further That the provisions of this act shall not apply to building and loan associations or to shares of stock issued by building and loan associations or to savings institutions having no capital stock and if at any time either now or hereafter any persons individuals or bodies corporate have agreed or shall hereafter agree to issue his their or its securities bonds or other evidences of indebtedness clear of and free from the said four mills tax herein provided for or any part thereof or have agreed or shall hereafter agree to pay the same or any part thereof nothing herein contained shall be so construed as to relieve or exempt him it or them from paying the said four mills tax on any of the said securities bonds or other evidences of indebtedness as may be held owned by or owing to the said savings institution having no capital stock And provided further That the provisions of this act shall not apply to fire companies firemen's relief associations life or fire insurance corporations having no capital stock secret and beneficial societies labor unions and labor union relief associations and all beneficial organizations paying sick or death benefits or either or both from funds received from voluntary contributions or assessments upon members of such associations societies or union

And provided further That corporations limited partnerships and joint-stock associations liable to a tax on their shares or the aforesaid capital stock or franchise tax for State purposes shall not be required to make any report or pay any further tax under this section on the mortgages bonds and other securities owned by them in their own right but corporations limited partnerships and joint-stock associations holding such securities as trustees executors administrators guardians or in any other manner shall return and pay the tax imposed by this section upon all securities so held by them as in the case of individuals And provided further That none of the classes of property made taxable by this section for State purposes shall be taxed or taxable for any other local purpose under the laws of this Commonwealth except for county purposes and in cities co-extensive with counties for city and county purposes as now provided by law And provided further That the provisions of this section shall not apply to personal property of the class hereinabove enumerated received from any person or persons copartnership or unincorporated association or company nonresident in or not located within this Commonwealth or from any joint-stock company or association limited partnership bank or corporation formed erected or incorporated by under or in pursuance of any law of the United States or of any state or government other than this Commonwealth and not doing business within this Commonwealth by any person or persons copartnership unincorporated association company joint-stock company or association limited partnership bank or corporation as active trustee agent attorney-in-fact or in any other capacity for the use benefit or advantage of any person or persons copartnership or unincorporated association or company non-resident in or not located within this Commonwealth or for the use benefit or advantage of any joint-stock company or association limited partnership bank or corporation formed erected or incorporated by under or in pursuance of any law of the United States or of any state or government other than this Commonwealth and not doing business within this Commonwealth Nor shall the provisions of this section apply to personal property held for the use benefit or advantage of any resident who shall have in each of the ten preceding calendar years given or contributed all of his net income to any corporation organized or operated exclusively for religious charitable scientific literary or educational purposes

Where property of the classes taxable under this section is owned held or possessed by two or more individuals or corporations or both in their own right or as active trustees agents attorneys in fact or in any other capacity for the use benefit or advantage of any other person copartnership unincorporated association company joint-stock company or association limited partnership bank or corporation and one or more of such individuals or corporations are non-residents or are located outside of this Commonwealth the tax imposed by this section shall be apportioned according to the number of such individuals or corporations who or which are residents of or are located in this Commonwealth

The value of the equitable interest in any personal property made subject to tax by this section shall be measured by ascertaining the value of the personal property in which such resident has the sole equitable interest or in cases of divided equitable interests in the same personal property then by ascertaining such part of the value of the whole of such personal property as represents the equitable interest of such resident therein

Section 4 Returns and Payment of Tax (a) For the purpose of ascertaining the amount of tax payable under the third section of this act it shall be the duty of every resident liable to pay such tax on or before the fifteenth day of February of each year to transmit to the department upon a form prescribed prepared and furnished by the department a return in duplicate the original under oath or affirmation of

(1) The aggregate actual value of each part of the different classes of property made taxable by the third section of this act held owned or possessed by such resident as of the date fixed annually in the manner provided in section five of this act either in his own right or as

trustee agent attorney-in-fact or in any other capacity for the use benefit or advantage of any other person co-partnership unincorporated association company limited partnership joint-stock association or corporation

(2) The amount of interest dividends or other income derived from each class of such property at any time during the preceding calendar year and

(3) Such other information as may be required by the department concerning each of the different classes of property whether or not taxable enumerated in the third section of this act owned held or in any manner possessed by such resident

The duplicate unsworn return shall be forwarded by the Department of Revenue to the county commissioners board of revision of taxes or board for the assessment and revision of taxes as the case may be of the county from which the return was made for its use and information

The failure of any taxable resident to receive or procure a return form shall not excuse him from making a return

(b) The return so made shall be sworn or affirmed to by the person making the same if an individual and in the case of copartnerships unincorporated associations and joint-stock associations and companies by some member thereof and in the case of limited partnerships and corporations by the president chairman or treasurer thereof

(c) Any agent duly authorized by the department is hereby authorized to administer the oath or affirmation to any person or officer making the return prescribed by this section for the taking of which oath or affirmation no charge shall be made Any such agent who shall make any charge for administering such oath or affirmation shall be deemed guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding five hundred dollars (\$500.00) or to undergo imprisonment not exceeding one (1) year either or both in the discretion of the court

(d) The tax imposed by section three hereof shall be due and payable when such return is required to be filed and every resident at the time of making every return shall compute and pay to the department the tax due the Commonwealth by such resident

Section 5 Listing Date The department shall on or before the fifteenth day of January one thousand nine hundred thirty-eight and annually thereafter fix a day as of which the property made taxable by the third section of this act shall be listed and returned The day so fixed shall be between the first and the fifteenth days of the month of January both inclusive and the day so fixed shall be printed or stamped on the form for making returns of all such property If through inadvertence mistake or otherwise the department fails to designate or fix such date or if such date does not appear on the form for making return of such property the date as of which such property shall be listed and assessed shall be the immediately preceding first day of January

Section 6 Assessment by the Department Notice If any taxable resident shall fail to file a return or fail to include in any return all of his property made taxable by the third section of this act or shall fail to compute and pay the tax due the Commonwealth as required in this act the department shall make an assessment of tax against such resident of the amount of tax for which such resident is liable or for which he is believed by the department to be liable together with a penalty of ten per centum of such tax Promptly thereafter the department shall give or send by mail or otherwise notice thereof to such resident If such resident is dissatisfied with the assessment so made he may petition for a reassessment in the manner hereinafter provided

Section 7 Assessments Made at any Time within Five Years An assessment as heretofore provided may be made by the department at any time within five (5) years after any property owned held or possessed or alleged to have been so owned held or possessed by any resident should have been returned by him for taxation notwithstanding he shall have paid a tax assessed on the basis of returns previously made or filed and notwithstanding

the department shall have made previous assessments against such resident In any such case no credit shall be given for any penalty formerly assessed and paid

Section 8 Petition for Reassessment Appeal (a) Any resident against whom an assessment is made may petition the department for a reassessment Notice of an intention to file such a petition or to appear and be heard shall be given to the department within ninety (90) days after notice of such assessment is given or sent by the department to the taxpayer as provided in this act The department shall hold such hearings as may be necessary to hear and determine petitions for reassessment at such places and at such times as may be determined by rules and regulations of the department and each petitioner who has duly notified the department of an intention to file a petition for reassessment or to appear and be heard shall be notified by the department of the time when and the place where such hearings shall be held All such petitions shall set forth specifically and in detail the grounds upon which it is claimed the assessment is erroneous or unlawful and shall be accompanied by an affidavit under oath or affirmation certifying to the correctness of the facts stated therein If no petition for reassessment is filed with the department the petitioner may in lieu thereof appear at the hearing and present his petition orally in which event all testimony or statements of facts shall be made under oath or affirmation

(b) If such petitioner is dissatisfied with the action of the department on his petition for reassessment he shall have the right to appeal to the court of common pleas of the county where he resides at any time within sixty (60) days after notice of such action is given to him by the department If any resident shall fail to give due notice of an intention to petition for reassessment and to file a petition for reassessment or to appear and be heard after due notice of his intention to do so or to appeal to the court of common pleas within the time and in the manner herein set forth the right to do so shall be forever barred and any such resident so failing shall not thereafter be permitted in a suit for the recovery of such tax to set up any ground of defense which might have been determined either by the department or the court of common pleas as aforesaid In all cases of petitions for reassessment and appeals the burden of proof shall be on the petitioner or appellant as the case may be and every appeal to the court of common pleas under this section shall specify all the objections to the assessment and any objection not specified in the appeal shall not be considered by the court

Section 9 Information at Source Reports (a) The executor of every will and the administrator of every estate at the time of filing with the register of wills or clerk of the orphans' court the inventory and appraisal of such estate or of any affidavit setting forth the real and personal estate of such decedent for the purpose of determining the transfer inheritance tax imposed thereon by existing law shall in addition thereto file with such register of wills or clerk of the orphans' court a statement in duplicate under oath or affirmation setting forth the items included in such inventory or affidavit which may be liable to the tax imposed by the third section of this act The register or clerk with whom the same is filed shall forthwith send one copy thereof to the department It shall be the duty of the department to proceed at once to assess the tax due from such decedent with interest as heretofore provided in this act and to present a claim therefore through the Department of Justice to the orphans' court of the proper county or to proceed by action or suit at law through the Department of Justice in any court of competent jurisdiction for the recovery thereof or to take any or all appropriate steps or procedure necessary for the collection of such tax

(b) It shall be the duty of the recorder of deeds in each and every county in this Commonwealth to keep a daily record separate and apart from all other records of every mortgage or article of agreement given to secure the payment of money entered in his office for recording which record shall set forth the following information to wit The date of the mortgage or agreement the names of the parties thereto the just sum of money secured the precise residence of the mortgagee or person to whom interest is payable a

brief description of the real estate upon which such mortgage is secured and the date or several dates when the said sum or portion of the said sum shall become due and payable and a like daily record of every assignment of a mortgage or an article of agreement given to secure the payment of money and also the number of mortgages and agreements together with the amount of same and the names of the parties thereto which shall have been that day satisfied of record For the purpose of obtaining with accuracy the precise residence of all mortgagees assignees and persons to whom interest is payable on articles of agreement it shall be the duty of the recorder of deeds in each county whenever a mortgage assignment or agreement given to secure the payment of money shall be presented to him for record to refuse the same unless the mortgage assignment or agreement has attached thereto and made part thereof a certificate signed by the mortgagee assignee or person entitled to interest or his duly authorized attorney or agent setting forth the precise residence of such mortgagee assignee or person entitled to interest and such certificate shall be recorded with the mortgage assignment or agreement Every recorder of deeds on the first Monday of each month shall file the aforesaid daily record or a copy thereof with the department

(c) It shall be the duty of the prothonotary or clerk of the court of common pleas in each and every county in this Commonwealth forthwith upon the passage of this act to keep a daily record separate and apart from all other records of every single bill bond judgment or other instrument securing a debt entered of record in his office Such daily record shall set forth the following information to wit The date of the instrument the names of the plaintiff and defendant together with the precise residence of the plaintiff or person to whose use such bill bond judgment or other obligation to pay money is marked whenever such residence can be ascertained the just sum secured and the date or several dates when the said sum or portion of the same shall become due and payable with the further information whether any of said bonds or judgments are accompanied with mortgages and also the number of every single bill bond judgment or other instrument securing a debt together with the amount of same and the names of the plaintiff and defendant thereto which shall have been that day satisfied The prothonotary or clerk of the court of common pleas shall file the aforesaid daily record or a copy thereof with the department on the first Monday of each month

Section 10 Compensation of Recorders and Prothonotaries The several recorders of deeds prothonotaries and court clerks as aforesaid shall be entitled to receive ten cents for each and every mortgage judgment or lien assignment or satisfaction thereof reported to the department as heretofore required in this act Such fees shall be paid by the respective county treasurers on the presentation of proper vouchers certified by the department and shall be applied in like manner as other fees received by such recorders prothonotaries or clerks Provided That no fee shall be allowed in any case where the residence of any plaintiff mortgagee or assignee is omitted in such reports And provided further That the amount allowed any prothonotary or clerk or recorder of deeds under this act shall not exceed the sum of six hundred dollars (\$600.00) per annum

Section 11 Due Date All taxes imposed by the third section of this act shall be due and payable on the fifteenth day of February of each year

Section 12 Interest The tax imposed by the third section of this act shall bear interest at the rate of six per centum per annum from the date such tax is due and payable until thirty (30) days after the department shall make an assessment and thereafter at the rate of twelve per centum per annum until paid except that any tax found due as the result of an appeal to the court of common pleas or any appellate court shall bear interest at the rate of six per centum per annum from the date the tax was originally due and payable until paid

Section 13 Lien of Taxes (a) All taxes imposed under the third section of this act together with all penalties and interest shall be considered a public account after becoming due and payable in the manner prescribed in this act and as such shall be a lien upon the franchises and real property of the resident against whom the same are assessed after the same has been entered and docketed of

record by the prothonotary of the county where the resident's franchises or property are situated

(b) The department may at any time transmit to the prothonotaries of the respective counties of the Commonwealth to be by them entered of record certified copies of all liens for taxes imposed by the third section of this act and penalties and interest upon which record it shall be lawful for writs of scire facias to issue and be prosecuted to judgment and execution in the same manner as such writs are ordinarily employed

Section 14 Credits for Overpayment The Board of Finance and Revenue may allow a credit for any taxes imposed by the third section of this act and penalties and interest thereon paid to the Commonwealth to which the Commonwealth is not rightfully or equitably entitled Claims for such credits shall be made in accordance with the provisions of "The Fiscal Code" relative to petitions for refunds of taxes No petition for such credit shall be considered by the board unless filed with the board within two (2) years of the payment alleged to have been erroneously made

Upon the allowance of any such petition the credit so determined may be applied against any amount due or subsequently becoming due by such petitioner on account of taxes imposed by the third section of this act and penalties and interest thereon or may be assigned in whole or in part to any other taxable resident to be applied against any amount due or subsequently becoming due by such resident on account of taxes imposed by the third section of this act and penalties and interest thereon Upon the allowance of a petition for credit the board shall issue its certificate under its hand and seal and no credit claimed whether assigned or not shall be allowed unless evidenced by such certificate

Section 15 Penalties Costs (a) Every person or officer who shall wilfully and corruptly make a false and fraudulent return of property made taxable by the third section of this act shall be guilty of wilful and corrupt perjury and upon conviction thereof shall be subject to punishment as provided by law

(b) Any wilful failure on the part of recorders of deeds or prothonotaries or clerks to carry out the duties imposed upon them by section nine of this act shall be deemed a misdemeanor and upon conviction thereof the person or persons so failing to comply shall be sentenced to pay a fine not exceeding five hundred dollars (\$500.00) or to undergo imprisonment not exceeding one (1) year or both in the discretion of the court

(c) Every register of wills who shall fail to send copies of affidavits filed with him by executors or administrators to the department as required by section nine of this act shall be guilty of a misdemeanor and upon conviction thereof the register so failing shall be sentenced to pay a fine not exceeding five hundred dollars (\$500.00) or to undergo imprisonment not exceeding one (1) year or both in the discretion of the court

(d) Every executor or administrator who wilfully fails to file the affidavit with the register of wills as required by section nine of this act shall be subject to a penalty of twenty-five dollars (\$25.00) for the first day and ten dollars (\$10.00) for each succeeding day during with such affidavit is not filed to be collected by the department through the Department of Justice in the same manner as debts are by law collected

(e) Whenever any person acting for or on behalf of the department shall in good faith institute legal proceedings for any violations of the provisions of this act and for any reason shall fail to recover costs of record such costs shall be a charge upon the proper county as shall such costs in the event defendant is imprisoned for failure to pay fine or costs or both and shall be audited and paid as are costs of like character in said county

Section 16 Enforcement Rules and Regulations Inquisitorial Powers of the Department (a) The department is hereby charged with the enforcement of the provisions of this act and is hereby authorized and empowered to prescribe adopt promulgate and enforce rules and regulations relating to any matter or thing pertaining to the administration and enforcement of the provisions of this act and the correction of taxes penalties and interest imposed by this act

(b) The department or any agent authorized in writing by it is hereby authorized to examine the books papers and records of any resident in order to verify the accuracy of any return made or if no return was made to ascertain and assess the tax imposed by the third section of this act. Every such resident is hereby directed and required to give to the department or its duly authorized agent the means facilities and opportunity for such examinations and investigations as are hereby provided and authorized. The department is hereby authorized to examine any person under oath concerning any property which was or should have been returned for taxation and to this end may compel the production of books papers and records and the attendance of all persons whether as parties or witnesses whom it believes have knowledge of such property. The procedure for such hearing or examination shall be the same as that provided by "The Fiscal Code" relating to inquisitorial powers of fiscal officers.

Any information gained by the department as a result of any returns investigations hearings or verifications required or authorized by this act and any information gained by the county commissioners board of revision of taxes or board for the assessment and revision of taxes as the result of duplicate returns received from the department shall be confidential except for official purposes and any person or agent divulging such information shall be deemed guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not in excess of five hundred dollars (\$500.00) or to undergo imprisonment for not more than three (3) years or both in the discretion of the court.

(c) The powers conferred by this act upon the department relating to the administration or enforcement of this act shall be in addition to but not exclusive of any other powers heretofore or hereafter conferred upon the department by law.

Section 17 State Tax on Scrip Bonds Et Cetera Imposition and Rate of Tax. All scrip bonds certificates and evidences of indebtedness issued and all scrip bonds certificates and evidences of indebtedness assumed or on which interest shall be paid by any and every private corporation incorporated or created under the laws of this Commonwealth or the laws of any other state or of the United States and doing business in this Commonwealth and having a resident corporate treasurer therein are hereby made taxable for State purposes at the rate of eight mills on each dollar of the nominal value thereof during the calendar years one thousand nine hundred thirty-eight [and] one thousand nine hundred thirty-nine one thousand nine hundred forty and one thousand nine hundred forty-one on reports filed for the calendar years one thousand nine hundred thirty-seven [and] one thousand nine hundred thirty-eight one thousand nine hundred forty or for any fiscal year beginning in the calendar years one thousand nine hundred thirty-seven [and] one thousand nine hundred thirty-eight one thousand nine hundred thirty-nine and one thousand nine hundred forty and at the rate of four mills on each dollar of the nominal value thereof during the calendar years one thousand nine hundred [forty] forty-two and every year thereafter on reports filed for the calendar years one thousand nine hundred [thirty-nine] forty-one (or for any fiscal year beginning in the calendar year one thousand nine hundred [thirty-nine] forty-one) and for every year thereafter and all scrip bonds certificates and evidences of indebtedness issued and all scrip bonds certificates and evidences of indebtedness assumed or on which interest shall be paid by any county city borough township school district or incorporated district of this Commonwealth are hereby made taxable for State purposes at the rate of four mills on each dollar of the nominal value thereof during the calendar year one thousand nine hundred thirty-eight and every year thereafter on reports filed for the calendar year one thousand nine hundred thirty-seven or for any fiscal year beginning in the calendar year one thousand nine hundred thirty-seven and for every year thereafter. Where property of the classes taxable under this section is owned held or possessed by two or more individuals or corporations or both in their own right or as active trustees agents attorneys in fact or in any other capacity for the use benefit or advantage of any other person co-

partnership unincorporated association company joint-stock company or association limited partnership bank or corporation and one or more of such individuals or corporations are nonresidents or are located outside of this Commonwealth the tax imposed by this section shall be apportioned to the number of such individuals or corporations who or which are residents of or are located in this Commonwealth. Whenever under the provisions of this section any private corporation shall become liable for such taxes upon evidences of indebtedness by it assumed or on which it shall pay interest it shall be the duty of such corporation not later than ten (10) days thereafter to give notice in writing to any person who may at such time be liable for the payment of any taxes upon such evidences of indebtedness under the provisions of the third section of this act that the corporation has assumed such indebtedness or the payment of the interest thereon and will deduct and pay the taxes imposed thereon by this section. Such notice shall also be given before the first day of October of each and every subsequent year during which such corporation is liable for the payment of such interest. Where any private corporation shall assume such evidences of indebtedness or the payment of interest thereon prior to the first day of October in any year and shall give notice as hereinbefore provided such corporation shall be relieved from the duty of deducting and paying the taxes imposed by this section for the balance of such year but shall deduct and pay said taxes for the ensuing year and the person to whom such notice shall be given shall for such ensuing year be relieved from the payment of tax under the provisions of the third section of this act upon such evidences of indebtedness so assumed or on which the corporation shall pay interest where any private corporation shall assume such evidences of indebtedness or the payment of interest thereon on or subsequent to the first day of October in any year and shall give the notice as hereinbefore provided such corporation shall be relieved from the duty of deducting and paying the tax upon such evidences of indebtedness by it assumed or on which it shall pay interest for the balance of such year and for the ensuing year and the person to whom notice is so given shall pay the tax for the period for which the corporation is relieved upon such evidences of indebtedness so assumed or on which the corporation shall pay interest as provided for in the third section of this act. Neglect or failure on the part of any corporation upon assuming any evidences of indebtedness or becoming liable for the payment of interest thereon to give the notice as herein provided and within the time prescribed shall make such corporation liable for the payment of taxes from the time when such evidences of indebtedness are assumed or for the entire period for which interest shall be paid. Neglect or failure to give such notice before the first day of October of each and every subsequent year during which such corporation is liable for the payment of such interest shall make the corporation liable for such taxes for the year following without any deduction from interest due as hereinbefore provided. Provided That this section shall not apply to bank notes or notes discounted or negotiated by any bank or banking institutions savings institution or trust company nor to interest-bearing accounts in any bank banking institution savings institution employees' thrift or savings association whether operated by employees or the employer or trust company. And provided further That the provisions of this act shall not apply to building and loan associations or to savings institutions having no capital stock and if at any time either now or hereafter any persons individuals or bodies corporate have agreed or shall hereafter agree to issue his their or its securities bonds or other evidences of indebtedness clear of and free from the tax or any part thereof provided for in this act or in the act approved the seventeenth day of June one thousand nine hundred thirteen (Pamphlet Laws five hundred seven) or have agreed or shall hereafter agree to pay the same nothing herein contained shall be so construed as to relieve or exempt him it or them from paying the tax imposed herein on any of such securities bonds or other evidences of indebtedness as may be held owned by or owing to the said savings institution having no capital stock. And

provided further That the provisions of this act shall not apply to fire companies firemen's relief associations life or fire insurance corporations having no capital stock secret and beneficial societies labor unions and labor union relief associations and all beneficial organizations paying sick or death benefits or either or both from funds received from voluntary contributions or assessments upon members of such associations societies or unions And provided further That corporations limited partnerships and joint-stock associations liable to tax on capital stock for State purposes shall not be required to pay any further tax under this section on the mortgages bonds and other securities owned by them in their own right but corporations limited partnerships and joint-stock associations holding such securities as trustees executors administrators guardians or in any other manner shall be liable for the tax imposed by this section upon all securities so held by them as in the case of individuals And provided further That none of the classes of property made taxable by this section for State purposes shall be taxed or taxable for county school or other local purposes

It is the intent of this act that all scrip bonds certificates and evidences of indebtedness made taxable under this section are not taxable under the third section of this act and that only such scrip bonds certificates and evidences of indebtedness which cannot be made taxable under this section are to be taxed under the third section of this act

Section 18 Reports and Payments of the State Tax by Private Corporations and Municipalities (a) It shall be the duty of the resident treasurer of each private corporation incorporated by or under the laws of this Commonwealth or the laws of any other state or of the United States or any foreign country and doing business in this Commonwealth except nonprofit corporations and cooperative agricultural associations not having capital stock and not conducted for profit and it shall be the duty of the treasurer of each county city borough township school district or incorporated district of this Commonwealth upon the payment of any interest on any scrip bond certificate or evidence of indebtedness issued or assumed by such corporation county city borough township school district or incorporated district or upon which it is liable for the payment of the interest to residents of this Commonwealth and held by them to assess the tax imposed for State purposes by the seventeenth section of this act upon the nominal value of each such scrip bonds certificates or evidence of indebtedness and to report under oath or affirmation annually on or before the fifteenth day of March for the calendar year next preceding to the department the amount of such indebtedness owned held or in any manner possessed by residents of this Commonwealth together with such information as the department may require Provided That such scrip bonds certificates and evidences of indebtedness shall be deemed to be owned held or possessed by residents of this Commonwealth unless it is established that they are not so owned held or possessed and it shall be his further duty to deduct the tax imposed by the seventeenth section of this act on the payment of any interest upon such indebtedness and return the same to the State Treasury through the department within the time prescribed by law and his compensation for his services shall be five per centum on the first one thousand dollars (\$1,000.00) or fractional part thereof one per centum on all amounts over one thousand dollars (\$1,000.00) and not over two thousand dollars (\$2,000.00) and one-half of one per centum on all amounts over two thousand dollars (\$2,000.00) Upon the payment of said State tax such scrip bonds certificates or evidences of indebtedness shall be exempt from all other taxation in the hands of the holder of the same

The time for filing reports may be extended taxpayers may be permitted to file their reports on a fiscal year basis and the procedure and penalties in case of failure to report and pay the tax shall be as prescribed by law

(b) It is the intent and meaning of this act that the tax for State purposes imposed upon obligations of private and public corporations by section seventeen of this act

shall be collected in the same manner as the tax heretofore imposed for State purposes upon such obligations

Section 19 Constitutional Construction If any section sentence clause or part of this act is for any reason held to be unconstitutional the decision of the court shall not affect or impair any of the remaining provisions of this act It is hereby declared as the legislative intent that this act would have been adopted had such unconstitutional sentence section clause or part thereof not been included herein

Section 20 Repealer and Saving Clause (a) All acts or parts of acts inconsistent with the provisions of this act are hereby repealed but the provisions of this act so far as they are the same as those of existing laws shall be construed as a continuation of such laws and not as new enactments

(b) Section seventeen and eighteen of the act approved the seventeenth day of June one thousand nine hundred thirteen (Pamphlet Laws five hundred seven) entitled "An act to provide revenue for State and county purposes and in cities coextensive with counties for city and county purposes imposing taxes upon certain classes of personal property providing for the assessment and collection of the same providing for the duties and compensation of prothonotaries and recorders in connection therewith and modifying existing legislation which provided for raising revenue for State purposes" and their amendments are hereby repealed but this act shall not be construed to repeal any of the remaining provisions of said act

(c) Nothing herein contained shall be construed as reviving any act repealed by the act which this act repeals and the passage of this act shall not be taken or construed to relieve any person association or corporation from the payment of any taxes penalties and interest imposed by section seventeen of the said act of June seventeenth one thousand nine hundred and thirteen (Pamphlet Laws five hundred seven) on reports filed for the calendar year one thousand nine hundred thirty-six or for any fiscal year beginning in the calendar year one thousand nine hundred thirty-six and prior years or from any taxes penalties and interest imposed by the provisions of any act or parts of acts in force at the time this act becomes effective or to affect or terminate any petitions investigations prosecutions legal or otherwise or other proceedings pending under the provisions of any act or parts of acts in force at the time this act becomes effective or repealed by this act or to prevent the commencement or further prosecution of any legal proceedings by the proper authorities of the Commonwealth for violations of such acts or for the collection or recovery of taxes penalties and interest due or owing to the Commonwealth under such acts

Section 21 Effective Date This act shall become effective immediately upon its final enactment and be in force for the assessment and collection of taxes under section three of this act for the calendar years one thousand nine hundred thirty-eight [and] one thousand nine hundred thirty-nine one thousand nine hundred forty and one thousand nine hundred forty-one and for the collection of taxes under section seventeen of this act for the calendar year one thousand nine hundred thirty-eight and every year thereafter on reports filed for the calendar year one thousand nine hundred thirty-seven (or for any fiscal year beginning in the calendar year one thousand nine hundred thirty-seven) and for every year thereafter

Section 2 This reenacting and amending act shall become effective immediately upon its final enactment

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 319, as follows:

An Act to reenact and amend the title and the act approved the fourteenth day of June one thousand nine hundred thirty-five (Pamphlet Laws three hundred forty-one) entitled as amended "An act to provide revenue by imposing a State tax upon sales of cigarettes by dealers

as herein defined requiring persons engaged in the sale of cigarettes at wholesale and retail to secure permits prescribing the method and manner of collecting such tax conferring powers and imposing duties on the Department of Revenue and persons as herein defined engaged in the sale of cigarettes at retail or wholesale and providing penalties" as previously reenacted and amended by extending the provisions of the act for a further limited period of time

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The title and all the sections of the act approved the fourteenth day of June one thousand nine hundred thirty-five (Pamphlet Laws three hundred forty-one) entitled as amended "An act to provide revenue by imposing a State tax upon sales of cigarettes by dealers as herein defined requiring persons engaged in the sale of cigarettes at wholesale and retail to secure permits prescribing the method and manner of collecting such tax conferring powers and imposing duties on the Department of Revenue and persons as herein defined engaged in the sale of cigarettes at retail or wholesale and providing penalties" as previously reenacted and amended by the act approved the eighth day of April one thousand nine hundred thirty-seven (Pamphlet Laws two hundred twenty) are hereby reenacted and further amended to read as follows

An Act to provide revenue by imposing a State tax upon sales of cigarettes by dealers as herein defined requiring persons engaged in the sale of cigarettes at wholesale and retail to secure permits prescribing the methods and manner of collecting such tax conferring powers and imposing duties on the Department of Revenue and persons as herein defined engaged in the sale of cigarettes at retail or wholesale and providing penalties

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by authority of the same That this act shall be known and may be cited as the "Cigarette Tax Act"

Section 2 The following words terms and phrases when used in this act shall have the meanings ascribed to them in this section except where the context clearly indicates a different meaning

"Association" Any partnership limited partnership or other form of unincorporated enterprise owned by two or more persons

"Dealer" Any wholesaler dealer and in the cases hereinafter prescribed retail dealers The term "wholesale dealer" shall include any person who or which sells within Pennsylvania cigarettes to retail dealers or for purposes of resale or who or which purchases cigarettes directly from any manufacturer for purposes of resale The term "retail dealer" shall include every person other than a wholesale dealer who or which receives from any source whatsoever cigarettes for the purposes of sale to consumers in Pennsylvania or for any other purpose than that of resale whenever the packages of cigarettes so received do not have affixed to them the stamps evidencing the payment of the tax imposed by this act

"Department" The Department of Revenue of this Commonwealth

"Package" The individual package box or other container in or from which retail sales of cigarettes are normally made or intended to be made

"Person" Every natural person association or corporation Whenever used in any clause prescribing and imposing a fine or imprisonment or both the term "person" as applied to associations shall mean the partners or members thereof and as applied to corporations the officers thereof

"Cigarettes" Any roll for smoking made wholly or in part of tobacco irrespective of size or shape and whether or not such tobacco is flavored adulterated or mixed with any other ingredient the wrapper or cover of which is made of paper or any other substance or material excepting tobacco

"Sale" Any transfer for a consideration exchange barter gift offer for sale and distribution in any manner or by any means whatsoever

The singular shall include the plural and the masculine shall include the feminine and the neuter

Section 3 (a) On and after the effective date of this act it shall be unlawful for any person to continue to engage in or thereafter to begin to engage in the sale of cigarettes at wholesale or at retail within this Commonwealth unless a cigarette permit or permits shall have been issued to him as hereinafter prescribed

(b) Every person desiring to continue to engage in or hereafter to begin to engage in the sale of cigarettes at wholesale or retail within this Commonwealth shall file an application for a cigarette permit or permits with the department Every application for a cigarette permit shall be made upon a form prescribed prepared and furnished by the department and shall set forth the name under which the applicant transacts or intends to transact business the location of his place of business within this Commonwealth whether or not the applicant is the holder of a mercantile license in effect when the application is made and if so the number of such license and the county for which such license was issued and such other information as the department may require If the applicant has or intends to have more than one place of business within the Commonwealth the application shall state the location of each place of business If the applicant is an association the application shall set forth the names and addresses of the persons constituting the association and if a corporation the names and addresses of the principal officers thereof and any other information prescribed by the department for purposes of identification the application shall be signed and verified by oath or affirmation by the owner if a natural person and in the case of an association by a member or partner thereof and in the case of a corporation by an executive officer thereof or some person specifically authorized by the corporation to sign the application to which shall be attached the written evidence of his authority

At the time of making such application the applicant shall pay to the department a permit fee of one dollar (\$1.00) for each permit

Upon approval of the application and the payment of the permit fee or fees herein required the department shall grant and issue to each applicant a cigarette permit for each place of business within the Commonwealth set forth in his application Cigarette permits shall not be assignable and shall be valid only for the persons in whose names issued and for the transaction of business at the places designated therein and shall at all times be conspicuously displayed at the places for which issued

All permits shall expire on the thirty-first day of December next succeeding the date upon which they are issued unless sooner suspended surrendered or revoked for cause by the department

(c) Permits issued under the provisions of this act may be renewed annually before the first day of January upon application made to the department and the payment of a renewal fee of one dollar (\$1.00)

Whenever any permit issued under the provisions of this act is defaced destroyed or lost the department may issue a duplicate permit to the holder of the defaced destroyed or lost permit upon the payment of a fee of fifty cents (\$.50)

(d) The department may suspend or after hearing revoke a cigarette permit whenever it finds that the holder thereof has failed to comply with any of the provisions of this act or any rules or regulations of the department prescribed adopted and promulgated under this act Upon suspending or revoking any cigarette permit the department shall request the holder thereof to surrender to it immediately all permits or duplicates thereof issued to him and the holder shall surrender promptly all such permits to the department as requested Whenever the department suspends a cigarette permit it shall notify the holder immediately and afford him a hearing if desired and if a hearing has not already been afforded After such hearing the department shall either rescind its order of suspension or good cause appearing therefor shall continue the suspension or revoke the permit

Section 4 A State excise tax is hereby imposed and assessed upon sales of cigarettes by dealers at the rate of one cent per ten cigarettes or fraction thereof except

such sales of cigarettes as are not within the taxing power of this Commonwealth under the commerce clause of the Constitution of the United States Provided that only one sale of the same package of cigarettes shall be used in computing the amount of tax due hereunder

Except as hereinafter provided dealers shall be liable to the Commonwealth as taxpayers for the payment of the tax imposed by this act and shall pay the tax into the State Treasury through the department by purchasing from the department adhesive stamps of such design and denominations as may be prescribed by the department

Manufactures of cigarettes located either within or outside of this Commonwealth and wholesale dealers in cigarettes located outside of this Commonwealth may purchase stamps from the department and affix such stamps in the manner hereinafter prescribed to packages of cigarettes to be sold within this Commonwealth in which case the dealer within this Commonwealth receiving such stamped packages of cigarettes will not be required to purchase and affix stamps on such packages of cigarettes

Section 5 Each dealer shall affix within the time hereinafter prescribed to each package of cigarettes stamps furnished by and purchased from the department evidencing the payment of the tax imposed by this act and shall cancel such stamps before such cigarettes are offered for sale or before they are otherwise disposed of unless stamps have been affixed to such packages of cigarettes before such dealer received them Each wholesale dealer in this Commonwealth shall affix such stamps to each package of cigarettes unless such stamps shall have been previously affixed thereto and shall cancel the same in the manner prescribed by the department prior to the delivery of such packages to any retail dealer in this Commonwealth

Each retail dealer in this Commonwealth shall immediately upon the receipt of any cigarettes at his place of business so affix such stamps to each package of cigarettes unless such stamps shall have been previously affixed thereto and shall cancel the same in the manner prescribed by the department or shall immediately mark in ink on each unopened box carton or other container of such cigarettes the word "received" and the month day and year of such receipt and shall affix his signature thereto The retail dealer shall in any event open such box carton or other container and immediately affix such stamps to each package therein and cancel the same in the manner prescribed by the department within twenty-four hours after such receipt and prior to the sale of such cigarettes

Whenever any cigarettes are found in the place of business of such retail dealer without the stamps affixed and cancelled or not marked as having been received within the preceding twenty-four hours as required by this section the prima facie presumption shall arise that such cigarettes are kept therein in violation of the provisions of this act

Stamps shall be affixed to each package of cigarettes of an aggregate denomination not less than the amount of the tax upon the contents therein and shall be affixed in such manner that they will be visible to the purchaser Upon affixing stamps to a package of cigarettes the person affixing them shall cancel them by such method or in such manner as may be prescribed by the department

Section 6 The department shall prescribe prepare and furnish adhesive stamps of such denominations and quantities as may be necessary for the payment of the tax imposed and assessed by this act The department shall make provisions for the sale of such stamps in such places and at such times as it may deem necessary

The department shall appoint wholesale dealers in cigarettes within this Commonwealth and may appoint any other persons within or without the Commonwealth as agents to affix the stamps to be used in paying the tax herein imposed upon sales of cigarettes but a wholesale dealer shall at all times have the right to appoint the person who is to affix the stamps to any cigarettes under his control and whenever the department shall sell consign or deliver to any such agent any such stamps such agent shall be entitled to receive as compensation for his services and expenses as such agent in affixing such stamps and to retain out of the moneys to be paid by him for such stamps a commission of seven and one-half per centum on the par value

thereof if and when such agent has purchased the stamps affixed by him directly from the department the department is hereby authorized and required to allow such commission or compensation in the settlement of the accounts of such agent upon payment by him into the State Treasury through the department of any moneys which may be or become due to the Commonwealth by reason of the sales delivery or consignment to such agent of such stamps

Section 7 Every person engaged in the sale of cigarettes at wholesale or at retail within this Commonwealth shall maintain and keep for a period of two years such record or records of cigarettes received sold and delivered within this Commonwealth by him together with invoices bills of lading and other pertinent papers as may be required by the department

The department or any agent appointed in writing by it is hereby authorized to examine the books papers invoices and other records the stock of cigarettes in and upon any premises where the same are placed stored and sold and equipment of any such wholesale or retail dealer pertaining to the sale and delivery of cigarettes taxable under this act to verify the accuracy of the payment of the tax imposed and assessed by this act Every such person is hereby directed and required to give to the Secretary of Revenue or his duly authorized representative the means facilities and opportunity for such examination as are hereby provided and required

Section 8 The department is hereby charged with the enforcement of the provisions of this act and is hereby authorized and empowered to prescribe adopt promulgate and enforce rules and regulations relating to

(a) The method and the means to be used in the cancellation of stamps

(b) The denomination and sale of stamps

(c) Any other matter or thing pertaining to the administration and enforcement of the provisions of this act

Section 9 The tax imposed by this act shall be in lieu of the mercantile license tax heretofore imposed upon the business of selling cigarettes

Section 10 Whenever any cigarettes upon which stamps have been placed by a dealer have been sold and shipped by him into another state for sale or use therein or have become unfit for use and consumption or unsaleable or have been destroyed such dealer shall be entitled to a refund of the actual amount of tax paid by him with respect to such cigarettes If the department is satisfied that any dealer is entitled to a refund it shall certify the proposed amount of such refund to the Board of Finance and Revenue for approval and thereafter shall issue to such dealer stamps of sufficient value to cover the refund as approved by the board The department is hereby authorized to adopt prescribe and promulgate such rules and regulations with regard to the presentation and proof of claim for refunds as it may deem advisable

The department may promulgate rules and regulations to relieve manufacturers and dealers from affixing the stamps on such cigarettes as are sold and shipped to points outside the Commonwealth for use outside the Commonwealth

Section 11 Every person other than a common carrier or the employes thereof who shall possess or transport any cigarettes upon the public highways roads or streets of this Commonwealth for the purpose of delivery sale or disposition shall be required to have in his actual possession invoices or delivery tickets for such cigarettes The absence of such invoices or delivery tickets shall be prima facie evidence that such person is a dealer in cigarettes in this Commonwealth and subject to the provisions of this act

Section 12 (a) Any person who shall sell cigarettes without being the holder of a cigarette permit or permits as required by this act shall upon conviction in a summary proceeding be sentenced to pay a fine of twenty-five dollars (\$25.00) and costs of prosecution and in default of payment thereof to undergo imprisonment for not more than ten (10) days

(b) Any person who shall sell cigarettes without purchasing and affixing stamps to each package thereof as

required by this act shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced for the first offense to pay a fine of not less than one hundred dollars (\$100.00) or more than one thousand dollars (\$1,000.00) or to suffer imprisonment for a term not exceeding six (6) months or both in the discretion of the court and in the case of a conviction of a second or subsequent offense hereunder shall be sentenced to pay a fine of not less than five hundred dollars (\$500.00) or more than one thousand dollars (\$1,000.00) and to suffer imprisonment for a term not less than six (6) month or more than three (3) years

(c) Any person who shall fail neglect or refuse to comply with or shall violate the rules and regulations prescribed adopted and promulgated by the department under the provisions of this act or who shall refuse to permit the department or any agent appointed by it in writing to examine his books papers invoices and other records his stock of cigarettes in and upon any premises where the same are prepared stored and sold and his equipment pertaining to the sale of cigarettes taxable under this act shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine of not less than one hundred dollars (\$100.00) or more than five hundred dollars (\$500.00) or to suffer imprisonment of not more than six (6) months or both in the discretion of the court

(d) Any person who falsely or fraudulently makes forges alters or counterfeits any stamp prescribed by the department under the provisions of this act or causes or procures to be falsely or fraudulently made forged altered or counterfeited any such stamp or knowingly and wilfully utters publishes passes or tenders as true any such false altered forged or counterfeited stamp or uses more than once any stamp provided for and required by this act for the purpose of evading the tax hereby imposed and assessed shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to suffer imprisonment for a term of not less than two (2) years or more than five (5) years

Section 13 The provisions of this act are severable and if any of its provisions shall be held to be unconstitutional the decision of the court shall not affect or impair any of the remaining provisions of this act. It is hereby declared to be the legislative intent that this act would have been adopted had such unconstitutional provisions not been included herein

Section 14 This act shall become effective thirty days after its final enactment and shall continue in effect until and including the thirty-first day of May one thousand nine hundred [thirty-nine] forty-one

Section 2 This reenacting and amending act shall become effective immediately upon its final enactment

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 356, entitled:

An Act to make void all gifts for religious or charitable uses to take effect on the death of the donor unless made at least thirty days before such death and to make unenforceable all promises to give real or personal property for such uses unless made at least thirty days before the death of the promisor

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—132.

Achterman.	Curran.	Lee.	Schrope.
Ackermann.	Dalrymple.	Lelsey.	Schwab.
Allen.	Denman.	Leydie.	Seif.
Allmond.	Dick.	Lichtenwalter.	Serrill.
Alspach.	Dix.	Malloy.	Shearer.
Atkins.	Donahue.	Marr.	Simons.
Auker.	Eckels.	Matthews.	Sollenberger.
Balliet.	Ely.	McClester.	Stambaugh.
Balthaser.	Ewing.	McGarrity.	Stewart.
Bardes.	Fauset.	McKinney.	Sweeney.
Bennett.	Fliss.	McLane.	Taylor.
Bohn.	Fleming.	McNally.	Terry.
Boies.	Gates.	McVay.	Thistle.
Boney.	Gillan.	Montgomery.	Thompson, E. F.
Boorse.	Gillette.	Muir.	Tiemann.
Boose.	Goll.	O'Connor.	Tronzo.
Bower.	Haines.	O'Dare.	Trout.
Brancato.	Hall.	Peacock.	VanAllsburg.
Bretherick.	Harbeson.	Peale.	Wagner.
Broad.	Haudenshield.	Preston.	Walsh.
Bronson.	Henry.	Readinger.	Watkins.
Burris.	Hewitt.	Reese, D. P.	Welsh, E. B.
Cadwalader.	Hocke.	Rhodes.	Welsh, M. J.
Calvin.	Hoffman, J. N.	Rider.	Wilkinson.
Carpenter.	Hoffman, S. K.	Riley.	Wilson.
Chervenak.	Huntley.	Robertson.	Winner.
Christler.	James.	Rooney.	Wood, H. M.
Clark.	Johnston.	Rose.	Wood, L. H.
Clearwater.	Jones.	Roseberry.	Wood, N.
Cook.	Kane.	Rosenfeld.	Woodside.
Cooper.	Keenan.	Royer.	Yeakel.
Cordier.	Kline.	Sarge.	Turner.
Corrigan.	Knoble.	Schrock.	Speaker.
Cortese.	Krise.		

NAYS—17.

Andrews.	Falkenstein.	Kenehan.	Powers.
Baker.	Finnerty.	Kilroy.	Regan.
Burns.	Foor.	Kowalski.	Rothenberger.
Check.	Holland.	O'Keefe.	Williams.
Cohen, H. B.			

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 474, as follows:

An Act to further amend section three of the act approved the twenty-eighth day of June one thousand nine hundred thirty-five (Pamphlet Laws 452) entitled "An act to promote the welfare of the people of the Commonwealth creating a General State Authority as a body corporate and politic with power to construct improve and operate projects and to lease the same and to fix and collect fees rentals and charges for the use thereof authorizing and regulating the issuance of bonds by said Authority and providing for the payment of such bonds and the rights of the holders thereof and to enter into agreements with the Government of the United States or any Federal agency and authorizing the Department of Property and Supplies to grant assign convey or lease to the Authority lands of the Commonwealth and interests therein and to acquire lands therefor granting the right of eminent domain and providing that no debt of the Commonwealth shall be incurred in the exercise of any of the powers granted by this act" fixing terms for the appointed members of the General State Authority and terminating the terms of present members The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section three of the act approved the twenty-eighth day of June one thousand nine hundred thirty-five (Pamphlet Laws 452) entitled "An act to promote the welfare of the people of the Commonwealth creating a General State Authority as a body corporate and politic with power to construct improve and operate projects and

to lease the same and to fix and collect fees rentals and charges for the use thereof authorizing and regulating the issuance of bonds by said Authority and providing for the payment of such bonds and the rights of the holders thereof and to enter into agreements with the Government of the United States or any Federal agency and authorizing the Department of Property and Supplies to grant assign convey or lease to the Authority lands of the Commonwealth and interests therein and to acquire lands therefor granting the right of eminent domain and providing that no debt of the Commonwealth shall be incurred in the exercise of any of the powers granted by this act" as last amended by section one of the act approved the fourth day of June one thousand nine hundred thirty-seven (Pamphlet Laws 1602) is hereby further amended to read as follows

Section 3 General State Authority The Governor of the State the State Treasurer the Auditor General the Secretary of Internal Affairs the Secretary of Property and Supplies the Speaker of the House of Representatives and the President pro tempore of the Senate and their respective successors in office and three citizens of Pennsylvania one to be appointed by the Governor one by the Speaker of the House of Representatives and one by the President pro tempore of the Senate are hereby created a body corporate and politic constituting a public corporation and governmental instrumentality by the name of "The General State Authority" Said members of the Authority shall be entitled to no compensation for their services as members but shall be entitled to reimbursement for all necessary expenses incurred in connection with the performance of their duties as members The term of the member appointed by the Governor shall expire with the term of the Governor appointing him The terms of the two other appointed members shall expire on the first Tuesday of January of the odd-numbered year following the date of his appointment Any vacancy happening among the appointed members of the Authority shall be filled by appointment by the Governor Speaker of the House of Representatives or President pro tempore of the Senate as the case may be

In the case of each appointed member now serving where the term of office of the officer who appointed him has already expired the term of office of such appointed member is hereby terminated as of the effective date of these amendments

Section 2 This act shall become effective immediately upon final enactment

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

Mr. HERBERT B. COHEN. Mr. Speaker and members of the House, I realize that we have had somewhat of an hectic day. I realize that the Republican majority is somewhat confused after their lengthy caucus and I wish by no means to place any oil on the trouble waters, nevertheless I feel that there are certain things that warrant an explanation in order to guide the membership of the House in voting on this particular bill.

I might say with strained modesty that the bill apparently is directed at my continued tenure on General State Authority. Nevertheless I feel that part of my position can be adequately explained to the membership of this House and I feel that it will follow, I should say, a tacit acquiescence in the position I have taken on my unwarranted dismissal.

The General State Authority Act was passed in 1935. The bill at that time and through its passage was so written that representation on the General State Authority was equally divided between Republican and Democratic members. However, the General State Authority Act

never had an opportunity to go into operation due to the fact that the Supreme Court of the Commonwealth of Pennsylvania in 1935, declared the General State Authority to be an unconstitutional function, due to the fact that it would indirectly allow the Commonwealth of Pennsylvania to increase its indebtedness without the attending necessary constitutional amendment.

However, in 1937, immediately following the election of 1936, the Supreme Court of the Commonwealth of Pennsylvania had a change either of heart or mind and held the General State Authority's functions to be constitutional on practically the same identical facts. From then on followed a building program that has enriched Pennsylvania and the inhabitants of Pennsylvania far beyond the monies expended. By that program there has been erected throughout the Commonwealth a complete new institutional system some of the benefits of which, I believe, have permeated into each and every county of the Commonwealth. Schools have been rehabilitated hospitals have been improved, new institutions have been erected, armories have been repaired and the entire institutional background of the Commonwealth of Pennsylvania which had been neglected for so many years, through the advent of the General State Authority has been placed upon the basis to which I feel other administrations had aspired.

Today the program of the General State Authority is approximately ninety per cent completed. I played, I would say, a small part in that program since my appointment to the board by the predecessor of the present Speaker, the gentleman from Greene, Mr. Furman. I have had occasion to attend approximately ninety-one meetings of the General State Authority Board, each meeting lasting anywhere from an hour and a half to seven hours in duration. In addition thereto I have expended a great amount of my own individual time and effort in analyzing the problems with which the General State Authority was confronted prior to my attendance at those meetings. All this was done according to the act but without the attending compensation.

I have taken a particular pride in the accomplishments of the General State Authority, because I feel that we have erected for the people of the Commonwealth the necessary agencies whereby the people of the Commonwealth can be better served. However, in the passage of the act of 1935—and I might state to the gentleman of the majority that the Senate at that time had a substantial Republican majority—there was not included any tenure for the appointed members. The General State Authority is not, and has been so held by the Supreme Court of the Commonwealth, an agency of the Commonwealth. The General State Authority has been held by the Supreme Court, in the case of Kelly vs. Earle, to be an independent corporation established by the act of the Legislature, and hence the constitutional provision that would apply to an officer of the Commonwealth has not applied to the appointed members of the General State Authority, because they are not officers of the Commonwealth. Were the members of the General State Authority Board officers of the Commonwealth, I do not believe that the Speaker or any appointed member could act in that capacity, being a member of the House or of the Senate, on account of the constitutional provision that restrict a member of the House and a member of the Senate from receiving any appointment to any office in the Commonwealth during the term for which he has been elected. Hence it follows that membership on the General

State Authority Board is not under the Constitution and the right to appoint does not carry with it the attending right to dismiss. Relying upon learned legal council, I felt that the interests of the General State Authority necessitated my continuance in that office, irrespective of the fact that the Governor of the Commonwealth desired that I withdraw my affiliation with that independent corporation.

We are today confronted with the problem of doing legally what the Governor attempted to do illegally we are now confronted with the necessity of amending the act and deciding that the action of the Governor on February 21st, attempting to dismiss the appointed members, was an unwarranted intrusion into a field and a sphere in which the Governor had no right to inject himself. That dispute has resulted in the fact that for the past two and one-half months approximately, the contractors have not received their payments and it has occasioned the General State Authority an unwarranted expense of approximately three hundred and thirty-eight dollars per day, and has resulted in the disruption of the administrative affairs of the General State Authority solely due to the fact that the Governor stated that he would not sit with either myself or the gentleman from Dauphin, Senator Kunkel or with the Hon. Arthur McCullough the appointed member from Lancaster County. However, apparently last night there were some modifications of that announced procedure on the part of the Governor. Last night there was a meeting of the General State Authority at which Mr. McCullough and myself were present and the pressure on the contractors and other employes has been relieved by the signature of the State Authority bonds and the payments made to the contractors.

The Governor stated at the time of his attempted removal that he was acting under the Attorney General's opinion. At the time that I was served by an officer of the Motor Police with the announcement of my dismissal, I immediately replied to the Governor through the same medium by writing to the Governor and having the same officer deliver my letter to him, in which I indicated that I did not acquiesce in the dismissal, and I requested the Governor to afford me the opinion of the Attorney General under which he purported to act. Up until the present time the Governor has not extended me the courtesy of replying to that letter nor has he extended me the courtesy of evidencing the Attorney General's opinion under which he indicated that he was acting at the time of his attempted and unwarranted dismissal.

I am asking the membership of the House to vote "no" on this bill for the reason that I can bring to the General State Authority innumerable hours of experience, innumerable hours of study and a great amount of diligent research in an attempt to better equip the Commonwealth of Pennsylvania to maintain the charges that it has throughout the entire State.

I might further indicate to the membership of this House that irrespective of the passage of this bill, which I feel is unconstitutional even in its present form, in that it does not by any means meet the exigency under the circumstances, I feel we are indulging in an unwarranted and unconstitutional action, and I feel just as my colleague from Lancaster, Mr. McCullough, feels that our position on the General State Authority is that of a fiduciary or trustee and that the only method that now would be constitutional and that will effectually result in the removal of appointed

members to the General State Authority, is by action of those seeking to remove the appointed members that would indicate dereliction, malfeasance and misfeasance in office. I say to the membership of this House or to the Court of the Commonwealth of Pennsylvania, any activities that this House might indulge in in an attempt to remove the appointed members from the General State Authority is but a nullity.

I respectfully suggest to the membership of this House that they vote "no" on this bill.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken.

Messrs. Hess, Readinger and Check asked for a verification of the roll.

The roll was verified and was as follows:

YEAS—105.

Ackermann,	Dix,	Krise,	Royer,
Alspach,	Donahue,	Lee,	Sarge,
Atkins,	Eckels,	Lelsey,	Schrock,
Balliet,	Ely,	Leydic,	Self,
Bardes,	Ewing,	Lichtenwalter,	Serrill,
Bennett,	Fisher,	Lyons,	Shearer,
Boorse,	Fleming,	Madden,	Simons,
Boose,	Freed,	Marr,	Sloan,
Bower,	Fullerton,	Matthews,	Snyder,
Bretherick,	Gillan,	McClester,	Sollenberger,
Bronson,	Gillette,	McGarrity,	Stambaugh,
Brown, S. W.,	Haines,	McKinney,	Stewart,
Brunner,	Hall,	McNally,	Taylor,
Cadwalader,	Harbeson,	McVay,	Thistle,
Calvin,	Haudenschild,	Montgomery,	Tiemann,
Carpenter,	Hewitt,	Moser, F. S.,	Trout,
Christler,	Hocke,	Moser, J. L.	VanAllsburg,
Clark,	Hoffman, J. N.,	Mulr,	Wagner,
Clearwater,	Huntley,	O'Dare,	Watkins,
Cook,	James,	Peale,	Wilson,
Cooper,	Johnston,	Reese, D. P.,	Winner,
Cordier,	Jones,	Rhodes,	Wood, H. M.,
Cortese,	Kane,	Riley,	Wood, L. H.,
Curran,	Kline,	Robertson,	Wood, N.,
Dairymple,	Knoble,	Rose,	Woodside,
Denman,	Kowalski,	Roseberry,	Yeakel,
Dick,			

NAYS—44.

Achterman.	Burns,	Kenehan,	Reynolds,
Allen,	Burris,	Kilroy,	Rider,
Allmond,	Check,	Long,	Rothenberger.
Andrews,	Cohen, H. B.,	Lovett,	Schwab,
Baker,	Corrigan,	Malloy,	Tarr,
Balthaser,	Falkenstein,	Malone,	Thompson, E. F.,
Bohn,	Fauset,	McLane,	Tronzo,
Boney,	Finnerty,	Moran,	Walsh,
Brancato,	Harkins,	O'Keefe,	Welsh, E. B.,
Broad,	Hess,	Preston,	Welsh, M. J.,
Brown, H. S.,	Holland,	Readinger,	Williams,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

REASON FOR NOT VOTING

Mr. TURNER filed the following reason for not voting:

I do not vote on the final passage of House Bill No. 474, Printer's No. 114, because it creates a vacancy on the Board of the Authority which would give to me the power to appoint a member of the Board in the place of the member appointed by my predecessor.

While I do not consider this such an interest as to disqualify me voting under the law, nevertheless by reason of the office which I hold I consider that I should refrain from voting.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 441, entitled:

An Act to further amend clause (c) of section two of an act, approved the seventh day of June, one thousand nine hundred and seventeen (P. L. 447), entitled as amended "An act relating to the administration and distribution of the estates of decedents and of minors, and of trust estates; including the appointment, bonds, rights, powers, duties, liabilities, accounts, discharge and removal of executors, administrators, guardians, and trustees, herein designated as fiduciaries; the administration and distribution of the estates of presumed decedents; widow's and children's exemptions; debts of decedents, rents of real estate as assets for payment thereof, the lien thereof, sales and mortgages of real estate for the payment thereof, judgments and executions therefor, and the discharge of real estate from the lien thereof; contracts of decedents for the sale or purchase of real estate; legacies, including legacies charged on land; the discharge of residuary estates and of real estate from the lien of legacies and other charges; the appraisement of real estate devised at a valuation; the ascertainment of the curtilage of dwelling houses or other buildings devised; the abatement and survival of actions, and the substitution of executors and administrators therein; the survival of causes of action and suits thereupon by or against fiduciaries; investments by fiduciaries; the organization of corporations to carry on the business of decedents; the audit and review of accounts of fiduciaries; refunding bonds; transcripts to the court of common pleas of balances due by fiduciaries; the rights, powers, and liabilities of non-resident and foreign fiduciaries; the appointment, bonds, rights, powers, duties, and liabilities of trustees durante absentia; the recording and registration of decrees, reports and other proceedings, and the fees therefor; appeals in certain cases; and, also, generally dealing with the jurisdiction, powers, and procedure of the orphans' court in all matters relating to fiduciaries concerned with the estates of decedents," by providing for the distribution by the orphans' court of certain estates of persons dying intestate.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—182

Achterman,	Donahue,	Kowalski,	Rothenberger,
Ackermann,	Downey,	Krise,	Royer,
Allen,	Eckels,	Lee,	Sarge,
Allmond,	Ely,	Lelsey,	Schrock,
Alspach,	Ewing,	Leydic,	Schrope,
Andrews,	Falkenstein,	Lichtenwalter,	Schwab,
Atkins,	Fauset,	Lovett,	Seif,
Auker,	Finnerty,	Lyons,	Serrill,
Baker,	Fisher,	Madden,	Shearer,
Balliet,	Fiss,	Malloy,	Simons,
Balthaser,	Flanagan,	Malone,	Sloan,
Bardes,	Fleming,	Marr,	Snyder,
Bennett,	Foor,	Matthews,	Sollenberger,
Bohn,	Freed,	McClester,	Stambaugh,
Boney,	Fullerton,	McGarrity,	Stank,
Boorse,	Gates,	McKinney,	Stewart,
Boose,	Gillan,	McLane,	Stockham,
Bower,	Gillette,	McNally,	Sweeney,
Brancato,	Goll,	McVay,	Tarr,
Bretherick,	Gorski,	Melchiorre,	Taylor,
Broad,	Haines,	Montgomery,	Terry,
Bronson,	Hall,	Moran,	Thistle,
Brown, H. S.,	Harbeson,	Moser, F. S.,	Thompson, E. F.,
Brown, S. W.,	Harkins,	Moser, J. L.,	Tiemann,
Brunner,	Haudenschild,	Mulr,	Tronzo,
Burns,	Henry,	Munley,	Trout,
Burriss,	Hess,	O'Connor,	VanAllsburg,
Cadwalader,	Hewitt,	O'Dare,	Van Belle,
Calvin,	Hocke,	O'Keefe,	Wagner,
Carpenter,	Hoffman, J. N.,	O'Neill,	Walsh,
Check,	Hoffman, S. K.,	Peale,	Watkins,
Christier,	Holland,	Preston,	Weiss,

Clark,	Hoyt,	Readinger,	Welsh, E. B.,
Clearwater,	Huntley,	Reese, D. P.,	Welsh, M. J.,
Cook,	James,	Regan,	Williams,
Cooper,	Jirolanio,	Reynolds,	Wilson,
Cordier,	Johnston,	Rider,	Winnor,
Corrigan,	Jones,	Riley,	Wood, H. M.,
Cortese,	Kane,	Robertson,	Wood, L. H.,
Curran,	Keenan,	Rooney,	Wood, N.,
Dalrymple,	Kenehan,	Rose,	Woodside,
Denman,	Kline,	Roseberry,	Yeakel,
Dick,	Knoble,	Rosenfeld,	Turner,
Dix,			Speaker.

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 400, entitled:

An Act to amend the title and the act approved the nineteenth day of May one thousand eight hundred and eighty-seven (P. L. 132) entitled "An act to give preference of appointment or employment to honorably discharged soldiers sailors and marines who fought for the Union cause in the late war of the rebellion" by extending the same preference to veterans and nurses of any war in which the United States has engaged.

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

Mr. TRONZO. Mr. Speaker, I desire to interrogate the gentleman from Dauphin County, Mr. Reese.

The SPEAKER. Will the gentleman from Dauphin permit himself to be interrogated?

Mr. DAVID P. REESE. I will, Mr. Speaker.

Mr. TRONZO. Mr. Speaker, I desire to inquire of the gentleman from Dauphin what this bill would do to civil service, or rather, to the merit system of civil service.

Mr. DAVID P. REESE. Mr. Speaker, it would not do anything to the merit system of civil service.

Mr. TRONZO. Mr. Speaker, does the gentleman mean that these veterans then would not be able to get positions that are now held out merely for people who pass the merit system examinations?

Mr. DAVID P. REESE. Mr. Speaker, as I said before, this bill has no bearing upon the merit system whatsoever. The only purpose of the bill is that within the discretion of those who employ people they give preference to those who have served in the World War and any other war in which America has participated. It is in line with the procedure and the custom of this Commonwealth since the time of the Civil War.

Mr. TRONZO. Mr. Speaker, does the gentleman mean by that that these veterans should seek employment in departments that are not now under civil service?

Mr. DAVID P. REESE. Mr. Speaker, they have the opportunity to do so, yes.

Mr. TRONZO. Mr. Speaker, where do these veterans who are registered as Democrats come in? Would you give them positions, too?

Mr. DAVID P. REESE. Mr. Speaker, I do not have the opportunity to grant any jobs.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—184

Achterman,	Eckels,	Lichtenwalter,	Royer,
Ackermann,	Ely,	Long,	Sarge,
Allen,	Ewing,	Lovett,	Scanlon,
Allmond,	Falkenstein,	Lyons,	Schrock,
Alspach,	Fauset,	Madden,	Schrope,
Auker,	Finnerty,	Malloy,	Schwab,
Baker,	Fiss,	Malone,	Seif,
Balliet,	Fleming,	Marr,	Serrill,
Balthaser,	Foor,	Matthews,	Shearer,
Bardes,	Freed,	McClester,	Simons,
Bennett,	Fullerton,	McGarrity,	Sloan,
Bohn,	Furman,	McKinney,	Snyder,
Boney,	Gates,	McLane,	Sollenberger,
Boorse,	Gillan,	McNally,	Stambaugh,
Boose,	Gillette,	McVay,	Stank,
Bower,	Goll,	Melchiorre,	Stewart,
Brancato,	Gorski,	Mihm,	Stockham,
Bretherick,	Haines,	Montgomery,	Sweeney,
Broad,	Hall,	Mooney,	Tarr,
Bronson,	Harbeson,	Moran,	Taylor,
Brown, H. S.,	Harkins,	Moser, F. S.,	Terry,
Brown, S. W.,	Haudensfield,	Moser, J. L.,	Thistle,
Brunner,	Henry,	Mulr,	Thompson, E. F.,
Burns,	Hess,	Munley,	Thompson, G. R.,
Burris,	Hewitt,	O'Brien,	Tiemann,
Cadwalader,	Hocke,	O'Connor,	Trout,
Calvin,	Hoffman, J. N.,	O'Dare,	VanAllsburg,
Carpenter,	Hoffman, S. K.,	O'Keefe,	Van Belle,
Check,	Holland,	O'Neill,	Voorhees,
Chervenak,	Hoyt,	Peale,	Wagner,
Christler,	Huntley,	Powers,	Walsh,
Clark,	James,	Preston,	Watkins,
Clearwater,	Jirolania,	Readinger,	Webster,
Cohen, H. B.,	Johnston,	Reagan,	Weiss,
Cook,	Jones,	Reese, D. P.,	Welsh, E. B.,
Cooper,	Kane,	Regan,	Welsh, M. J.,
Cordier,	Keenan,	Reynolds,	Westrick,
Corrigan,	Kenehan,	Rhodes,	Williams,
Cortese,	Kilroy,	Rider,	Wilson,
Curran,	Kline,	Riley,	Winner,
Dalrymple,	Knobie,	Robertson,	Wood, H. M.,
Denman,	Kowalski,	Rooney,	Wood, L. H.,
Dick,	Krise,	Rose,	Wood, N.,
Dix,	Lee,	Roseberry,	Woodside,
Donahue,	Lelsey,	Rosenfeld,	Yeakel,
Downey,	Leydic,	Rothenberger,	Turner,

Speaker.

NAYS—2

Andrews, Tronzo,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 243, as follows:

An Act regulating the selection drawing and summoning of all jurors and talesmen in counties of the third class and defining their qualifications in such counties creating a jury board and defining its powers and procedure providing for the appointment of a clerk to the jury board and fixing his maximum salary providing for the custody of the jury wheel and the filing and custody of jury lists providing for the public drawing of jurors and the methods thereof giving the trial judge the right to excuse jurors prescribing the time of challenging jurors or the array regulating the procedure if array is quashed providing for the drawing of names of jurors from wheels heretofore filled and repealing inconsistent acts

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Organization of Jury Board Within ten days after the passage and approval of this act and annually thereafter there shall be organized in each county

of the third class a jury board consisting of the judges of the court of common pleas and the two elected jury commissioners of such county The president judge shall be the chairman of the board One of the judges of the court of common pleas and the two commissioners or one of said commissioners and two of said judges shall constitute a quorum of said board The court of common pleas in each county of the third class shall appoint a clerk to the jury board to serve at the pleasure of the court His duties shall be such as are prescribed by this act and any other duties incidental thereto His salary shall be fixed by the court of common pleas and shall not exceed nine hundred dollars (\$900) per year and shall be paid by the county

Section 2 Qualifications of Jurors Only adult citizens of the United States residents of the county and able to understand the English language shall be eligible as jurors Persons under indictment whether for felonies or misdemeanors and persons who have been convicted of felonies are ineligible for jury service Attorneys-at-law and physicians in active practice shall not be listed for jury service If the name of any person who is ineligible for jury service is placed on the jury list the name of such person may be stricken off by the court of common pleas over and terminer or quarter sessions on motion made and proof offered of such ineligibility This power may be exercised at any time before any such juror is called and sworn as a member of any jury

Section 3 Selection of Jurors for Jury List On or before the tenth day of October of each year each member of the jury board shall deliver to the clerk a list containing the names of said member's proportionate share of the number of qualified jurors required for jury service for the ensuing year as established by the court of common pleas in its last order filed on the subject and in addition thereto fifty names of other persons qualified for jury service The clerk shall eliminate from said lists any duplicate names and the persons from whose lists said duplicates have been eliminated shall furnish substitutes therefor All of these lists shall be published in two newspapers of general circulation in the county one time not later than October twentieth The clerk shall combine these lists into one complete list arranged alphabetically and shall deliver a copy of this complete list to each member of the jury board on or before October fifteenth Between the fifteenth and thirtieth days of November in each year at a date and hour to be fixed by the president judge of which the other members of the board shall have due notice the jury board shall meet in the office of the president judge and shall select from the complete list the jurors for the official jury list hereinafter referred to By a vote of a majority of the members of the jury board any names not exceeding three hundred in number may be stricken from the complete list or by a vote of all the members of the jury board less one any number of names may be stricken from said list If so many names are stricken from the complete list that there will be a deficiency of jurors for the ensuing year the jury board shall by a vote of at least all members of the board less one select qualified substitutes Substitutes shall be proposed by the members of the jury board in rotation The names of persons approved for jury service as herein provided with their addresses and occupations shall be typewritten by the clerk upon a list to be known as the official jury list alphabetically according to the jurors' surnames and shall be numbered consecutively beginning with number one This list shall be in duplicate and shall be signed by the jury commissioners by at least two judges of the court of common pleas and by the clerk to the jury board One copy of this list shall be filed in the office of the prothonotary and shall be open to inspection by order of the court and the other copy shall be delivered to the president judge of the court of common pleas and be open to inspection by any judge of said court At any time before the names on said list are placed in the jury wheel any name on said list may be stricken off by a vote equaling that of all the members of the jury board less one and by the same vote other names may be substituted therefore if the board desires to do so

Section 4 Placing Names in Jury Wheel The names occupations addresses and numbers on said official jury

list shall be typewritten by the clerk upon separate and uniform slips of paper and shall be folded so as to conceal the names on these slips and be placed by the clerk in the jury wheel in the presence of the jury commissioners and at least one judge of the court of common pleas. This shall be done at a time fixed by order of the president judge soon after the last drawing from the wheel during the current calendar year. The court may by order filed prescribe the form of the jury wheel and its lock and the care and custody of said wheel and the keys thereto. The wheel shall be emptied and its contents destroyed after the last drawing of jurors in the calendar year. Within ten days after the approval of this act the jury commissioners and the sheriff of each county of the third class shall deliver to the president judge of the court of common pleas the jury wheel and the keys thereto.

Section 5 Drawing of and Notices to Jurors The issuing of writs commanding the impaneling and summoning of jurors to serve as jurors in the trial of any issue triable by jury in the several courts of the counties affected by this act and to serve as grand jurors shall be as now provided by law except the appropriate writs shall be directed not as heretofore to the sheriff and commissioners but to the jury board commanding it to impanel and summon such jurors as required under the law or by order or praecipe of any of the several courts of the respective third class counties affected by this act. After the jury boards as herein provided for are organized all drawings or jurors and proceedings incident to said drawings shall be as follows. At least thirty days before each term of court there shall be drawn from the jury wheel name-slips equaling the number of jurors which the jury board has been directed to impanel and summon for each week of said term of court and at least thirty days before the commencement of the grand jury there shall be drawn from said wheel twenty-four name-slips of jurors to be summoned for said grand jury. The names, occupations, addresses and numbers of the persons so drawn for jury service shall be typewritten upon a list and the list shall be posted in the office of the prothonotary and clerk of the court at least twenty-five days before the first day of the week of court or the session of grand jury for which said jurors are chosen. These lists shall be signed by at least two of the judges of the court of common pleas and by at least two jury commissioners and also by the clerk of the jury board. The jurors so chosen shall at least twenty days before the first day of the week of court or session of the grand jury for which they have been drawn for service be notified to appear for service at the proper time by card duly mailed to the proper address and signed by the clerk of the jury board with a postage-prepaid return card attached to said notice setting forth that notice to appear at the hour and date therein stated is accepted. This return card shall be addressed to the clerk of the jury board. The citizens to whom cards have been mailed and from whom return cards have not been received five days after the cards were mailed to them shall be served personally by the sheriff of the county or his deputies with notice to appear for jury service at the proper time. These summonses for jury service whether by card duly mailed or by personal service shall be deemed summonses of the court and disobedience to them shall be considered the same as disobedience to any other summons of the court.

Section 6 Method of Drawing Jurors All drawings of jurors after the organization of the jury board shall take place in one of the court rooms selected by the chairman of the board at a time fixed by him of which time and place the other members of the jury board shall have at least three days' notice. The clerk shall announce or advertise the time and place of said drawings of jurors in two newspapers of general circulation all of which shall be located in the county seat of the county not more than ten days nor less than three days before the time of said drawing. The drawing shall be in the presence of at least one jury commissioner and at least one judge of the court of common pleas and shall be open to the public. The name-slips shall be drawn singly from the wheel by any person whom the judge or judges present at the drawing may there appoint for that pur-

pose. The name, number, address and occupation as the same appear on the name-slips shall be read by any person there appointed for that purpose by the judge or judges present and shall be compared by the clerk of the jury board with the corresponding name, number, address and occupation on the official jury list. If the name, number, address and occupation correspond, the clerk shall immediately copy the same in a book called the "jury book." After the name-slips have been copied in the jury book and the jury book entry compared and found to be correct, the nameslips shall be immediately sealed in an envelope by the clerk and on said envelope and in said jury book the specific week or weeks of jury service for which said jurors whose names are on said slips are drawn shall be entered. These name-slips shall be held for safekeeping as the court shall direct until the end of the year when they shall be destroyed unless the court shall order otherwise.

Section 7 Excusing Jurors from Service Any judge in charge of the trial list during the week for which a juror has been summoned shall have power upon application to excuse from jury service for cause any person drawn for jury service for said week. This may be done at any time after the jurors are drawn. Unless otherwise ordered by said judge the name of said excused juror shall be written on a name-slip identical in form with the name-slips in the jury wheel folded and placed back in the jury wheel.

Section 8 Summoning of Talesmen When because of exhaustion of the regular panel of jurors or other causes talesmen are immediately required for service as jurors in a case called for trial, the trial judge shall appoint one or two or three persons or public officials as the court may determine having no personal or pecuniary or official interest in the case on trial to summon such numbers of talesmen as the court shall direct for jury service in the case on trial. If counsel for either side object to the person or persons appointed to summon talesmen, such person or persons shall not be appointed until at least one other judge of the court concurs in such appointment. No official connected with the district attorney's office shall be appointed to summon talesmen to serve in a criminal case. Talesmen must possess the qualifications of jurors. Their names may be taken from the jury list but persons not on the list may also be called as talesmen. The court may direct the persons so appointed to summon talesmen to work at a unit and to jointly summon the talesmen ordered for service or said persons so appointed may be sent out separately to summon a given number of talesmen. The notice to the talesmen shall be in writing directing the talesmen to appear at the court house at a certain hour and day for jury service and this notice shall be signed by either the clerk of the jury board or any member of the jury board or any one of the officials or citizens appointed by the court to summon talesmen. A failure to obey any such summons shall be treated the same as disobedience to any other lawful summons of the court. Any talesman accepted as a juror may be excused from further jury service for a year.

Section 9 Challenging Jurors or the Array Any objection or challenge to jurors based on their disqualification for jury service under this act or to the array based on any irregularity in the proceedings or procedure in and by which said jurors were selected, drawn or summoned for jury service must be made before said jurors or array of jurors are sworn and cannot be made thereafter. After jurors are sworn without objection all objections to their qualifications as prescribed by this act or to the manner of their selection, drawing or summoning shall be deemed to have been waived. No indictment can be attacked or verdict challenged by reason of any juror's disqualification under this act or any irregularity in the manner of selecting, drawing or summoning jurors unless due objection is made before said alleged disqualified or illegally selected jurors are sworn.

Section 10 Proceedings if Array is Quashed When the array of jurors returned at any court shall be quashed by reason of any fault or irregularity in the selection of said array of jurors, the court shall forthwith order an-

other public drawing of jurors in the manner provided in this act to take the place of the jurors on the quashed array and said jurors shall be legal jurors for the week for which the jurors in said quashed array were drawn. The court shall prescribe what notice shall be given of the names occupations and addresses of the persons thus drawn so as to conform as nearly as may be practicable under the circumstances to the notice of and to jurors drawn as prescribed by sections five and six of this act. If there has been any fundamental irregularity in filling the jury wheel the court of common pleas may upon satisfactory proof of said irregularity order the wheel emptied and then refilled with names of persons qualified for jury service. Said names shall be selected by the jury board and as nearly as possible according to the procedure prescribed in this act except that the same shall be done within a time to be prescribed by the court.

The provisions of this act relating to the drawing of jurors shall not apply to the drawing of jurors in any county in which the jury wheel was filled for the year under the provisions of any other act of Assembly applicable to such county at the time such wheel was filled and the names of jurors shall be drawn therefrom under the provisions of the law applicable to such county at the time such jury wheel was so filled. Provided however That thereafter this act shall apply to such counties and the jury wheel shall be filled and the names of jurors drawn therefrom under the provisions of this act only.

Section 12 All acts and parts of acts inconsistent herewith are hereby repealed.

Section 13 This act shall become effective immediately upon its final enactment.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—141

Achterman.	Denman.	Kowalski.	Schrope.
Ackermann.	Dick.	Krise.	Schwab.
Allmond.	Dix.	Lee.	Seif.
Alspach.	Donahue.	Lelsey.	Serrill.
Atkins.	Donohoe.	Leydie.	Shearer.
Auker.	Eckels.	Lichtenwalter.	Shims.
Baker.	Ely.	Lyons.	Sloan.
Balliet.	Ewing.	Madden.	Snyder.
Balthaser.	Flass.	Malloy.	Sollenberger.
Bardes.	Fleming.	Marr.	Stambaugh.
Bennett.	Foor.	Matthews.	Stank.
Boney.	Freed.	McClester.	Stewart.
Boorse.	Fullerton.	McGarrity.	Sweeney.
Boose.	Gates.	McKinney.	Tarr.
Bower.	Gillan.	McNally.	Taylor.
Brancato.	Gillette.	McVay.	Terry.
Bretherick.	Goll.	Melchiorre.	Thistle.
Bronson.	Haines.	Montgomery.	Thompson, E. F.
Brown, H. S.	Hall.	Moran.	Tiemann.
Brown, S. W.	Harbeson.	Moser, F. S.	Tronzo.
Brunner.	Haudenschild.	Moser, J. L.	Trout.
Burns.	Henry.	Muir.	VanAllsburg.
Burris.	Hess.	Munley.	Voorhees.
Cadwalader.	Hewitt.	O'Dare.	Wagner.
Calvin.	Hocke.	O'Neill.	Watkins.
Carpenter.	Hoffman, J. N.	Peale.	Welsh, E. B.
Christler.	Hoffman, S. K.	Reese, D. P.	Welsh, M. J.
Clark.	Holland.	Reynolds.	Wilson.
Clearwater.	Huntley.	Rider.	Winnor.
Cohen, H. B.	James.	Rose.	Wood, H. M.
Cook.	Johnston.	Roseberry.	Wood, L. H.
Cooper.	Jones.	Rosenfeld.	Wood, N.
Cordier.	Kane.	Rothenberger.	Woodside.
Cortese.	Kenehan.	Royer.	Yeakel.
Curran.	Kilne.	Sarge.	Turner.
Dairymple.	Knoble.	Schrock.	Speaker.

NAYS—2

Bohn. Long.

The majority required by the Constitution having voted

in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 38, as follows:

An Act to amend Section Three Four Five Nine and Eleven of the act approved the twenty-eighth day of June one thousand nine hundred and thirty-five (P. L. 463) entitled (as amended) "An Act providing for the incorporation as bodies corporate and politic of 'Authorities' for municipalities counties and townships defining the same prescribing the rights powers and duties of such Authorities authorizing such Authorities to acquire construct improve maintain and operate projects and to borrow money and issue bonds therefor providing for the payment of such bonds and prescribing the rights of the holders thereof conferring the right of eminent domain on such Authorities authorizing such Authorities to enter into contracts with and to accept grants from the Federal Government or any agency thereof and for other purposes" as amended by omitting the requirement that the resolution or ordinance of the intention to organize an Authority shall set forth the proposed Articles of Incorporation regulating the publication such resolutions and ordinances by including waterworks water distribution systems and parts of sewer systems as projects by authorizing the municipalities to limit the projects to be undertaken by an Authority by authorizing a longer term for the bonds issued by an Authority and making them legal investments for trust funds etc and by including waterworks water supply works water distribution systems and parts of sewer systems as facilities which may be transferred to an Authority by any owner in addition to the Commonwealth and the political subdivision thereof.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1 Sections three and four of the act approved the twenty-eight day of June one thousand nine hundred thirty-five (P. L. 463) entitled (as amended) "An act providing for the incorporation as bodies corporate and politic of 'Authorities' for municipalities counties and townships defining the same prescribing the rights powers and duties of such Authorities authorizing such Authorities to acquire construct improve maintain and operate projects and to borrow money and issue bonds therefor providing for the payment of such bonds and prescribing the rights of the holders thereof conferring the right of eminent domain on such Authorities authorizing such Authorities to enter into contracts with and to accept grants from the Federal Government or any agency thereof and for other purposes" as amended by the act approved the twentieth day of May one thousand nine hundred and thirty-seven (P. L. 739) are hereby further amended to read as follows:

Section 3 Method of Incorporation Whenever the municipal authorities of any municipality singly or of one or more municipalities jointly shall desire to organize an Authority under this act they shall adopt a resolution or ordinance signifying their intention to do so [and setting forth in full the proposed articles of incorporation thereof].

In the event that such resolution or ordinance sets forth the proposed articles of incorporation in full it shall not be required (any law to the contrary notwithstanding) in publishing such resolution or ordinance under the provisions of existing law to abolish such proposed articles of incorporation in full but it shall be sufficient compliance with such law in such publication to set forth briefly the substance of such proposed articles of incorporation and to refer to the provisions of this act. Therefore the municipal authorities of such municipality or municipalities shall cause a notice of such resolution or ordinance to be published at least one time in the legal periodical of the county in which such Authority is to be organized and at least one time in a newspaper published and of general circulation in such county or counties. Said notice shall contain a

brief statement of the substance of said resolution or ordinance including the substance of such articles making reference to this act and shall state that on a day certain not less than three days after publication of said notice articles of incorporation of the proposed Authority will be filed with the Secretary of the Commonwealth of Pennsylvania

On or before the day specified in said notice the municipal authorities shall file with the Secretary of the Commonwealth articles of incorporation together with proof of publication of the notice as aforesaid Said articles of incorporation shall set forth

(a) The name of the "Authority"

(b) A Statement that such Authority is formed under this act

(c) A Statement that no other Authority organized under this act or under the act approved December twenty-seven one thousand nine hundred and thirty-three (Special Session one thousand nine hundred and thirty-three (P. L. 114) is in existence in or for the incorporating municipality or municipalities except that where any one or more of the municipalities have already joined with other municipalities not composing the same group in organizing a joint Authority the application shall set forth the name of the Authority theretofore created together with the names of the municipalities joining therein

(d) The name of the incorporating municipality or municipalities together with the names and addresses of its municipal authorities and

(e) The names addresses and terms of office of the first members of the board of said Authority

All of which matter shall be determined in accordance with the provisions of this act Said articles of incorporation shall be executed by each incorporating municipality by its proper officers and under its municipal seal

If the Secretary of the Commonwealth finds that the articles of incorporation conform to law he shall forthwith but not prior to the day specified in the aforesaid notice endorse his approval thereon and when all proper fees and charges have been paid shall file the articles and issue a certificate of incorporation to which shall be attached a copy of the approved articles

Upon the issuance of such certificate of incorporation by the Secretary of the Commonwealth the corporate existence of said Authority shall begin Said certificate of incorporation shall be conclusive evidence of the fact that such Authority has been incorporated but proceedings may be instituted by the Commonwealth to dissolve any Authority which shall have been formed without substantial compliance with the provisions of this section

Any Authority heretofore created under the laws of the Commonwealth of Pennsylvania in addition to powers granted or conferred upon said Authority shall possess all the powers provided in this act

Section 4 Purposes and Powers General Every Authority incorporated under this act shall be a body corporate and politic and shall be for the purpose of acquiring holding constructing improving maintaining and operating owning leasing either in the capacity of lessor or lessee buildings to be devoted wholly or partially for public uses and for revenue-producing purposes transportation marketing shopping terminals bridges tunnels streets highways parkways traffic distribution centers traffic circles parking spaces airports hangars projects parks recreation grounds and facilities sewers sewer systems or parts thereof sewage treatment works waterworks water supply works water distribution systems swimming pools playgrounds lakes dams hospitals motor buses for public use when such motor buses are to be used within any municipality and subways (any and all the foregoing being herein called "projects") Provided however that the municipality or municipalities organizing such an Authority may in the resolution or ordinance signifying their intention so to do or from time to time by subsequent resolution or ordinance specify the project or projects to be undertaken by the said Authority and no other projects shall be undertaken by the said Authority than those so specified Every Authority is hereby granted and shall have and may exercise all powers necessary or convenient for the carrying out of the aforesaid purposes including but without limiting the generality of the foregoing the following rights and powers

(a) To have existence for a term of [(thirty-two)] fifty years as a corporation

(b) To sue and be sued implead and be impleaded complain and defend in all courts

(c) To adopt use and alter at will a corporate seal.

(d) To acquire purchase hold lease as lessee and use any franchise property real personal or mixed tangible or intangible or any interest therein necessary or desirable for carrying out the purposes of the Authority and to sell lease as lessor transfer and dispose of any property or interest therein at any time acquired by it

(e) To acquire by purchase lease or otherwise and to construct improve maintain repair and operate projects.

(f) To make by-laws for the management and regulation of its affairs

(g) To appoint officers agents employees and servants to prescribe their duties and to fix their compensation.

(h) To fix alter charge and collect rates and other charges for the use of the facilities of or for the services rendered by the Authority or projects thereof at reasonable rates to be determined by it for the purpose of providing for the payment of the expenses of the Authority the construction improvement repair maintenance and operation of its facilities and properties the payment of the principal of and interest on its obligations and to fulfill the terms and provisions of any agreements made with the purchasers or holders of any such obligations

(i) To borrow money make and issue negotiable notes bonds and other evidences of indebtedness or obligations (herein called "bonds") of the Authority said bonds to have a maturity date not longer than forty years from the date of issue and to secure the payment of such bonds or any part thereof by pledge or deed of trust of all of any of its revenues and receipts and to make such agreements with the purchasers or holders of such bonds or with others in connection with any such bonds whether issued or to be issued as the Authority shall deem advisable and in general to provide for the security for said bonds and the rights of the holders thereof and in respect to any project constructed and operated under agreement with any public Authority of any adjoining state to borrow money and issue such notes bonds and other evidences of indebtedness and obligations jointly with any such Authority

(j) To make contracts of every name and nature and to execute all instruments necessary or convenient for the carrying on of its business

(k) Without limitation of the foregoing to borrow money and accept grants from and to enter into contracts leases or other transactions with any Federal agency

(l) To have the power of eminent domain

(m) To pledge hypothecate or otherwise encumber all or any of the revenues or receipts of the Authority as security for all or any of the obligations of the Authority

(n) To do all acts and things necessary or convenient to carry out the powers granted to it by this act or any other acts

(o) To contract with any corporation or any public Authority or any adjoining state on such terms as the said Authority shall deem power for the construction and operation of any project which is partly in this Commonwealth and partly in such adjoining state

Provided however that the Authority shall have no power at any time or in any manner to pledge the credits or taxing power of the Commonwealth of Pennsylvania or any political subdivisions nor shall any of its obligations be deemed to be obligations of the Commonwealth of Pennsylvania or of any of its political subdivisions nor shall the Commonwealth of Pennsylvania or any political subdivision thereof be liable for the payment of principal of or interest on such obligations

Section 2 Section five of said act is hereby amended to read as follows

Section 5 Purposes and Powers Bonds The bonds of any Authority hereinabove referred to and authorized to be issued shall be authorized by resolution of the board thereof and shall be of such series bear such date or dates mature at such time or times not exceeding [thirty] forty years from their respective dates bear interest at such rate or rates not exceeding six per centum per annum payable semi-annually be in such de-

nominations be in such form either coupon or fully registered without coupons carry such registration exchangeability and interchangeability privileges be payable in such medium of payment and at such place or places be subject to such terms of redemption not exceeding one hundred five per cent of the principal amount thereof and be entitled to such priorities in the revenues or receipts of such Authority as such resolution or resolutions may provide The bonds shall be signed by such officers as the Authority shall determine and coupon bonds shall have attached thereto interest coupons bearing the facsimile signature of the treasurer of the Authority all as may be prescribed in such resolution or resolutions Any such bonds may be issued and delivered notwithstanding that one or more of the officers signing such bonds or the treasurer whose facsimile signature shall be upon the coupon or any thereof shall have ceased to be such officer or officers at the time when such bonds shall actually be delivered

Said bonds may be sold at public or private sale for such price or prices as the Authority shall determine provided that the interest cost to maturity of the money received for any issue of said bonds shall not exceed six per centum per annum Pending the preparation of the definitive bonds interim receipts may be issued to the purchaser or purchasers of such bonds and may contain such terms and conditions as the Authority may determine

Any resolution or resolutions authorizing any bonds may contain provisions which shall be part of the contract with the holders thereof as to (a) pledging the full faith and credit of the Authority (but not of the Commonwealth of Pennsylvania or any political subdivision thereof) for such obligations or restricting the same to all or any of the revenues of the Authority from all or any projects or properties (b) the construction improvement operation extension enlargement maintenance and repair of the project and the duties of the Authority with reference thereto (c) the terms and provisions of the bonds (d) limitations on the purposes to which the proceeds of the bonds then or thereafter to be issued or of any loan or grant by the United States may be applied (e) the rate of tolls and other charges for use of the facilities of or for the services rendered by the Authority (f) the setting aside of reserves or sinking funds and the regulation and disposition thereof (g) limitations on the issuance of additional bonds (h) the terms and provisions of any deed or trust or indenture securing the bonds or under which the same may be issued and (i) any other or additional agreements with the holders of the bonds

Any Authority may enter into any deeds of trust indentures or other agreements with any bank or trust company or other person or persons in the United States having power to enter into the same including any Federal agency as security for such bonds and may assign and pledge all or any of the revenues or receipts of the Authority thereunder Such deeds of trust indenture or other agreement may contain such provisions as may be customary in such instruments or as the Authority may authorize including (but without limitation) provisions as to (1) the construction improvement operation maintenance and repair of any project and the duties of the Authority with reference thereto (2) the application of funds and the safeguarding of funds on hand or on deposit (3) the rights and remedies of said trustee and the holders of the bonds (which may include restrictions upon the individual right of action of such bondholders) and (4) the terms and provisions of the bonds or the resolutions authorizing the issuance of the same

Said bonds shall have all the qualities of negotiable instruments under the law merchant and the negotiable instruments law of the Commonwealth of Pennsylvania

Any fiduciary insurance company State bank trust company bank and trust company and any departmental administrative board and commission or other agency of the Commonwealth shall have power to invest funds and moneys in his or its possession and control in said bonds and such bonds shall be deemed legal investments for all such purposes

Section 3 Sections nine and eleven of said act as amended by the act approved the twentieth day of May one thousand nine hundred and thirty-seven (Pamphlet Laws 739) are hereby further amended to read as follows

Section 9 Transfer of Existing Facilities to Authority The Commonwealth the county or any city borough or township in the county or any owner may and they are hereby authorized to lease lend grant or convey to the Authority upon such terms and conditions as are mutually satisfactory to the Authority and the corporate authorities of the Commonwealth the county or any such city borough or township or owner any existing bridges tunnels streets highways parkways traffic distribution centers traffic circles parking spaces airports hangars parks recreation grounds and facilities swimming pools sewers sewer systems or parts thereof sewage treatment works waterworks water supply works water distribution system lakes or any part of parts thereof or any interest in real or personal property which may be used by the Authority in the construction improvement maintenance or operation of any project The Commonwealth the county or any city borough or township are also authorized to transfer assign and set over to the Authority any contracts which may have been awarded by said Commonwealth county city borough or township for the construction of projects not begun or if begun not completed

This section without reference to any other law shall be deemed complete for the acquisition by agreement of projects as defined in this act located wholly within or partially without the municipality or municipalities causing such Authority to be incorporated any provisions of other laws to the contrary notwithstanding and no proceedings or other action shall be required except as herein prescribed

Section 11 Acquisition of Lands Water and Water Rights The Authority shall have the power to acquire by purchase or eminent domain proceedings either the fee or such right title interest or easement in such lands water and water rights as the Authority may deem necessary for any of the purposes mentioned in this act Provided however That no property devoted to a public use nor any property of a public service company property used for burial purposes places of public worship or (except in the case of a housing project) a dwelling house and the reasonable curtilage not to be less than three hundred feet appurtenant thereto shall be taken under the right of eminent domain And provided further That in event of the exercise of eminent domain for the purpose of establishing housing projects the Authorities shall first acquire by purchase or option more than sixty-five per centum of the real property or site involved The right of eminent domain shall be exercised by the Authority in the manner provided by law for the exercise of such right by municipalities of the same class as the municipality or one of the municipalities by which such Authority was organized

Section 4 This Act shall become effective immediately upon its final enactment

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—152

Ackermann,	Fauset,	Long,	Sarge,
Allmond,	Fliss,	Lovett,	Schrock,
Alspach,	Fleming,	Lyons,	Schrope,
Andrews,	Foor,	Madden,	Schwab,
Balliet,	Freed,	Malloy,	Self,
Bardes,	Fullerton,	Malone,	Serrill,
Bennett,	Gates,	Marr,	Shearer,
Boorse,	Gillan,	Mathews,	Simons,
Boose,	Gillette,	McClester,	Sloan,
Bower,	Goll,	McGarrity,	Snyder,
Bretherick,	Gorski,	McKinney,	Sollenberger,
Bronson,	Haines,	McLane,	Stambaugh,
Brown, H. S.,	Hall,	McNally,	Stank,
Brown, S. W.,	Harbeson,	McVay,	Stewart,
Brunner,	Haudenschild,	Melchiorre,	Sweeney,
Burns,	Henry,	Montgomery,	Tarr,
Burris,	Hewitt,	Moran,	Taylor,
Cadwalader,	Hocke,	Moser, F. S.,	Terry,
Calvin,	Hoffman, J. N.,	Moser, J. L.	Thistle,

Carpenter,	Hoffman, S. K.,	Muir,	Thompson, E. F.,
Christler,	Holland,	Munley,	Tiemann,
Clark,	Hoyt,	O'Connor,	Tronzo,
Clearwater,	Huntley,	O'Dare,	Trout,
Cohen, H. B.,	James,	O'Neill,	VanAllsburg,
Cook,	Johnston,	Peale,	Wagner,
Cooper,	Jones,	Preston,	Walsh,
Cordier,	Kane,	Readinger,	Watkins,
Cortese,	Keenan,	Reagan,	Welsh, E. B.,
Curran,	Kenehan,	Reese, D. P.,	Welsh, M. J.,
Dalrymple,	Kilroy,	Reynolds,	Willson,
Dannan,	Kline,	Rhodes,	Winner,
Dick,	Knoble,	Riley,	Wood, H. M.,
Dix,	Kowalski,	Robertson,	Wood, L. H.,
Donahue,	Krise,	Rose,	Wood, N.,
Downey,	Lee,	Roseberry,	Woodside,
Eckels,	Lelsey,	Rosenfeld,	Yeakel,
Ely,	Leydic,	Rothenberger,	Turner,
Ewing,	Lichtenwalter,	Royer,	Speaker.

NAYS—2

Achterman, Brancato,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 355, as follows:

An Act to amend clause (c) of section forty-nine of the act approved the seventh day of June one thousand nine hundred seventeen (P. L. 447) entitled as amended "An act relating to the administration and distribution of the estates of decedents and of minors and of trust estates including the appointment bonds rights powers duties liabilities accounts discharge and removal of executors administrators guardians and trustees herein designated as fiduciaries the administration and distribution of the estates of presumed decedents widow's and children's exemptions debts of decedents rents of real estate as assets for payment thereof the lien thereof sales and mortgages of real estate for the payment thereof judgments and executions therefor and the discharge of real estate from the lien thereof contracts of decedents for the sale or purchase of real estate legacies including legacies charged on land the discharge of residuary estates and of real estate from the lien of legacies and other charges the appraisement of real estate devised at a valuation the ascertainment of the curtilage of dwelling houses or other buildings devised the abatement and survival of actions and the substitution of executors and administrators therein the survival of causes of action and suits thereupon by or against fiduciaries investments by fiduciaries the organization of corporations to carry on the business of decedents the audit and review of accounts of fiduciaries refunding bonds transcripts to the court of common pleas of balances due by fiduciaries the rights powers and liabilities of nonresident and foreign fiduciaries the appointment bonds rights powers duties and liabilities of trustees durante absentia the recording and registration of decrees reports and other proceedings and the fees therefor appeals in certain cases and also generally dealing with the jurisdiction powers and procedure of the orphans' court in all matters relating to fiduciaries concerned with the estates of decedents" by permitting fiduciaries to dispense with formal accounts where estates do not exceed five hundred dollars and reducing the time for petitions in such cases from one year to six months from the date of granting of letters

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Clause (c) of section forty-nine of the act approved the seventh day of June one thousand nine hundred seventeen (P. L. 447) entitled as amended "An act relating to the administration and distribution of the

estates of decedents and of minor and of trust estates including the appointment bonds rights powers duties liabilities accounts discharge and removal of executors administrators guardians and trustees herein designated as fiduciaries the administration and distribution of the estates of presumed decedents widow's and children's exemptions debts of decedents rents of real estate as assets for payment thereof the lien thereof sales and mortgages of real estate for the payment thereof judgment and executions therefor and the discharge of real estate from the lien thereof contracts of decedents for the sale or purchase of real estate legacies including legacies charged on land the discharge of residuary estates and of real estate from the lien of legacies and other charges the appraisement of real estate devised at a valuation the ascertainment of the curtilage of dwelling houses or other buildings devised the abatement and survival of actions and the substitution of executors and administrators therein the survival of causes of action and suits thereupon by or against fiduciaries investments by fiduciaries the organization of corporations to carry on the business of decedents the audit and review of accounts of fiduciaries refunding bonds transcripts to the court of common pleas of balances due by fiduciaries the rights powers and liabilities of nonresident and foreign fiduciaries the appointment bonds rights powers duties and liabilities of trustees durante absentia the recording and registration of decrees reports and other proceedings and the fees therefor appeals in certain cases and also generally dealing with the jurisdiction powers and procedure of the orphans' court in all matters relating to fiduciaries concerned with the estates of decedents" is hereby amended to read as follows

(c) When the personal estate of a decedent does not exceed the value of [three] five hundred dollars the executor or administrator may after the expiration of [one year] six months after the date of granting the letters testamentary or of administration present his petition to the proper orphans' court with an annexed account showing the administration and legal distribution of the estate the statements in the petition and the account to be verified by the affidavit of such executor or administrator Thereupon the court may upon satisfactory proof or acknowledgment of notice to all parties known to be interested in said estate that said petition and accounts have been presented order at the end of thirty days from the date of filing the petition and account the discharge of the executor or administrator and his sureties from future liability without the expense of proceedings as in a formal account unless during said period of thirty days exceptions be filed to the account

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

Mr. MORAN. Mr. Speaker, may I ask the sponsor of this bill to explain the purpose of it.

Mr. ATKINS. Mr. Speaker, this bill is an amendment to the act of 1917, section (c):

"When the personal estate of a decedent does not exceed the value of five hundred dollars the executor or administrator may after the expiration of six months after the date of granting the letters testamentary or of administration present his petition to the proper orphans' court."

In other words it will lessen the expense of settling small estates. I talked with Mr. Homer S. Brown concerning a bill just passed stating that in any personal estates of two hundred dollars or less the executor or the administrator is not required to take out letters of administration, but could settle the estate by petition thereby doing away with the formal accounts. This bill provides that as to personal estates of five hundred dollars or less

letters of administration are taken out but it also dispenses with the filing of any formal accounts, thereby reducing the cost of settling these small estates.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—154

Achterman,	Dix,	Lee,	Rothenberger.
Ackermann,	Donahue,	Lelsey,	Royer,
Allmond,	Downey,	Leydic,	Sarge,
Alspach,	Eckels,	Lichtenwalter,	Schrock,
Andrews,	Ely,	Lovett,	Schrope,
Atkins,	Ewing,	Lyons,	Schwab,
Baker,	Fauset,	Madden,	Self,
Balliet,	Fiss,	Malloy,	Serrill,
Balthaser,	Foor,	Marr,	Shearer,
Bardes,	Freed,	Matthews,	Simons,
Bennett,	Fullerton,	McClester,	Sloan,
Bohn,	Gates,	McGarrity,	Snyder,
Boney,	Gillan,	McKinney,	Sollenberger,
Boorse,	Gillette,	McLane,	Stambaugh,
Boose,	Goll,	McNally,	Stank,
Bower,	Gorski,	McVay,	Stewart,
Brancato,	Haines,	Melchiorre,	Stockham,
Bretherick,	Hall,	Montgomery,	Tarr,
Bronson,	Harbeson,	Moran,	Taylor,
Brown, H. S.,	Harkins,	Moser, F. S.,	Terry,
Brown, S. W.,	Haudenshield,	Moser, J. L.,	Thistle,
Brunner,	Henry,	Muir,	Thompson, E. F.,
Burns,	Hess,	Munley,	Tiemann,
Burris,	Hewitt,	O'Connor,	Trout,
Cadwalader,	Hoffman, J. N.,	O'Dare,	VanAllsburg,
Calvin,	Hoffman, S. K.,	O'Neill,	Wagner,
Carpenter,	Holland,	Peale,	Walsh,
Christler,	Hoyt,	Preston,	Watkins,
Clark,	Huntley,	Readinger,	Welsh, E. B.,
Clearwater,	James,	Reagan,	Welsh, M. J.,
Cohen, H. B.,	Johnston,	Reese, D. P.,	Wilson,
Cook,	Jones,	Regan,	Winner,
Cooper,	Kane,	Reynolds,	Wood, H. M.,
Cordier,	Kenahan,	Rider,	Wood, L. H.,
Cortese,	Kilroy,	Riley,	Wood, N.,
Curran,	Kline,	Robertson,	Woodside,
Dalrymple,	Knoble,	Rose,	Yeakel,
Denman,	Kowalski,	Roseberry,	Turner,
Dick,	Krise,	Rosenfeld,	Speaker.

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 357, entitled:

An Act to amend section twenty-one of the act approved the seventh day of June one thousand nine hundred seventeen (Pamphlet Laws 447) entitled as amended "An act relating to the administration and distribution of the estates of decedents and of minors and of trust estates including the appointment bonds rights powers duties liabilities accounts discharge and removal of executors administrators guardians and trustees herein designated as fiduciaries the administration and distribution of the estates of presumed decedents widow's and children's exemptions debts of decedents rents of real estate as assets for payment thereof the lien thereof sales and mortgages of real estate for the payment thereof judgments and executions therefor and the discharge of real estate from the lien thereof contracts of decedents for the sale or purchase of real estate legacies including legacies charged on land the discharge of residuary estates and of real estate from the lien of legacies and other charges the appraisal of real estate devised at a valuation the ascertainment of the curtilage of dwelling houses or other

buildings devised the abatement and survival or actions and the substitution of executors and administrators therein the survival of causes of action and suits thereupon by or against fiduciaries investments by fiduciaries the organization of corporations to carry on the business of decedents the audit and review of accounts of fiduciaries refunding bonds transcripts to the court of common pleas of balances due by fiduciaries the rights powers and liabilities of non-resident and foreign fiduciaries the appointment bonds rights powers duties and liabilities of trustees durante absentia the recording and registration of decrees reports and other proceedings and the fees therefor appeals in certain cases and also generally dealing with the jurisdiction powers and procedure of the orphans' court in all matters relating to fiduciaries concerned with the estates of decedents" by fixing the rate of interest to be paid on pecuniary legacies and the time from which it shall be paid

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—168

Achterman,	Ely,	Lichtenwalter,	Schrope,
Ackermann,	Ewing,	Long,	Schwab,
Allmond,	Fauset,	Lovett,	Self,
Alspach,	Fiss,	Lyons,	Serrill,
Andrews,	Fleming,	Madden,	Shaw,
Atkins,	Foor,	Malloy,	Shearer,
Baker,	Freed,	Malone,	Simons,
Balliet,	Fullerton,	Marr,	Sloan,
Balthaser,	Gates,	Matthews,	Snyder,
Bardes,	Gillan,	McClester,	Sollenberger,
Bennett,	Gillette,	McGarrity,	Stambaugh,
Bohn,	Goll,	McKinney,	Stank,
Boney,	Habyshaw,	McLane,	Stewart,
Boorse,	Haines,	McNally,	Stockham,
Boose,	Hall,	McVay,	Sweeney,
Bower,	Harbeson,	Melchiorre,	Tahl,
Brancato,	Harkins,	Montgomery,	Tarr,
Bretherick,	Haudenshield,	Moran,	Taylor,
Broad,	Henry,	Moser, F. S.,	Terry,
Bronson,	Hess,	Moser, J. L.,	Thistle,
Brown, H. S.,	Hewitt,	Muir,	Thompson, E. F.,
Brown, S. W.,	Hocke,	Munley,	Tiemann,
Brunner,	Hoffman, J. N.,	O'Connor,	Tronzo,
Burns,	Hoffman, S. K.,	O'Dare,	Trout,
Burris,	Holland,	O'Neill,	VanAllsburg,
Cadwalader,	Hoyt,	Peale,	Van Belle,
Calvin,	Huntley,	Preston,	Voorhees,
Carpenter,	James,	Readinger,	Wagner,
Christler,	Jirolanio,	Reagan,	Walsh,
Clark,	Johnston,	Reese, D. P.,	Watkins,
Clearwater,	Jones,	Regan,	Webster,
Cohen, H. B.,	Kane,	Reynolds,	Welsh, E. B.,
Cook,	Keenan,	Rider,	Welsh, M. J.,
Cooper,	Kenahan,	Riley,	Wilson,
Cortese,	Kilroy,	Robertson,	Winner,
Curran,	Kline,	Rose,	Wood, H. M.,
Dalrymple,	Knoble,	Roseberry,	Wood, L. H.,
Denman,	Kowalski,	Rosenfeld,	Wood, N.,
Dick,	Krise,	Rothenberger,	Woodside,
Dix,	Lee,	Royer,	Yeakel,
Donahue,	Lelsey,	Sarge,	Turner,
Downey,	Leydic,	Schrock,	Speaker.
Eckels,			

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

BILL PASSED OVER

There being no objection House Bill No. 74 Printer's No. 75 was passed over at the request of Mr. KANE.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 354, entitled:

An Act to amend clause (d) as added to section twenty-one of the act approved the seventh day of June one thousand nine hundred seventeen (Pamphlet Laws 363) entitled "An act relating to the organization jurisdiction and procedure of the orphans' courts the powers and duties of the judges thereof and appeals therefrom" requiring certification of verdicts and judgments entered in orphans' court to the prothonotary and the filing docketing and indexing the same by him

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—175

Achterman,	Eckels,	Lichtenwalter,	Royer,
Ackermann,	Ely,	Long,	Sarge,
Allmond,	Ewing,	Lovett,	Sarra,
Alspach,	Falkenstein,	Lyons,	Schrock,
Andrews,	Fauset,	Madden,	Schrope,
Atkins,	Finnerty,	Malloy,	Schwab,
Baker,	Fliss,	Malone,	Self,
Balliet,	Fleming,	Marr,	Serrill,
Balthaser,	Foor,	Matthews,	Shearer,
Bardes,	Freed,	McClester,	Simons,
Bennett,	Fullerton,	McGarrity,	Sloan,
Bohn,	Gates,	McKinney,	Snyder,
Boney,	Gillan,	McLane,	Sollenberger,
Boorse,	Gillette,	McNally,	Stambaugh,
Boose,	Goll,	McVay,	Stank,
Bower,	Haines,	Melchiorre,	Stewart,
Brancato,	Hall,	Mihm,	Stockham,
Bretherick,	Harbeson,	Montgomery,	Sweeney,
Broad,	Harkins,	Mooney,	Tarr,
Bronson,	Haudenschild,	Moran,	Taylor,
Brown, H. S.,	Henry,	Moser, F. S.,	Terry,
Brown, S. W.,	Hess,	Moser, J. L.,	Thistle,
Brunner,	Hewitt,	Muir,	Thompson, E. F.,
Burns,	Hocke,	Munley,	Tiemann,
Burris,	Hoffman, J. N.,	O'Connor,	Tronzo,
Cadwalader,	Hoffman, S. K.,	O'Dare,	Trout,
Calvin,	Holland,	O'Neill,	VanAllsburg,
Carpenter,	Hoyt,	Peale,	Van Belle,
Check,	Huntley,	Powers,	Voorhees,
Christler,	James,	Preston,	Wagner,
Clark,	Jirolanio,	Readinger,	Walsh,
Clearwater,	Johnston,	Reagan,	Watkins,
Cohen, H. B.,	Jones,	Reese, D. P.,	Welsh, E. B.,
Cook,	Kane,	Regan,	Welsh, M. J.,
Cooper,	Keenan,	Reynolds,	Williams,
Cordier,	Kenehan,	Rider,	Wilson,
Corrigan,	Kilroy,	Riley,	Winner,
Cortese,	Kline,	Robertson,	Wood, H. M.,
Curran,	Knoble,	Rooney,	Wood, L. H.,
Dalrymple,	Kowalski,	Rose,	Wood, N.,
Denman,	Krise,	Roseberry,	Woodside,
Dick,	Lee,	Rosenfeld,	Yeakel,
Dix,	Lelsey,	Rothenberg,	Turner,
Donahue,	Leydic,		
Downey,			Speaker.

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 351, as follows:

An Act to amend section twenty-one of the act approved the seventh day of June one thousand nine hundred and seventeen (Pamphlet Laws 403) entitled "An act relating to the form execution revocation and interpretation of wills to nuncupative wills to the appointment of testamentary guardians to spendthrift trusts to forfeiture of devise or legacy in case of murder of testator to elections to take under or against wills and to the recording and registering of such elections and of decrees relative thereto and to the fees therefor" by providing for forfeiture of the right to take property under the will of a murdered testator

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section twenty-two of the act approved the seventh day of June one thousand nine hundred and seventeen (Pamphlet Laws 403) entitled "An act relating to the form execution revocation and interpretation of wills to nuncupative wills to the appointment of testamentary guardians to spendthrift trusts to forfeiture of devise or legacy in case of murder of testator to elections to take under or against wills and to the recording and registering of such elections and of decrees relative thereto and to the fees therefor" is hereby amended to read as follows

Section 22 (A) No person who shall be finally adjudged guilty either as principal or accessory of murder of the first or second degree shall be entitled to take any part of the real or personal estate of the person killed as devisee or legatee or otherwise under the will of such person

(B) Upon petition of any interested party averring that a person who seeks or through whom it is sought to take any property under the will of a testator was a principal or accessory in the murder of the testator either in the first or second degree the orphans' court if it determines according to law that it is impossible or impracticable for any reason to try in a competent court of this Commonwealth and finally acquit or convict such person of the murder shall further determine whether or not such person was guilty beyond a reasonable doubt as averred in the petition and its final adjudication of guilt shall have the effect hereinbefore set forth but shall not be deemed an adjudication of guilt for any other purpose Any interested party may appeal to the Supreme Court from the decision on this question

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—171

Achterman,	Ely,	Long,	Sarge,
Ackermann,	Ewing,	Lovett,	Sarra,
Allmond,	Fauset,	Lyons,	Scanlon,
Alspach,	Fliss,	Madden,	Schrock,
Andrews,	Fleming,	Malloy,	Schrope,
Atkins,	Foor,	Malone,	Schwab,
Baker,	Fullerton,	Marr,	Self,
Balliet,	Gates,	Matthews,	Serrill,
Balthaser,	Gillan,	McClester,	Shearer,
Bardes,	Gillette,	McGarrity,	Simons,
Bennett,	Goll,	McKinney,	Sloan,
Bohn,	Gorski,	McLane,	Snyder,
Boney,	Habbyshaw,	McNally,	Sollenberger,
Boorse,	Haines,	McVay,	Stambaugh,
Boose,	Hall,	Melchiorre,	Stank,
Bower,	Harbeson,	Mihm,	Stewart,
Brancato,	Harkins,	Montgomery,	Stockham,
Bretherick,	Haudenschild,	Mooney,	Sweeney,
Broad,	Henry,	Moran,	Tarr,
Bronson,	Hess,	Moser, F. S.,	Taylor,
Brown, H. S.,	Hewitt,	Moser, J. L.,	Terry,
Brown, S. W.,	Hocke,	Muir,	Thistle,
Brunner,	Hoffman, J. N.,	Munley,	Thompson, E. F.,
Burns,	Hoffman, S. K.,	O'Connor,	Tiemann,
Burris,	Holland,	O'Dare,	Tronzo,
Cadwalader,	Hoyt,	O'Neill,	Trout,
Carpenter,	Huntley,	Peale,	VanAllsburg,

Check,	James,	Preston,	Voorhees,
Christler,	Jirolanio,	Readinger,	Wagner,
Clark,	Johnston,	Reagan,	Watkins,
Clearwater,	Jones,	Reese, D. P.,	Welsh, E. B.,
Cohen, H. B.,	Kane,	Regan,	Welsh, M. J.,
Cook,	Keenan,	Reynolds,	Wilkinson,
Cooper,	Kenahan,	Rhodes,	Williams,
Corrigan,	Kilroy,	Rider,	Willson,
Cortese,	Kline,	Riley,	Winner,
Curran,	Knoble,	Robertson,	Wood, H. M.,
Dalrymple,	Kowalski,	Rooney,	Wood, L. H.,
Denman,	Krise,	Rose,	Wood, N.,
Dick,	Lee,	Roseberry,	Woodside,
Dix,	Lelsey,	Rosenfeld,	Yeakel,
Donahue,	Leydic,	Rothenberger,	Turner,
Downey,	Lichtenwalter,	Royer,	Speaker,
Eckels,			

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 352, entitled:

An Act to amend section twenty-three of the act approved the seventh day of June one thousand nine hundred and seventeen (Pamphlet Laws 429) entitled "An act relating to the descent and distribution of the real and personal property of persons dying intestate and to provide for the recording and registering of the decrees of the orphans' court in connection therewith and the fees thereon" by providing for forfeiture of the right to inherit or to take property of a murdered intestate under the said act

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—187

Achterman.	Eckels,	Lichtenwalter,	Sarge,
Ackermann,	Ely,	Long,	Sarra,
Allmond,	Ewing,	Lovett,	Scanlon,
Alspach,	Falkenstein,	Lyons,	Schrock,
Andrews,	Fauset,	Madden,	Schrope,
Atkins,	Finnerty,	Malloy,	Schwab,
Auker,	Fisher,	Malone,	Seif,
Baker,	Fiss,	Marr,	Serrill,
Ballet,	Fleming,	Matthews,	Shaw,
Balthaser,	Foor,	McClester,	Shearer,
Bardes,	Freed,	McGarrity,	Simons,
Bennett,	Fullerton,	McKinney,	Sloan,
Bohn,	Furman,	McLane,	Snyder,
Boney,	Gates,	McNally,	Sollenberger,
Boorse,	Gillan,	McVay,	Stambaugh,
Boose,	Gillette,	Melchiorre,	Stank,
Bower,	Goll,	Mihm,	Stewart,
Boyd,	Gorski,	Montgomery,	Stockham,
Brancato,	Haines,	Mooney,	Sweeney,
Bretherick,	Hall,	Moran,	Tahl,
Broad,	Harbeson,	Moser, F. S.,	Tarr,
Bronson,	Harkins,	Moser, J. L.,	Taylor,
Brown, H. S.,	Haudenschild,	Muir,	Terry,
Brown, S. W.,	Henry,	Munley,	Thistle,
Brunner,	Hess,	O'Connor,	Thompson, E. F.,
Burns,	Hewitt,	O'Dare,	Tiemann,
Burris,	Hocke,	O'Keefe,	Tronzo,
Cadwalader,	Hoffman, J. N.,	O'Neill,	Trout,
Calvin,	Hoffman, S. K.,	Peacock,	VanAllsburg,
Carpenter,	Holland,	Feale,	Voorhees,
Christler,	Hoyt,	Powers,	Wagner,
Clark,	Huntley,	Preston,	Walsh,
Clearwater,	James,	Readinger,	Watkins,
Cohen, H. B.,	Jirolanio,	Reagan,	Welsh, E. B.,
Cook,	Johnston,	Reese, D. P.,	Welsh, M. J.,
Cooper,	Jones,	Regan,	Wilkinson,

Cordier,	Kane,	Reynolds,	Williams,
Corrigan,	Keenan,	Rhodes,	Willson,
Cortese,	Kenahan,	Rider,	Winner,
Curran,	Kilroy,	Riley,	Wood, H. M.,
Dalrymple,	Kline,	Robertson,	Wood, L. H.,
Denman,	Knoble,	Rooney,	Wood, N.,
DeNote,	Kowalski,	Rose,	Woodside,
Dick,	Krise,	Roseberry,	Yeakel,
Dix,	Lee,	Rosenfeld,	Turner,
Donahue,	Lelsey,	Rothenberger,	Speaker,
Downey,	Leydic,	Royer,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 556, (Senate Bill No. 79), follows:

An Act permitting the county treasurer with the consent of the county commissioners or the approval of the court to adjourn county treasurers' sales of seated and unseated lands for non-payment of taxes in all counties except counties of the first class and preserving the lien of all taxes on such lands

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The county treasurer of every county except counties of the first class may with the consent by resolution of the county commissioners of such county or the approval of the court adjourn or readjourn to such time or times not later than the first Monday of August one thousand nine hundred and thirty nine all tax sales on seated and unseated lands for non-payment of taxes Where any such tax sales are adjourned or readjourned after advertisement an additional advertisement and notice shall be necessary for such adjourned or readjourned sale No such adjournment or readjournment shall invalidate the lien of any tax due and unpaid or any penalties or interest due thereon but the lien of all such taxes shall remain in full force and effect until such sale shall take place in accordance with this act

Section 2 This act shall have no force or effect upon any tax sale held prior to the approval hereof

Section 3 All acts and parts of acts inconsistent herewith are hereby repealed

Section 4 This act shall become effective immediately upon final enactment

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—181.

Ackermann,	Eckels,	Lichtenwalter,	Sarge,
Allen,	Ely,	Long,	Sarra,
Allmond,	Ewing,	Lovett,	Schrock,
Alspach,	Falkenstein,	Lyons,	Schrope,
Andrews,	Fauset,	Madden,	Schwab,
Atkins,	Fiss,	Malloy,	Seif,
Baker,	Fleming,	Malone,	Serrill,
Ballet,	Foor,	Marr,	Shearer,
Balthaser,	Freed,	Matthews,	Simons,
Bardes,	Fullerton,	McClester,	Sloan,
Bennett,	Gates,	McGarrity,	Snyder,
Bohn,	Gillan,	McKinney,	Sollenberger,
Boney,	Gillette,	McLane,	Stambaugh,
Boorse,	Goll,	McNally,	Stank,
Boose,	Gorski,	McVay,	Stewart,
Bower,	Haines,	Melchiorre,	Stockham,
Brancato,	Hall,	Mihm,	Sweeney,
Bretherick,	Hamilton,	Montgomery,	Tahl,

Broad.	Harbeson,	Mooney,	Tarr,
Bronson,	Harkins,	Moran,	Taylor,
Brown, H. S.,	Haudenshield,	Moser, F. S.,	Terry,
Brown, S. W.,	Henry,	Moser, J. L.	Thistle,
Brunner,	Hess,	Muir,	Thompson, E. F.,
Burns,	Hewitt,	Munley,	Tiemann,
Burriss,	Hocke,	O'Connor,	Tronzo,
Cadwalader,	Hoffman, J. H.,	O'Dare,	Trout,
Calvin,	Hoffman, S. K.,	O'Keefe,	VanAlsburg,
Carpenter,	Holland,	O'Neill,	Van Belle,
Check,	Hoyt,	Peale,	Voorhees,
Christler,	Huntley,	Preston,	Wagner,
Clark,	James,	Readinger,	Walsh,
Clearwater,	Jirolanio,	Reagan,	Watkins,
Cohen, H. B.,	Johnston,	Reese, D. P.,	Welsh, E. B.,
Cook,	Jones,	Regan,	Welsh, M. J.,
Cooper,	Kane,	Reynolds,	Williams,
Cordier,	Keenan,	Rhodes,	Wilson,
Corrigan,	Kenahan,	Rider,	Winnor,
Cortese,	Kilroy,	Riley,	Wood, H. M.,
Curran,	Kline,	Robertson,	Wood, L. H.,
Dairymple,	Knoble,	Rooney,	Wood, N.,
Denman,	Kowalski,	Rose,	Woodside,
Dick,	Krise,	Roseberry,	Yeakel,
Dix,	Lee,	Rosenfeld,	Turner,
Donahue,	Lelsey,	Rothenberger,	Speaker,
Downey,	Leydic,	Royer,	

NAYS—1.

Achterman,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with the information that the House has passed the same with amendments in which the concurrence of the Senate is requested.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 221, as follows:

An Act declaring prosecutions against defendants finally ended and terminated where the Grand Jury has returned bills of indictment ignoramus unless a re-submission is authorized by the court for certain reasons and providing the procedure and for appeals in such cases The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 When the Grand Jury of any county of this Commonwealth has considered evidence in support of a bill of indictment for any one or more offenses alleged to have been committed against the laws of this Commonwealth by a defendant and has made to the court a return of ignoramus the case against the defendant charged with such offense or offenses shall be deemed finally ended and terminated unless the District Attorney of the county shall within thirty (30) days from the date such bill was ignored petition the court in which the prosecution is pending for authority to re-submit the bill of indictment to the same or a subsequent Grand Jury

Section 2 No such petition to re-submit a bill of indictment theretofore ignored shall be allowed by the court unless the District Attorney shall allege in his petition and shall prove by competent testimony that the bill of indictment was returned ignoramus by the Grand Jury by reason of oversight or fraud or mistake or that he has obtained additional evidence since the indictment was so returned which in his opinion would justify its resubmission to a grand jury

Section 3 Due notice of the filing of any such petition for authority to re-submit any such bill of indictment shall be given to the defendant charged with such offense or offenses in such manner as the court may determine

To any such petition the person charged with the offense or offenses may file an answer at any time before the day of hearing thereon fixed by the court

Section 4 After consideration of the petition and answer and hearing the testimony of the District Attorney and the defendant the court shall make such order allowing or dismissing the petition of the District Attorney as to it appears just and proper

Section 5 From any decision of the court allowing the petition of the District Attorney the defendant may appeal to the Supreme or Superior Court as in other cases

Section 6 This act shall apply to all pending prosecutions where a bill of indictment has been returned ignoramus but in such cases the petition to re-submit the bill of indictment may be presented at any time within thirty days from the effective date of this act and not thereafter

Section 7 This act shall become effective immediately upon final enactment

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

Mr. HOMER S. BROWN. Mr. Speaker, I would like to interrogate the gentleman from Armstrong, Mr. Atkins.

The SPEAKER. Will the gentleman permit himself to be interrogated?

Mr. ATKINS. I will, Mr. Speaker.

Mr. HOMER S. BROWN. Mr. Speaker, I would like to ask the gentleman from Armstrong if he would agree to place this bill on the postponed calendar.

Mr. ATKINS. Mr. Speaker, I had intended to ask for a vote on the bill; it has been discussed in committee for the past three weeks, but not wishing to try to put anything over until it is thoroughly understood by the members, I have no objections to putting it on the postponed calendar.

On the question recurring,

Shall the bill pass finally?

BILL POSTPONED

Mr. ATKINS. Mr. Speaker, I move that this bill be placed upon the postponed calendar.

The motion was agreed to.

RESOLUTION NO. 38.

Mr. BURNS. Mr. Speaker, I desire to call up resolution No. 38, Printer's No. 93.

The resolution was read by the Clerk as follows:

In the House of Representatives, March 13, 1939.

For many years this country and the world at large has observed May first as May Day, and, at different places, the observance has been marked by various kinds of celebrations.

At times these celebrations have resulted in demonstrations against organized government.

In 1932 the American Legion in Fayette County inaugurated a new kind of observance of the day, by staging a parade of Americanism, which has grown each year into an event of first importance.

The participation in the celebration of this day by patriotic societies, veterans' organizations and other organization, cannot help but make it throughout the Commonwealth a day to awaken new pride in our American institutions, therefore be it.

Resolved (if the Senate concur), That the General Assembly of the Commonwealth of Pennsylvania urges the setting aside of May first as Americanism Day, and urges upon all patriotic, veteran, fraternal and civic organizations the planning of its celebration in such a manner as will bring to the people of the Commonwealth a full realization of the benefits and privileges and blessings that come to them through the continuance of our American form of government, and be it further

Resolved, That the Governor of the Commonwealth is hereby urged to issue his proclamation further urging the people of the Commonwealth to join in a real American celebration of Americanism Day.

On the question,

Will the House adopt the resolution?

Mr. TARR. Mr. Speaker and members of the House, it gives me pleasure as one of the sponsors of this resolution to speak for just a few seconds on it.

Let me say in the beginning that this resolution is non-political and non-sectarian. It was born of a desire to perpetuate in the State of Pennsylvania the spirit of Americanism which is so sorely needed in our land today.

Seven years ago a group of men headed by that great fighter for all things American, Sergeant James Smith, then Commander of Lafayette Post No. 51 of the American Legion, decided that the proper way to show Americanism was to stage a demonstration on May first, that date being chosen because of its significance in Europe as a day set aside for celebrations of those principles which are contrary to our American way of thinking.

On May 1, 1932, Fayette County's first Americanization Day was held. Twenty-five thousand persons marched in the parade, made up of School children, Veterans Organizations, Labor Organizations, in fact, every walk of life in the County was represented. In the five celebrations that have followed, the demonstration has grown until last year 75,000 persons took part and four State Commanders of the American Legion have participated in the celebration.

In passing this resolution you not only make Fayette County's answer to Communism and Nazism the great Commonwealth of Pennsylvania's answer to the "ism", but you also pay tribute to those heroes who have unselfishly devoted their lives to keeping our Democratic form of government free of alien influences, the same heroes who, when our nation and democracy was on the threshold of oblivion, offered their lives on the battlefield, and whose only desire is not self perpetuation, but only to make America a better place in which to enjoy life, liberty and the pursuits of happiness.

Mr. KANE. Mr. Speaker, I desire to interrogate the gentleman who sponsored this resolution, Mr. Tarr.

The SPEAKER. Will the gentleman permit himself to be interrogated?

Mr. TARR. I will, Mr. Speaker.

Mr. KANE. Mr. Speaker, I would like to ask the sponsor of this resolution if it is in his intention that this day be made into one of the long chain of holidays on which the banks will be closed and the people cannot go into the stores and that sort of thing.

Mr. TARR. Mr. Speaker, in answer to the gentleman from McKean, I might say that if it is necessary to close the banks in the Commonwealth in order to show our spirit of Americanism, I will be very glad to have that happen.

Mr. KANE. Back of May first, which has come to be a day of radical demonstrations over in Europe, there is an old American tradition about May Day that has nothing to do with "isms" or anything of that kind either Americanism or Fascism or any of the rest of that stuff. I think possibly it would have been better if it had been American Day rather than Americanism Day.

I want to call to the attention of the House the fact that we do have holidays, one of which, if you please, happens to be my birthday, for which I am glad, because all I have to do is look on the calendar to see when it comes; it also helps my wife and some other people too to remember my birthday. We also have Flag Day, which is a holiday that one of our patriotic organizations has sponsored. We have Independence Day in the middle of the summer, and we have sundry other occasions that we celebrate locally. We have a celebration at Gettysburg, as you know. Not very

long ago quite a lot of our members here in the House voted in favor of giving preference to veterans with regard to public employment.

Speaking facetiously that applied to the Democratic office holders as well as the Republicans, and it is to be assumed naturally that the Democrats will give preference to the veterans of their own party, just as they now give preference to members of their own party.

Speaking seriously, Mr. Speaker, I think this House ought to be a little bit careful about naming additional days holidays and labeling each and every day like some Spanish Fiesta.

We will have the whole country so tied down until it breaks its bonds, just as is happening in Spain today.

I think, Mr. Speaker, that the gentleman's sentiments are fine and I am glad to see this demonstration of the American spirit, but we have three days now on the calendar designated as holidays for this very purpose and it would seem to me both unnecessary and unreasonable. Besides, if I may say so, Mr. Speaker, since May day has been brought forward as a day of labor demonstrations, not necessarily radical labor demonstrations, to put on the streets perhaps on the same day some rival parades of organizations that are sometimes patriotic and sometimes not so patriotic, it might lead to just unnecessary turmoil of the population.

In conclusion, Mr. Speaker, I don't think this House should set another day aside as we have three days on the calendar now for this specific purpose.

Mr. HUNTLEY. Mr. Speaker and members of the House, I would favor this day if it were any other day but May first. May first is a day that is hallowed by many other organizations for social, and other purposes. It looks to me as if this tradition ought to be observed and become a part of our traditional history. I favor most any motion, resolution or act that is sponsored by the American Legion. I think they deserve consideration from the American people, I respect their name, but I think the date ought to be changed. I favor the day, but I don't favor it on May first.

Mr. TARR. Mr. Speaker, in answer to what my colleague has just said concerning the day, I might say that coming from a section of the country where labor demonstrations are held, such demonstrations are not held in the Commonwealth of Pennsylvania to any great extent on May first, but the date is just a week from now, April first.

I think that May first is the day which our showing of Americanism should be made, since that is the day that is set aside for those affairs which we know to be un-American.

May I say further that Mr. Smith, the Commander of the American Legion of Pennsylvania last year commended the day and Major Isherwood commended the day at the last Americanism celebration two years ago. Mr. Kress, the past State Commander of the American Legion, commended the day.

This resolution, for the information of the members of the House, does not set up a holiday but merely urges the observance of the day as Americanism day. The resolution was introduced in the Senate on the thirteenth of March and passed unanimously.

Mr. GATES. Mr. Speaker and members of the House, I think it would be much more fitting if this resolution made some other day of the year American Day, but not a legal holiday.

Mr. KANE. Mr. Speaker, and members of the House, in view of the very adequate explanation of the sponsor, that

this does not constitute a holiday, if it meets with the approval of the people down in his county and with the majority of the patriotic organizations, I, without changing my personal view that we have an adequate number of days set aside for this purpose, if it doesn't commit the Commonwealth to anything, if it doesn't adjourn the Legislature, I withdraw my objection.

On the question recurring,

Will the House adopt the resolution?

It was adopted.

Ordered, That the Clerk present the same to the Senate for concurrence.

RESOLUTION NO. 13.

Mr. ANDREWS. Mr. Speaker, I desire to call up at this time Resolution No. 13, Printer's No. 131, on page 24 of today's calendar.

The resolution was twice read, considered and adopted as follows:

In the House of Representatives, February 6, 1939.

Whereas, The former Secretary of Health, Dr. Edith MacBride Dexter, repeatedly stated that the grounds at the Cresson Sanatorium were so undermined that it was not deemed advisable to construct any more heavy buildings on that location; and

Whereas, Competent engineering authority has questioned the technical accuracy of the statements made by the former Secretary of Health; and

Whereas, Cresson State Sanatorium property presents a valuable location which should not be in danger; therefore be it

Resolved, That the Department of Mines is requested to make an examination and furnish the House of Representatives, within thirty days, with the following information:

1. To what extent has the coal underlying the Cresson State Sanatorium grounds been removed.

2. Has the removal of coal endangered any of the buildings which comprise the sanatorium plant?

3. Is it true that it would be unsafe to construct any additional heavy buildings on any of the sites now available at the Cresson State Sanatorium?

4. Should the Commonwealth, in order to insure the safety of the Cresson Sanatorium plant and place it in a position where it would be capable of future development, purchase, in whole or in part, any of the coal seams underlying the property?

RESOLUTION NO. 42.

Mr. HALL. Mr. Speaker, I desire to call up at this time Resolution No. 42, Printer's No. 127, on page 24 of today's calendar.

The resolution was read by the Clerk as follows:

In the House of Representatives, March 20, 1939.

Whereas, on June 5, 1937, the General Assembly appropriated approximately \$5,000,000 for flood control and clothed the Department of Forests and Waters with broad authority in the use of this money; and

Whereas, almost two years have lapsed and no substantial progress has been made in flood control; and

Whereas, almost \$2,000,000 of this fund is reported to have been spent or committed; and

Whereas, there is a sincere public interest in the subject of flood control and an equally sincere interest in the proper use of money appropriated for such an important purpose; and

Whereas, it is reported that there is a conflict between the State and the Federal Government with respect to impounding reservoirs now being built and to be built; and

Whereas, a recent change in the Federal Flood Control Act is reported to have a serious effect on the basic interest of this Commonwealth; therefore, be it

Resolved, That the House of Representatives request of the Secretary of Forests and Waters a comprehensive report on the condition of the Flood Control funds, of the accomplishments with the fund, expenditures and commitments thereunder, of the use of the funds, of the effect of the operation of the amended Federal Flood Control Act on Pennsylvania's present and future interests, and of such other related matters as will afford useful information on Flood Control; and be it further

Resolved, That copies of these resolutions be certified by the Chief Clerk and transmitted to the Secretary of Forests and Waters.

On the question,

Will the House adopt the resolution?

Mr. HOLLAND. Mr. Speaker and members of the House I suppose that I should lead the cheering section for Resolution Number 42 introduced by Mr. Hall, but I certainly appreciate the fact that they got as close to my name as they possibly could: if they had added "and", no one would have known the difference.

This resolution does try to give a back clap at the former Secretary of Forests and Waters, but I have no doubt that he can give a good account of his activities on Flood Control, and I feel assured that the present Secretary of Forests and Waters will be greatly enlightened on a subject he has shown by his utterance he knows very little of.

I am also very glad to know that the majority now admits that there is a sincere public interest on the subject of Flood Control. This Resolution practically asks for the policy of this Administration on Flood Control. That is all I have been asking for since the Governor and the Secretary of Forest and Waters tried to make a political football out of the question. I do hope, however, that the Secretary of Forest and Waters shall give to this House the true story of the war existing between the Commonwealth of Pennsylvania and the Federal Government, and the results of his conferences at Washington and I might add he should give something regarding the opposition given by the Utilities who are interested in selling electrical energy as well as the water companies who have been fearful that these reservoirs might be used as a new water supply for municipalities. However, I should be thankful to the Republican majority for at least heeding to the wisdom of my request that this House should know the true story of Flood Control. So I'll be satisfied to go into the back door and get this information since the Republican party denied me the entrance by the front door.

Mr. DENMAN. Mr. Speaker, I desire to interrogate the gentleman from Allegheny, Mr. Holland.

The SPEAKER. Will the gentleman from Allegheny permit himself to be interrogated?

Mr. HOLLAND. I will, Mr. Speaker.

Mr. DENMAN. Mr. Speaker, does the gentleman from Allegheny know that yesterday in downtown Pittsburgh a twenty-four foot main burst and flooded the downtown streets of Pittsburgh, and that the cause of it was laid to the flood of 1936?

Mr. HOLLAND. I do, Mr. Speaker.

Mr. KANE. Mr. Speaker, I suppose there will be some more water mains burst if it gets out that Holland and I agree on something. I think it would be a good idea if Mr. Holland would become a co-sponsor to the resolution, which would make it Hall and Holland.

I do not wish to indulge in repartee with my good friend from Allegheny. I am certainly interested in flood control.

I do wish to add this, however, that the resolution of my

colleague from Potter County is not intended in any sense to close the doors on anyone but on the contrary to open the front door and the back door. The last administration closed the front door to this administration and to the members of the House.

I would urge upon the Chairman of the Forestry Committee and the sponsor of this measure to ask the Department not to send over here on the last day an engineering report on the conditions of flood control, but to get right down to brass tacks and tell us what they expect to do.

In that connection I would like to tell a little story. I have a couple of little daughters, as you probably know, and the other day I said to the junior member that I would give her the choice of a five dollar bill and a nickel. She looked at the two of them a little while, and she pointed her finger and said, "I want the nickel." I said, "What made you select that?" She said, "because a nickel is the only money that a little girl can spend."

I would like to see a report that will be a real report that the Legislature can understand and take action on.

On the question recurring,

Will the House adopt the resolution?

It was adopted.

RESOLUTION

SYMPATHY EXTENDED

Mr. WOODSIDE offered the following resolution which was twice read, considered and unanimously adopted by a rising vote:

In the House of Representatives, March 23, 1939.

It has been said that in all this cold and hollow world there is no fount of deep, strong deathless love, save that within a mother's heart.

A Member of this House has just been definitely and finally separated from all that such love can mean.

Suddenly and unexpectedly, Mrs. Rosie Habbyslaw, the devoted mother of the Honorable William E. Habbyslaw, a Member of this House, passed into that bourne from which no traveler returns, her last dreamless sleep.

We realize fully the great depth of sorrow that is his, the sense of loss that cannot be stilled, and the loneliness that means emptiness.

A widow for more than ten years, her life has been spent with, and her love has been given to, the five children who survive her.

She has been an active member of the Stoverdale United Brethren Church and Sunday School for the past twenty-five years; therefore be it

Resolved, By the House of Representatives of the General Assembly of the Commonwealth of Pennsylvania that we, its Members, extend our deep and sincere sympathy to our fellow Member during this, his hour of bereavement and sorrow, and direct the Chief Clerk of the House to transmit to him a copy of this resolution.

The SPEAKER. I notice that a number of the members are about to leave and the Chair would like to call the attention of the members to the fact that on Monday night Senator Davis and Senator Guffey will be here to deliver their messages on the state of the Nation as required by the resolutions of the House. Under the circumstances it is quite possible that the session will not start promptly at eight o'clock. It may also be possible that because of the crowd special arrangements will have to be made for the people who desire to attend. Therefore the Chair trusts that the members will be patient with whatever arrangements will be made. A communication has been sent to the Senate and the Senate will undoubtedly attend the session on Monday night. Under the circumstances, on account of the time that will be

taken up on Monday night, due to the presence of Senator Davis and Senator Guffey, it is not expected that we will make very much progress with the calendar, and as we will have a heavy calendar next week, the House will sit up to Thursday of next week.

REPORTS FROM COMMITTEES

Mr. HOLLAND from the Committee on Military Affairs reported as committed, House Bill No. 550, entitled:

An Act making an appropriation to the Department of Property and Supplies, to provide cases for the display of colors and standards of the World War and expenses connected therewith.

Mr. ROSENFELD from the Committee on Military Affairs reported as committed, House Bill No. 546, entitled:

An Act to further amend section six of the act, approved the seventeenth day of May, one thousand nine hundred and twenty-one (P. L. 869), entitled "An act providing for the organization, government, discipline, maintenance, and regulation of the armed land forces of this Commonwealth," by eliminating certain provisions relating to retirement age of a major general in command of the National Guard.

Mr. ROSENFELD from the Committee on Military Affairs reported as committed, House Bill No. 639, entitled:

An Act to repeal certain obsolete acts relating to military history, records and historical works.

Mr. MATTHEW J. WELSH from the Committee on Military Affairs reported as committed, House Bill No. 576, entitled:

An Act to further amend section seven of the act, approved the fifth day of January, one thousand nine hundred and thirty-three (P. L. 223, 1933-34), entitled "An act providing compensation to certain persons who served in the military or naval forces of the United States during the World War, the war between the United States and Spain, the China Relief Expedition, or in the Philippines or Guam; providing the method of making payment to representatives of persons who, because of death or incapacity, cannot personally receive compensation; imposing certain duties on the Adjutant General; making an appropriation; and repealing inconsistent legislation; and providing penalties," as amended, extending the time during which application may be filed for veterans' compensation.

Mr. BARDES from the Committee on Military Affairs reported as committed, House Bill No. 562, entitled:

An Act providing for the organization under certain conditions of one colored battalion of infantry; and making an appropriation therefor.

Mr. TAYLOR from the Committee on Military Affairs reported as committed, House Bill No. 536, entitled:

An Act providing for the regulation, supervision and control of unofficial military organizations; requiring certificates; conferring powers and imposing duties upon the adjutant general; and authorizing the adoption and enforcement of rules and regulations.

Mr. TAYLOR from the Committee on Military Affairs reported as committed, House Bill No. 549, entitled:

An Act to amend section nine of the act, approved the seventeenth day of May, one thousand nine hundred and twenty-one (P. L. 869), entitled "An act providing for the organization, government, discipline, maintenance, and regulation of the armed land forces of this Commonwealth," as amended, by increasing clothing allowances and requiring a report by commanding officers.

COMMITTEE MEETINGS

There will be a meeting of the Committee on Law and Order, Tuesday, March 28, 1939, at 12 noon, in Room 418.

There will be a Public Hearing before the Committee on Municipal Corporations on House Bill No. 189, on Tuesday, April 4, 1939, at 10 a. m., in the House Caucus Room.

ADJOURNMENT

Mr. SLOAN. Mr. Speaker, I move that this House do now adjourn until Monday, March 27, 1939, at 8 p. m.

The motion was agreed to, and (at 3:51 p. m.) the House adjourned until Monday, March 27, 1939, at 8 p. m.

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Session 1939.

133d of the General Assembly.

Vol. 23.

HARRISBURG, PA., MONDAY, MARCH 27, 1939.

No. 29.

SENATE

MONDAY, March 27, 1939.

The Senate met at 9:00 o'clock, p. m.

The PRESIDENT (Lieutenant-Governor Samuel S. Lewis) in the Chair.

PRAYER

The Chaplain, Rev. BURLEIGH A. PETERS, offered the following prayer:

O God, full of loving kindness and tenderest mercy, forgive our sins and iniquities this day; and in their stead implant that peace which alone proceedeth from Thee. There is also-called peace which the world offers which is truly not Thy peace nor does it bear its semblance but has its origin and satisfaction in the carnality of the flesh and which perishes with the using. Let not one of us be deluded by this unprofitable substitute.

Holy Writ tells us, "What is a man profited if he shall gain the whole world and lose his own soul?" "Or what shall a man give in exchange for his soul?"

Thus may we be vitally and personally concerned with the spiritual security of the real man who dwells within us. May we evermore be determined to write the annals of our own history in Thy holy fear guarding our every thought, word and deed as we daily write. May we be more desirous of recording wholesome thought, good deeds and obedient hearts for Thee in the great ledger of life than in the Legislative Journal of this body.

Endue us now with Thy spirit of brotherhood that we may labor here to Thy glory. For the Master's sake, Amen.

JOURNAL APPROVED

The PRESIDENT. A quorum of the Senate being present the Clerk will read the Journal of the preceding session.

The Clerk proceeded to read the Journal of the preceding session, when, on motion of Mr. OWLETT and Mr. HEYBURN, the further reading was dispensed with, and the Journal was approved.

RESOLUTION

TIME OF NEXT MEETING

Mr. GELTZ. Mr. President, I ask unanimous consent to offer the adjournment resolution at this time, due to our proposed early adjournment.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. GELTZ offered the following resolution which was twice read, considered and agreed to:

In the Senate, March 27, 1939.

Resolved (if the House of Representatives concur), That when the Senate adjourns this week it reconvene on Monday evening, April 3, 1939, at nine o'clock; and when the House of Representatives adjourns this week it reconvene on Monday evening, April 3, 1939, at eight o'clock.

Ordered, That the Clerk present same to the House of Representatives for concurrence.

HOUSE MESSAGES

HOUSE BILLS FOR CONCURRENCE

The Clerk of the House of Representatives being introduced presented for concurrence bills of the House, as follows:

House Bill No. 38, (Senate Bill No. 278), entitled:

An Act to amend sections Three, Four, Five, Nine and Eleven of the act approved the twenty-eighth day of June one thousand nine hundred and thirty-five (P. L. 463), entitled (as amended) "An act providing for the incorporation as bodies corporate and politic of 'Authorities' for municipalities counties and townships defining the same prescribing the rights, powers and duties of such Authorities," authorizing such Authorities to acquire construct improve maintain and operate projects and to borrow money and issue bonds therefor providing for the payment of such bonds and prescribing the rights of the holders thereof conferring the right of eminent domain on such Authorities authorizing such Authorities to enter into contracts with and to accept grants from the Federal Government or any agency thereof and for other purposes" as amended by omitting the requirement that the resolution or ordinance of the intention to organize an Authority shall set forth the proposed Articles of Incorporation regulating the publication of such resolutions and ordinances by including waterworks, water distribution systems, and parts of sewer systems as projects by authorizing the municipalities to limit the projects to be undertaken by an Authority by authorizing a longer term for the bonds issued by an Authority and making them legal investments for trust funds etc., and by including waterworks, water supply works, water distribution systems and parts of sewer systems as facilities which may be transferred to an Authority by any owner in addition to the Commonwealth and the political subdivision thereof.

Which was committed to the Committee on Municipal Government.

House Bill No. 243, (Senate Bill No. 279), entitled:

An Act regulating the selection drawing and summoning of all jurors and talesmen in counties of the third class and defining their qualifications in such counties creating a jury board and defining its powers and procedure providing for the appointment of a clerk to the jury board and fixing his maximum salary providing for the custody of the jury wheel and the filing and custody of jury lists providing for the public drawing of jurors and the methods thereof giving the trial judge the right to excuse jurors

prescribing the time of challenging jurors or the array regulating the procedure if array is quashed providing for the drawing of names of jurors from wheels heretofore filled and repealing inconsistent acts.

Which was committed to the Committee on Judiciary General.

House Bill No. 351, (Senate Bill No. 280), entitled:

An Act to amend section twenty-two of the act approved the seventh day of June one thousand nine hundred and seventeen (P. L. 403) entitled "An act relating to the form execution revocation and interpretation of wills to noncupative wills to the appointment of testamentary guardians to spendthrift trust for forfeiture of devise or legacy in case of murder of testator to elections to take under or against wills and to the recording and registering of such elections and of decrees relative thereto and to the fees therefor" by providing for forfeiture of the right to take property under the will of a murdered testator.

Which was committed to the Committee on Judiciary General.

House Bill No. 352, (Senate Bill No. 281), entitled:

An Act to amend section twenty-three of the act approved the seventh day of June one thousand nine hundred and seventeen (P. L. 429) entitled "An act relating to the descent and distribution of the real and personal property of persons dying intestate and to provide for the recording and registering of the decrees of the orphans' court in connection therewith and the fees therefor" by providing for forfeiture of the right to inherit or to take property of a murdered intestate under the said act.

Which was committed to the Committee on Judiciary General.

House Bill No. 354, (Senate Bill No. 282), entitled:

An Act to amend clause (d) as added to section twenty-one of the act approved the seventh day of June one thousand nine hundred and seventeen (P. L. 363) entitled "An act relating to the organization jurisdiction and procedure of the orphans' courts the powers and duties of the judges thereof and appeals therefrom" requiring certification of verdicts and judgments entered in orphans' courts to the prothonotary and the filing docketing and indexing the same by him.

Which was committed to the Committee on Judiciary General.

House Bill No. 355, (Senate Bill No. 283), entitled:

An Act to amend clause (c) of section forty-nine of the act approved the seventh day of June one thousand nine hundred and seventeen (P. L. 447) entitled as amended "An act relating to the administration and distribution of the estates of decedents and of minors and of trust estates including the appointment bonds rights powers duties liabilities accounts discharge and removal of executors administrators guardians and trustees herein designated as fiduciaries the administration and distribution of the estates of presumed decedents widow's and children's exemptions debts of decedents rents of real estate as assets for payment thereof the lien thereof sales and mortgages of real estate for the payment thereof judgments and executions therefor and the discharge of real estate from the lien thereof contracts of decedents for the sale or purchase of real estate legacies including legacies charged on land the discharge of residuary estates and of real estate from the lien of legacies and other charges the appraisal of real estate devised at a valuation the ascertainment of the curtilage of dwelling houses or other buildings devised the abatement and survival of actions and the substitution of executors and administrators

therein the survival of causes of action and suits thereupon by or against fiduciaries investments by fiduciaries the organization of corporations to carry on the business of decedents the audit and review of accounts of fiduciaries refunding bonds transcripts to the court of common pleas of balances due by fiduciaries the rights powers and liabilities of nonresident and foreign fiduciaries the appointment bonds rights powers duties and liabilities of trustees durante absentia the recording and registration of decrees reports and other proceedings and the fees therefor appeals in certain cases and also generally dealing with the jurisdiction powers and procedure of the orphans' court in all matters relating to fiduciaries concerned with the estate of decedents" by permitting fiduciaries to dispense with formal accounts where estates do not exceed five hundred dollars and reducing the time for petitions in such cases from one year to six months from the date of granting of letters.

Which was committed to the Committee on Judiciary General.

House Bill No. 356, (Senate Bill No. 284), entitled

An Act to make void all gifts for religious or charitable uses to take effect on the death of the donor unless made at least thirty days before such death and to make unenforceable all promises to give real or personal property for such uses unless made at least thirty days before the death of the promisor.

Which was committed to the Committee on Judiciary General.

House Bill No. 357, (Senate Bill No. 285), entitled:

An Act to amend section twenty-one of the act approved the seventh day of June one thousand nine hundred and seventeen (P. L. 447) entitled as amended "An act relating to the administration and distribution of the estates of decedents and of minors and of trust estates including the appointment bonds rights powers duties liabilities accounts discharge and removal of executors administrators guardians and trustees herein designated as fiduciaries the administration and distribution of the estates of presumed decedents widow's and children's exemptions debts of decedents rents of real estate as assets for payment thereof the lien thereof sales and mortgages of real estate for the payment thereof judgments and executions therefor and the discharge of real estate from the lien thereof contracts of decedents for the sale or purchase of real estate legacies including legacies charged on land the discharge of residuary estates and of real estate from the lien of legacies and other charges the appraisal of real estate devised at a valuation the ascertainment of the curtilage of dwelling houses or other buildings devised the abatement and survival of actions and the substitution of executors and administrators therein the survival of causes of action and suits thereupon by or against fiduciaries investments by fiduciaries the organization of corporations to carry on the business of decedents the audit and review of accounts of fiduciaries refunding bonds transcripts to the court of common pleas of balances due by fiduciaries the rights powers and liabilities of nonresident and foreign fiduciaries the appointment bonds rights powers duties and liabilities of trustees durante absentia the recording and registration of decrees reports and other proceedings and the fees therefor appeals in certain cases and also generally dealing with the jurisdiction powers and procedure of the orphans' court in all matters relating to fiduciaries concerned with the estates of decedents" by fixing the rate of interest to be paid on pecuniary legacies and the time from which it shall be paid.

Which was committed to the Committee on Judiciary General.

House Bill No. 400, (Senate Bill No. 286), entitled:

An Act to amend the title and the act approved the nineteenth day of May one thousand eight hundred and eighty-seven (P. L. 132) entitled "An act to give preference of appointment or employment to honorably discharged soldiers sailors and marines who fought for the Union cause in the late war of the rebellion" by extending the same preference to veterans and nurses of any war in which the United States has engaged.

Which was committed to the Committee on State Government.

House Bill No. 441, (Senate Bill No. 287), entitled:

An Act to further amend clause (c) of section two of an act approved the seventh day of June one thousand nine hundred and seventeen (P. L. 447) entitled as amended "An act relating to the administration and distribution of the estates of decedents and of minors and of trust estates including the appointment bonds rights powers duties liabilities accounts discharge and removal of executors administrators guardians and trustees herein designated as fiduciaries the administration and distribution of the estates of presumed decedents widow's children's exemptions debts of decedents rents of real estate as assets for payment thereof the lien thereof sales and mortgages of real estate for the payment thereof judgments and executions therefor and the discharge of real estate from the lien thereof contracts of decedents for the sale or purchase of real estate legacies including legacies charged on land the discharge of residuary estates and of real estate from the lien of legacies and other charges the appraisement of real estate devised at a valuation the ascertainment of the curtilage of dwelling houses or other buildings devised the abatement and survival of actions and the substitution of executors and administrators therein the survival of causes of action and suits thereupon by or against fiduciaries investments by fiduciaries the organization of corporations to carry on the business of decedents the audit and review of accounts of fiduciaries refunding bonds transcripts to the court of common pleas of balances due by fiduciaries the rights powers and liabilities of nonresident and foreign fiduciaries the appointment bonds rights powers duties and liabilities of trustees durante absentia the recording and registration of decrees reports and other proceedings and the fees therefor appeals in certain cases and also generally dealing with the jurisdiction powers and procedure of the orphans' court in all matters relating to fiduciaries concerned with the estate of decedents" by providing for the distribution by the orphans' court of certain estates of persons dying intestate.

Which was committed to the Committee on Judiciary General.

House Bill No. 474, (Senate Bill No. 288), entitled:

An Act to further amend section three of the act approved the twenty-eighth day of June one thousand nine hundred thirty-five (P. L. 452) entitled "An act to promote the welfare of the people of the Commonwealth creating a General State Authority as a body corporate and politic with power to construct improve and operate projects and to lease the same and to fix and collect fees rentals and charges for the use thereof authorizing and regulating the issuance of bonds by said Authority and providing for the payment of such bonds and the rights of the holders thereof to enter into agreements with the Government of the United States or any Federal agency and authorizing the Department of Property and Supplies to grant assign convey or lease to the Authority lands of the Commonwealth and interests therein and to acquire lands and therefore granting the right of eminent domain and providing that no debt of the Commonwealth shall be incurred in the exercise of any of the powers granted by this act" fixing terms for the appointed members of

the General State Authority and terminating the terms of present members.

Which was committed to the Committee on State Government.

House Bill No. 282, (Senate Bill No. 289), entitled:

An Act to repeal the act approved the twenty-second day of September one thousand nine hundred and thirty-eight (P. L. 37), entitled "An act relating to and removing the remaining additional persons now serving as Pennsylvania members of The Delaware River Joint Commission by virtue of the appointment by the General Assembly under the act approved June twelfth, one thousand nine hundred and thirty-one (Pamphlet Laws, five hundred seventy-five), entitled: 'An act providing for joint action by Pennsylvania and New Jersey in the development of the ports on the lower Delaware River and the improvement of the facilities for transportation across the river authorizing the Governor for these purposes to enter into an agreement with New Jersey creating The Delaware River Joint Commission and specifying the powers and duties thereof including the power to finance projects by the issuance of revenue bonds transferring to the new commission all the powers of The Delaware River Bridge Joint Commission and making an appropriation' and providing for the appointment of their successors"

Which was committed to the Committee on State Government.

House Bill No. 344, (Senate Bill No. 290), entitled:

An Act to amend section seventy-seven of the act approved the thirty-first day of March one thousand eight hundred and sixty (P. L. 427) entitled "An act to consolidate revise and amend the laws of this Commonwealth relating to penal proceedings and pleadings" by permitting indictments against public officers and employees and their accomplices and confederates to be brought or exhibited within two years after such officer or employee shall have ceased to occupy such office or employment.

Which was committed to the Committee on Judiciary General.

House Bill No. 342, (Senate Bill No. 291), entitled:

An Act to further amend section one thousand thirteen of and add section one thousand eleven and one-tenth to the act approved the fifth day of May one thousand nine hundred and thirty-three (P. L. 364) entitled "An act relating to business corporations defining and providing for the organization merger consolidation reorganization winding up and dissolution of such corporations conferring certain rights powers duties and immunities upon them and their officers and shareholders prescribing the conditions on which such corporations may exercise their powers providing for the inclusion of certain existing corporations of the second class within the provisions of this act prescribing the terms and conditions upon which foreign business corporations may be admitted or may continue to do business within the Commonwealth conferring powers and imposing duties on the courts of common pleas and certain State departments commissions and officers authorizing certain State departments boards commissions or officers to collect fees for services required to be rendered by this act imposing penalties and repealing certain acts and parts of acts relating to corporations" authorizing the issuance of subpoenas with clause of duces tecum upon foreign corporations registered to do business within the Commonwealth of Pennsylvania and providing a method of service thereof upon such corporations and its proper officers agents and employes and providing a penalty for noncompliance therewith.

Which was committed to the Committee on Judiciary General.

House Bill No. 424, (Senate Bill No. 292), entitled:

An Act to authorize cities of the first class of this Commonwealth to provide for the payment of certain deficits and indebtedness as herein defined in equal annual installments of two million five hundred thousand dollars (\$2,500,000) and to authorize the making of contracts the drawing of warrants and the approval thereof without appropriation for the payment of such deficits and indebtedness except as provided by this act and to levy and fix the tax rate and to make appropriations and prepare and formulate the financial programs of such cities upon the basis of the discharge of such deficits and indebtedness in the manner provided by this act requiring annual provisions for the payment of mandamus executions and suspending and/or repealing inconsistent legislation.

Which was committed to the Committee on Municipal Government.

House Bill No. 442, (Senate Bill No. 293), entitled:

An Act making an appropriation out of the Motor License Fund to the Department of Highways for allocation to and expenditure in the second class townships of the Commonwealth for maintenance construction reconstruction resurfacing or improvement of township roads and bridges during the calendar years one thousand nine hundred forty and one thousand nine hundred forty-one permitting the use of the funds for maintenance and repair of township roads and bridges under certain conditions and providing for the method of payment to townships.

Which was committed to the Committee on Highways.

House Bill No. 443, (Senate Bill No. 294), entitled:

An Act to amend the appropriation act approved the fifth day of June one thousand nine hundred thirty-seven (Appropriation Act No. 51-A) entitled "An act making an appropriation out of the Motor License Fund to the Department of Highways for expenditure in the various second-class township of the Commonwealth for the maintenance of township roads and bridges during the calendar years one thousand nine hundred thirty-eight and one thousand nine hundred thirty-nine apportioning the funds to the several counties on the basis of the maintenance costs for the years one thousand nine hundred thirty-two permitting the use of any surplus funds for construction and reconstruction and resurfacing of township roads and bridges requiring townships to exclude provision for maintenance of roads and bridges from their annual budget and tax levy for road and street purposes for said years authorizing the Department of Highways to rent road building machinery and equipment belonging to such townships in carrying out the provisions of this act and lapsing the unexpended or unencumbered balance of the appropriation remaining on January first one thousand nine hundred forty" by providing that the unexpended and unencumbered balance of such appropriation at the time this act becomes effective shall be allocated to and apportioned among the various second-class townships on the basis of the amount of road mileage in such townships authorizing the township supervisors to expend the moneys allocated to the township for the purpose prescribed under the approval and supervision of the Department of Highways budgeting limitations on townships of the second class and excluding the provision for expenditure by the Department of Highways of such balances the taxing and the right of the Department of Highways to rent road-building machinery and equipment belonging to such townships.

Which was committed to the Committee on Highways.

BILL ON THIRD READING POSTPONED

Mr. OWLETT. Mr. President, I move that the consideration of bills on third reading, on today's calendar, be postponed for the present; and that the Senate do now proceed to the consideration of second reading bills only.

Mr. FREY. Mr. President, I second the motion. The motion was agreed to.

BILLS ON SECOND READING

Agreeably to order.

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 108, (House Bill No. 26), entitled:

An Act to amend section three of the act approved the twenty-seventh day of April one thousand nine hundred and twenty-seven (P. L. 465) entitled "An act to provide for the safety of persons employed housed or assembled in certain buildings and structures not in cities of the first class second class and second class A by requiring certain construction and ways of egress equipment and maintenance providing for the licensing of projectionists requiring the submission of plans for examination and approval providing for the promulgation of the rules and regulations for the enforcement of this act providing for the enforcement of this act by the Department of Labor and Industry and in certain cases by the chiefs of fire departments in cities of the third class providing penalties for violations of the provisions of this act and repealing acts" as amended eliminating the requirement that certain buildings shall be equipped with certain equipment in connection with gas meters to prevent or retard the escape of gas.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILL OVER IN ORDER

Mr. STIEFEL. Mr. President, I ask unanimous consent that Senate Bill No. 111, (House Bill No. 92), on second reading, entitled:

An Act to prohibit assessments and demands for contributions for political purposes and providing a penalty go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 170, as follows:

A Joint Resolution proposing an amendment to article nine section eight of the Constitution of the Commonwealth of Pennsylvania

Section 1 Be it resolved by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met That the following amendment to the Constitution of the Commonwealth of Pennsylvania be and the same is hereby proposed in accordance with the eighteenth article thereof

That article nine section eight of the Constitution of Pennsylvania is hereby amended to read as follows

Section 8 The debt of any city borough township school district or other municipality or incorporated district except as provided herein and in section fifteen of this article shall never exceed seven (7) per centum upon the average assessed value of the taxable realty therein for the nine years immediately preceding the time any debt is incurred or increased and the debt of any county other than Philadelphia shall never exceed ten (10) per centum upon the average annual assessed value of the taxable

realty therein for the nine years immediately preceding the time any debt is incurred or increased and the debt of the City and County of Philadelphia shall never exceed fifteen (15) per centum upon the average annual assessed value of the taxable realty therein for the nine years immediately preceding the time any debt is incurred or increased nor shall any county city borough township school district or other municipality or incorporated district incur any new debt or increase its indebtedness to an amount exceeding two (2) per centum upon such average annual assessed valuation of taxable realty for the nine immediately preceding years without the consent of the electors thereof at a public election in such manner as shall be provided by law

In ascertaining the borrowing capacity of the City and County of Philadelphia at any time there shall be deducted from such debt so much of the debt of said city and county as shall have been incurred or is about to be incurred and the proceeds thereof expended or about to be expended upon any public improvement or in the construction purchase or condemnation of any public utility or part thereof or facility therefor to the extent that such public improvement or public utility or part thereof whether separately or in connection with any public improvement or public utility or part thereof may yield or may reasonably be expected to yield revenue in excess of operating expenses sufficient to pay the interest and sinking fund charges thereon

The method of determining such amount so to be deducted may be prescribed by the General Assembly

In incurring indebtedness for any purpose the City and County of Philadelphia may issue its obligations maturing not later than fifty (50) years from date thereof with provisions for a sinking fund sufficient to retire said obligations at maturity the payment to such sinking fund to be in equal or graded annual or other periodical installments Where any indebtedness shall be or shall have been incurred by said City and County of Philadelphia for the purpose of the construction or improvement of public works or utilities of any character from which income or revenue is to be derived by said city and county or for the reclamation of land to be used in the construction of wharves or docks owned or to be owned by said city and county such obligations may be in an amount sufficient to provide for and may include the amount of the interest and sinking fund charges accruing and which may accrue the expiration of one year after the completion of work thereon throughout the period of construction and until for which said indebtedness shall have been incurred but not in excess of five years from the time of the incurring of such indebtedness and said city and county shall not be required to levy a tax to pay said interest and sinking fund charges as required by section ten article nine of the Constitution of Pennsylvania until the expiration of said period of one year after the completion of said work

Provided however that any city county borough township or other municipality or incorporated district may with the consent of the electors thereof increase its indebtedness to the extent of three (3) per centum over and beyond any limitation fixed herein toward the sole purpose of constructing or completing sewage treatment works

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 199, as follows:

An Act authorizing the courts of common pleas to make orders relative to the payment of costs in road cases

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 In all matters proceedings and hearings before the courts of common pleas relating to the exercise of the right of eminent domain and in the laying out opening viewing and reviewing of public or private roads

and claims for damages to property by reason of the exercise of the right of eminent domain it shall be lawful for the court hearing such proceedings to make such orders relative to the payment of the necessary costs incurred as to the court shall appear right and just

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 241, as follows:

An Act authorizing counties of the second class to make appropriations to the State World's Fair Commission

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Counties of the second class are hereby authorized to make appropriations of county funds to the State World's Fair Commission created by the provisions of the act approved the second day of July one thousand nine hundred and thirty-seven (Pamphlet Laws 2706) entitled "An act creating a State World's Fair Commission defining the powers and duties of said commission providing for participation in the New York World's Fair and making an appropriation" for any purpose within the general powers of said commission

Section 2 This act shall become effective immediately upon final enactment

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 262, (House Bill No. 199), entitled:

An Act to confirm and validate past tax levies or assessments made by school districts of the first class and liens filed thereon

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILL RECOMMENDED

Mr. EDMONDS. Mr. President, I move that Senate Bill No. 262, (House Bill No. 199), the bill just read, be recommended to the Committee on Education, for the purpose of a public hearing tomorrow morning, March 28th, at 10:30.

Mr. SCARLETT. Mr. President, I second the motion. The motion was agreed to.

QUESTION OF PERSONAL PRIVILEGE

Mr. SIPE. Mr. President, I rise to a particular question of personal privilege, which will take about two minutes.

The PRESIDENT. The Senator from Armstrong, Mr. Sipe, will state his question of personal privilege.

Mr. SIPE. Mr. President, I have told on the floor of this Senate a few facts relating to the recent outrageous order of the Milk Control Board in Pennsylvania, approved by the Governor of Pennsylvania, which is simply driving the farmers of my district to despair and which is also very seriously affecting the merchants. In Butler

county alone that outrageous order takes \$240,000 a month from the income of the farmers.

Now, to the point. Mr. President, the farmers back there are in despair. Last Wednesday evening I received the following telegram from the Milk Producers Association of Butler county: 'Committee will be in Harrisburg tomorrow morning like to meet you at the Penn-Harris Hotel.'

I met with this committee at the Penn-Harris Hotel the next morning, and they told me they arranged for an audience with the Milk Control Board, and then with the Governor.

I accompanied them to the Milk Control Board, where we had a conference for ten or fifteen minutes in which, after a great deal of prodding, the Chairman of the Milk Control Board told all of us that we farmers of the western county could not expect any revocation or even modification of that outrageous order until July.

Well, as soon as the farmers were through at the Milk Control Board they proceeded to the Governor's office. However, I left the conference at the Milk Control Board before it was over, and as soon as I received the bad news that we could expect no revocation or modification of that order until July—I came up ahead of the farmers to do a little work at my desk, and then went to the Governor's office.

I went over to the Governor's office. I was informed by the lady receptionist that the farmers had already gone in to see the Governor. I gave her my name, she wrote it down; she told me she would take it in to the Governor's secretary.

After three or four minutes of waiting the secretary came out and solemnly informed me that I could not see the Governor. Bear in mind I told the lady receptionist the purpose of my mission, that I was here with people from my own district, representing the people of my own district, and had been pleading their cause at a conference at the Milk Control Board, but the secretary came out and calmly informed me I could not go in, that the conference was already in session. I sent him back into the Governor's office with the reminder that I was here with my farmers, with people from my district, pleading their cause, not only before the Milk Control Board but also before the Governor; and in went the secretary again and after about three or four minutes emerged another time with the information that I—a Senator elected by the people from the Armstrong-Butler district—could not get into that conference.

I sent him back again the third time and a third time he returned to me with the same news.

Now, Mr. President, knowing it would not be polite for me to batter down the door of the Governor's office, even when on a mission for the people of my district, for hundreds who were in despair, I remained in the Governor's reception room until the farmers came out. They looked at me with surprised looks, and then I explained to them why I had not been permitted to come into the hearing before the Governor, but the Governor's secretary—his flunky, he should be called—kept shuffling back and forth between me and the Governor's office and each time emerging with the information that I could not get in there with the people of my district.

Pretty low treatment, Mr. President, I dare say that for the last generation no Senator of Pennsylvania, elected

by the people of Pennsylvania, ever got such a raw deal from a Governor of this state.

I don't take it to heart personally—not at all—but it is a reflection and pretty much of a slap in the face of the people of my district, the farmers of my district, but they told me, when I went back home that they were not surprised, that they knew this Governor who gave them a smack in the face, had been loafing on his job for ten months and drawing down, for that loafing, as much of the taxpayers money as would pay for several pretty average farms. They said they were not surprised, and I want to make it plain I am not hurt.

QUESTION OF PERSONAL PRIVILEGE

Mr. SHAPIRO. Mr. President, I rise to a question of personal privilege.

The PRESIDENT. The Senator from Philadelphia, Mr. Shapiro, will state his question of personal privilege.

Mr. SHAPIRO. Mr. President, last week the Governor of this Commonwealth suggested to me that it would be his pleasure to have the Democratic Senators meet him at luncheon at the Penn-Harris Hotel for the purpose of meeting the Senators and proving to them that, while we might quarrel legislatively and politically, still, socially, we could meet and break bread, and that invitation was accepted.

You have just heard the statement of the Senator from Armstrong, Mr. Sipe, and as a result of that information being brought to the members of the Senate when we had our caucus this evening, I was directed to address a letter to the Governor which I should like to read.

March 27, 1939.

Honorable Arthur H. James,
Executive Department,
Harrisburg, Pa.

Your Excellency:

The Democratic Senators, in caucus this evening, have directed me to advise you that they must withdraw their acceptance of your invitation to meet with you at luncheon tomorrow.

I am further directed to inform you that this action has been taken solely because of your refusal to admit to your office the gentleman from Armstrong, Senator C. Hale Sipe, when he appeared with a group of his constituents to discuss matters vitally affecting his district and the Commonwealth.

This action, so inconsistent with what we originally believed to be a gesture of friendship toward the Democratic members of the Senate, is an affront to one of our colleagues which the Senators feel they cannot ignore.

Respectfully yours,

HARRY SHAPIRO.

ADJOURNMENT

Mr. OWLETT. Mr. President, in view of the fact that our two United States Senators from Pennsylvania have come here to address the members of the House and the Senate, in the hall of the House, I move you, Mr. President, that the Senate do now adjourn until Tuesday, March 28, 1939, at two p. m.

Mr. FREY. Mr. President, I second the motion.

The motion was agreed to.

The Senate adjourned at 9:35 o'clock p. m. until Tuesday, March 28, 1939, at two o'clock p. m.

HOUSE OF REPRESENTATIVES

MONDAY, March 27, 1939.

The House met at 8 p. m.

The SPEAKER (Ellwood J. Turner) in the Chair.

PRAYER

The Chaplain, Rev. Walter Evans Deibler, offered the following prayer:

Thou, O God, hast called us again to assume the duties of a new week. Once more we humbly bow before Thee and confess our dependence upon Thee. Sorrow and tragedy stalk in our pathways day by day. We know not at what hour these shall overtake us. Thou art the God of individuals as well as of the multitudes. Thou art our refuge and strength in all our troubles. We humbly pray for Thy healing grace, to rest upon the son of Representative and Mrs. Woodside. Give unto them and to all parents and children Thy divine help in the name of Him who said "suffer the little children to come unto Me."

May the significance of the events of this evening's session be duly recognized by all of us. We thank Thee for the important part Pennsylvania has always taken in the work of our National government. For the forty-five men of our Commonwealth who have been members of the Senate of the United States during the last century and a half, we thank Thee. For the presence here tonight of our honored Senators, we praise Thee and invoke Thy blessing upon them in their present mission as well as in their duties in Washington. May our interests be unselfish and our motives pure. May the needs of our country inspire every lawmaker with a sense of Thy divine presence so that only the best legislation may be enacted.

"America! America! God shed His grace on thee,
And crown thy good with brother-hood,
From sea to shining sea." Amen.

JOURNAL APPROVED

The SPEAKER. The Clerk will read the Journal of Thursday, March 23, 1939.

The Clerk proceeded to read the Journal of Thursday, March 23, 1939, when, on motion of Mr. BRONSON the further reading was dispensed with and the Journal approved.

BILLS INTRODUCED AND REFERRED

(Referred March 23, 1939)

By Messrs. ACKERMAN and MIHM.

HOUSE BILL No. 703.

An Act to amend section five hundred thirty-two of the act, approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith," by providing for the publication of certain notices relative to the preparation of budgets in school districts of the first class.

Referred to the Committee on Education.

By Mr. HALL.

HOUSE BILL No. 704.

An Act to amend the act, approved the third day of May, one thousand nine hundred and thirty-three (P. L. 242), entitled "An act to promote the public health and safety by providing for examination and registration of those who desire to engage in the occupation of beauty culture; defining beauty culture, and regulating beauty culture shops, schools, students, apprentices, teachers, managers and operators; conferring powers and duties upon the Department of Public Instruction; providing for appeals to certain courts by applicants and licensees; and providing penalties," changing the eligibility requirements for exemption from examination of persons engaged in beauty culture prior to one thousand nine hundred and thirty-three; increasing the hours and length of time required for training for students and teachers and managers; changing the requirements of beauty culture schools; increasing the number of necessary teachers; changing the places and dates of examination; changing the powers and duties of the Department of Public Instruction; increasing the period of notice of hearings; and eliminating preliminary notices.

Referred to the Committee on Professional Licensure.

By Mr. HOLLAND.

HOUSE BILL No. 705.

An Act to amend the title and all the sections of the act, approved the eighteenth day of April, one thousand nine hundred and nineteen (P. L. 70), entitled "An act declaring it a misdemeanor for any maker or drawer, with intent to defraud, to make or draw or utter or deliver any check, draft, or order, when such person has not sufficient funds in, or credit with, the depository upon which the same is drawn," making violations thereof felonies, increasing penalties; and modifying presumptions of guilt.

Referred to the Committee on Judiciary Special.

By Mr. BAKER.

HOUSE BILL No. 706.

An Act making it a misdemeanor for any person or officer to present himself at any licensed legitimate club and falsely pretending to be a member of such club to purchase or offer to purchase spirituous, vinous brewed or malt liquors.

Referred to the Committee on Judiciary Special.

By Mr. HOLLAND.

HOUSE BILL No. 707.

An Act to amend sections eight, nine and ten of the act, approved the twelfth day of June, one thousand nine hundred and thirteen (P. L. 481), entitled "An act relating to inns and hotels; regulating certain rights and liabilities of hotelkeepers and innkeepers; and providing penalties for fraud against innkeepers and hotelkeepers," by extending the provisions prohibiting fraud against hotelkeepers, innkeepers, boarding and eating-housekeepers, to fraud against keepers of private rooms; and making violation thereof a felony.

Referred to the Committee on Judiciary Special.

By Mr. FALKENSTEIN.

HOUSE BILL No. 708.

An Act to protect the public health and welfare by regulating employment in this Commonwealth with respect to hours and conditions of employment; providing for certain exceptions; imposing duties, liabilities, and conditions on employers; creating the employment commission as an independent administrative commission; defining the powers and duties thereof; and providing penalties.

Referred to the Committee on State Government.

By Mr. BRETHERICK.

HOUSE BILL No. 709.

An Act for the protection of the public health by prohibiting the adulteration, misbranding, false labeling and false advertising of drugs including cosmetics and of in-

struments, apparatus, contrivances, accessories and other devices used in the diagnosis, cure, mitigation, treatment and prevention of disease; providing for the detention, embargoeing, seizure and destruction of unlawful drugs, cosmetics and devices; regulating dealing in new drugs; conferring powers and imposing duties on the State Board of Pharmacy; and providing penalties.

Referred to the Committee on Health and Sanitation.

By Messrs. RHODES and HOMER S. BROWN.

HOUSE BILL No. 710.

An Act relating to unlawful practices in the procurement of retainers for attorneys.

Referred to the Committee on Judiciary General.

By Mr. TARR.

HOUSE BILL No. 711.

An Act to further amend section one thousand two hundred ten of the act, approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith," by increasing subsidies and aid to certain school districts.

Referred to the Committee on Education.

By Mr. TRONZO.

HOUSE BILL No. 712.

An Act relating to the business of selling or leasing furniture and household articles on the installment or deferred payment plan; and prohibiting the joining in one agreement of sale or lease of articles purchased or leased at different times.

Referred to the Committee on Judiciary General.

By Messrs. MUNLEY and CORDIER.

HOUSE BILL No. 713

An Act making an appropriation to the Department of Welfare for the payment of the deficiency in the appropriation made to it for the maintenance of the Mid-Valley Hospital, at Blakely, Pennsylvania.

Referred to the Committee on Appropriations.

By Mr. CORDIER.

HOUSE BILL No. 714.

An Act to amend section four of the act, approved the fifth day of May, one thousand nine hundred and thirty-three (P. L. 289), entitled "An act relating to nonprofit corporations; defining and providing for the organization, merger, consolidation, and dissolution of such corporations; conferring certain rights, powers, duties, and immunities upon them and their officers and members; prescribing the conditions on which such corporations may exercise their powers; providing for the inclusion of certain existing corporations of the first class within the provisions of this act; prescribing the terms and conditions upon which foreign nonprofit corporations may be admitted or may continue to do business within the Commonwealth; conferring powers and imposing duties on the courts of common pleas, prothonotaries of such courts, recorders of deeds, and certain State departments, commissions, and officers; authorizing certain local public officers and State departments to collect fees for services required to be rendered by this act; imposing penalties; and repealing certain acts and parts of acts relating to corporations", as amended, extending the provisions of said act to permit corporations to be formed for beneficial and protective purposes to the widows and families of policemen and firemen, under and in accordance with such provisions.

Referred to the Committee on Judiciary General.

By Messrs. MARR and CALVIN. HOUSE BILL No. 715.

An Act to amend sections thirty-one and thirty-four of the act, approved the twenty-ninth day of April, one thousand nine hundred and thirty-seven (P. L. 487), entitled "An act to provide for the permanent personal registration of electors in boroughs, towns, and townships as a condition of their right to vote at elections and primaries, and their enrollment as members of political parties as a further condition of their right to vote at primaries; prescribing certain procedure for the conduct of elections and primaries and the challenging and proof of qualifications of electors; requiring the county commissioners of the various counties to act as a registration commission therefor; and prescribing the powers and duties of citizens, parties, political bodies, registration commissions, commissioners, registrars, inspectors of registration and other appointees of registration commissions, county election boards, election officers, municipal officers, departments and bureaus, police officers, courts, judges, prothonotaries, sheriffs, county commissioners, peace officers, county treasurers, county controllers, registrars of vital statistics, certain public utility corporations, real estate brokers, rental agents, and boards of school directors; and imposing penalties," changing the provisions of said act relating to canvass of registered voters by the commission, and the striking of names off the registers upon petition.

Referred to the Committee on Elections.

By Mr. HALL.

HOUSE BILL No. 716.

An Act to authorize and empower optometrists to issue certificates of ocular and visual efficiency required by laws of the Commonwealth or by ordinances or resolutions of political subdivisions; requiring persons concerned with the administration of such laws, ordinances and resolutions to accept such certificates.

Referred to the Committee on Professional Licensure.

By Mr. HALL.

HOUSE BILL No. 717.

An Act to further amend section nine of the act, approved the thirtieth day of March, one thousand nine hundred and seventeen (P. L. 21), entitled "An act defining optometry in the Commonwealth of Pennsylvania, and making certain exceptions; and providing a Board of Optometrical Education, Examination, and Licensure, and means and methods whereby the right to practice optometry may be obtained; and providing for the means to carry out the provisions of this act; and providing for revocation or suspension of licenses given by said board, and providing penalties for violations thereof; and repealing all acts or parts of acts inconsistent therewith," further regulating the granting, suspension and revocation of the licenses of optometrists.

Referred to the Committee on Professional Licensure.

By Messrs. SCHROCK and KLINE.

HOUSE BILL No. 718.

An Act to amend the act, approved the twenty-ninth day of September, one thousand nine hundred thirty-eight (Pamphlet Laws, fifty-three), entitled "An act relating to institutions of counties, cities and institution districts for the care, maintenance and treatment of mental patients; providing for the transfer of such institutions to the Commonwealth; providing for the management and operation or closing and abandonment thereof, and the maintenance of mental patients therein, including the collection of maintenance in certain cases; providing for the retransfer of certain property to institution districts under certain circumstances; conferring and imposing upon the Governor, the Department of Welfare, the courts of common pleas and counties, cities and institution districts certain powers and duties; prohibiting cities, counties and institution districts from maintaining and operating institutions, in whole or in part, for the care and

treatment of mental patients; and repealing inconsistent laws," by extending the time within which the Commonwealth shall take over all such institutions, and extending the time for the repeal of certain acts listed in section nine of said act.

Referred to the Committee on State Government.

By Messrs. SCHROCK and KLINE.

HOUSE BILL No. 719.

An Act to add Section 3.1 to the act approved the twenty-ninth day of September, one thousand nine hundred and thirty-eight, (P. L. 53), entitled "An act relating to institutions of counties, cities and institution districts for the care, maintenance and treatment of mental patients; providing for the transfer of such institutions to the Commonwealth; providing for the management and operation or closing and abandonment thereof, and the maintenance of mental patients therein, including the collection of maintenance in certain cases; providing for the retransfer of certain property to institution districts under certain circumstances; conferring and imposing upon the Governor, the Department of Welfare, the courts of common pleas and counties, cities and institution districts certain powers and duties; prohibiting cities, counties and institution districts from maintaining and operating institutions, in whole or in part, for the care and treatment of mental patients; and repealing inconsistent laws," by requiring the Commonwealth to reimburse the cities, counties and institution districts for the value of the property of such institutions; and providing for the determination of such values by the courts of common pleas and viewers appointed from the county board of viewers.

Referred to the Committee on Judiciary General.

By Messrs. SCHROCK and KLINE.

HOUSE BILL No. 720.

An Act to amend section three of the act, approved the eleventh day of October, one thousand nine hundred thirty-eight (Pamphlet Laws, sixty-three), entitled "An act to amend the act, approved the eleventh day of July, one thousand nine hundred twenty-three (Pamphlet Laws, nine hundred ninety-eight), entitled 'An act for the prevention and treatment of mental diseases, mental defect, epilepsy, and inebriety; regulating the admission and commitment of mental patients to hospitals for mental diseases and institutions for mental defectives and epileptics; governing the transfer, discharge, interstate rendition, and deportation of mental patients; providing for the payment by individuals, counties, or the Commonwealth of the cost of the admission, care, and discharge of mental patients; and imposing penalties,' as amended, by further defining and limiting the institutions in which persons mentally ill may receive care and treatment; relieving counties and poor districts of the payment of the cost of the admission, care, and discharge of mental patients, with certain exceptions; imposing such costs on the Commonwealth; and repealing inconsistent laws," by deferring the operation of the act for a further period of time, and permitting the care of mental patients in certain county, city, or institution district institutions during such time.

Referred to the Committee on State Government.

By Messrs. SCHROCK and KLINE.

HOUSE BILL No. 721.

An Act to amend the act, approved the eleventh day of October, one thousand nine hundred thirty-eight (Pamphlet Laws, sixty-two), entitled "An act to amend section two of the act, approved the eleventh day of April, one thousand nine hundred twenty-nine (Pamphlet Laws, four hundred eighty-seven), entitled 'An act authorizing the Department of Welfare to determine the legal residence of indigent, insane, feeble-minded and epileptic persons, returned to this Commonwealth by the authorities of another State, or transferred from one poor dis-

trict to another by the department, and requiring the proper district to pay the costs of the care and treatment of such persons in accordance with the laws relating to indigent insane persons,' by relieving poor districts of certain costs and placing such costs on the Commonwealth," by deferring the operation of the act for a further period of time.

Referred to the Committee on State Government.

By Mr. CORTESE.

HOUSE BILL No. 722.

An Act to amend section four; sections nine, ten, and fifteen, as amended; and sections seventeen, twenty-one, twenty-eight of an act approved the sixteenth day of May, one thousand nine hundred and twenty-three (Pamphlet Laws, two hundred seven), entitled "An act providing when, how, upon what property, and to what extent, liens shall be allowed for taxes and for municipal improvements for the removal of nuisances and for water rents or rates, sewer rates, and lighting rates; for the procedure upon claims filed therefor; the methods for preserving such liens and enforcing payment of such claims; the effect of judicial sales or the properties lienied; the distribution of the proceeds of such sales and the redemption of the property therefrom; for the lien and collection of certain taxes heretofore assessed, and of claims for municipal improvements made and nuisances removed, within six months before the passage of this act; and for the procedure on tax and municipal claims filed under other and prior Acts of Assembly," making additional provisions for the filing and consolidation of tax claims, providing further procedure for preserving such liens and enforcing payment of such claims.

Referred to the Committee on Municipal Corporations.

By Mr. HUNTLEY.

HOUSE BILL No. 723.

An Act to amend clause (a) of section one thousand eight hundred two of the act, approved the ninth day of April, one thousand nine hundred and twenty-nine (P. L. 177), entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments, boards, commissions, and officers thereof, including the boards of trustees of State Normal Schools, or Teachers Colleges; abolishing, creating, reorganizing or authorizing the reorganization of certain administrative departments, boards, and commissions; defining the powers and duties of the Governor and other executive and administrative officers, and of the several administrative departments, boards, commissions, and officers; fixing the salaries of the Governor, Lieutenant Governor, and certain other executive and administrative officers; providing for the appointment of certain administrative officers, and of all deputies and other assistants and employees in certain departments, boards, and commissions; and prescribing the manner in which the number and compensation of the deputies and all other assistants and employees of certain departments, boards, and commissions shall be determined," as amended, limiting the amount which may be expended by the Department of Forests and Waters to acquire interior holdings and farms and marginal farms.

Referred to the Committee on State Government.

By Messrs. RILEY and MATTHEWS.

HOUSE BILL No. 724.

An Act providing for the support and promotion of Aviation Training through public school districts of the Commonwealth; conferring powers and imposing duties on the Superintendent of Public Instruction; and making an appropriation.

Referred to the Committee on Education.

By Mr. SEIF.

HOUSE BILL No. 725.

An Act to further amend section one thousand two hundred and eight of the act, approved the first day of May one thousand nine hundred and twenty-nine (P. L. 905), entitled "An act for the protection of the public safety; regulating the use of highways, and the operation of vehicles, tractors, street cars, trackless trolley omnibuses, bicycles, pedestrians, and the riding of animals upon the highways of this Commonwealth; providing for the titling, including liens, encumbrances, and legal claims; registration of certain vehicles and licensing the operators thereof, upon payment of prescribed fees; prescribing and limiting the powers of local authorities to deal with the subject matter of this act; conferring powers and imposing duties upon the Department of Revenue, the Department of Highways, peace officers, mayors, burgesses, magistrates, aldermen, justices of the peace, the courts and the clerks thereof, owners of vehicles, and garage keepers; providing that records are admissible as evidence; imposing upon owners, counties, cities, boroughs, incorporated towns, townships, within the Commonwealth, liability for damages caused by the negligent operation of their vehicles; imposing penalties; imposing certain costs upon counties; providing for the disposition of fines, forfeitures, fees, and miscellaneous receipts; making an appropriation and providing for refunds," by allowing the defendant, in all civil actions for damages arising from the use and operation of any vehicle, to set up a counterclaim against the plaintiff.

Referred to the Committee on Motor Vehicles.

By Mr. WOODSIDE.

HOUSE BILL No. 726.

An Act to amend the title and section one of the act, approved the fifteenth day of April, one thousand nine hundred and seven (P. L. 62), entitled "An act providing that in certain cases defendants may enter pleas of guilty, and be sentenced forthwith, without a bill of indictment being presented to a grand jury," extending the same to cases where pleas of not guilty are entered.

Referred to the Committee on Judiciary Special.

COMMUNICATION

The SPEAKER laid before the House a communication which was read by the Clerk as follows:

Headquarters Republican Executive Committee
of
Schuylkill County, Penna.

Pottsville, Pa., March 17, 1939.

Hon. Ellwood Turner, Speaker
House of Representatives
State Capitol
Harrisburg, Pennsylvania

Dear Mr. Turner:

I wish to express my appreciation of your kindness in forwarding to me a copy of the Resolution adopted by the House of Representatives on the death of my father. In expressing my appreciation, I am also including that of my sister and brother.

With kindest regards, I beg to remain

Sincerely,

PH/AB

PAUL B. HOUCK

LEAVE OF ABSENCE

Mr. Sweeney asked and obtained leave of absence for Mr. IRVIN for the week on account of illness.

BILLS ON FIRST READING

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 586, entitled:

An Act authorizing the abatement of certain portions of the interest charges, expenses or debt of claims imposed or assessed for improvements or for the abatement of nuisances, by any city, county, borough, incorporated town, township, school district or institution district.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 579, entitled:

An Act to amend section sixteen of the act, approved the twenty-ninth day of May, one thousand nine hundred thirty-one (P. L. 280), entitled "An act relating to delinquent taxes on seated lands, and prescribing interest charges on nonpayment thereof; requiring the receivers and collectors of county, city, borough, town, township, school district and poor district taxes to make a return to the county commissioners of such unpaid taxes and providing for the lien thereof; authorizing the county treasurers to collect such taxes, and to sell seated land at public sale for taxes heretofore or hereafter returned as unpaid; and authorizing the county commissioners to purchase such lands and resell the same under certain circumstances," as amended by giving county commissioners the right to recover possession of real property purchased at tax sales, and to rent such lands; and providing for the disposition of moneys received from such rentals.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 497, entitled:

An Act enabling city county poor institution district ward school borough and township tax collectors their executors and administrators if they are deceased or either surety or sureties to collect taxes for the payment of which they have become personally liable without having collected the same by the expiration of the authority of their respective warrants or by the expiration of their terms of office extending the time for the collection of the same for a period of two years from the passage of this act and validating collections and proceedings for collections made or commenced without previous authority

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 286, entitled:

An Act providing that officials charged with the duty of assessing real estate for taxation except in cities of the first class may at any time split or separate the assessment on any tract of real estate which has been or is to be divided in order to permit the payment of taxes due on a portion of such tract requiring tax collectors to accept payment of such taxes and validating all such split or separated assessments heretofore made

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 555, entitled:

An Act authorizing the abatement of certain tax penalties interest and costs on county city (except city of the first class) borough town township school district (except

school district of the first class) and poor district taxes prohibiting the sale of real property for the nonpayment of any such taxes for a certain period and preserving certain tax liens and providing for the extension thereof

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 298, entitled:

An Act to amend section one of the act approved the fourteenth day of April one thousand nine hundred and thirty-seven (P. L. 313) entitled "An act to enable cities of the first second and second class A incorporated towns boroughs and townships of the second class to govern and regulate by ordinance the construction alteration repairs occupation maintenance sanitation lighting ventilation water supply toilet facilities drainage use and inspection of all buildings and land appurtenant thereto providing for the enforcement of such ordinances and repealing existing laws" by making provision for adoption of standard building codes and dispensing with the publishing of such codes in full

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 543, entitled:

An Act to amend the act approved the twenty-ninth day of May one thousand nine hundred and thirty-one (Pamphlet Laws 280) entitled "An act relating to delinquent taxes on seated lands and prescribing interest charges on nonpayment thereof requiring the receivers and collectors of county city borough town township school district and poor district taxes to make a return to the county commissioners of such unpaid taxes and providing for the lien thereof authorizing the county treasurers to collect such taxes and to sell seated lands at public sale for taxes heretofore or hereafter returned as unpaid and authorizing the county commissioners to purchase such lands and resell the same under certain circumstances" by making the provisions of said act mandatory as to all delinquent taxes in counties other than counties of the first and second classes extending such provisions to taxes on unseated lands further regulating the lien of such taxes removing the right to revive extended or continue such liens preserving and extending existing liens in certain cases prescribing the time for selling properties for the nonpayment of such taxes and the effect of such sales upon mortgages and other liens changing the period of redemption on properties purchased at such sales by the county and requiring the county commissioners to sell such properties within a certain period of time

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 363, entitled:

An Act to amend section six of the act approved the twelfth day of May one thousand nine hundred and twenty-five (P. L. 603) entitled "An act concerning conditional sales and to make uniform the law relating thereto" by providing that all such contracts heretofore or hereafter filed shall be judicial records and subject to the control of the court

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 557, (Senate Bill No. 132), entitled:

An Act to amend sections one, two and four of the act, approved the sixteenth day of May, one thousand nine hundred nineteen (P. L. 180), entitled "An act providing a method of establishing title to land acquired at a sale for unpaid taxes or municipal claims," extending the provisions of said act to include land acquired at county treasurer's sales for unpaid taxes.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 558, (Senate Bill No. 166), entitled:

An Act to authorize cities, boroughs, incorporated towns, townships, and school districts to file suggestions of nonpayment and averments of default, or to sue out writs of scire facias on certain tax or municipal claims, and to revive judgments where the lien of such claims or the judgments thereon have been lost; and providing for the reinstatement of the liens of such claims and judgments.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 550, entitled:

An Act making an appropriation to the Department of Property and Supplies to provide cases for the display of colors and standards of the World War and expenses connected therewith

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 546, entitled:

An Act to further amend section six of the act, approved the seventeenth day of May, one thousand nine hundred and twenty-one (P. L. 869), entitled "An act providing for the organization, government, discipline, maintenance, and regulation of the armed land forces of this Commonwealth," by eliminating certain provisions relating to retirement age of a major general in command of the National Guard.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 639, entitled:

An Act to repeal certain obsolete acts relating to military history records and historical works

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 576, entitled:

An Act to further amend section seven of the act, approved the fifth day of January, one thousand nine hundred and thirty-three (P. L. 223, 1933-34), entitled "An act providing compensation to certain persons who served in the military or naval forces of the United States during the World War, the war between the United States and Spain, the China Relief Expedition, or in the Philippines or Guam; providing the method of making payment to representatives of persons who, because of death or incapacity cannot personally receive compensation; im-

posing certain duties on the Adjutant General; making an appropriation; and repealing inconsistent legislation; and providing penalties," as amended, extending the time during which application may be filed for veterans' compensation.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 562, entitled:

An Act providing for the organization under certain conditions of one colored battalion of infantry and making an appropriation therefor

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 536, entitled:

An Act providing for the regulation supervision and control of unofficial military organizations requiring certificates conferring powers and imposing duties upon the adjutant general and authorizing the adoption and enforcement of rules and regulations

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 549, entitled:

An Act to amend section nine of the act, approved the seventeenth day of May, one thousand nine hundred and twenty-one (P. L. 869), entitled "An act providing for the organization, government, discipline, maintenance, and regulation of the armed land forces of this Commonwealth," as amended, by increasing clothing allowances and requiring a report by commanding officers.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

BILLS ON SECOND READING

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 495, as follows:

An Act relating to the seizure of gambling machines or devices requiring inventory of all moneys and articles seized and imposing penalty

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Any officer of the State or of any political subdivision thereof who shall seize or confiscate any gambling machines or devices of any kind whatsoever shall at the time of making such seizure or confiscation count the moneys contained therein in the presence of the owner or his agent or the person in possession of such machine or device and shall immediately make a list in duplicate of such moneys and all articles seized or confiscated One copy of such list shall be furnished immediately to the owner agent or person in possession of such gambling machine or device and the other shall be forwarded to the Commissioner of the Pennsylvania Motor Police

Section 2 Any officer violating any of the provisions of this act shall upon conviction in a summary proceeding be sentenced to pay a fine of twenty-five dollars (\$25.00) and cost of prosecution and in default of payment thereof such officer shall undergo imprisonment for not more than ten (10) days

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 453, as follows:

An Act to further amend section eight of the act approved the tenth day of June one thousand nine hundred and thirty-one (Pamphlet Laws 485) entitled "An act to provide for the better protection of life and health of citizens of this Commonwealth by requiring and regulating the examination licensure and registration of persons and registration of corporations engaging in the care preparation and disposition of the bodies of deceased persons and providing penalties" by providing additional grounds for refusing suspending or revoking licenses

The General Assembly of The Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section eight of the act approved the tenth day of June one thousand nine hundred and thirty-one (Pamphlet Laws 485) entitled "An act to provide for the better protection of life and health of the citizens of this Commonwealth by requiring and regulating the examination licensure and registration of persons and registration of corporations engaging in the care preparation and disposition of the bodies of deceased persons and providing penalties" as amended by section one of the act approved the nineteenth day of July one thousand nine hundred and thirty-five (Pamphlet Laws 1324) is hereby further amended to read as follows

Section 8 The board by a majority vote thereof may refuse to grant refuse to renew suspend or revoke a license of any applicant or licensee for the following reasons

(a) The practice of any fraud or deceit in obtaining or attempting to obtain a license

(b) Violation of the health laws of this Commonwealth

(c) The conviction of a crime involving moral turpitude

(d) The use of misleading or price advertising

(e) Gross incompetency negligence or misconduct in the carrying on of such business or profession

(f) Violation of or non-compliance with the provisions of this act or the rules and regulations of the board

(g) Loaning borrowing or using a license of another or of knowingly aiding or abetting in any way the granting of improper licenses

(h) Soliciting patronage other than by legitimate advertisement or paying a commission or agreeing to pay a commission to any person or persons for soliciting or for business secured or paying any gratuity to any person with intent to have such person aid in securing business or like unprofessional conduct

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 574, as follows:

A Supplement to the act approved the second day of July one thousand nine hundred thirty-seven (Appropriation Acts page seventy-four) entitled "An act to provide for the ordinary expenses of the Executive Legislative and Judicial Departments of the Commonwealth interest on the public debt and the support of the public schools for two years beginning June first one thousand nine hundred and thirty-seven and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending May thirty-first one thousand nine hundred and thirty-seven" providing for deficiencies in certain appropriations for the fiscal biennium ending May thirty-first one thousand nine hundred thirty-nine and providing for the payment of certain of the deficiency appropriations out of revenues of the fiscal biennial period beginning June first one thousand nine hundred thirty-nine

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The following sums or as much thereof as may be necessary for deficiencies in appropriations made to certain departments by the act to which this is a supplement are hereby specifically appropriated to the several departments or agencies hereinafter named

Executive Department

To the Department of Welfare

For the payment of the deficiency in the appropriation for the payment of salaries wages or other compensation of the superintendents and other employees for the expenses of maintaining and operating automobiles and other motor equipment for the payment to the Department of Property and Supplies of mileage charges for the use of automobiles for the purchase of supplies food and fuel for repairs alterations and improvements to plant and equipment for improvements to land for the purchase of equipment furniture furnishings and live stock for expense of the boards of trustees and incidental expenses and for all other expenses of maintenance and operation necessary for the conduct of the work of the Allentown State Hospital at Allentown the Danville State Hospital at Danville the Farview State Hospital at Farview the Harrisburg State Hospital at Harrisburg the Norristown State Hospital at Norristown the Philadelphia State Hospital at Philadelphia the Torrance State Hospital at Torrance the Warren State Hospital at Warren the Wernersville State Hospital at Wernersville and any other institution established for the care and treatment of the insane as may be authorized and approved by the Secretary of Welfare the sum of one million forty-five thousand dollars (\$1,045,000)

To the Department of Property and Supplies

For the payment of the deficiency in the appropriation for the purchase of office supplies and equipment stationery printing supplies and printing processes for the purchase of legal books periodicals maps pamphlets for the purchase of all other materials supplies and equipment for the costs of repairing office equipment for the payment of rental charges of telephone and other leased devices for the payment of telephone toll charges and telegrams required by the General Assembly and the Judicial Department for the payment of costs including delivery expenses of documents and publications furnished to members and officers of the General Assembly for the payment of the costs of all printing incident to the sessions of the General Assembly including the printing of the Pamphlet Laws and for the payment of the cost of postage freight express paper and printing of departmental documents distributed to members of the Legislature in accordance with law the sum of three hundred eighty thousand dollars (\$380,000)

Judicial Department

To the Municipal Court of Philadelphia

For the payment of the deficiency in the appropriation for salaries of the judges of the Municipal Court of Philadelphia in accordance with law the sum of seventy-nine thousand dollars (\$79,000)

Section 2 The following sums or as much thereof as may be necessary for deficiencies in appropriations made to certain departments by the act to which this is a supplement are hereby specifically appropriated to the several departments hereinafter named

Executive Department

To the Department of Forests and Waters

For the payment of the deficiency in the appropriation for expenses incurred for the extinction and control of forest fires the sum of sixty thousand dollars (\$60,000)

To the Department of Health

For the payment of deficiency in the appropriation for the general maintenance and operation of the State tuberculosis sanatoria and the Crippled Children's Hospital at Elizabethtown to the extent that additional funds are required for

the purchase of furnishings equipment and supplies necessary to put into service the new buildings constructed by The General State Authority at such institutions the sum of two hundred seventy-five thousand dollars (\$275,000)

To the Department of Public Instruction

For the payment of the deficiency in the appropriation for reimbursement to school districts for transportation of school children as required by law the sum of one hundred forty thousand dollars (\$140,000)

For the payment of the deficiency in the appropriation for reimbursing school districts for the salaries of school teachers and for closed schools and for non-resident high school tuition as required by law the sum of one million five hundred ten thousand dollars (\$1,510,000)

For the payment of deficiencies in the appropriations for the general maintenance and operation of the State-owned institutions under the supervision of the Department of Public Instruction to the extent that additional funds are required for the purchase of furnishings equipment and supplies necessary to put into service the new buildings constructed by the General State Authority at such institutions the sum of two hundred seventy-five thousand dollars (\$275,000)

To the Department of Welfare

For the payment of deficiencies in the appropriations for the general maintenance and operation of State-owned institutions under the supervision of the Department of Welfare to the extent that additional funds are required for the purchase of furnishings equipment and supplies necessary to put into service the new buildings constructed by The General State Authority at such institutions the sum of five hundred fifty thousand dollars (\$550,000)

Section 3 Section two of this act shall become effective on the first day of June one thousand nine hundred thirty-nine but in all other respects this act shall become effective immediately upon its final enactment

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 371, as follows:

An Act to provide for contribution among tortfeasors

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Contribution shall be enforceable among those who are jointly or severally liable for a tort where as between them such liabilities are either all primary or all secondary

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 104, as follows:

An Act validating certain tax liens in counties having a controller when the claims whereupon the liens were filed were not signed by and did not have stamped thereon a facsimile signature of the controller of the county as required by law

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Whenever heretofore any tax lien has been entered in the office of the prothonotary of any county having a controller and the claim for such tax whereupon the lien was filed was not signed by and did not have stamped thereon a facimile signature of the controller of such county as required by section ten of the act approved the sixteenth day of May one thousand nine hundred twenty-three (P. L. 207) entitled "An act providing when how upon what property and to what extent liens shall

be allowed for taxes and for municipal improvements for the removal of nuisances and for water rents or rates sewer rates and lighting rates for the procedure upon claims filed therefor the methods for preserving such liens and enforcing payment of such claims the effect of judicial sales of the properties lien the distribution of the proceeds of such sales and the redemption of the property therefrom for the lien and collection of certain taxes heretofore assessed and of claims for municipal improvements made and nuisances removed within six months before the passage of this act and for the procedure on tax and municipal claims filed under other and prior acts of Assembly" as amended by the act approved the second day of July one thousand nine hundred thirty-seven (P. L. 2808) such lien shall not be invalidated discharged or set aside by reason of such defect if in all other respects such claim was filed and lien entered thereon as provided by law and all such tax liens are hereby ratified confirmed and validated

Section 2 This act shall become effective immediately upon final enactment

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 209, as follows:

An Act to amend section two thousand eight hundred forty-two of the act approved the twenty-third day of June one thousand nine hundred thirty-one (Pamphlet Laws 932) entitled "An act relating to cities of the third class and amending revising and consolidating the law relating thereto" by authorizing the city to appeal from reports of viewers and demand a trial by jury and making such provisions retroactive so as to apply to cases now pending

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section two thousand eight hundred forty-two of the act approved the twenty-third day of June one thousand nine hundred thirty-one (Pamphlet Laws 932) entitled "An act relating to cities of the third class and amending revising and consolidating the law relating thereto" is hereby amended to read as follows

Section 2842 Appeals from Reports of Viewers for Jury Trial Within thirty days after any report of viewers is filed in court any party whose property is taken injured or destroyed or who is assessed benefits or the city may appeal to the court of common pleas and demand a trial by jury Where an appeal is so taken to a portion of the report the portion not appealed from shall be confirmed absolute at the expiration of thirty days after the report is filed in court The appeal shall state the grounds upon which it is taken and shall be signed by the appellant or by his agent or attorney and shall be accompanied by an affidavit that it is not taken for the purpose of delay but because the appellant believes that injustice has been done

Section 2 The provisions of this amending act are retroactive and shall apply to all such cases now pending and to all such reports of viewers which have been filed unless the time limit for the taking of such appeal has expired

Section 3 This act shall become effective immediately upon final enactment

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 349, as follows:

An Act to further amend section two hundred fifty-six of the act approved the second day of May one thousand nine hundred and twenty-nine (Pamphlet Laws 1278) entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and

revising amending and consolidating the laws relating thereto" by providing for the appointment and compensation of assistant district attorneys in counties of the sixth class where there are two or more judges of the court of common pleas

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section two hundred fifty-six of the act approved the second day of May one thousand nine hundred and twenty-nine (Pamphlet Laws 1278) entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto" as last amended by the act approved the first day of July one thousand nine hundred and thirty-seven (Pamphlet Laws 2619) is hereby further amended to read as follows

Section 256 Assistant District Attorneys Number Compensation In counties of the second third fourth fifth and sixth classes the district attorney may appoint such number of assistants learned in the law to assist him in the discharge of his duties as is fixed by this section

In counties of the second class the district attorney shall have authority to appoint one or more assistants learned in the law not exceeding sixteen in number One of said assistant district attorneys who shall be designated as the first assistant shall receive a salary of seventy-five hundred dollars (\$7,500) per annum One of said assistant district attorneys who shall be designated as the second assistant shall receive a salary of sixty-five hundred dollars (\$6,500) per annum Two of said assistant district attorneys shall receive salaries of six thousand dollars (\$6,000) per annum each Four of said assistant district attorneys shall receive salaries of fifty-five hundred dollars (\$5,500) per annum each Two of said assistant district attorneys shall receive salaries of five thousand dollars (\$5,000) per annum each Two of said assistant district attorneys shall receive salaries of forty-five hundred dollars (\$4,500) per annum each and four of said assistant district attorneys shall receive salaries of four thousand dollars (\$4,000) per annum each In the event of the appointment of a less number of assistants than sixteen the district attorney shall have the power to determine into which class as to salaries the appointee or appointees shall be placed Said salaries herein provided shall be paid out of the county treasury

For all counties of the third class the district attorney shall have authority to appoint a first assistant district attorney at an annual salary of four thousand dollars (\$4,000) and three assistant district attorneys at annual salaries of three thousand five hundred dollars (\$3,500) each and two assistant district attorneys at annual salaries of three thousand dollars (\$3,000) each

In all counties of the fourth class the district attorney shall have authority to appoint a first assistant district attorney at an annual salary of three thousand five hundred dollars (\$3,500) and three assistant district attorneys at annual salaries of three thousand dollars (\$3,000) each

In counties of the fifth class the district attorney shall have authority to appoint not more than two assistant district attorneys The first assistant district attorney shall receive a salary of two thousand five hundred dollars (\$2,500) per annum and the second assistant district attorney shall receive a salary of two thousand dollars (\$2,000) per annum

In counties of the sixth and seventh classes with the approval of the court the district attorney shall have authority to appoint one assistant district attorney except as otherwise provided in this act In counties of the sixth class having a population of eighty thousand or more such assistant district attorney shall receive a salary of two thousand dollars (\$2,000) and in counties of the sixth class having a population of less than eighty thousand such assistant district attorney shall receive a salary of one thousand two hundred and fifty dollars (\$1,250) and in counties of the seventh class seven hundred and fifty dollars (\$750)

In counties of the sixth class where there are two or more judges of the court of common pleas with approval of the court the district attorney may appoint two as-

assistant district attorneys The first assistant district attorney shall receive a salary of two thousand five hundred dollars (\$2,500) per annum and the second assistant district attorney shall receive a salary of two thousand dollars (\$2,000) per annum

The salary board of any county of the third class in case of an emergency or on account of increased business or unusual circumstances or conditions may authorize the district attorney to appoint such additional assistant district attorneys as may be approved by the court Provided however That the salary of said appointees shall not exceed the minimum salary provided for assistants in the respective offices

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 345, as follows:

An Act to validate and quiet the title to real estate in this Commonwealth held by a foreign corporation unauthorized to hold the same and heretofore conveyed to a citizen of the United States or a corporation authorized to hold such real estate

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The title to any real estate situate in this Commonwealth which may have been held prior to the ninth day of March one thousand nine hundred and thirty-four by any foreign corporation not authorized under the laws of Pennsylvania to hold the same the title to which real estate has been heretofore conveyed by such foreign corporation to a citizen of the United States or to any corporation incorporated under the laws of this Commonwealth or of any other state or commonwealth in the United States and authorized to hold such real estate is hereby declared to be good and valid and free and clear of any right of escheat by the Commonwealth and such citizen or corporation grantee as aforesaid and his or its respective heirs successors and assigns shall hold and may convey such title and estate indefeasibly as to any right of escheat which the Commonwealth might otherwise have by reason of said unauthorized holding and conveyance by such foreign corporation and all such conveyances heretofore made are hereby ratified and confirmed

Section 2 All acts or parts of acts inconsistent herewith are hereby repealed

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 346, as follows:

An Act to validate mortgages on real estate in this Commonwealth given by a foreign corporation unauthorized to hold title to the said real estate said real estate having been heretofore conveyed to a citizen of the United States or corporation authorized to hold such real estate

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Any mortgage heretofore executed by a foreign corporation or specifically therein naming the foreign corporation as the mortgagor or party of the first part said foreign corporation not being authorized under the laws of Pennsylvania to hold title to said real estate described in said mortgage which said mortgage was given and executed to a citizen of the United States or to any corporation incorporated under the laws of this Commonwealth or any other state or commonwealth in the United States authorized to hold such mortgage is hereby declared to be good and valid and shall be taken to

be of the same validity and effect as though executed and delivered by a corporation authorized to do business in the Commonwealth of Pennsylvania and all such mortgages heretofore made are hereby ratified and confirmed

Section 2 All acts or parts of acts inconsistent herewith are hereby repealed

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 378, as follows:

An Act to amend paragraph (d) of section twenty-eight of the act approved the seventh day of June one thousand nine hundred seventeen (Pamphlet Laws 447) entitled as amended "An act relating to the administration and distribution of the estates of decedents and of minors and of trust estates including the appointment bonds rights powers duties liabilities accounts discharge and removal of executors administrators guardians and trustees herein designated as fiduciaries the administration and distribution of the estates of presumed decedents widow's and children's exemptions debts of decedents rents of real estate as assets for payment thereof the lien thereof sales and mortgages of real estate for the payments thereof judgments and executions therefor and the discharge of real estate from the lien thereof contracts of decedents for the sale or purchase of real estate legacies including legacies charged on land the discharge of residuary estates and of real estate from the lien of legacies and other charges the appraisal of real estate devised at a valuation the ascertainment of the curtilage of dwelling houses or other buildings devised the abatement and survival of actions and the substitution of executors and administrators therein the survival of causes of action and suits thereupon by or against fiduciaries investments by fiduciaries the organization or corporations to carry on the business of decedents the audit and review of accounts of fiduciaries refunding bonds transcripts to the court of common pleas of balances due by fiduciaries the rights powers and liabilities of nonresident and foreign fiduciaries the appointment bonds rights powers duties and liabilities of trustees durante absentia the recording and registration of decrees reports and other proceedings and the fees therefor appeals in certain cases and also generally dealing with the jurisdiction powers and procedure of the orphans' court in all matters relating to fiduciaries concerned with the estates of decedents" authorizing surviving acting or remaining testamentary trustees to act in respect to real estate left to them to be sold or which they are authorized or directed to sell

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Paragraph (d) of section twenty-eight of the act approved the seventh day of June one thousand nine hundred seventeen (Pamphlet Laws 447) entitled as amended "An act relating to the administration and distribution of the estates of decedents and of minors and of trust estates including the appointment bonds rights powers duties liabilities accounts discharge and removal of executors administrators guardians and trustees herein designated as fiduciaries the administration and distribution of the estates of presumed decedents widow's and children's exemptions debts of decedents rents of real estate assets for payment thereof the lien thereof sales and mortgages of real estate for the payment thereof judgments and executions therefor and the discharge of real estate from the lien thereof contracts of decedents for the sale or purchase of real estate legacies including legacies charged on land the discharge of residuary estates and of real estate from the lien of legacies and other charges the appraisal of real estate devised at a valuation the ascertainment of the curtilage of dwelling houses or other buildings devised the abatement and survival of actions and the substitution of executors and administrators therein the survival of causes of action and suits thereupon by or against fiduciaries in-

vestments by fiduciaries the organization of corporations to carry on the business of decedents the audit and review of accounts of fiduciaries refunding bonds transcripts to the court of common pleas of balances due by fiduciaries the rights powers and liabilities of nonresident and foreign fiduciaries the appointment bonds rights powers duties and liabilities of trustees durante absentia the recording and registration of decrees reports and other proceedings and the fees therefor appeals in certain cases and also generally dealing with the jurisdiction powers and procedure of the orphans' court in all matters relating to fiduciaries concerned with the estates of decedents" is hereby amended to read as follows

Section 28 (d) In all cases wherein testators shall have devised their real estate or any part thereof to their executors or trustees to be sold or shall have authorized or directed such executors or trustees to sell and convey such real estate or shall have directed such real estate to be sold without naming or declaring who shall sell the same if one or more of such executors or trustees shall die refuse renounce or be dismissed or discharged it shall be lawful for the surviving acting or remaining executor or executors or trustee or trustees for the administrator or administrators with the will annexed if such there be to bring action for the recovery of possession of such real estate and against trespassers thereon to sell and convey such real estate or manage the same for the benefit of the persons interested therein and otherwise act respecting the same as fully and completely as he or they together with such dying refusing renouncing dismissed or discharged co-executor or co-executors or co-trustee or co-trustees would be empowered to do if there had been no death refusal renunciation dismissal or discharge or in the case of an administrator with the will annexed as fully and amply as if all the executors named in the will had joined therein Provided That nothing in this clause shall be deemed or taken to prevent any testator from directing by his last will and testament otherwise than is herein declared and enacted

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 379, as follows:

An Act to further amend section nine of the act approved the eighteenth day of April one thousand eight hundred fifty-three (Pamphlet Laws 503) entitled "An act relating to the sale and conveyance of real estate" directing accumulations for minors to be added to the principal or corpus of the estate unless otherwise directed The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section nine of the act approved the eighteenth day of April one thousand eight hundred fifty-three (Pamphlet Laws 503) entitled "An act relating to the sale and conveyance of real estate" as amended by the act approved the fourteenth day of April one thousand nine hundred thirty-one (Pamphlet Laws twenty-nine) is hereby further amended to read as follows

Section 9 That no person or persons shall after the passing of this act by any deed will or otherwise settle or dispose of any real or personal property so and in such manner that the rents issues interest or profits thereof shall be wholly or partially accumulated for any longer term than the life or lives of any such grantor or grantors settler or settlers or testators and the term of twenty-one years from the death of any such grantor settler or testator that is to say only after such decease during the minority or respective minorities with allowance for the period of gestation of any person or persons who under the uses or trusts of the deed will or other assurance directing such accumulation would for the time being if of full age be entitled unto the rents issues interest and profits so directed to accumulate and in every case where any accumulation shall be directed as aforesaid such accumulation shall be added to the principal or corpus of the real or personal

property so settled or disposed of unless otherwise directed by such deed will or other document and in every case where any accumulation shall be directed otherwise than as aforesaid such direction shall be null and void in so far as it shall exceed the limits of this act and the rents issues interests and profits so directed to be accumulated contrary to the provisions of this act shall go to and be received by such person or persons [as would have been entitled thereto if such accumulation had not] for the benefit of whom such accumulation shall have been directed Provided That any donation bequest or devise for any literary scientific charitable or religious purpose shall not come within the prohibition of this section which shall take effect and be in force as well in respect to wills heretofore made by persons yet living and of competent mind as in respect to wills hereafter to be made And provided That notwithstanding any direction to accumulate rents issues interests and profits for the benefit of any minor or minors it shall be lawful for the proper court as aforesaid on the application of the guardian where there shall be no other means for maintenance or education to decree an adequate allowance for such purpose but in such manner as to make an equal distribution among those having equal rights or expectations whether at the time being minors or of lawful age And provided That whenever in the course of the administration of a trust created by deed or by the will of a decedent who either before or after the passage of this act shall have died domiciled in this State by the provisions of which deed or will the grantor or testator shall have directed the payment of an annuity or annuities or created an estate for life or for lives or for a term of years with vested remainder to a corporation or association formed for literary scientific charitable or religious purposes it shall be made to appear to the court having jurisdiction of the administration of such estate or trust that all parties in interest in said estate or trust still living or in corporate existence have agreed that the trust be settled and ended upon terms mutually satisfactory to them or that the interests of the annuitant or annuitants or of the beneficial owner or owners of the estate for life or for years have been donated to or acquired by the corporation or association formed for literary scientific charitable or religious purposes holder of the vested interest in remainder said court may due notice having been given to all parties in interest and the court being satisfied that all parties who are or may be interested in the trust property are in existence are sui juris and are agreed and that annuitants or cestui que trustent are properly protected decree that the trust be settled and ended in whole or in part and award to such literary scientific charitable or religious corporation or association the sums to which it may be entitled Provided further however That the provisions of the foregoing proviso shall not be effective to bring about the termination of a trust created by deed or will as aforesaid if in the instrument under which the trust arises the grantor or testator as the case may be shall have declared his purpose to create by accumulation a fund for the benefit of a literary scientific charitable or religious corporation or association and shall also have specified the number of years during which such accumulation shall be made by his trustees for that purpose which term shall not have expired or shall have specified a sum that it was his intention to accumulate which sum shall not have been attained or shall have specified a particular object to be accomplished for which the trust fund is not yet sufficient

Section 2 This act shall become effective immediately upon final enactment

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 331, entitled:

An Act defining and prohibiting unfair sales providing remedies for violations thereof and establishing penalties therefor

The first section was read and agreed to as follows:

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 This act shall be known and designated and may be cited as the "Unfair Sales Act"

The second section was read as follows:

Section 2 (a) When used in this act the term "cost to the retailer" shall mean the invoice cost of the merchandise to the retailer or the replacement cost of the merchandise to the retailer with thirty (30) days prior to the date of sale in the quantity last purchased whichever is lower less all trade discounts except customary discounts for cash advertising allowances promotional allowances display allowances and any other allowances for services rendered to which shall be added (1) freight charges not otherwise included in the cost of the merchandise (2) cartage to retail outlet if done or paid for by the retailer which cartage cost shall be deemed to be three-fourths of one per cent. of the cost of the merchandise to the retailer as herein defined unless said retailer claims and proves a lower cartage cost and (3) a mark-up to cover in part the cost of doing business which mark-up in the absence of proof of a lesser cost shall be not less than six per cent. of the total cost at retail outlet

(b) When used in this act the term "cost to the wholesaler" shall mean the invoice cost of the merchandise to the wholesaler or the replacement cost of the merchandise to the wholesaler within thirty (30) days prior to date of sale in the quantity last purchased whichever is lower less all trade discounts except customary discounts for cash advertising allowances promotional allowances display allowances and any other allowances for services rendered to which shall be added (1) freight charges not otherwise included in the cost of the merchandise and (2) cartage to the retail outlet if done or paid for by the wholesaler which cartage shall be deemed to be three-fourths of one per cent. of the cost of the merchandise to the wholesaler as herein defined unless said wholesaler claims and proves a lower cartage cost and (3) a mark-up to cover in part the cost of doing business which mark-up in the absence of proof of a lesser cost shall not be less than two per cent. of the total cost at the wholesale establishment

(c) Where two or more items are advertised offered for sale or sold at a combined price the price of each item named shall be governed by the provisions of paragraph (a) or (b) of section two respectively

(d) The terms "cost to the retailer" and "cost to the wholesaler" as defined in paragraphs (a) and (b) shall mean bona fide costs and sales to consumers retailers and wholesalers at prices which cannot be justified by existing market conditions within this State shall not be used as a basis for computing costs with respect to sales by retailers and wholesalers

(e) The terms "sell at retail" "sales at retail" and "retail sale" shall mean and include any transfer for a valuable consideration made in the ordinary course of trade or in the usual prosecution of the seller's business of title to tangible personal property to the purchaser for consumption or use other than resale or further processing or manufacturing The above terms shall include any transfer of such property where title is retained by the seller as security for the payment of such purchase price

(f) The terms "sell at wholesale" "sale at wholesale" and "wholesale sales" shall mean and include any transfer for a valuable consideration made in the ordinary course of trade or the usual prosecution of the seller's business of title to tangible personal property to the purchaser for purposes of resale or further processing or manufacturing The above terms shall include any such transfer of property where title is retained by the seller as security for the payment of the purchase price

(g) The term "retailer" shall mean and include every person copartnership corporation or association engaged in the business of making sales at retail or performing the retail function within this State provided that in the case of a person partnership corporation or association engaged in the business of making sales both at retail and at

wholesale such terms shall be applied only to the retail portion of such business

(h) The term "wholesaler" shall mean and include every person partnership corporation or association engaged in the business of making sales at wholesale or performing the wholesale function within this State Provided That in the case of a person partnership corporation or association engaged in the business of making sales both at wholesale and retail such terms shall be applied only to the wholesale portion of such business

(i) Every person partnership corporation or association engaged in the business of making sales at retail as defined in this act within this State which in addition to such business shall purchase merchandise and commodities for sale at retail from manufacturers packers processors growers or producers thereof without resort to a wholesaler as much shall be taken deemed and construed for the purpose of this act to be engaged in business both as a wholesaler and retailer as defined in this act and as such shall be subject to both the retail and wholesale mark-up provisions of this act

On the question,

Will the House agree to the section?

Mr. MARR. Mr. Speaker, I desire to offer the following amendments.

The SPEAKER. The amendments will be read by the Clerk.

The amendments were read by the Clerk as follows:

Amend sec. 2, page 2, lines 13 to 17, by striking out in line 13 the words "cartage to retail outlet if done or paid for" and all the words in lines 14 to 17 inclusive

Amend sec. 2, page 3, lines 5 to 10, by striking out in line 5 the words "cartage to the retail outlet if done or paid" all the words in lines 6, 7, 8 and 9, and the words "and (3)" in line 10

On the question,

Will the House agree to the amendments?

They were agreed to.

On the question,

Will the House agree to the section as amended?

It was agreed to.

The third to the eighth sections inclusive, the preamble and the title were separately read and agreed to as follows:

Section 3 It is hereby declared that advertisement offer to sell or sale of any merchandise either by retailers or wholesalers at less than cost as defined in this act with the intent effect or result of unfairly diverting trade from or otherwise injuring a competitor or with the result of deceiving any purchaser or prospective purchaser substantially lessening competition unreasonably restraining trade or tending to create a monopoly in any line of commerce is an unfair method of competition contrary to public policy and in contravention of the policy of this act

Section 4 Any retailer who shall in contravention of the policy of this act advertise offer to sell or sell at retail any item of merchandise at less than cost to the retailer as defined in this act or any wholesaler who shall in contravention of the policy of this act advertise offer to sell or sell at wholesale any item of merchandise at less than cost to the wholesaler as defined in this act or any person partnership corporation or association engaged in business both as a wholesaler and retailer as defined in this act who shall in contravention of the policy of this act advertise offer to sell or sell any item of merchandise at less than cost subject to both the retail and wholesale mark-ups provided by this act shall upon summary conviction before a magistrate be sentenced to pay a fine of not less than fifty dollars (\$50.00) nor more than two hundred dollars (\$200.00) and costs of prosecution and in default thereof shall undergo imprisonment for not more than ten (10) days Proof of any such advertisement offer to sell or sale by any retailer or wholesaler in contravention of the policy of this

act shall be prima facie evidence of a violation of this act

Section 5 In addition to the penalties provided in this act the courts of this State are hereby invested with jurisdiction to prevent and restrain violations of this act and it shall be the duty of the several State's attorneys in their respective districts to institute proceeding in equity to prevent and restrain violations Any person shall be entitled to sue for and have injunctive relief in any court of competent jurisdiction against any threatened loss or injury by reason of a violation of this act

Section 6 The provisions of this act shall not apply to sales at retail or sales at wholesale (a) where merchandise is sold in bona fide clearance sales if advertised marked and sold as such (b) where perishable merchandise must be sold promptly in order to forestall loss (c) where merchandise is imperfect or damaged or is being discontinued and is advertised marked and sold as such (d) where merchandise is sold upon the final liquidation of any business (e) where merchandise is sold for charitable purposes or to relief agencies (f) where merchandise is sold on contract to departments of the government of governmental institutions (g) where the price of merchandise is made in good faith to meet legal competition (h) where merchandise is sold by any officer acting under the order or direction of any court

Section 7 If any section sentence clause or provision of this act shall for any reason be held invalid or unconstitutional the validity of the remaining parts hereof shall not be affected thereby

Section 8 The provisions of this act shall become effective sixty (60) days after final enactment

Whereas The practice of selling certain items of merchandise at cost or less than cost in order to attract patronage is generally a form of deceptive advertising and an unfair method of competition in commerce and

Whereas Such practice causes commercial dislocations misleads the consumer works back against the farmer directly burdens and obstructs commerce and diverts business from dealers who maintain a fair price policy and

Whereas Bankruptcies among merchants who fail because of the competition of those who use such methods result in unemployment disruption of leases and non-payment of taxes and loans and contribute to the inevitable train of undesirable consequences including economic depression now therefore

An Act defining and prohibiting unfair sales providing remedies for violations thereof and establishing penalties therefor

And said bill having been read at length the second time and agreed to as amended.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 284, as follows:

An Act to amend clause (d) of section two of the act approved the seventh day of June one thousand nine hundred and seventeen (Pamphlet Laws 447) entitled as amended "An act relating to the administration and distribution of the estates of decedents and of minors and of trust estates including the appointment bonds rights powers duties liabilities accounts discharge and removal of executors administrators guardians and trustees herein designated as fiduciaries the administration and distribution of the estates of presumed decedents widow's and children's exemptions debts of decedents rents of real estate as assets for payment thereof the lien thereof sales and mortgages of real estate for the payment thereof judgments and executions therefor and the discharge of real estate from the lien thereof contracts of decedents for the sale or purchase of real estate legacies including legacies charged on land the discharge of residuary estates and of real estate from the lien of legacies and other charges the appraisement of real estate devised at

a valuation the ascertainment of the curtilage of dwelling houses or other buildings devised the abatement and survival of actions and the substitution of executors and administrators therein the survival of causes of action and suits thereupon by or against fiduciaries investments by fiduciaries the organization of corporations to carry on the business of decedents the audit and review of accounts of fiduciaries refunding bonds transcripts to the court of common pleas of balances due by fiduciaries the rights powers and liabilities of nonresident and foreign fiduciaries the appointment bonds rights powers duties and liabilities of trustees durante absentia the recording and registration of decrees reports and other proceedings and the fees therefor appeals in certain cases and also generally dealing with the jurisdiction powers and procedure of the orphans' court in all matters relating to fiduciaries concerned with the estates of decedents" as amended providing that where a resident of this Commonwealth petitions the register of wills of a county other than the one in which he resides for the issuance of letters testamentary the affidavit and oath or affirmation required by this act before the issuance of such letters may be taken before and administered by the register of wills of the county in which the applicant resides and letters testamentary may be issued by the register of wills of the property county without a personal appearance of the applicant

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Clause (d) of section two of the act approved the seventh day of June one thousand nine hundred and seventeen (Pamphlet Laws 447) entitled as amended by the act approved the second day of July one thousand nine hundred and thirty-seven (Pamphlet Laws 2755) "An act relating to the administration and distribution of the estates of decedents and of minors and of trust estates including the appointment bonds rights powers duties liabilities accounts discharge and removal of executors administrators guardians and trustees herein designated as fiduciaries the administration and distribution of the estates of presumed decedents widow's and children's exemptions debts of decedents rents of real estate as assets for payment thereof the lien thereof sales and mortgages of real estate for the payment thereof judgments and executions therefor and the discharge of real estate from the lien thereof contracts of decedents for the sale or purchase of real estate legacies including legacies charged on land the discharge of residuary estates and of real estate from the lien of legacies and other charges the appraisement of real estate devised at a valuation the ascertainment of the curtilage of dwelling houses or other buildings devised the abatement and survival of actions and the substitution of executors and administrators therein the survival of causes of action and suits thereupon by or against fiduciaries investments by fiduciaries the organization of corporations to carry on the business of decedents the audit and review of accounts of fiduciaries refunding bonds transcripts to the court of common pleas of balances due by fiduciaries the rights powers and liabilities of nonresident and foreign fiduciaries the appointment bonds rights powers duties and liabilities of trustees durante absentia the recording and registration of decrees reports and other proceedings and the fees therefor appeals in certain cases and also generally dealing with the jurisdiction powers and procedure of the orphans' court in all matters relating to fiduciaries concerned with the estates of decedents" as amended by the act approved the twenty-fourth day of March one thousand nine hundred and twenty-one (Pamphlet Laws 51) is hereby further amended to read as follows

(d) Every application to any register of wills for the issuance of letters testamentary or of administration shall be in the form of a petition duly verified by affidavit setting forth the residence and citizenship and the place day and hour of death of the decedent the estimated value of his property real and personal the location of his real property and in the case of an intestacy the names and residences of the surviving spouse if any and of the next of kin of the intestate together with an averment that the persons named are the surviving spouse and all the next of kin of the intestate In the case of applications for letters testamen-

tary such applications shall set forth whether the testator has married and whether any children have been born to such testator since the execution of the will offered for probate

If any such applicant for letters testamentary resides within the Commonwealth but outside of the county when the issuance of such letters is sought the aforesaid affidavit to the petition and the oath or affirmation relative to the performance of his duties as required by section seven of this act may be taken before and administered by the register of wills of the county in which the applicant resides and such petition may then be filed with and letters issued by the register of wills of the proper county for the issuance of such letters testamentary without the personal appearance of the applicant before such register of wills

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 404, as follows:

An Act to amend sections three and five of the act approved the thirteenth day of May one thousand nine hundred and twenty-five (Pamphlet Laws 644) entitled "An act relating to and regulating the solicitor of moneys and property for charitable religious benevolent humane and patriotic purposes" as amended by requiring the corporations copartnerships and associations affected by the provisions of this act to publish certain facts relative to their organization once a year and to file proof of such publication with the Department of Welfare

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Sections three and five of the act approved the thirteenth day of May one thousand nine hundred and twenty-five (Pamphlet Laws 644) entitled "An act relating to and regulating the solicitation of moneys and property for charitable religious benevolent humane and patriotic purposes" as amended by the act approved the twentieth day of June one thousand nine hundred and thirty-five (Pamphlet Laws 358) are hereby amended to read as follows

Section 3 Any corporation copartnership or association desiring to obtain a certificate of registration for any of such purposes shall file with the Department of Welfare on blanks prepared by the department a statement verified by an officer of the corporation copartnership or association and containing such information as the Department of Welfare may require Other statements shall be filed from time to time under oath containing such information as the department may require In addition to such statement the said corporation copartnership or association shall publish once a year in one newspaper of general circulation throughout the community in which it operates or in which it solicits money or property a statement showing the gross receipts of such organization for the preceding fiscal year the administration costs for that period the amount paid to subagencies of such organizations if any the administration costs of such subagencies for the same period and any other items which such organization desires to publish therein A copy of such statement and proof of such publication shall be filed with the department with the statement heretofore required by this section

Section 5 If any statement required by the Department of Welfare or the statement required by this amendment to be published together with proof of publication thereof is not filed the department shall notify the delinquent corporation copartnership or association by mailing a notice to its or his last known address and if [the statement be] such statements and the aforesaid proof of publication are not filed within two weeks after the mailing of such notice the department shall cancel its certificates of registration The department may also cancel any certificate of registration whenever it is satisfied that contributions are used for unworthy purposes or where the copartnership association or corporation holding a certificate of registration en-

gages in practices deemed sufficient in the discretion of the department to refuse a certificate of registration

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 496, as follows:

An Act to amend section four of the act approved the twenty-fifth day of July one thousand nine hundred thirteen (Pamphlet Laws one thousand twenty-four) entitled "An act to protect the public health and welfare by regulating the employment of females in certain establishments with respect to their hours of labor and the conditions of their employment by establishing certain sanitary regulations in the establishments in which they work by requiring certain abstracts and notices to be posted by providing for the enforcement of this act by the Commissioner of Labor and Industry and others by prescribing penalties for violations thereof by defining the procedure in prosecutions and by repealing all acts and parts of acts inconsistent with the provisions thereof" by extending the night restrictions on employment in manufacturing establishments in certain cases

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section four of the act approved the twenty-fifth day of July one thousand nine hundred thirteen (Pamphlet Laws one thousand twenty-four) entitled "An act to protect the public health and welfare by regulating the employment of females in certain establishments with respect to their hours of labor and the conditions of their employment by establishing certain sanitary regulations in the establishments in which they work by requiring certain abstracts and notices to be posted by providing for the enforcement of this act by the Commissioner of Labor and Industry and others by prescribing penalties for violations thereof by defining the procedure in prosecutions and by repealing all acts and parts of acts inconsistent with the provisions thereof" is hereby amended to read as follows

Section 4 No female shall be employed or permitted to work in any manufacturing establishment before the hour of six o'clock in the morning or after the hour of ten o'clock in the evening of any day [Provided That] except that females working in manufacturing establishments operating two shifts may be employed between the hours of six o'clock in the morning and twelve o'clock midnight Provided That employment in such cases shall not exceed eight (8) consecutive hours in any one day (exclusive of a meal period) or five (5) days in any one week The provisions of this section shall not apply to managers superintendents or persons doing clerical or stenographic work

Section 2 This act shall become effective immediately upon its final enactment

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 263, as follows:

An Act to amend section two thousand one of the act approved the twenty-third day of June one thousand nine hundred and thirty-one (Pamphlet Laws 932) entitled "An act relating to cities of the third class and amending revising and consolidating the law relating thereto" by fixing the minimum compensation for patrolmen in such cities

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section two thousand one of the act approved

the twenty-third day of June one thousand nine hundred and thirty-one (Pamphlet Laws 932) entitled "An act relating to cities of the third class and amending revising and consolidating the law relating thereto" is hereby amended to read as follows

Section 2001 Appointment Number Rank Compensation and Qualifications of Policemen The council shall fix by ordinance the number rank and compensation of the members of the city police force who shall be appointed in accordance with the civil service provisions of this act No policeman shall after his appointment and qualification hold at the same time the office of constable Council shall prescribe all necessary rules and regulations for the organization and government of the police force The compensation of patrolmen shall in no case be less than the following amounts

Sixteen hundred dollars (\$1,600) per annum for the first year of service and an additional annual increment of eighty dollars (\$80) for each year of service after the first year not however exceeding six such annual increments All patrolmen employed in any city shall from the time this act becomes effective be entitled to compensation in accordance with this act including the increment credits accrued for service prior to the effective date of this act Provided The compensation of a patrolman shall not after the effective date of this act be reduced below the amount he is receiving at the time this act becomes effective for the reason that he has not sufficient annual increment credits to entitle him according to the preceding provisions of this act to the compensation he is then receiving or be reduced for any other reason whatsoever

Section 2 The provisions of this act shall become effective the first day of January one thousand nine hundred and forty

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

MOTION TO RECOMMIT

Mr. KLINE. Mr. Speaker, I move that this bill be recommitted to the Committee on Cities-Third Class for the purpose of public hearing and possible amendment.

On the question,

Will the House agree to the motion?

Mr. DAVID P. REESE. Mr. Speaker, I would like to personally object to this motion, on the ground that it has been in committee and there was no request for a public hearing on it while it was there.

On the question recurring,

Will the House agree to the motion?

The yeas and nays were required by Mr. Hess and Mr. Readinger and were as follows:

YEAS—48

Ackermann,	Donahue,	McClester,	Stewart,
Atkins,	Fleming,	Mihm,	Tahl,
Auker,	Fullerton,	Montgomery	Tarr,
Baker,	Gates,	Mooney,	Thompson, G. R.,
Boorse,	Harbeson,	Moser, F. S.,	Tronzo,
Bower,	Huntley,	O'Dare,	VanAlsburg,
Bronson,	Jones,	Peale,	Voorhees,
Brunner,	Kline,	Schrock,	Webster,
Burns,	Lelsey,	Seif,	Welsh, E. B.,
Christler,	Lichtenwalter,	Shaw,	Westrick,
Cohen, R. E.,	Long,	Snyder,	Williams,
Dick,	Lyons,	Sollenberger,	Wood, L. H.,

NAYS—116

Achterman,	DeNote,	Kilroy,	Royer,
Allen,	Dix,	Knoble,	Sarge,
Allmond,	Downey,	Krise,	Sarra,
Alspach,	Ely,	Lee,	Schrope,
Andrews,	Ewing,	Leydic,	Schwab,
Balliet,	Falkenstein,	Madden,	Serrill,
Balthaser,	Fauset,	Matthews,	Shearer,
Bardes,	Finnerty,	McKinney,	Simons,
Bohn,	Flanagan,	McLane,	Skale,

Boles,	Foor,	McVay,	Sloan,
Boose,	Freed,	Melchiorre,	Stambaugh,
Boyd,	Gillan,	Moran,	Stank,
Brancato,	Gillette,	Moser, J. L.,	Sweeney,
Bretherick,	Goll,	Muir,	Taylor,
Broad,	Gorski,	O'Connor,	Terry,
Brown, S. W.	Habbyshaw,	Ominsky,	Thistle,
Burris,	Haines,	O'Neill,	Tiemann,
Cadwalader,	Hall,	Preston,	Trout,
Carpenter,	Haudenschild,	Readinger,	Van Belle,
Chervanak,	Henry,	Reese, D. P.,	Wagner,
Clark,	Hess,	Reese, R. E.,	Walsh,
Clearwater,	Hindman,	Regan,	Welsh,
Cohen, H. B.	Hoffman, J. N.,	Reynolds,	Welsh, M. J.,
Cook,	Hoffman, S. K.,	Robertson,	Wilson,
Cooper,	Holland,	Rooney,	Winner,
Cordier,	James,	Rose,	Wood, H. M.,
Corrigan,	Johnston,	Roseberry,	Woodside,
Curran,	Kane,	Rosenfeld,	Yeakel,
Dalrymple,	Kenehan,	Rothenberger,	Turner,

Speaker.

So the question was determined in the negative and the motion was not agreed to.

BILL ON SECOND READING

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 291, as follows:

An Act to amend section one of the act approved the first day of July one thousand nine hundred and thirty-seven (Pamphlet Laws 2681) entitled "An act relating to and regulating the manufacture storing and possession of explosives requiring permits for magazines and prescribing permit fees and providing penalties" by excluding from the provisions of said act explosives used in clay mining or in rock or stone quarries

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section one of the act approved the first day of July one thousand nine hundred and thirty-seven (Pamphlet Laws 2681) entitled "An act relating to and regulating the manufacture storing and possession of explosives requiring permits for magazines and prescribing permit fees and providing penalties" is hereby amended to read as follows

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That no person shall manufacture process store or have in his possession any explosives in this Commonwealth until all requirements of this act have been complied with Provided That nothing contained in this act shall be construed to apply to the actual use of explosives in legitimate and lawful coal mining operations or clay or shale mining operations or in the operation of stone or rock quarries or in agricultural work or to military and naval forces of the United States or to the transportation of explosives upon vessels or railroad cars when in conformity with the rules of the Interstate Commerce Commission

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 74, entitled:

An Act to amend section two hundred and seventy-eight of the act approved the second day of May one thousand nine hundred and twenty-nine (Pamphlet Laws 1278) entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto" as amended providing for the appointment the term and compensation of county detectives in counties of the fifth class

On the question,

Will the House agree to the bill on third reading?

Mr. KANE. Mr. Speaker, I ask unanimous consent to offer amendments at this time.

The SPEAKER. The amendments will be read by the Clerk for information.

The Clerk read the amendments as follows:

Amend title, page 1, line 1 of title, by inserting after the word "seventy-eight" the following: "and to repeal section two hundred and eighty"

Amend title, page 1, last line of title, by inserting after the word "fifth" the following: "and sixth"

Amend Sec. 1 (Sec. 278), page 2, line 3, by inserting after the word "Fifth" the following: "and Sixth"

Amend Sec. 1 (Sec. 278), page 2, line 15, by inserting after the word "fifth" the following: "and sixth"

Amend bill, page 3, by inserting between lines 7 and 8 the following section: "Section 2. Section two hundred and eighty of said act, and its amendments are hereby repealed."

Amend Sec. 2, page 3, line 8, by striking out the figure: "2" and inserting in lieu thereof: "3"

The SPEAKER. Will the House give unanimous consent to the insertion of the amendments at this time? Is there objection?

Mr. KANE. Mr. Speaker, and members of the House, when this bill was up before I asked the sponsor of the bill if he would consent to have the bill go over and he said he would. I have here amendments which are agreeable to the sponsor of the bill

Mr. HERBERT B. COHEN. Mr. Speaker, reserving my right to object, I desire to interrogate the gentleman from McKean, Mr. Kane.

The SPEAKER. Will the gentleman from McKean permit himself to be interrogated?

Mr. KANE. I will, Mr. Speaker.

Mr. HERBERT B. COHEN. Mr. Speaker, I desire to inquire of the gentleman from McKean, Mr. Kane, whether the amendments as presently drawn would not allow the courts of Quarter Sessions to set the salaries of county detectives of counties of the sixth class.

Mr. KANE. Mr. Speaker, I believe the opposite is the case. This bill would permit the Courts to set the salaries.

Mr. HERBERT B. COHEN. Mr. Speaker, do I understand from the gentleman that his amendments will now permit the Courts of Quarter Sessions to set the salaries of county detectives in counties of the sixth class?

Mr. KANE. Mr. Speaker, that is my belief and that is the request I made of the Legislative Reference Bureau in drawing the amendments.

PARLIAMENTARY INQUIRY

Mr. HERBERT B. COHEN. Mr. Speaker, I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state his parliamentary inquiry.

Mr. HERBERT B. COHEN. Mr. Speaker, did I understand that the Chair was inquiring whether or not members of the House would unanimously agree to the insertion of the amendments?

The SPEAKER. The Chair inquired whether the House would give its unanimous consent to the insertion of the amendments.

Mr. HERBERT B. COHEN. Mr. Speaker, I have no objection to the immediate consideration of the amendments. However, I wish to oppose the amendments when presented to the House.

On the question,

Will the House agree to the amendments?

Mr. KANE. Mr. Speaker, and members of the House, I am exceedingly loathe to take up the time of the House on this important occasion. If anyone feels that this is in any way a surprise matter I shall be glad to have the bill go over if anybody makes such a request. What my amendment does in brief is to extend to counties of the sixth class the privileges which are extended by this bill to counties of the fifth class. It happens in my own county, for example, which is one of the smaller counties of the sixth class, that we have an exceptionally capable county detective, to whom we are unable to pay the salary to which he is entitled. In addition to that, there seems to be some question of jurisdiction over county detectives as to whether or not they are under the district attorney, under whom they technically serve or whether they are under the judges.

This bill provides that the judges may set the salaries at such figure as they deem advisable, but the county detective is in fact under the control of the district attorney, out of whose office he works. It seems perfectly proper to me that if the provisions of this bill are correct for a county of the fifth class, they are also correct for a county of the sixth class, and I would ask the members of the House to sustain this amendment.

Mr. HERBERT B. COHEN. Mr. Speaker and members of the House, the gentleman from McKean has adequately stated the problem involved. I do not think it is correct for a county of the fifth class, nor do I think it is correct for a county of the sixth class to force the judiciary into a position whereby they have to indulge in an activity outside the purposes of their office. The more power that we place upon the judiciary, that are extra-judicial, brings the judiciary into the political arena. Appointments that are conferred upon the judiciary have had such a result, and by extending to the judiciary the power to set salaries this bill would continue to do the same thing. I feel that the security of the people of this Commonwealth rests in the judiciary, and the judiciary should in no way be affected by political exigencies. To place the judiciary in a position whereby it must set the salaries of county detectives is an opening wedge whereby the judiciary will set the salaries of other officers, and impose upon the judiciary activities that were not in contemplation when the judiciary was established by the Constitution. I think it is bad law to enact this bill and I will oppose it when it comes up for enactment for fifth class counties. I think it is bad law insofar as this amendment is concerned, which attempts to impose extra-judicial activities upon the judiciary.

I ask the membership of this House, irrespective of the fact that in McKean County there is a very diligent county detective who is not being adequately paid, to vote against this amendment. I would suggest to the gentleman from McKean that he devise some other method or means whereby the county commissioners would be empowered to increase his salary commensurate with his ability. I do not think we are solving the problem by imposing that particular activity upon the judiciary, and for that reason, I voice my opposition to this amendment.

Mr. KANE. Mr. Speaker and members of the House, I believe that the gentleman from York will agree that this problem is identical in all counties, and if he agrees

that the bill has merit my amendment has equal merit.

His argument goes not to the amendment, Mr. Speaker and members of the House, but to the entire bill. All I ask in this amendment is that the privilege extended by this act to fifth class counties shall also be extended to my class of counties, that is, the sixth class. I therefore ask the members of the House to permit the insertion of the amendments because I believe that the gentleman from York and I are entirely in accord that if it is fair for one county, it is fair for the other, and we might as well vote on the issue as to both classes of counties at one and the same time.

As to the merit of the whole bill, I would say this: I do not know of anyone who is in a better position to know at any particular time the necessity for a good county detective than the judge of Quarter Sessions, before whom criminals are tried and I certainly know of no better person to direct the activities of the county detective than the district attorney who must go into court prepared with the evidence that the county detective brings to him.

May I also say, Mr. Speaker and members of the House, there can be no greater economy in government than having good men and quickly removing bad ones.

I ask the House to support the amendment for the reason that it gives to our county the privileges which the counties of the sixth class seek.

On the question recurring,

Will the House agree to the amendments?

The SPEAKER declares the "noes" appeared to have it.

Whereupon, a division was called for, one hundred nineteen members having voted in the affirmative and twenty-seven in the negative, the question was determined in the affirmative and the amendments were agreed to.

On the question,

Will the House agreed to the bill on third reading as amended?

It was agreed to.

Ordered, That the bill as amended lie over for printing.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 24, entitled:

An Act prohibiting any political subdivision from imposing any income or occupation tax upon non-residents

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—111

Ackermann.	Dix.	Kowalski.	Schrock.
Alspach.	Donahue.	Krise.	Schrope.
Atkins.	Fisher.	Lee.	Self.
Auker.	Fliss.	Lelsey.	Serrill.
Ballet.	Fleming.	Levy.	Shearer.
Bardes.	Foor.	Leydic.	Simons.
Bennett.	Fullerton.	Lichtenwalter.	Snyder.
Boorse.	Gillan.	Lyons.	Sollenberger.
Boose.	Gillette.	Madden.	Stambaugh.
Bower.	Goll.	Marr.	Stewart.
Boyd.	Habbyshaw.	Matthews.	Taylor.
Bretherick.	Haines.	McClester.	Thistle.
Bronson.	Hall.	McKinney.	Thompson, G.R.
Brown, S. W.	Hamilton.	McNally.	Trout.

Brunner.	Harbeson.	Montgomery.	Van Allsburg.
Cadwalader.	Harkins.	Moran.	Van Belle.
Calvin.	Haudenshield.	Moser, F. S.	Wagner.
Carpenter.	Henry.	Moser, J. L.	Webster.
Christler.	Hess.	Muir.	Welss.
Clark.	Holland.	O'Dare.	Wilson.
Clearwater.	Hoyt.	O'Neill.	Winnor.
Cohen, R. E.	Huntley.	Peacock.	Wood, H. M.
Cook.	James.	Peale.	Wood, L. H.
Cordier.	Johnston.	Reese, D. P.	Wood, N.
Cortese.	Jones.	Roseberry.	Woodside.
Curran.	Kilroy.	Rothenberger.	Yeakel.
Dalrymple.	Kilne.	Royer.	Turner.
Dick.	Knoble.	Sarge.	Speaker.

NAYS—41

Achterman.	Burns.	Mooney.	Scanlon.
Allen.	Chervenak.	O'Connor.	Skale.
Allmond.	Finnerty.	Ominsky.	Stank.
Andrews.	Furman.	Preston.	Thompson, E. F.
Baker.	Gorski.	Readinger.	Voorhees.
Balthaser.	Hindman.	Reese, R. E.	Walsh.
Bohn.	Malone.	Rider.	Welsh, E. B.
Boles.	McLane.	Rooney.	Welsh, M. J.
Brancato.	Melchiorre.	Rosenfeld.	Westrick.
Broad.	Mihm.	Sarraff.	Williams.
Brown, H. S.			

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 359, entitled:

An Act to add clause (f) to section twenty-three of the act approved the seventh day of June one thousand nine hundred seventeen (P. L. 403) entitled "An act relating to the form execution revocation and interpretation of wills to nuncupative wills to the appointment of testamentary guardians to spendthrift trusts to forfeiture of devise or legacy in case of murder of testator to elections to take under or against wills and to the recording and registering of such elections and of decrees relative thereto and to the fees therefor" by empowering the orphans' court in certain cases to extend the time for filing of elections by surviving spouses to take under or against wills of decedents

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—194

Achterman.	Downey.	Lichtenwalter.	Sarge.
Ackermann.	Ely.	Long.	Sarraff.
Allen.	Ewing.	Lovett.	Scanlon.
Allmond.	Falkenstein.	Lyons.	Schrock.
Alspach.	Fausest.	Madden.	Schrope.
Andrews.	Finnerty.	Malloy.	Schwab.
Atkins.	Fisher.	Malone.	Self.
Auker.	Fliss.	Marr.	Serrill.
Baker.	Flanagan.	Matthews.	Shaw.
Ballet.	Fleming.	McClester.	Shearer.
Balthaser.	Foor.	McGarrity.	Simons.
Bardes.	Freed.	McKinney.	Skale.
Bennett.	Fullerton.	McLane.	Sloan.
Bohn.	Furman.	McNally.	Snyder.
Boles.	Gates.	McVay.	Sollenberger.
Boorse.	Gillan.	Melchiorre.	Stambaugh.
Boose.	Gillette.	Mihm.	Stank.
Bower.	Goll.	Montgomery.	Stewart.
Boyd.	Gorski.	Mooney.	Sweeney.
Brancato.	Habbyshaw.	Moran.	Tahl.
Bretherick.	Haines.	Moser, F. S.	Tarr.
Broad.	Hall.	Moser, J. L.	Taylor.
Bronson.	Harbeson.	Muir.	Terry.

Brown, H. S.,	Harkins,	Munley,	Thistle,
Brown, S. W.,	Haudenschild,	O'Connor,	Thompson, E. F.,
Brunner,	Henry,	O'Dare,	Thompson, G. R.,
Burns,	Hess,	O'Keefe,	Tiemann,
Burris,	Hewitt,	Ominsky,	Tronzo,
Cadwalader,	Hindman,	O'Neill,	VanAllsburg,
Calvin,	Hocke,	Peacock,	Trout,
Carpenter,	Hoffman, J. N.,	Peale,	Van Belle,
Chervenak,	Hoffman, S. K.,	Powers,	Voorhees,
Christler,	Holland,	Preston,	Wagner,
Clark,	Hoyt,	Readinger,	Walsh,
Clearwater,	Huntley,	Reagan,	Webster,
Cohen, H. B.,	James,	Reese, D. P.,	Weiss,
Cohen, R. E.,	Johnston,	Reese, R. E.,	Welsh, E. B.,
Cook,	Jones,	Regan,	Welsh, M. J.,
Cooper,	Kane,	Reynolds,	Westrick,
Cordier,	Kenehan,	Rider,	Williams,
Corrigan,	Kilroy,	Riley,	Wilson,
Cortese,	Kline,	Robertson,	Winner,
Curran,	Knoble,	Rooney,	Wood, H. M.,
Dalrymple,	Kowalski,	Rose,	Wood, L. H.,
Denman,	Krise,	Roseberry,	Wood, N.,
DeNote,	Lee,	Rosenfeld,	Woodside,
Dick,	Leisey,	Rothenberger,	Yeakel,
Dix,	Levy,	Royer,	Turner,
Donahue,	Leydic,		Speaker.

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 610, entitled:

A Supplement to the act approved the twenty-first day of July one thousand nine hundred and thirty-seven (Appropriation Acts page 74) entitled "An act to provide for the ordinary expenses of the Executive Legislative and Judicial Departments of the Commonwealth interest on the public debt and the support of the public schools for two years beginning June first one thousand nine hundred and thirty-seven and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending May thirty-first one thousand nine hundred and thirty-seven" by lapsing a portion of the unobligated balance of the appropriation made to the Chief Clerk of the House of Representatives for the use of the Commission on Interstate Cooperation and re-appropriating such lapsed moneys to the said Chief Clerk for the use of the Interstate Commission on the Delaware River Basin

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—194

Achterman,	Ely,	Long,	Sarraf,
Ackermann,	Ewing,	Lovett,	Scanlon,
Allen,	Falkenstein,	Lyons,	Schrock,
Allmond,	Fauset,	Madden,	Schrope,
Alspach,	Finnerty,	Malloy,	Schwab,
Andrews,	Fisher,	Malone,	Self,
Atkins,	Fiss,	Marr,	Serrill,
Auker,	Flanagan,	Matthews,	Shaw,
Baker,	Fleming,	McClester,	Shearer,
Baillet,	Foor,	McGarrity,	Simons,
Elthaser,	Freed,	McKinney,	Skale,
Bardes,	Fullerton,	McLane,	Sloan,
Bennett,	Furman,	McNally,	Snyder,
Bohn,	Gates,	McVay,	Sollenberger,
Boles,	Gillan,	Meichlorre,	Stambaugh,
Boorse,	Gillette,	Mihm,	Stank,
Bower,	Goll,	Montgomery,	Stewart,
Boyd,	Gorski,	Mooney,	Sweeney,
Brancato,	Habbyshaw,	Moran,	Tahl,

Bretherick,	Haines,	Moser, F. S.,	Tarr,
Broad,	Hall,	Moser, J. L.,	Taylor,
Bronson,	Harbeson,	Muir,	Terry,
Brown, H. S.,	Harkins,	Munley,	Thistle,
Brown, S. W.,	Haudenschild,	O'Connor,	Thompson, E. F.,
Brunner,	Henry,	O'Dare,	Thompson, G. R.,
Burns,	Hess,	O'Keefe,	Tiemann,
Burris,	Hewitt,	Ominsky,	Tronzo,
Cadwalader,	Hindman,	O'Neill,	Trout,
Calvin,	Hocke,	Peacock,	VanAllsburg,
Carpenter,	Hoffman, N.,	Peale,	Van Belle,
Chervenak,	Hoffman, K.,	Powers,	Voorhees,
Christler,	Holland,	Preston,	Wagner,
Clark,	Hoyt,	Readinger,	Walsh,
Clearwater,	Huntley,	Reagan,	Watkins,
Cohen, H. B.,	James,	Reese, D. P.,	Webster,
Cohen, R. E.,	Johnston,	Reese, R. E.,	Weiss,
Cook,	Jones,	Regan,	Welsh, E. B.,
Cooper,	Kane,	Reynolds,	Welsh, M. J.,
Cordier,	Kenehan,	Rider,	Westrick,
Corrigan,	Kilroy,	Riley,	Williams,
Cortese,	Kline,	Robertson,	Wilson,
Curran,	Knoble,	Rooney,	Winner,
Dalrymple,	Kowalski,	Rose,	Wood, H. M.,
DeNote,	Krise,	Roseberry,	Wood, L. H.,
Dick,	Lee,	Rosenfeld,	Wood, N.,
Dix,	Leisey,	Rothenberger,	Woodside,
Donahue,	Levy,	Royer,	Yeakel,
Downey,	Leydic,	Sarge,	Turner,
	Lichtenwalter,		Speaker.

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 376, entitled:

An Act to add paragraph four to clause (a) of section forty-one of the act approved the seventh day of June one thousand nine hundred seventeen (P. L. 447) entitled as amended "An act relating to the administration and distribution of the estates of decedents and of minors and of trust estates including the appointment bonds rights powers duties liabilities accounts discharge and removal of executors administrators guardians and trustees herein designated as fiduciaries the administration and distribution of the estates of presumed decedents widow's and children's exemptions debts of decedents rents of real estate as assets for payment thereof the lien thereof sales and mortgages of real estate for the payment thereof judgments and executions therefor and the discharge of real estate from the lien thereof contracts of decedents for the sale or purchase of real estate legacies including legacies charged on land the discharge of residuary estates and of real estate from the lien of legacies and other charges the appraisement of real estate devised at a valuation the ascertainment of the curtilage of dwelling houses or other buildings devised the abatement and survival of actions and the substitution of executors and administrators therein the survival of causes of action and suits thereupon by or against fiduciaries investments by fiduciaries the organization of corporations to carry on the business of decedents the audit and review of accounts of fiduciaries refunding bonds transcript to the court of common pleas of balances due by fiduciaries the rights powers and liabilities of nonresident and foreign fiduciaries the appointment bonds rights powers duties and liabilities of trustees durante absentia the recording and registration of decrees reports and other proceedings and the fees therefor appeals in certain cases and also generally dealing with the jurisdiction powers and procedure of the orphans' court in all matters relating to fiduciaries concerned with the estates of decedents" as amended by permitting fiduciaries holding mortgages to accept deeds in lieu of foreclosures and prescribing the effect thereof

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—194

Achterman,	Ely,	Lichtenwalter,	Sarra,
Ackermann,	Ewing,	Long,	Scanlon,
Allen,	Falkenstein,	Lovett,	Schrock,
Allmond,	Fauset,	Lyons,	Schrope,
Alspach,	Finnerty,	Madden,	Schwab,
Andrews,	Fisher,	Malloy,	Seif,
Atkins,	Fliss,	Malone,	Serrill,
Auker,	Flanagan,	Marr,	Shaw,
Baker,	Fleming,	Matthews,	Shearer,
Balliet,	Foor,	McClester,	Simons,
Balthaser,	Freed,	McGarrity,	Skale,
Bardes,	Fullerton,	McKinney,	Sloan,
Bennett,	Furman,	McLane,	Snyder,
Bohn,	Gates,	McNally,	Sollenberger,
Boles,	Gillan,	McVay,	Stambaugh,
Boorse,	Gillette,	Melchiorre,	Stank,
Boose,	Goll,	Mihm,	Stewart,
Bower,	Gorski,	Montgomery,	Sweeney,
Boyd,	Habbyshaw,	Mooney,	Tahl,
Brancato,	Haines,	Moran,	Tarr,
Bretherick,	Hall,	Moser, F. S.,	Taylor,
Broad,	Harbeson,	Moser, J. L.,	Terry,
Bronson,	Harkins,	Muir,	Thistle,
Brown, H. S.,	Haudenshield,	Munley,	Thompson, E. F.,
Brown, S. W.,	Henry,	O'Connor,	Thompson, G. R.,
Brunner,	Hess,	O'Dare,	Tiemann,
Burns,	Hewitt,	O'Keefe,	Tronzo,
Burriss,	Hindman,	Ominsky,	Trout,
Cadwalader,	Hocke,	O'Neill,	VanAllsburg,
Calvin,	Hoffman, J. N.,	Peacock,	Van Belle,
Carpenter,	Hoffman, S. K.,	Peale,	Voorhees,
Chervenak,	Holland,	Powers,	Wagner,
Christler,	Hoyt,	Preston,	Walsh,
Clark,	Huntley,	Readinger,	Webster,
Clearwater,	James,	Reagan,	Weiss,
Cohen, H. B.,	Jirolanio,	Reese, D. P.,	Welsh, E. B.,
Cohen, R. E.,	Johnston,	Reese, R. E.,	Welsh, M. J.,
Cook,	Jones,	Regan,	Westrick,
Cooper,	Kane,	Reynolds,	Williams,
Cordier,	Kenahan,	Rider,	Wilson,
Corrigan,	Kilroy,	Riley,	Winner,
Cortese,	Kline,	Robertson,	Wood, H. M.,
Curran,	Knoble,	Rooney,	Wood, L. H.,
Dalrymple,	Kowalski,	Rose,	Wood, N.,
DeNote,	Krise,	Roseberry,	Woodside,
Dick,	Lee,	Rosenfeld,	Yeakel,
Dix,	Leisey,	Rothenberger,	Turner,
Donahue,	Levy,	Royer,	Speaker,
Downey,	Leydic,	Sarge,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 408, entitled:

An Act to repeal the act approved the twelfth day of June one thousand nine hundred seven (P. L. 527) entitled "An act establishing precautionary regulations to prevent forest fires on lands in which oil-wells and gas-wells are situated and diminish danger therefrom making certain violations thereof misdemeanors and prescribing punishment for the same and in other cases affixing penalties and declaring liability for damages"

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—194

Achterman,	Ewing,	Lichtenwalter,	Sarge,
Ackermann,	Falkenstein,	Long,	Sarra,
Allen,	Fauset,	Lovett,	Scanlon,
Allmond,	Finnerty,	Lyons,	Schrock,
Alspach,	Fisher,	Madden,	Schrope,
Andrews,	Fliss,	Malloy,	Schwab,
Atkins,	Flanagan,	Malone,	Seif,
Auker,	Fleming,	Marr,	Serrill,
Baker,	Foor,	Matthews,	Shaw,
Balliet,	Freed,	McClester,	Shearer,
Balthaser,	Fullerton,	McGarrity,	Simons,
Bardes,	Furman,	McKinney,	Skale,
Bennett,	Gates,	McLane,	Sloan,
Bohn,	Gillan,	McNally,	Snyder,
Boles,	Gillette,	McVay,	Sollenberger,
Boorse,	Goll,	Melchiorre,	Stambaugh,
Boose,	Gorski,	Mihm,	Stank,
Bower,	Habbyshaw,	Montgomery,	Stewart,
Boyd,	Haines,	Mooney,	Sweeney,
Brancato,	Hall,	Moran,	Tahl,
Bretherick,	Harbeson,	Moser, F. S.,	Tarr,
Broad,	Harkins,	Moser, J. L.,	Taylor,
Bronson,	Haudenshield,	Muir,	Terry,
Brown, H. S.,	Henry,	Munley,	Thistle,
Brown, S. W.,	Hess,	O'Connor,	Thompson, E. F.,
Brunner,	Hewitt,	O'Dare,	Thompson, G. R.,
Burns,	Hindman,	O'Keefe,	Tiemann,
Burriss,	Hocke,	Ominsky,	Tronzo,
Cadwalader,	Hoffman, J. N.,	O'Neill,	Trout,
Calvin,	Hoffman, S. K.,	Peacock,	VanAllsburg,
Carpenter,	Holland,	Peale,	Van Belle,
Chervenak,	Hoyt,	Powers,	Voorhees,
Christler,	Huntley,	Preston,	Wagner,
Clark,	James,	Readinger,	Walsh,
Clearwater,	Jirolanio,	Reagan,	Webster,
Cohen, H. B.,	Johnston,	Reese, D. P.,	Weiss,
Cohen, R. E.,	Jones,	Reese, R. E.,	Welsh, E. B.,
Cook,	Kane,	Regan,	Welsh, M. J.,
Cooper,	Kenahan,	Reynolds,	Westrick,
Cordier,	Kilroy,	Rider,	Williams,
Corrigan,	Kline,	Riley,	Wilson,
Cortese,	Knoble,	Robertson,	Winner,
Curran,	Kowalski,	Rooney,	Wood, H. M.,
Dalrymple,	Krise,	Rose,	Wood, L. H.,
DeNote,	Lee,	Roseberry,	Wood, N.,
Dick,	Leisey,	Rosenfeld,	Woodside,
Dix,	Levy,	Rothenberger,	Yeakel,
Donahue,	Leydic,	Royer,	Turner,
Downey,			Speaker,
Ely,			

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

BILL PASSED OVER

There being no objection House Bill No. 176, Printer's No. 125, was passed over at the request of Mr. ANDREWS.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 362, entitled:

An Act to amend clause (d) of section fifty-nine of the act approved the seventh day of June one thousand nine hundred seventeen (P. L. 447) entitled as amended "An act relating to the administration and distribution of the estates of decedents and of minors and of trust estates including the appointment bonds rights powers duties liabilities accounts discharge and removal of executors administrators guardians and trustees herein designated as fiduciaries the administration and distribution of the estates of presumed decedents widow's and children's exemptions debts of decedents rents of real estate as assets

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 365, entitled:

An Act for the judicial notice of the laws of other jurisdictions and for proof thereof and to make uniform the law with reference thereto

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—194

Achterman,	Ely,	Lichtenwalter,	Sarra,
Ackermann,	Ewing,	Long,	Scanlon,
Allen,	Falkenstein,	Lovett	Schrock,
Allmond,	Fauset,	Lyons,	Schrope,
Alspach,	Finnerty,	Madden,	Schwab,
Andrews,	Fisher,	Malloy,	Self,
Atkins,	Fiss,	Malone,	Serrill,
Auker,	Flanagan,	Marr,	Shaw,
Baker,	Fleming,	Matthews,	Shearer,
Balliet,	Poor,	McClester,	Simons,
Balthaser,	Freed,	McGarrity,	Skale,
Bardes,	Fullerton,	Sloan,	Stewart,
Bennett,	Furman,	McKinney,	Sweeney,
Bohn,	Gates,	McLane,	Tahl,
Bois,	Gillan,	McNally,	Tarr,
Boorse,	Gillette,	McVay,	Taylor,
Boose,	Goll,	Melchiorre,	Terry,
Bower,	Gorski,	Mihm,	Thistle,
Boyd,	Habbyshaw,	Montgomery,	Thompson, E. F.,
Brancato,	Haines,	Mooney,	Thompson, G. R.,
Bretherick,	Hall,	Moran,	Tiemann,
Broad,	Harbeson,	Moser, F. S.,	Tronzo,
Bronson,	Harkins,	Moser, J. L.,	Walsh,
Brown, H. S.,	Haudenshield,	Muir,	Weiss,
Brown, S. W.,	Henry,	Munley,	Welsh, E. B.,
Brunner,	Hess,	O'Connor,	Welsh, M. J.,
Burns,	Hewitt,	O'Dare,	Westrick,
Burris,	Hindman,	O'Keefe,	Williams,
Cadwalader,	Hocke,	O'Neill,	Wilson,
Calvin,	Hoffman, J. N.,	Omlinsky,	Winner,
Carpenter,	Hoffman, S. K.,	O'Neil,	Wood, H. M.,
Chervonak,	Holland,	Peacock,	Wood, L. H.,
Christler,	Hoyt,	Peale,	Wood, N.,
Clark,	Huntley,	Powers,	Woodside,
Clearwater,	James,	Preston,	Yeakel,
Cohen, H. B.,	Johnston,	Readinger,	Turner,
Cohen, R. E.,	Jones,	Reagan,	
Cook,	Kane,	Reese, D. P.,	
Cooper,	Keenan,	Reese, R. E.,	
Cordier,	Kenehan,	Regan,	
Corrigan,	Kilroy,	Reynolds,	
Cortese,	Kline,	Rider,	
Curran,	Knoble,	Riley,	
Dalrymple,	Kowalski,	Robertson,	
DeNote,	Krise,	Rooney,	
Dick,	Lee,	Rose,	
Dix,	Leisey,	Roseberry,	
Donahue,	Levy,	Rosenfeld,	
Downey,	Leydie,	Rothenberger,	
		Royer,	
		Sarge,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 483, entitled:

An Act regulating the appointing or election of deputy controllers in cities of the second class A and prescribing their powers and duties

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—122

Ackermann,	Eckels,	Kowalski,	Shearer,
Alspach,	Ely,	Krise,	Simons,
Atkins,	Ewing,	Lee,	Sloan,
Auker,	Fisher,	Lelsey,	Snyder,
Balliet,	Fiss,	Leydie,	Sollenberger,
Bardes,	Fleming,	Lichtenwalter,	Stambaugh,
Bennett,	Foor,	Lyons,	Stewart,
Boorse,	Freed,	Madden,	Sweeney,
Boose,	Fullerton,	McClester,	Tahl,
Bower,	Gates,	McGarrity,	Taylor,
Boyd,	Gillan,	McKinney,	Terry,
Bretherick,	Gillette,	McNally,	Thistle,
Bronson,	Goll,	McVay,	Thompson, G. R.,
Brown, S. W.,	Gorski,	Montgomery,	Tiemann,
Brunner,	Habbyshaw,	Moser, F. S.,	Trout,
Cadwalader,	Haines,	Moser, J. L.,	Van Allsburg,
Calvin,	Hall,	Muir,	Van Belle,
Carpenter,	Harbeson,	Munley,	Voorhees,
Clark,	Harkins,	Peacock,	Wagner,
Clearwater,	Haudenshield,	Peale,	Watkins,
Cook,	Henry,	Reagan,	Webster,
Cooper,	Hewitt,	Reese, D. P.,	Wilson,
Cordier,	Hocke,	Riley,	Winner,
Cortese,	Hoffman, J. N.,	Robertson,	Wood, H. M.,
Curran,	Hoyt,	Rose,	Wood, L. H.,
Dalrymple,	Huntley,	Roseberry,	Wood, N.,
Denman,	James,	Royer,	Woodside,
Dick,	Johnston,	Sarge,	Yeakel,
Dix,	Jones,	Schrock,	Turner,
Donahue,	Kline,	Self,	
Downey,	Knoble,	Serrill,	Speaker.

NAYS—42

Achterman,	Fauset,	Powers,	Stank,
Andrews,	Finnerty,	Preston,	Tarr,
Bohn,	Flanagan,	Readinger,	Thompson, E. F.,
Brancato,	Hess,	Reynolds,	Tronzo,
Broad,	Hindman,	Rider,	Walsh,
Brown, H. S.,	Holland,	Rothenberger,	Weiss,
Burns,	Long,	Sarra,	Welsh, E. B.,
Burris,	Lovett,	Schrope,	Welsh, M. J.,
Cohen, H. B.,	Mihm,	Shaw,	Westrick,
Cohen, R. E.,	O'Connor,	Skale,	Williams,
Falkenstein,	Omlinsky,		

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 364, entitled:

An Act making business records competent legal evidence under certain conditions and making uniform the law with reference thereto

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—197

Achterman,	Downey,	Long,	Scanlon,
Ackermann,	Ely,	Lovett,	Schrock,
Allen,	Ewing,	Lyons,	Schrope,
Allmond,	Falkenstein,	Madden,	Schwab,
Alspach,	Fauset,	Malloy,	Self,
Andrews,	Finnerty,	Malone,	Serrill,

Atkins,	Fisher,	Marr,	Shaw,
Auker,	Fiss,	Matthews,	Shearer,
Baker,	Flanagan,	McClester,	Simons,
Balliet,	Fleming,	McGarrity,	Skale,
Balthaser,	Foor,	McKinney,	Sloan,
Bardes,	Freed,	McLane,	Snyder,
Bennett,	Fullerton,	McNally,	Sollenberger,
Bohn,	Furman,	McVay,	Stambaugh,
Bois,	Gates,	Melchiorre,	Stank,
Boney,	Gillan,	Mihm,	Stewart,
Booree,	Gillette,	Montgomery,	Sweeney,
Boose,	Goll,	Mooney,	Tahl,
Bower,	Gorski,	Moran,	Tarr,
Boyd,	Habbyshaw,	Moser, F. S.,	Taylor,
Brancato,	Haines,	Moser, J. L.	Terry,
Bretherick,	Hall,	Muir,	Thistle,
Broad,	Harbeson,	Munley,	Thompson, E. F.,
Bronson,	Harkins,	O'Connor,	Thompson, G. R.,
Brown, H. S.,	Haudenshield,	O'Dare,	Tiemann,
Brown, S. W.,	Henry,	O'Keefe,	Tronzo,
Brunner,	Hess,	Ominsky,	Trout,
Burns,	Hewitt,	O'Neill,	Van Allsburg,
Burriss,	Hindman,	Peacock,	Van Belle,
Cadwalader,	Hocke,	Peale,	Voorhees,
Calvin,	Hoffman, J. N.,	Powers,	Wagner,
Carpenter,	Hoffman, S. K.,	Preston,	Walsh,
Chervenak,	Holland,	Readinger,	Watkins,
Christler,	Hoyt,	Reagan,	Webster,
Clark,	Huntley,	Reese, D. P.,	Weiss,
Clearwater,	James,	Reese, R. E.,	Welsh, E. B.,
Cohen, H. B.,	Johnston,	Regan,	Welsh, M. J.,
Cohen, R. E.,	Jones,	Reynolds,	Westrick,
Cook,	Kane,	Rhodes,	Wilkinson,
Cooper,	Kenehan,	Rider,	Williams,
Cordier,	Kilroy,	Riley,	Wilson,
Corrigan,	Kline,	Robertson,	Winner,
Cortese,	Knoble,	Rooney,	Wood, H. M.,
Curran,	Kowalski,	Rose,	Wood, L. H.,
Dalrymple,	Krise,	Roseberry,	Wood, N.,
Denman,	Lee,	Rosenfeld,	Woodside,
DeNote,	Lelsey,	Rothenberger,	Yeakel,
Dick,	Levy,	Royer,	Turner,
Dix,	Leydic,	Sarge,	Speaker.
Donahue,	Lichtenwalter,	Sarra,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

BILL PASSED OVER

There being no objection House Bill No. 172, Printer's No. 102 was passed over at the request of Mr. MORAN.

BILL ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 374, entitled:

An Act to amend section three of article one and section forty of article four of the act approved the twentieth day of June one thousand nine hundred nineteen (P. L. 521) entitled as amended "An act providing for the imposition and collection of certain taxes upon the transfer of property passing from a decedent who was a resident of this Commonwealth at the time of his death and of property within this Commonwealth of a decedent who was a nonresident of the Commonwealth at the time of his death defining and taxing transfers made in contemplation of death defining as a transfer and taxing the right of survivorship in property as to which such right exists and making it unlawful for any corporation of this Commonwealth or national banking association located therein to transfer the stock of such corporation or banking association standing in the name of any such decedent until the tax on the transfer thereof has been paid and providing penalties and citing certain acts for repeal" providing for the release of lien of inheritance tax on remainder interests in real estate in certain cases by entry of security therefor and providing for the repayment of taxes paid in excess of amount due on future estates

And said bill having read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—197

Achterman,	Downey,	Lichtenwalter,	Sarra,
Ackermann,	Ely,	Long,	Scanlon,
Allen,	Ewing,	Lovett,	Schrock,
Allmond,	Falkenstein,	Lyons,	Schrope,
Alspach,	Fauset,	Madden,	Schwab,
Andrews,	Finnerty,	Malloy,	Self,
Atkins,	Fisher,	Malone,	Serrill,
Auker,	Fiss,	Marr,	Shaw,
Baker,	Flanagan,	Matthews,	Shearer,
Balliet,	Fleming,	McClester,	Simons,
Balthaser,	Foor,	McGarrity,	Skale,
Bardes,	Freed,	McKinney,	Sloan,
Bennett,	Fullerton,	McLane,	Snyder,
Bohn,	Furman,	McNally,	Sollenberger,
Boles,	Gates,	McVay,	Stambaugh,
Boney,	Gillan,	Melchiorre,	Stank,
Booree,	Gillette,	Mihm,	Stewart,
Boose,	Goll,	Montgomery,	Sweeney,
Bower,	Gorski,	Mooney,	Tahl,
Boyd,	Habbyshaw,	Moran,	Tarr,
Brancato,	Haines,	Moser, F. S.,	Taylor,
Bretherick,	Hall,	Moser, J. L.,	Terry,
Broad,	Harbeson,	Muir,	Thistle,
Bronson,	Harkins,	Munley,	Thompson, E. F.,
Brown, H. S.,	Haudenshield,	O'Connor,	Thompson, G. R.,
Brown, S. W.,	Henry,	O'Dare,	Tiemann,
Brunner,	Hess,	O'Keefe,	Tronzo,
Burns,	Hewitt,	Ominsky,	Trout,
Burriss,	Hindman,	O'Neill,	Van Allsburg,
Cadwalader,	Hocke,	Peacock,	Van Belle,
Calvin,	Hoffman, J. N.,	Peale,	Voorhees,
Carpenter,	Hoffman, S. K.,	Powers,	Wagner,
Chervenak,	Holland,	Preston,	Walsh,
Christler,	Hoyt,	Readinger,	Watkins,
Clark,	Huntley,	Reagan,	Webster,
Clearwater,	James,	Reese, D. P.,	Weiss,
Cohen, H. B.,	Johnston,	Reese, R. E.,	Welsh, E. B.,
Cohen, R. E.,	Jones,	Regan,	Welsh, M. J.,
Cook,	Kane,	Reynolds,	Westrick,
Cooper,	Kenehan,	Rider,	Wilkinson,
Cordier,	Kilroy,	Riley,	Williams,
Corrigan,	Kline,	Robertson,	Wilson,
Cortese,	Knoble,	Rooney,	Winner,
Curran,	Kowalski,	Rose,	Wood, H. M.,
Dalrymple,	Krise,	Roseberry,	Wood, L. H.,
Denman,	Lee,	Rosenfeld,	Wood, N.,
DeNote,	Lelsey,	Rothenberger,	Woodside,
Dick,	Levy,	Royer,	Yeakel,
Dix,	Leydic,	Sarge,	Turner,
Donahue,			Speaker.

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

BILLS PASSED OVER

There being no objection House Bill No. 260, Printer's No. 104 was passed over at the request of Mr. MORAN.

There being no objection House Bill No. 486, Printer's No. 118 was passed over at the request of Mr. HERBERT B. COHEN.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 369, entitled:

An Act to further amend section eleven of the act approved the twenty-sixth day of April one thousand eight

hundred and fifty-five (P. L. 328) entitled "An act relating to corporations and to estates held for corporate religious and charitable uses" to change the duration of the period within which certain conveyances are void

And said bill having read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—198

Achterman,	Downey,	Long,	Sarra,
Ackermann,	Ely,	Lovett,	Scanlon,
Allen,	Ewing,	Lyons,	Schrock,
Allmond,	Falkenstein,	Madden,	Schrope,
Alspach,	Fauset,	Malloy,	Schwab,
Andrews,	Finnerty,	Malone,	Self,
Atkins,	Fisher,	Marr,	Serrill,
Auker,	Fiss,	Matthews,	Shaw,
Baker,	Flanagan,	McClester,	Shearer,
Balliet,	Fleming,	McGarrity,	Simons,
Balthaser,	Foor,	McKinney,	Skale,
Bardes,	Freed,	McLane,	Sloan,
Bennett,	Fullerton,	McNally,	Snyder,
Bohn,	Furman,	McVay,	Sollenberger,
Boles,	Gates,	Melchiorre,	Stambaugh,
Boney,	Gillan,	Mihm,	Stank,
Boorse,	Gillette,	Montgomery,	Stewart,
Boose,	Goll,	Mooney,	Sweeney,
Bower,	Gorski,	Moran,	Tahl,
Boyd,	Habbyshaw,	Moser, F. S.,	Tarr,
Brancato,	Haines,	Moser, J. L.,	Taylor,
Bretherick,	Hall,	Muir,	Terry,
Broad,	Harbeson,	Munley,	Thistle,
Bronson,	Harkins,	O'Brien,	Thompson, E. F.,
Brown, H. S.,	Haudenschild,	O'Connor,	Thompson, G. R.,
Brown, S. W.,	Henry,	O'Dare,	Tiemann,
Brunner,	Hess,	C'Keefe,	Tronzo,
Burns,	Hewitt,	Ominsky,	Trout,
Burris,	Hindman,	O'Neill,	VanAllsburg,
Cadwalader,	Hocke,	Peacock,	Van Belle,
Calvin,	Hoffman, J. N.,	Peale,	Voorhees,
Carpenter,	Hoffman, S. K.,	Powers,	Wagner,
Chervenak,	Holland,	Preston,	Wall,
Christler,	Hoyt,	Readinger,	Watkins,
Clark,	Huntley,	Reagan,	Webster,
Clearwater,	James,	Reese, D. P.,	Welss,
Cohen, H. B.,	Johnston,	Reese, R. E.,	Welsh, E. B.,
Cohen, R. E.,	Jones,	Regan,	Welsh, M. J.,
Cook,	Kane,	Reynolds,	Westrick,
Cooper,	Kenehan,	Rider,	Wilkinson,
Cordier,	Kilroy,	Riley,	Williams,
Corrigan,	Kline,	Robertson,	Wilson,
Cortese,	Knoble,	Rooney,	Winner,
Curran,	Kowalski,	Rose,	Wood, H. M.,
Dalrymple,	Krise,	Roseberry,	Wood, L. H.,
Denman,	Lee,	Rosenfeld,	Wood, N.,
DeNote,	Lelsey,	Rothenberger,	Woodside,
Dick,	Levy,	Royer,	Yeakel,
Dix,	Leydic,	Sarge,	Turner,
Donahue,	Lichtenwalter,		Speaker.

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 370, entitled:

An Act to further amend section six of the act approved the seventh day of June one thousand nine hundred and seventeen (P. L. 403) entitled "An act relating to the form execution revocation and interpretation of wills to nuncupative wills to the appointment of testamentary guardians to spendthrift trusts to forfeiture of devise or legacy in case of murder of testator to elections to take under or against wills and to the recording and register-

ing of such elections and of decrees relative thereto and to the fees therefor" to change the duration of the period within which certain bequests or devises are void

And said bill having read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—198

Achterman,	Downey,	Long,	Sarra,
Ackermann,	Ely,	Lovett,	Scanlon,
Allen,	Ewing,	Lyons,	Schrock,
Allmond,	Falkenstein,	Madden,	Schrope,
Alspach,	Fauset,	Malloy,	Schwab,
Andrews,	Finnerty,	Malone,	Self,
Atkins,	Fisher,	Marr,	Serrill,
Auker,	Fiss,	Matthews,	Shaw,
Baker,	Flanagan,	McClester,	Shearer,
Balliet,	Fleming,	McGarrity,	Simons,
Balthaser,	Foor,	McKinney,	Skale,
Bardes,	Freed,	McLane,	Sloan,
Bennett,	Fullerton,	McNally,	Snyder,
Bohn,	Furman,	McVay,	Sollenberger,
Boles,	Gates,	Melchiorre,	Stambaugh,
Boney,	Gillan,	Mihm,	Stank,
Boorse,	Gillette,	Montgomery,	Stewart,
Boose,	Goll,	Mooney,	Sweeney,
Bower,	Gorski,	Moran,	Tahl,
Boyd,	Habbyshaw,	Moser, F. S.,	Tarr,
Brancato,	Haines,	Moser, J. L.,	Taylor,
Bretherick,	Hall,	Muir,	Terry,
Broad,	Harbeson,	Munley,	Thistle,
Bronson,	Harkins,	O'Brien,	Thompson, E. F.,
Brown, H. S.,	Haudenschild,	O'Connor,	Thompson, G. R.,
Brown, S. W.,	Henry,	O'Dare,	Tiemann,
Brunner,	Hess,	C'Keefe,	Tronzo,
Burns,	Hewitt,	Ominsky,	Trout,
Burris,	Hindman,	O'Neill,	VanAllsburg,
Cadwalader,	Hocke,	Peacock,	Van Belle,
Calvin,	Hoffman, J. N.,	Peale,	Voorhees,
Carpenter,	Hoffman, S. K.,	Powers,	Wagner,
Chervenak,	Holland,	Preston,	Walsh,
Christler,	Hoyt,	Readinger,	Watkins,
Clark,	Huntley,	Reagan,	Webster,
Clearwater,	James,	Reese, D. P.,	Welss,
Cohen, H. B.,	Johnston,	Reese, R. E.,	Welsh, E. B.,
Cohen, R. E.,	Jones,	Regan,	Welsh, M. J.,
Cook,	Kane,	Reynolds,	Westrick,
Cooper,	Kenehan,	Rider,	Wilkinson,
Cordier,	Kilroy,	Riley,	Williams,
Corrigan,	Kline,	Robertson,	Wilson,
Cortese,	Knoble,	Rooney,	Winner,
Curran,	Kowalski,	Rose,	Wood, H. M.,
Dalrymple,	Krise,	Roseberry,	Wood, L. H.,
Denman,	Lee,	Rosenfeld,	Wood, N.,
DeNote,	Lelsey,	Rothenberger,	Woodside,
Dick,	Levy,	Royer,	Yeakel,
Dix,	Leydic,	Sarge,	Turner,
Donahue,	Lichtenwalter,		Speaker.

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 372, entitled:

An Act concerning the risk of loss after a contract to sell realty and to make uniform the law with reference thereto

And said bill having read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—198

Achterman.	Downey,	Long,	Scanlon,
Ackermann,	Ely,	Lovett,	Schrock,
Allen,	Ewing,	Lyons,	Schrope,
Allmond,	Falkenstein,	Madden,	Schwab,
Alspach,	Fauset,	Malloy,	Seif,
Andrews,	Finnerty,	Malone,	Serrill,
Atkins,	Fisher,	Marr,	Shaw,
Auker,	Fiss,	Matthews,	Shearer,
Baker,	Flanagan,	McClester,	Simons,
Balliet,	Fleming,	McGarrity,	Skale,
Balthaser,	Foor,	McKinney,	Sloan,
Bardes,	Freed,	McLane,	Snyder,
Bennett,	Fullerton,	McNally,	Sollenberger,
Bohn,	Furman,	McVay,	Stambaugh,
Bols,	Gates,	Melchiorre,	Stank,
Boney,	Gillan,	Mihm,	Stewart,
Boorse,	Gillette,	Montgomery,	Sweeney,
Boose,	Goll,	Mooney,	Tahl,
Bower,	Gorski,	Moran,	Tarr,
Boyd,	Haboyshaw,	Moser, F. S.,	Taylor,
Brancato,	Haines,	Moser, J. L.,	Terry,
Bretherick,	Hall,	Muir,	Thistle,
Broad,	Harbeson,	Munley,	Thompson, E. F.,
Bronson,	Harkins,	O'Brien,	Thompson, G. R.,
Brown, H. S.,	Haudenshield,	O'Connor,	Thiemann,
Brown, S. W.,	Henry,	O'Dare,	Tronzo,
Brunner,	Hess,	O'Keefe,	Trout,
Burns,	Hewitt,	Ominsky,	VanAllsburg,
Burriss,	Hindman,	O'Neill,	Van Belle,
Cadwalader,	Hocke,	Peacock,	Voorhees,
Calvin,	Hoffman, J. N.,	Peale,	Wagner,
Carpenter,	Hoffman, S. K.,	Powers,	Walsh,
Chervenak,	Holland,	Preston,	Watkins,
Christler,	Hoyt,	Readinger,	Webster,
Clark,	Huntley,	Reagan,	Weiss,
Clearwater,	James,	Reese, D. P.,	Welsh, E. B.,
Cohen, H. B.,	Johnston,	Reese, R. E.,	Welsh, M. J.,
Cohen, R. E.,	Jones,	Regan,	Westrick,
Cook,	Kane,	Reynolds,	Wilkinson,
Cooper,	Kenehan,	Rider,	Williams,
Cordier,	Kilroy,	Riley,	Wilson,
Corrigan,	Kline,	Robertson,	Winner,
Cortese,	Knoble,	Rooney,	Wood, H. M.,
Curran,	Kowalski,	Rose,	Wood, L. H.,
Dalrymple,	Krise,	Roseberry,	Wood, N.,
Denman,	Lee,	Rosenfeld,	Woodside,
DeNote,	Leisey,	Rothenberger,	Yeakel,
Dick,	Levy,	Royer,	Turner,
Dix,	Leydic,	Sarge,	Speaker.
Donahue,	Lichtenwalter,	Sarraf,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

BILL PASSED OVER

There being no objection House Bill No. 575, Printer's No. 120, was passed over the request of Mr. WOODSIDE.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 480, as follows:

An Act regulating the appointment promotion suspension reduction removal and reinstatement of employes (except chiefs deputy chiefs and chief clerks) in bureaus of fire and fire alarm operators and fire box inspectors in bureaus of electricity in cities of the second class defining the powers and duties of Civil Service Commissions for such purpose in said cities and repealing inconsistent legislation

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 All positions in the bureau of fire in each city of the second class except the chief officer in charge of such bureau of fire under the director of the department by whatever title his position may be designated his ranking deputy by whatever title his position may be designated and the chief clerk in each bureau of fire and the positions of fire alarm operators and fire alarm box inspectors in the bureau of electricity in each of said cities shall be in the competitive class of the Civil Service of said city

Section 2 The Civil Service Commissions in cities of the second class shall not have the power to change any rule or regulation which shall have been established and which is in force and effect on the date of the approval of this act insofar as the same shall apply to the positions provided in this act to be in the competitive class nor shall any such Commission have the power to waive any such rule or regulation in any specific case or cases

Section 3 Each applicant for original appointment to a position in the competitive class in any bureau of fire in any city of the second class or to the position of fire alarm operator or fire alarm box inspector in any bureau of electricity in any such city shall undergo a physical examination which shall be conducted by a Commission composed of doctors of medicine appointed for that purpose by the mayor Said Commission shall certify to the Civil Service Commission that the applicant is free from bodily or mental defects deformities or diseases that might incapacitate him from the performance of the duties of the position he is seeking before such applicant shall be permitted to take any further examination No application for such appointment shall be received from any person who is under twenty-one years of age or over thirty-five years of age at the date of his application Nor shall any such application be received from any person who shall not have been a bona fide resident of the city for one year next preceding the date of his application Provided however That any applicant for reinstatement as a member of the bureau of fire or as a fire alarm operator or as a fire alarm box inspector of any such city in which he makes such application who shall have served previously as an employe in such bureau for a period of more than six months and who at the time of his application for reinstatement shall be a resident of such city shall be eligible for such reinstatement even though such applicant shall be over the age of thirty-five years.

Section 4 Reinstatements as employees in said bureaus of fire and as fire alarm operators and fire alarm box inspectors in said bureaus of electricity may be made without any restriction or restrictions as to time No examination other than a physical examination as directed by the Civil Service Commission shall be required in any case of reinstatement Any person so reinstated shall be the lowest in rank in the bureau in which he shall be reinstated next above the probationers in such bureau

No person employed in a competitive position in any bureau of fire or as a fire alarm operator or as a fire alarm box inspector in any bureau of electricity in any city of the second class shall be eligible for promotion from a lower grade to a higher grade until such person shall have completed at least two years' service in said lower grade

Section 5 No employee in the competitive class in any bureau of fire in any city of the second class shall be removed discharged or suspended for a period exceeding ten (10) days as a penalty or reduced in rank or pay without his written consent except for just cause which shall not be religious or political nor in any event except by the decision of a court either of trial or inquiry duly determined and certified in writing to the mayor and approved in writing by the mayor which court shall be composed of three persons employed in said bureau of fire equal or superior in rank therein to the accused Such decision shall only be determined by trial of charges with plain specifications made by or lodged with the Director of the Department of Public Safety of which trial the accused shall have due notice and at which he shall have the right to be present in person and also by a brother employee or an attorney-at-law to act as his counsel The persons composing such court shall be ap-

pointed as hereinafter provided and shall be sworn by the Director of the Department of Public Safety to perform their duties impartially and without fear or favor and the person of highest rank in said court shall have the same authority to issue and enforce process to secure the attendance of witnesses and to administer oaths to witnesses as is possessed by any justice of the peace of this Commonwealth. If said persons shall be equal in rank then the persons composing such court shall select one of their number to exercise said authority. Such charges may be of disability for service in which case the court shall be one of inquiry whose decision may be for the honorable discharge from the service of the employee concerned or of neglect or violation of law or duty inefficiency intemperance disobedience of orders or unbecoming official or personal conduct in which cases the court shall be one of trial and its decision shall authorize the Director of the Department of Public Safety to impose fines and pecuniary penalties to be stopped from pay or to suspend from pay or duty or both for a period fixed by them not exceeding one year or to dismiss from the service. It shall be lawful for the Director of the Department of Public Safety at his discretion to suspend from duty before trial any employee charged as aforesaid until such trial can be had with or without pay as such court shall afterwards determine but no trial shall be delayed for more than one month after the charge has been made.

Section 6 The members of such court of inquiry or trial shall be selected as follows The Director of the Department of Public Safety shall in the presence of the employee charged and his brother officer or attorney-at-law acting as his counsel as aforesaid cause the names of at least fifty employees of the bureau of fire who hold a position in the competitive class equal or superior in rank to the employee under charges to be written upon separate slips of paper of the same size color and texture and folded or rolled so that the names thereon cannot be distinguished until drawn as hereinafter provided cause said slips to be placed in a box or other receptacle properly adapted for the drawing therefrom of names by law as hereinafter provided Said fifty names so deposited shall be provided as follows The Director of the Department of Public Safety shall supply twenty-five thereof and the employee so charged shall supply twenty-five thereof When said names shall have been so deposited in said box or receptacle the same shall be thoroughly shaken by some disinterested person until said slips of paper shall have been thoroughly mixed and thereupon such disinterested person shall draw therefrom singly and by law seven names and the Director of the Department of Public Safety and the person so charged shall each in order be entitled to exercise alternate challenges until the names of three persons are left and said three persons shall compose said court either of trial or inquiry as the case may be Any employee so charged may waive by his written consent the selection of a board by agreeing to the board that has already been chosen Any employee so charged if he shall demand it in writing shall be furnished promptly without cost or expense to him a transcript of the testimony taken before said court of inquiry or trial duly certified by the official reporter

After said decision of said court shall have been duly determined certified in writing to the mayor and approved by the mayor in writing the Director of the Department of Public Safety shall before imposing the penalty so determined furnish the person so charged with a written statement of the reasons for his said action and shall afford the person so charged a period of at least five days within which to make reply thereto if he so desires In every case of such removal discharge suspension reduction or fine a copy of the statement of the reasons therefor and the written answer thereto of the person so sought to be penalized if any together with a transcript of the proceedings and decision of said trial court shall be furnished forthwith to the Civil Service Commission and entered upon its records If the employee affected shall demand it the Civil Service Commission shall upon his written request therefor grant him a public hearing which hearing shall be held within a period of fifteen days from his said request At such hearing the burden of proof shall be upon the removing officer to justify his action If the

Civil Service Commission shall fail to sustain the action of the removing officer the person sought to be removed shall be reinstated with full pay for the entire period during which he may have been prevented from performing his usual employment and no charges shall be recorded against him A written record of all testimony taken at such hearing shall be kept and preserved by the Civil Service Commission which record shall be sealed and not be available for public inspection unless an appeal be taken by the employee from the action of the Commission Any employee so charged if he shall demand it in writing shall be furnished promptly without cost or expense to him a transcript of the testimony taken before said Civil Service Commission duly certified by the official reporter If the Civil Service Commission shall sustain the action of the removing officer the person removed shall have the right to appeal to the court of common pleas of the county which appeal shall be taken within ninety days from the entry by the Civil Service Commission of its final order When such appeal is so taken the Civil Service Commission shall not later than ten days after notice of such appeal shall have been served upon it by the employee appealing make and certify to the court of common pleas a complete record including the written charges the employee's answer thereto if any the testimony taken before the Commission and all other papers and documents in its files in connection with said appeal The court of common pleas shall have the power to inspect said record and if it shall find the same to be incomplete or insufficient in any matter to order and direct the Civil Service Commission to supply such defect The court of common pleas shall proceed to hear said appeal upon the record so certified and no additional evidence shall be introduced The court of common pleas shall have the power to affirm or reverse the order of the Civil Service Commission or in its discretion to modify the same Any employee so charged who shall be dissatisfied with the decision of the court of common pleas shall have the right to appeal to the Supreme Court of Pennsylvania Neither the city the removing officer nor any person other than the employee so charged shall have any right to appeal either to the court of common pleas or to the Supreme Court of Pennsylvania The power to suspend shall in no event be for minor or petty offenses or for political or religious reasons

Section 7 If for reasons of economy lack of funds abolition of position or positions or for any other reason it becomes necessary for any city of the second class to reduce the number of employees of its bureau of fire or the number of fire alarm operators or fire alarm box inspectors in its bureau of electricity then the city shall follow the following procedure

First If there are any employees in its bureau of fire fire alarm operators or fire alarm box inspectors eligible for retirement under the terms of any pension fund then such reduction in numbers shall be made by retirement on pension of all the oldest in age and service

Second If the number of employees in its bureau of fire fire alarm operators and fire alarm box inspectors eligible for retirement under the pension fund of said city if any is insufficient to effect the reduction in number desired by said city or if there is no eligible person for retirement or if no pension fund exists in said city then the reduction shall be effected by suspending the last man or men including probationers that have been appointed Such removal shall be accomplished by suspending in numerical order commencing with the last man appointed all recent appointees until such reduction shall have been accomplished Whenever the number of such employees in the bureau of fire or fire alarm operators or fire alarm box inspectors in the bureau of electricity shall again be increased in numbers or if any vacancies occur the employees suspended under the terms of this act shall be reinstated to their former class before any new appointees are appointed

Section 8 If any person in the employ of a city of the second class as a fireman and employee in the bureau of fire or as a fire alarm operator or fire alarm box inspector in the bureau of electricity in such city shall be convicted of crime the proper appointing officer shall not

be required to dismiss such employees but shall have the right and power to retain such employee in his said position if in the discretion of such appointing officer the facts and circumstances surrounding the conviction of such employee such as not to require his dismissal.

Section 9 The provisions of this act shall be severable and if any of its provisions shall be held to be unconstitutional the decision of the court shall not affect the validity of the remaining provisions of this act. It is hereby declared as a legislative intent that this act would have been adopted by the General Assembly had such unconstitutional provision not been included therein.

Section 10 The act approved the thirty-first day of May one thousand nine hundred and thirty-three (Pamphlet Laws 1108) entitled "An act providing for the appointment promotion reduction removal and reinstatement of paid officers firemen and employees of fire departments and of fire alarm operators and fire box inspectors in the bureaus of electricity in cities of the second and third class defining the powers and duties of civil service commissions for such purposes and fixing penalties" is hereby repealed in so far as the same applies to cities of the second class.

All other acts and parts of acts general special or local inconsistent with this act are hereby repealed.

Section 11 It is the purpose of this act to furnish in connection with the act of Assembly approved the third day of May one thousand nine hundred and seven (Pamphlet Laws 206) entitled "An act to regulate and improve the Civil Service of cities of the second class in the Commonwealth of Pennsylvania making violations of its provisions to be misdemeanors and providing penalties for violations thereof" a complete and exclusive system for the appointment promotion reduction removal suspension and reinstatement of employees in the competitive class in bureaus of fire and of all fire alarm operators and fire alarm box inspectors in the bureaus of electricity in cities of the second class.

Section 12 This act shall become effective immediately upon final enactment.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—199

Achterman,	Downey,	Lichtenwalter,	Sarraf,
Ackermann,	Ely,	Long,	Scanlon,
Allen,	Ewing,	Lovett,	Schrock,
Allmond,	Falkenstein,	Lyons,	Schrope,
Alspach,	Fauset,	Madden,	Schwab,
Andrews,	Finnerty,	Malloy,	Self,
Atkins,	Fisher,	Malone,	Serrill,
Auker,	Fiss,	Marr,	Shaw,
Baker,	Flanagan,	Matthews,	Shearer,
Balliet,	Fleming,	McClester,	Simons,
Balthaser,	Foor,	McGarrity,	Skale,
Bardes,	Freed,	McKinney,	Sloan,
Bennett,	Fullerton,	McLane,	Snyder,
Bohn,	Furman,	McNally,	Sollenberger,
Boles,	Gates,	McVay,	Stambaugh,
Boney,	Gillan,	Melchiorre,	Stank,
Boorse,	Gillette,	Mihm,	Stewart,
Boose,	Goll,	Montgomery,	Sweeney,
Bower,	Gorski,	Mooney,	Tahl,
Boyd,	Habbyslaw,	Moran,	Tarr,
Brancato,	Haines,	Moser, F. S.,	Taylor,
Bretherick,	Hall,	Moser, J. L.	Terry,
Broad,	Harbeson,	Mulr,	Thistle,
Bronson,	Harkins,	Munley,	Thompson, E. F.,
Brown, H. S.,	Haudenshield,	O'Brien,	Thompson, G. R.,
Brown, S. W.	Henry,	O'Connor,	Tiemann,
Brunner,	Hess,	O'Dare,	Tronzo,
Burns,	Hewitt,	O'Keefe,	Trout,
Burris,	Hindman,	Ominsky,	VanAllsburg,
Cadwalader,	Hocke,	O'Neill,	Van Belle,
Calvin,	Hoffman, J. N.,	Peacock,	Voorhees,
Carpenter,	Hoffman, S. K.,	Peale,	Wagner,
Chervenak,	Holland,	Powers,	Walsh,
Christler,	Hoyt,	Preston,	Watkins,

Clark,	Huntley,	Readinger,	Webster,
Clearwater,	James,	Reagan,	Weiss,
Cohen, H. B.	Johnston,	Reese, D. P.,	Welsh, E. B.,
Cohen, R. E.,	Jones,	Reese, R. E.	Welsh, M. J.,
Cook,	Kane,	Regan,	Westrick,
Cooper,	Keenan,	Reynolds,	Wilkinson,
Cordier,	Kenehan,	Rider,	Williams,
Corrigan,	Kilroy,	Riley,	Wilson,
Cortese,	Kline,	Robertson,	Winner,
Curran,	Knoble,	Rooney,	Wood, H. M.,
Dalrymple,	Kowalski,	Rose,	Wood, L. H.,
Denman,	Krise,	Roseberry,	Wood, N.,
DeNote,	Lee,	Rosenfeld,	Woodside,
Dick,	Leisey,	Rothenberger,	Yeakel,
Dix,	Levy,	Royer,	Turner,
Donahue,	Leydic,	Sarge,	Speaker.

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 358, entitled:

An Act to amend section one of the act approved the seventh day of June one thousand nine hundred seventeen (P. L. 388) entitled "An act relating to the jurisdiction powers and procedure of the orphans' court and the court of common pleas as to sales mortgages conveyances or ground-rent leases extinguishment of ground-rents partition exchange squaring and adjusting of lines between adjoining owners consolidation and combination of mining lands and the leasing thereof the joining by owners of undivided interests in making and taking conveyances in order to change the route or location of any right of way or passage over adjoining or other lands and the subdivision of premises so as to command the highest price or greatest rents and for such purpose the laying out or dedication of roads streets and alleys or the vacation of such as have not been accepted by the public authorities where the court shall be of opinion that such decree will be to the interest and advantage of all those interested and where the legal title is held by minors lunatics habitual drunkards or weak-minded persons a married person whose spouse is a lunatic or has abandoned him or her for one year or has been absent and unheard of for seven years by corporations having no capacity to convey or by any unincorporated association by any religious beneficial or charitable society or association incorporated or unincorporated and the title is subject to forfeiture if real estate is held in excess of the amount prescribed by its charter or by law by a corporation or individual or individuals and is subject to a trust of any description whatever by any person as to whom a presumption of death may have arisen or any interest wherein is held by any person under legal disability to dispose thereof where the legal title is an estate tail or is subject to the lien of debts of a decedent not of record contingent remainders executory devises or remainders to a class some or all of whom may not be in being or ascertained where estates shall have been devised or granted for special or limited purposes where there is a power of sale but the time may not have arrived for its exercise any preliminary act may not have been done to bring it into exercise the time limited for its exercise may have expired or any one or more persons required to consent or join in its exercise may be non compos mentis have removed out of the State have died refuse to act unreasonably withhold consent or be absent and unheard of where there has been or shall be a defective appointment in any deed or will and the necessary power is not given to the executor devisee or appointee to make sale and conveyance where a trust has been created and no power conferred on the trustee to do any of the acts which the court is hereby empowered to authorize or confirm and to the effects of such decrees" by conferring on

the orphans' court concurrent jurisdiction with the court of common pleas in certain cases

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—199

Achterman,	Downey,	Lichtenwalter,	Sarra,
Ackermann,	Ely,	Long,	Scanlon.
Allen,	Ewing,	Lovett,	Schrock,
Allmond,	Falkenstein,	Lyons,	Schrope,
Alspach,	Fauset,	Madden,	Schwab,
Andrews,	Finnerty,	Malloy,	Seif,
Atkins,	Fisher,	Malone,	Serrill,
Auker,	Fiss,	Marr,	Shaw,
Baker,	Flanagan,	Matthews,	Shearer,
Balliet,	Fleming,	McClester,	Simon,
Balthaser,	Foor,	McGarrity,	Skale,
Bardes,	Freed,	McKinney,	Sloan,
Bennett,	Fullerton,	McLane,	Snyder,
Bohn,	Furman,	McNally,	Sollenberger,
Boies,	Gates,	McVay,	Stambaugh,
Boney,	Gillan,	Melchiorre,	Stank,
Boorse,	Gillette,	Mihm,	Stewart,
Boose,	Goll,	Montgomery,	Sweeney,
Bower,	Gorski,	Mooney,	Tahl,
Boyd,	Habbyshaw,	Moran,	Tarr,
Brancato,	Haines,	Moser, F. S.,	Taylor,
Bretherick,	Hall,	Moser, J. L.,	Terry,
Broad,	Harbeson,	Muir,	Thistle,
Bronson,	Harkins,	Munley,	Thompson, E. F.,
Brown, H. S.,	Haudenschild,	O'Brien,	Thompson, G. R.,
Brown, S. W.,	Henry,	O'Connor,	Tiemann,
Brunner,	Hess,	O'Dare,	Tronzo,
Burns,	Hewitt,	O'Keefe,	Trout,
Burris,	Hindman,	Ominsky,	VanAllsburg,
Cadwalader,	Hocke,	O'Neill,	Voorhees,
Calvin,	Hoffman, J. N.,	Peacock,	Wagner,
Carpenter,	Hoffman, S. K.,	Peale,	Walsh,
Chervenak,	Holland,	Powers,	Watkins,
Christler,	Hoyt,	Preston,	Webster,
Clark,	Huntley,	Readinger,	Weiss,
Clearwater,	James,	Reagan,	Welsh, E. B.,
Cohen, H. B.,	Johnston,	Reese, D. P.,	Welsh, M. J.,
Cohen, R. E.,	Jones,	Reese, R. E.,	Westrick,
Cook,	Kane,	Regan,	Wilkinson,
Cooper,	Keenan,	Reynolds,	Williams,
Cordier,	Kenahan,	Rider,	Wilson,
Corrigan,	Kilroy,	Riley,	Winner,
Cortese,	Kline,	Robertson,	Wood, H. M.,
Curran,	Knoble,	Rooney,	Wood, L. H.,
Dalrymple,	Kowalski,	Rose,	Wood, N.,
Denman,	Krise,	Roseberry,	Woodside,
DeNote,	Lee,	Rosenfeld,	Yeakel,
Dick,	Lelsey,	Rothenberger,	Turner,
Dix,	Levy,	Royer,	Speaker.
Donahue,	Leydie,	Sarge,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

BILLS PASSED OVER

There being no objection House Bill No. 410, Printer's No. 130, was passed over at the request of Mr. WOODSIDE.

There being no objection House Bill No. 373, Printer's No. 110, was passed over at the request of Mr. ANDREWS.

ANNOUNCEMENT BY THE CLERK

"I would appreciate it if the following members of the House meet me immediately in the Conference Room at the rear of the Hall of the House: Messrs. Tay-

lor, Ewing, Sweeney, Krise, Shearer, Rose, Hocke, Wagner, Auker, Wood.

(Signed) DAVID P. REESE, Jr."

RECESS

The SPEAKER. If there are no objections the Chair will declare a recess for ten minutes in order that this Committee may have an opportunity to meet.

The Chair would request the members of the House to be in their seats promptly to await the appearance of the members of the Senate.

The Chair hears none and declares a recess for ten minutes.

AFTER RECESS

The time of recess having expired the House was called to order.

The SPEAKER (Elwood J. Turner) in the Chair.

BILL ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 476, (Senate Bill No. 40), entitled:

An Act making an appropriation to the Department of Forests and Waters for the use of the Pennsylvania State Park and Harbor Commission of Erie and for the joint use of the Department of War of the United States Government and the Department of Forests and Waters of the Commonwealth of Pennsylvania and the use of the Department of Forests and Waters in cooperation with the Federal Beach Erosion Board

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—201

Achterman,	Downey,	Lichtenwalter,	Sarra,
Ackermann,	Ely,	Long,	Scanlon,
Allen,	Ewing,	Lovett,	Schrock,
Allmond,	Falkenstein,	Lyons,	Schrope,
Alspach,	Fauset,	Madden,	Schwab,
Andrews,	Finnerty,	Malloy,	Seif,
Atkins,	Fisher,	Malone,	Serrill,
Auker,	Fiss,	Marr,	Shaw,
Baker,	Flanagan,	Matthews,	Shearer,
Balliet,	Fleming,	McClester,	Simons,
Balthaser,	Foor,	McGarrity,	Skale,
Bardes,	Freed,	McKinney,	Sloan,
Bennett,	Fullerton,	McLane,	Snyder,
Bohn,	Furman,	McNally,	Sollenberger,
Boies,	Gates,	McVay,	Stambaugh,
Boney,	Gillan,	Melchiorre,	Stank,
Boorse,	Gillette,	Mihm,	Stewart,
Boose,	Goll,	Montgomery,	Sweeney,
Bower,	Gorski,	Mooney,	Tahl,
Boyd,	Habbyshaw,	Moran,	Tarr,
Brancato,	Haines,	Moser, F. S.,	Taylor,
Bretherick,	Hall,	Moser, J. L.,	Terry,
Broad,	Harbeson,	Muir,	Thistle,
Bronson,	Harkins,	Munley,	Thompson, E. F.,
Brown, H. S.,	Haudenschild,	O'Brien,	Thompson, G. R.,
Brown, S. W.,	Henry,	O'Connor,	Tiemann,
Brunner,	Hess,	O'Dare,	Tronzo,
Burns,	Hewitt,	O'Keefe,	Trout,
Burris,	Hindman,	Ominsky,	VanAllsburg,
Cadwalader,	Hocke,	O'Neill,	Van Belle,
Calvin,	Hoffman, J. N.,	Peacock,	Voorhees,
Carpenter,	Hoffman, S. K.,	Peale,	Wagner,
Chervenak,	Holland,	Powers,	Walsh,
Christler,	Hoyt,	Preston,	Watkins,

Clark,	Huntley,	Readerer,	Webster,
Clearwater,	James,	Reagan,	Weiss.
Cohen H. B.,	Johnston,	Reese, D. P.,	Welsh, E. B.,
Cohen, R. E.,	Jones,	Reese, R. E.,	Welsh, M. J.,
Cook,	Kane	Regan,	Westrick.
Cooper,	Keenan,	Reynolds,	Wilkinson,
Cordier,	Kenehan,	Rider,	Williams,
Corrigan,	Kilroy,	Riley,	Wilson.
Cortese,	Kline,	Robertson,	Winner
Curran,	Knoble,	Rooney,	Wood, H. M.,
Dalrymple,	Kowalski,	Rose,	Wood, L. H.,
Denman,	Krise,	Roseberry,	Wood, N.,
DeNote,	Lee,	Rosenfeld,	Woodside.
Dick,	Lelsey,	Rothenberger	Yeakel.
Dix,	Levy,	Royer	Turner.
Donahue,	Leydic,	Sarge,	Speaker.
Donohoe,			

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed it without amendment.

SENATE MESSAGE

TIME OF NEXT MEETING

The Clerk of the Senate being introduced presented an extract from the Journal of the Senate, which was read as follows:

In the Senate, March 27, 1939.

Resolved (if the House of Representatives concur), That when the Senate adjourns this week it reconvene on Monday evening, April 3, at nine o'clock; and when the House of Representatives adjourns this week it reconvene on Monday evening, April 3, at eight o'clock.

Ordered, That the Clerk present the same to the House of Representatives for its concurrence.

On the question,

Will the House concur in the resolution of the Senate?

It was concurred in.

Ordered, That the Clerk inform the Senate accordingly.

RECESS

The SPEAKER. If there are no objections the Chair will declare a recess to listen to the addresses of Senator Joseph F. Guffey and Senator James J. Davis. The Chair hears none and a recess is declared.

AFTER RECESS

The time of recess having expired the House was called to order.

The SPEAKER (Ellwood J. Turner) in the Chair.

COMMITTEE MEETINGS

There will be meetings of the Committees on Agriculture, Tuesday, March 28, 1939, at 9:30 a. m., in Room 325.

Education, Tuesday, March 28, 1939, at 11 a. m., in Room 323.

Judiciary General, Tuesday, March 28, 1939, at 11 a. m., in Room A.

Judiciary Special, Tuesday, March 28, 1939 at 12 noon, in Room 333.

Law and Order, Tuesday, March 28, 1939, at 10 a. m., in Room 324.

There will be a meeting of the sub-committee of the Judiciary Special Committee in charge of the Criminal Code tomorrow at 10 a. m. in Room 326-A.

ADJOURNMENT

Mr. CARPENTER. Mr. Speaker, I move that this House do now adjourn until tomorrow at 1 p. m.

The motion was agreed to, and (at 11:15 p. m.) the House adjourned until Tuesday, March 28, 1939, at 1 p. m.

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Legislative Journal.

Session 1939.

133d of the General Assembly.

Vol. 23

HARRISBURG, PA., TUESDAY, MARCH 28, 1939.

No. 30.

SENATE

TUESDAY, March 28, 1939.

The Senate met at 2:00 o'clock, p. m.

The PRESIDENT (Lieutenant-Governor Samuel S. Lewis) in the Chair.

PRAYER

The Chaplain, Rev. BURLEIGH A. PETERS, offered the following prayer:

O Thou Great Divine Creator, we have begun another day's journey in our pilgrimage of this life. This is one day nearer our heavenly home. It is Thy day; may we be glad and rejoice in it.

We rejoice because of the stewardship Thou gavest us to perform this day and we are glad because Thou givest us the ability and strength to accomplish it. We are glad because we are alive and healthful and can praise Thy wondrous works to others even from one generation to another.

Give us grace to assume our responsibilities as Senators in this honorable body, but may we ever be mindful that we are creatures of Thine, always accountable to Thee while we are Senators.

Grant us the upward look from the heights of divinity that we may receive the inspiration to serve humanity. This is our life's mission to accomplish e'er we see the sunset of this life's little day. Strength us to this desired end, Thou Gracious Nazarene, in whose name we pray. Amen.

JOURNAL APPROVED

The PRESIDENT. A quorum of the Senate being present the Clerk will read the Journal of the preceding session.

The Clerk proceeded to read the Journal of the preceding session, when, on motion of Mr. GELDER and Mr. FREY, the further reading was dispensed with, and the Journal was approved.

DISCUSSION CONCERNING SENATE BILL NO. 134

Mr. JASPAN. Mr. President, I have here a statement reciting the objections of Senators Stiefel, DiSilvestro and myself, to Senate Bill No. 134, which was passed last week, which we would like to have spread on the record.

Mr. President, at the outset, we want to make it clear that we have no intention of speaking for the alien who has been in this country long enough to know the advantages of American citizenship which he has thoroughly enjoyed without seeking to become a citizen, but we strenuously object to those features of that bill which immediately brands the newly-landed immigrant as a criminal, despite the fact that he cannot become a citizen however good his intentions until he has lived here a

certain number of years, as regulated by statute. In so far as it says that that type of alien is, in effect, a potential criminal, it is, in our minds, a very dangerous bill and sets a bad precedent. We might go so far as to say it is an unequal law, and it follows that all unequal laws are un-American.

If we had been present on Wednesday, March 15th, we would have voted against the bill compelling registration of aliens—Senate Bill No. 134—in our minds, it is a very dangerous bill and sets a bad precedent.

The Americans are the first people whom God has favored with an opportunity of deliberating upon and choosing the forms of government under which they should live. Ordinarily people become welded into nations after centuries of inter-breeding—Similarity in race, religion, or geographic position account for their national existence. A new nation is forced into being only by violent military or economic necessity.

Today, however, we in America, exist as a nation, though as a people we are unrelated in racial origin, drawn from every corner of the earth, profess every known religious creed and live beyond mere economic necessity. We exist as a nation without any of the ordinary ties required to bind people together as a nation. A resolute purpose forms the solitary corner of our national structure. The common belief in the "equal rights of man" was our one reason for our becoming a separate nation. The preservation of these equal rights is the single purpose of our continuance as a nation. America's purpose is part of the very laws of nature, a persistent truth, struggling for recognition by man. Much before the signing of the Declaration of Independence immigrants came to our shores to be free from religious persecution—escape political tyranny and finally to obtain economic equality, and the persistent devotion to these objectives gained ultimate success and accounted for a new people known as American.

In 1776, America's purpose was written for the first time into human laws—it was the primary legislation of our new nation. Our Declaration of Independence definitely stated that "all men are created equal". Abraham Lincoln, in one of his greatest addresses expressed his understanding of the DECLARATION that "all men are created equal".

The question now is, "Have we advanced in our purpose?" Time will not permit us to discuss this question at the present time. But one thing, we must keep uppermost in our minds—equality of men—. Blood and treasures were sacrificed on its account. Are we now to deviate from our purpose? Are we now to abandon it?

It is an easy matter for us who are safe and secure to pass laws affecting the rights of people who are less safe and secure, but before passing unequal laws, let us con-

sider the fact that we Americans are all immigrants. Not one of us is really native in any profound sense. Everybody in the United States, except the Indians, is now or was once, foreign born.

We find it ridiculous to hear a man whose great-grandfather came to this country look down on a man who comes in now, and "call him alien". For what is a hundred or two hundred years in the life of a nation? The nation is and will be for centuries to come made up of foreign born, that is, people from all countries. And looking at all these people, we discover in them all the diversities of the world, in race, in culture, in religion. Everyone knows what his own country was, even though he came over on the Mayflower.

Mr. President, when we cease to allow people to come in from all over the world, we shall ourselves begin to die, as other nations are dying. New people coming to a new country, bring new impetus in themselves. They are a fresh infusion, uncomfortable perhaps, and even painful, but they are life. We cannot do without them. It is too soon to close our doors. It may always be too soon to close them. Statistics show that those we call our foreign born are among our best.

Crime is less among them, than among the native born.

We demand to know what we shall do now, in our momentary situation with aliens, as we call them, in our jobs, on our relief rolls, and sending good American money out of the country.

We should like, as Americans, to think of America as forever the land to which the restless and the bold, the brilliant and the good out of every people, could come and make their home. We are not fearful of such people starving or starving others by their presence, for they create jobs.

We see these aliens first as human beings, and we observe that many, indeed most of them, are honest and industrious, or as honest and industrious as the upstarts who dare, in this early date in our history, to call themselves the Americans, although personally they lend themselves and encourage all forms of "isms". We need honesty and industry. No nation can have too many people with these qualities. We cannot see why they should not be relieved when they starve—why they should not obtain employment in order to live.

We cannot get excited over the differences. There are hatreds—to us, they are foolish and stupid. It is ridiculous to hate a man because he is different, and the fault is in our education which has not made us enough above the beast to see this. For though men hate each other when they come here, they should be taught as the basis for American citizenship, that here we may differ each from the other, and that diversity is our strength and nature, and that each man is to believe what he feels true, and our one common belief is this—diversity is our safety; our country is based upon diversity of race, and upon freedom of belief, and this is our chief claim to being unique and great.

America, from the very out-set, has had her beginning in all peoples, and her strength is drawn from all peoples and her future. America is still in its infancy—only one hundred and sixty years old approximately. We are still making America. There is no final America yet, for America must continue to grow and grow for the benefit of all mankind. The aliens have stood side by side with us contributing to the progress and welfare of our society

—and fought shoulder to shoulder with us in times of adversity—aliens in this country fought against their own flesh and blood for the sake of America and despite his achievements, we are now ready to single him out, register him as an alien, as we today do with criminals—in fact this bill, if it becomes law, will make him a criminal, and anyone dealing with him a criminal in case of any violation thereof—is this Americanism? To us this bill is unconstitutional and certainly un-American. We would hardly expect our parents or grandparents to register as aliens when they first came to this country. We do not question the integrity of the sponsor of this bill, for we truly believe that he is an American in every sense of the word, but we doubt very much as to whether or not he appreciated its significance. Very often, under the guise of Americanism great harm has been done to individuals. Again, we repeat, this is an unequal law. America has always stood for equality of man, and equal laws for the protection of all.

This bill, in our minds is directed at the minorities, and serves no useful purpose, excepting to brand and label these minorities at every turn and in every quarter as aliens.

Finally, may we reiterate that this bill is a very dangerous one, and certainly conflicts with the government regulation and control of immigrants. The Department of Labor, under the present laws, has the right to adopt rules and regulations governing the conduct of immigrants, and this bill certainly conflicts with the national laws.

H. JEROME JASPAN
ANTHONY DiSILVESTRO
ISRAEL STIEFEL

NOMINATIONS BY THE GOVERNOR

The Secretary to the Governor being introduced, presented communications in writing from His Excellency, the Governor of the Commonwealth, which were read as follows, and referred to the Committee on Executive Nominations.

APPOINTMENT TO BOARD OF TRUSTEES OF INDIANA STATE TEACHERS' COLLEGE

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, March 27, 1939.
To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor to nominate for the advice and consent of the Senate the following persons for appointment as members of the Board of Trustees of Indiana State Teachers' College, for terms of four years and until their successors are qualified:

Cyrus Davis, Ebensburg, Cambria County.
Mrs. Jennie S. Reed, Indiana, Indiana County.

ARTHUR H. JAMES

APPOINTMENT AS MEMBERS TO COUNTY BOARD OF ASSISTANCE

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, March 27, 1939.
To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor to nominate for the advice and consent of the Senate the following persons for appointment as members of the County Boards of Assistance, for the terms set opposite their names, and until their successors are duly appointed and qualified.

ERIE COUNTY

Dr. Norbert D. Gannon, Erie, until December 31, 1941, vice Mrs. Henrietta Fink Fischer.

Mrs. Rachel Spencer, Erie, until December 31, 1940, vice E. C. Dalton.

Homer S. Brown, Erie, until December 31, 1941. (Re-appointment.)

Olin W. Bracken, Corry, until December 31, 1939. (Re-appointment.)

A. J. Scolio, Erie, until December 31, 1939, vice Mrs. Anne Celina Haule.

Francis T. Nagorski, Erie, until December 31, 1940, vice Leo J. Omelian.

P. J. Grant, Erie, until December 31, 1940. (Reappointment.)

McKEAN COUNTY

John Adrian Skooglund, Kane, until December 31, 1941, vice Robert A. Russell.

Chris H. Messerly, Bradford, until December 31, 1941, vice Mrs. Theresa White.

Edward Eugene Drake, Smethport, until December 31, 1940, vice Miss Bernice Horne.

Dr. Francis DeCaria, Bradford, until December 31, 1940, vice Elisha K. Kane.

W. Fred Grow, Duke Center, until December 31, 1939, vice Mrs. Beulah Lee Finney.

William M. Reese, Port Allegany, until December 31, 1940, vice Edward M. O'Neill.

Mrs. Grace P. Nunemaker, Bradford, until December 31, 1939, vice Martin E. Hanson.

YORK COUNTY

H. C. Ulmer, York, until December 31, 1940. (Reappointment.)

Mrs. Nellie B. Neely, High Rock, until December 31, 1940. (Reappointment.)

Charles E. Kephart, York Haven, until December 31, 1941, vice Miss Helen J. Appell.

Clyde S. Buckingham, York, until December 31, 1941, to fill a vacancy.

Mrs. Kathryn R. Fix, York, until December 31, 1940, vice Mrs. Lorma Myers.

Mrs. Caroline M. Delle, York New Salem, until December 31, 1939, vice Miss Lois Rinehardt.

Dr. John E. Sheffer, York, until December 31, 1939, vice Bertram R. Moore.

ARTHUR H. JAMES.

NOTARIES PUBLIC

He also presented in writing from His Excellency, the Governor of the Commonwealth, nominations for appointment as Notaries Public which were laid on the table.

COMMUNICATION FROM THE GOVERNOR

The Secretary to the Governor being introduced presented communication in writing from His Excellency, the Governor of the Commonwealth, which was read as follows:

Commonwealth of Pennsylvania,

Governor's Office, Harrisburg, March 21, 1939.

Honorable George F. Holmes,
Secretary, Senate of Pennsylvania,
Harrisburg, Pennsylvania.

Sir:

Governor James has asked me to thank you for the communication you sent him under date of March 20th, and to supply the information your honorable body requests.

In the letters to the members of the old Employment Board, the Governor informed these members that he was requesting their resignation "for the reason that it is my intention to make some changes in the present membership of the Board."

Sincerely yours,
J. PAUL PEDIGO

BILL SIGNED

The PRESIDENT (Lieutenant-Governor Samuel S. Lewis) announced that the Chief Clerk having reported that the following bills had passed both houses of the General Assembly and the same being correct, the titles were publicly read as follows:

HOUSE BILL No. 80, entitled:

An Act to amend sections one and two of the act, approved the twenty-first day of June, one thousand nine hundred and thirty-seven (P. L. 1937) entitled "An act authorizing the Supreme Court of Pennsylvania to prescribe rules of practice and procedure in civil actions at law and in equity in certain courts of this Commonwealth, to prescribe rules and regulations for the conduct of any general business, either civil or criminal, by judges of any court of record; authorizing the courts of common pleas to prescribe and adopt local rules, not inconsistent with such general rules of the Supreme Court of Pennsylvania; authorizing the Supreme Court of Pennsylvania to appoint a Procedural Rules Committee, and to fix and define its powers and duties; imposing duties on judges and other officers of every court of record," by including the municipal court of Philadelphia.

Whereupon,

The PRESIDENT (Lieutenant-Governor Samuel S. Lewis) in the presence of the Senate signed the same.

HOUSE MESSAGE

HOUSE BILLS FOR CONCURRENCE

The Clerk of the House of Representatives being introduced presented for concurrence bills of the House, as follows:

House Bill No. 24, (Senate Bill No. 295), entitled:

An Act prohibiting any political subdivisions from imposing any income or occupation tax upon non-residents.

Which was committed to the Committee on Finance.

House Bill No. 358, (Senate Bill No. 296), entitled:

An Act to amend section one of the act, approved the seventh day of June, one thousand nine hundred seventeen (P. L. 1917), entitled "Revised Price Act of 1917," by conferring on the orphans' court concurrent jurisdiction with the court of common pleas in certain cases.

Which was committed to the Committee on Judiciary General.

House Bill No. 359, (Senate Bill No. 297), entitled:

An Act to add clause (f) to section twenty-three of the act, approved the seventh day of June, one thousand nine hundred seventeen (P. L. 1917), entitled "Wills Act of 1917," by empowering the orphans' court, in certain cases, to extend the time for filing of elections by surviving spouses to take under or against wills of decedents.

Which was committed to the Committee on Judiciary General.

House Bill No. 362, (Senate Bill No. 298), entitled:

An Act to amend clause (d) of section fifty-nine of the act, approved the seventh day of June, one thousand nine hundred seventeen (P. L. 1917), entitled as amended "Fiduciaries Act of 1917," increasing the amount of estates of minors that may be paid without the appointment of a guardian; and prescribing the conditions of such payments by municipal, state or federal agencies.

Which was committed to the Committee on Judiciary General.

House Bill No. 364, (Senate Bill No. 299), entitled:

An Act making business records competent legal evidence under certain conditions, and making uniform the law with reference thereto.

Which was committed to the Committee on Judiciary General.

House Bill No. 365, (Senate Bill No. 300), entitled:

An Act for the judicial notice of the laws of other jurisdictions and for proof thereof, and to make uniform the law with reference thereto.

Which was committed to the Committee on Judiciary General.

House Bill No. 366, (Senate Bill No. 301), entitled:

An Act making certain written reports or findings of fact made by officers of this Commonwealth competent legal evidence under certain conditions, providing for the cross-examination of certain persons in connection therewith, and making uniform the law with reference thereto.

Which was committed to the Committee on Judiciary General.

House Bill No. 369, (Senate Bill No. 302), entitled:

An Act to further amend section eleven of the act approved the twenty-sixth day of April, one thousand eight hundred and fifty-five, (P. L. 328), entitled "An act relating to corporations and to estates held for corporate, religious and charitable uses," to change the duration of the period within which certain conveyances are void.

Which was committed to the Committee on Judiciary General.

House Bill No. 370, (Senate Bill No. 303), entitled:

An Act to further amend section six of the act approved the seventh day of June, one thousand nine hundred and seventeen, (P. L. 403), entitled "Wills Act of 1917," to change the duration of the period within which certain bequests or devises are void.

Which was committed to the Committee on Judiciary General.

House Bill No. 372, (Senate Bill No. 304), entitled:

An Act concerning the risk of loss after a contract to sell realty and to make uniform the law with reference thereto.

Which was committed to the Committee on Judiciary General.

House Bill No. 374, (Senate Bill No. 305), entitled:

An Act to amend section three of article one, and section forty, of article four of the act, approved the twentieth day of June, one thousand nine hundred nineteen (P. L. 521), entitled as amended "Transfer Inheritance Tax Loan," providing for the release of lien of inheritance tax on remainder interests in real estate in certain cases by entry of security therefore; and providing for the repayment of taxes paid in excess of amount due on future estates.

Which was committed to the Committee on Judiciary General.

House Bill No. 376, (Senate Bill No. 306), entitled:

An Act to add paragraph four to clause (a) of section forty-one of the act approved the seventh day of June, one thousand nine hundred seventeen (P. L. 477), entitled as amended "Fiduciaries Act of 1917," as amended, by permitting fiduciaries holding mortgages to accept deeds in lieu of foreclosures; and prescribing the effect thereof.

Which was committed to the Committee on Judiciary General.

House Bill No. 408, (Senate Bill No. 307), entitled:

An Act to repeal the act, approved the twelfth day of June, one thousand nine hundred seven (P. L. 527), entitled, "An act establishing precautionary regulations to prevent forest fires on lands in which oil-wells and gas-wells are situated, and diminish danger therefrom; making certain violations thereof misdemeanors, and prescribing punishment for the same, and in other cases affixing penalties and declaring liability for damages."

Which was committed to the Committee on Forestry, Game and Fish

House Bill No. 480, (Senate Bill No. 308), entitled:

An Act regulating the appointment, promotion, suspension, reduction, removal, and reinstatement of employes (except chiefs, deputy chiefs and chief clerks) in bureaus of fire; and fire alarm operators and fire box inspectors in bureaus of electricity in cities of the second class; defining the powers and duties of Civil Service Commission for such purposes in said cities; and repealing inconsistent legislation.

Which was committed to the Committee on Municipal Government.

House Bill No. 483, (Senate Bill No. 309), entitled:

An Act regulating the appointing or election of deputy controllers in cities of the second class A; and prescribing their powers and duties.

Which was committed to the Committee on Municipal Government.

House Bill No. 610, (Senate Bill No. 310), entitled:

A Supplement to the act, approved the twenty-first day of July, one thousand nine hundred and thirty-seven (Appropriation Acts page 74), entitled "An act to provide for the ordinary expenses of the Executive, Legislative, and Judicial Departments of the Commonwealth, interest on the public debt, and the support of the public schools for two years beginning June first, one thousand nine hundred and thirty-seven; and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending May thirty-first, one thousand nine hundred and thirty-seven," by lapsing a portion of the unobligated balance of the appropriation made to the Chief Clerk of the House of Representatives for the use of the Commission on Interstate Cooperation, and re-appropriating such lapsed moneys to the said Chief Clerk for the use of the Interstate Commission on the Delaware River Basin.

Which was committed to the Committee on Appropriations.

HOUSE CONCURS IN SENATE BILL No. 40

He also returned to the Senate, Senate Bill No. 40, entitled:

An Act making an appropriation to the Department of Forests and Waters for the use of the Pennsylvania State Park and Harbor Commission of Erie and for the joint use of the Department of War of the United States Government and the Department of Forests and Waters of the Commonwealth of Pennsylvania and the use of the Department of Forests and Waters in cooperation with the Federal Beach Erosion Board.

with the information that the House has passed the same without amendments.

BILL SIGNED

The PRESIDENT (Lieutenant-Governor Samuel S. Lewis) announced that the Chief Clerk having reported that the following bill had passed both Houses of the General Assembly and the same being correct, the titles were publicly read as follows:

Senate Bill No. 40, entitled:

An Act making an appropriation to the Department of Forests and Waters for the use of the Pennsylvania State Park and Harbor Commission of Erie and for the joint use of the Department of War of the United States Government and the Department of Forests and Waters of the Commonwealth of Pennsylvania and the use of the Department of Forests and Waters in cooperation with the Federal Beach Erosion Board.

Whereupon,

The PRESIDENT (Lieutenant-Governor Samuel S. Lewis) in the presence of the Senate signed the same.

HOUSE MESSAGES

TIME OF NEXT MEETING

The Clerk of the House of Representatives being introduced informed the Senate that the House has concurred in resolution from the Senate as follows:

In the Senate, March 27, 1939.

Resolved (if the House of Representatives concur) That when the Senate adjourns this week it reconvene on Monday evening, April 3, 1939 at nine o'clock; and when the House of Representatives adjourns this week it reconvene on Monday evening, April 3, 1939, at eight o'clock.

SENATE BILL No. 79 RETURNED WITH AMENDMENTS

The Clerk of the House of Representatives being introduced, returned to the Senate, Senate Bill No. 79, entitled:

An Act permitting the county treasurer, with the consent of the county commissioners or the approval of the court, to adjourn county treasurers' sales of seated and unseated lands for non-payment of taxes in all counties, except counties of the first class and preserving the lien of all taxes on such lands.

with the information that the House has passed the same with amendments, in which the concurrence of the Senate is requested.

The PRESIDENT. The amendments will be laid on the table and noted on tomorrow's Calendar.

AMERICANISM DAY TO BE OBSERVED MAY FIRST

He also presented extract from the Journal of the House, which was twice read as follows:

In the House of Representatives, March 13, 1939.

For many years this country and the world at large has observed May first as May Day, and, at different places, the observance has been marked by various kinds of celebrations.

At times these celebrations have resulted in demonstrations against organized government.

In 1932 the American Legion in Fayette County inaugurated a new kind of observance of the day, by staging a parade of Americanism, which has grown each year into an event of first importance.

The participation in the celebration of this day by patriotic societies, veterans' organizations and other organizations, cannot help but make it throughout the Commonwealth a day to awaken new pride in our American institutions, therefore be it

Resolved (if the Senate concur), That the General Assembly of the Commonwealth of Pennsylvania urges the setting aside of May first as Americanism Day, and urges upon all patriotic, veteran, fraternal and civic organizations the planning of its celebration in such a manner as will bring to the people of the Commonwealth a full realization of the benefits and privileges and blessings that come to them through the continuance of our American form of Government, and be it further

Resolved, That the Governor of the Commonwealth is hereby urged to issue his proclamation further urging the people of the Commonwealth to join in a real American celebration of Americanism Day.

Mr. CAVALCANTE. Mr. President, I ask unanimous consent that Rule 39, which requires resolutions be referred to an appropriate committee, be suspended and the Senate do now proceed to the consideration of the resolution just read.

The PRESIDENT. Is there objection,

The Chair hears none.

On the question,

Will the Senate agree to the resolution,

It was agreed to.

Ordered, That the clerk inform the House of Representatives accordingly.

REPORTS FROM COMMITTEES

JOINT LEGISLATIVE COMMITTEE TO MAKE A THOROUGH INVESTIGATION OF OPERATIONS AND EXPENDITURES OF BUREAU OF AERONAUTICS.

Mr. THOMAS from the Committee on Aeronautics to which was referred on March 15, 1939, the following resolution from the House of Representatives reported the same without amendments as follows, viz:

In the House of Representatives, March 7, 1939.

Whereas, The publicity recently given to the amount of money appropriated to the Bureau of Aeronautics, for use during the present biennium, has occasioned much public comment; and

Whereas, An investigation should be made of the activities and expenditures, and also the plans of the Bureau, in order to determine upon its future appropriations; therefore be it

Resolved, (if the Senate concur) That a joint Legislative Committee is hereby created, consisting of four members of the House of Representatives, one of whom shall be a member of the minority party, to be appointed by the Speaker of the House; and three members of the Senate, one of whom shall be a member of the minority party, to be appointed by the President Pro Tempore of the Senate, whose duty it shall be

(a) To organize immediately after its appointment, by the election, from its membership, of a chairman, vice-chairman and a secretary.

(b) To immediately begin a thorough investigation of the operations of and the expenditures made by the Bureau of Aeronautics since its creation, with the end in view of suggesting what policy should be adopted in order to make its work more effective and less expensive.

(c) To decide how far the Bureau should proceed as a separate organization and whether cooperation with the Federal Government or other states would be practicable.

(d) To investigate safety devices and make recommendations in regard to the use thereof.

(e) To inquire into possible abuses of the powers of the Bureau heretofore practiced and to make suggestions for the correction thereof.

The committee hereby created shall have power to issue subpoenas under the hand and seal of its chairman requesting and commanding any person or persons to appear

before them and to answer such questions touching matters properly being inquired into by the committee, and to produce such books, papers, records and documents as the committee may deem necessary. Such subpoenas may be served upon any person and shall have the force and effect of subpoenas issued out of the courts of this Commonwealth. Each member of said committee shall have power to administer oaths and affirmations to witnesses appearing before the committee. Any person who shall wilfully neglect or refuse to testify before said committee or to produce any books, papers, records or documents shall be subject to the penalties provided by laws of the Commonwealth in such cases.

The said committee shall report to this General Assembly as soon as possible after its investigation is completed, the results thereof accompanied by such suggestions of legislation to be enacted as to the committee seems necessary.

Laid over for one day under the Rules.

Mr. GILSON, from the Committee on State Government, reported as committed, Senate Bill No. 288, (House Bill No. 474), entitled:

An Act to further amend section three of the act approved the twenty-eighth day of June one thousand nine hundred thirty-five (P. L. 452), entitled, "An act to promote the welfare of the people of the Commonwealth creating a General State Authority as a body corporate and politic with power to construct improve and operate projects and to lease the same and to fix and collect fees rentals and charges for the use thereof authorizing and regulating the issuance of bonds by said Authority and providing for the payment of such bonds and the rights of the holders thereof and to enter into agreements with the Government of the United States or any Federal agency and authorizing the Department of Property and Supplies to grant assign convey or lease to the Authority lands of the Commonwealth and interests therein and to acquire lands therefor granting the right of eminent domain and providing that no debt of the Commonwealth shall be incurred in the exercise of any of the powers granted by this act" fixing terms for the appointed members of the General State Authority and terminating the terms of present members.

Mr. KUNKEL, from the Committee on State Government, reported as committed, Senate Bill No. 83, entitled:

An Act to amend section one of the act, approved the twenty-fifth day of April, one thousand nine hundred twenty-nine (P. L. 694), entitled "An act providing for the payment monthly by the counties to the Department of Revenue of the expenses of keeping convicts in State penitentiaries," by imposing upon the State the keeping of certain convicts.

Mr. MILLER, from the Committee on State Government, reported as committed, Senate Bill No. 286, (House Bill No. 400), entitled:

An Act to amend the title and the act approved the nineteenth day of May one thousand eight hundred and eighty-seven (P. L. 132) entitled "An act to give preference of appointment or employment to honorably discharged soldiers sailors and marines who fought for the Union cause in the late war of the rebellion" by extending the same preference to veterans and nurses of any war in which the United States has engaged.

Mr. FARRELL, from the Committee on Education reported as committed, Senate Bill No. 262, (House Bill No. 199), entitled:

An Act to confirm and validate past tax levies or assessments made by school districts of the first class and liens filed thereon.

Mr. STIEFEL, from the Committee on State Government, reported as committed, Senate Bill No. 174, entitled:

An Act to amend article twenty-three of the act, approved the ninth day of April, one thousand nine hundred and twenty-nine (P. L. 177), entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments, boards, commissions, and officers thereof, including the boards of trustees of State Normal Schools, or Teachers Colleges; abolishing, creating, reorganizing or authorizing the reorganization of certain administrative departments, boards and commissions; defining the powers and duties of the Governor and other executive and administrative officers, and of the several administrative departments, boards, commissions, and officers; fixing the salaries of the Governor, Lieutenant Governor, and certain other executive and administrative officers; providing for the appointment of certain administrative officers, and of all deputies and other assistants and employees in certain departments, boards, and commissions; and prescribing the manner in which the number and compensation of the deputies and all other assistants and employees of certain departments, boards and commissions shall be determined," by imposing upon the Department of Welfare, the duty to investigate the subject of crime prevention and to stimulate, develop and coordinate crime prevention activities in this Commonwealth.

BILLS INTRODUCED

Mr. MALLERY, by request read in his place and presented to the Chair Senate Bill No. 311, entitled:

An Act to amend the act, approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith," as amended, by further regulating the incurring, funding and refunding of indebtedness, temporary and permanent; the issuing of bonds by school districts; the retirement of indebtedness, and the borrowing in anticipation of current revenues.

Which was committed to the Committee on Education.

Mr. THOMAS read in his place and presented to the Chair Senate Bill No. 312, entitled:

An Act to amend clause (b) of section nine hundred and thirteen of the act, approved the third day of June, one thousand nine hundred and thirty-seven (P. L. 1333), entitled "An act concerning elections, including general, municipal special and primary elections, the nomination of candidates, primary and election expenses and election contests; creating and defining membership of county Board of elections; imposing duties upon the Secretary of the Commonwealth, courts, county boards of elections, county commissioners; imposing penalties for violation of the act, and codifying, revising and consolidating the laws relating thereto; and repealing certain acts and parts of acts relating to elections," providing that fees for filing nomination petitions for borough offices shall be graduated according to the population of the borough for which the offices are to be nominated.

Which was committed to the Committee on Elections.

Mr. WALKER read in his place and presented to the Chair Senate Bill No. 313, entitled:

An Act to establish as a State highway a certain section of public road in the county of Allegheny; and providing for its construction and maintenance at the expense of the Commonwealth.

Which was committed to the Committee on Highways.

Mr. FARRELL read in his place and presented to the Chair Senate Bill No. 314, entitled:

An Act to amend clause (b) of section three of the act, approved the thirtieth day of March, one thousand nine hundred and thirty-seven (P. L. 115), entitled "An act to provide for the permanent personal registration of electors in cities of the first class as a condition of their right to vote at elections and primaries, and their enrollment as members of political parties as a further condition of their right to vote at primaries; prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors; and prescribing the powers and duties of citizens, parties, bodies of electors, registration commissions, commissioners, registrars inspectors of registration and other appointees of registration commission, election officers, municipal officers, departments and bureaus, police officers, courts, judges, prothonotaries, sheriffs, county commissioners, peace officers, county treasurers, county controllers, registrars of vital statistics, real estate brokers, rental agents, certain public service companies, persons, firms, and corporations operating vehicles for moving furniture and household goods, and boards of school directors; and imposing penalties," by reducing the number of members of the registration commission.

Which was committed to the Committee on Municipal Government.

He also read in his place and presented to the Chair Senate Bill No. 315, entitled:

An Act affecting cities of the third class; authorizing the annexation of boroughs thereto under certain conditions, and, in connection therewith, placing duties upon or affecting courts of quarter sessions, county boards of election, and officers of boroughs and cities of the third class, and providing for the payment of the indebtedness of the various territorial units involved.

Which was committed to the Committee on Municipal Government.

Mr. WOLFENDEN read in his place and presented to the Chair Senate Bill No. 316, entitled:

An Act to add section six hundred twenty-one and one-tenth to, and to further amend section six hundred twenty-nine of, the act, approved the seventeenth day of May, one thousand nine hundred and twenty-one (P. L. 682), entitled "An act relating to insurance; amending, revising, and consolidating the law providing for the incorporation of insurance companies, and the regulation, supervision, and protection of home and foreign insurance companies, Lloyds associations, reciprocal and inter-insurance exchanges, and fire insurance rating bureaus, and the regulation and supervision of insurance carried by such companies associations, and exchanges, including insurance carried by the State Workmen's Insurance Fund; providing penalties; and repealing existing laws," defining and regulating group accident and health insurance and extending the exclusion of certain standard policy provisions to ticket policies sold to passengers by common carriers.

Which was committed to the Committee on Insurance.

He also read in his place and presented to the Chair Senate Bill No. 317, entitled:

An Act to amend sections four hundred fifteen and four hundred sixteen of the act, approved the seventeenth day of May, one thousand nine hundred and twenty-one (P. L. 682), entitled "An act relating to insurance; amending, revising, and consolidating the law providing for the incorporation of insurance companies, and the regulation, supervision and protection of home and foreign insurance companies, Lloyds associations, reciprocal and inter-insurance exchanges, and fire insurance rating bureaus, and the regulation and supervision of insurance carried by such companies, associations, and

exchanges, including insurance carried by the State Workmen's Insurance Fund; providing penalties; and repealing existing laws," as amended; further defining group life insurance to include additional classes of persons.

Which was committed to the Committee on Insurance.

Mr. CROWE read in his place and presented to the Chair Senate Bill No. 318, entitled:

An Act to promote the public welfare by prescribing circumstances under which sexual sterilization of criminally insane persons and certain persons guilty of sex crimes may be performed without civil or criminal liability; making such operations unlawful in all other cases; imposing the cost of such operations on state, county and licensed institutions; providing for appeals to the court of common pleas; making it unlawful to release or parole or authorize the release or parole from certain institutions or places of confinement of unsterilized inmates; and providing penalties.

Which was committed to the Committee on Public Health.

Mr. GELTZ, by request, read in his place and presented to the Chair Senate Bill No. 319, entitled:

An Act establishing certain public roads and streets as a State highway, and providing for their construction, reconstruction and maintenance by the Department of Highways, subject to certain terms and conditions.

Which was committed to the Committee on Highways.

Mr. STEVENSON read in his place and presented to the Chair Senate Bill No. 320, entitled:

An Act to amend section seven of the act, approved the nineteenth day of June, one thousand nine hundred and eleven (P. L. 1055), entitled "An act authorizing the release on probation of certain convicts, instead of imposing sentences; the appointment of probation and parole officers, and the payment of their salaries and expenses; regulating the manner of sentencing convicts in certain cases, and providing for their release on parole; their conviction of crime during parole, and their rearrest and reconviction for breach of parole; and extending the powers and duties of boards of prison inspectors of penitentiaries," by changing the provisions thereof as to the contents of record to be furnished wardens by clerks of the courts of quarter sessions.

Which was committed to the Committee on Judiciary General.

He also read in his place and presented to the Chair Senate Bill No. 321, entitled:

An Act to amend section four of the act, approved the fourth day of June, one thousand nine hundred and thirty-seven (P. L. 1595), entitled "An act relating to peace officers; providing for the qualifications and appointments of deputy sheriffs; regulating the manner of their selection and compensation; regulating the source of compensation for other peace officers; declaring void certain contracts inconsistent with the provisions hereof; providing penalties; and repealing inconsistent acts," by providing for the appointment of deputy sheriffs to serve during emergencies.

Which was committed to the Committee on County Government.

Mr. HALUSKA read in his place and presented to the Chair Senate Bill No. 322, entitled:

A Supplement to the act approved the twenty-second day of June, one thousand nine hundred and thirty-one (P. L. 594), entitled "An act establishing certain town-

ship roads as State highways; authorizing their construction, maintenance and improvement under certain conditions and restrictions; limiting the obligation of the Commonwealth in the construction of certain structures located on such highways; conferring certain powers upon the Department of Highways and local authorities, persons, associations and corporations for sharing the cost of the maintenance and construction of such highways, and making an appropriation to carry out the provisions of said act," establishing an additional route in the County of Cambria.

Which was committed to the Committee on Highways.

He also read in his place and presented to the Chair Senate Bill No. 323, entitled:

A Supplement to the act approved the twenty-second day of June, one thousand nine hundred and thirty-one (P. L. 594), entitled "An act establishing certain township roads as State highways; authorizing their construction, maintenance and improvement under certain conditions and restrictions; limiting the obligation of the Commonwealth in the construction of certain structures located on such highways; conferring certain powers upon the Department of Highways and local authorities, persons, associations and corporations for sharing the cost of the maintenance and construction of such highways, and making an appropriation to carry out the provisions of said act," establishing an additional route in the County of Cambria.

Which was committed to the Committee on Highways.

He also read in his place and presented to the Chair Senate Bill No. 324, entitled:

A Supplement to the act approved the twenty-second day of June, one thousand nine hundred and thirty-one (P. L. 594), entitled "An act establishing certain township roads as State highways; authorizing their construction, maintenance and improvement under certain conditions and restrictions; limiting the obligation of the Commonwealth in the construction of certain structures located on such highways; conferring certain powers upon the Department of Highways and local authorities, persons, associations and corporations for sharing the cost of the maintenance and construction of such highways, and making an appropriation to carry out the provisions of said act," establishing an additional route in the County of Cambria.

Which was committed to the Committee on Highways.

He also read in his place and presented to the Chair Senate Bill No. 325, entitled:

A Supplement to the act approved the twenty-second day of June, one thousand nine hundred and thirty-one (P. L. 594), entitled "An act establishing certain township roads as State highways; authorizing their construction, maintenance and improvement under certain conditions and restrictions; limiting the obligation of the Commonwealth in the construction of certain structures located on such highways; conferring certain powers upon the Department of Highways and local authorities, persons, associations and corporations for sharing the cost of the maintenance and construction of such highways, and making an appropriation to carry out the provisions of said act," establishing an additional route in the County of Cambria.

Which was committed to the Committee on Highways.

Mr. KILGALLEN read in his place and presented to the Chair Senate Bill No. 326, entitled:

An Act making an appropriation to the Eye and Ear Hospital, Pittsburgh, Pennsylvania.

Which was committed to the Committee on Appropriations.

He also read in his place and presented to the Chair Senate Bill No. 327, entitled:

An Act making an appropriation to the Children's Hospital of Pittsburgh, Pittsburgh, Pennsylvania.

Which was committed to the Committee on Appropriations.

He also read in his place and presented to the Chair Senate Bill No. 328, entitled:

An Act making an appropriation to the Tuberculosis League of Pittsburgh, Pennsylvania.

Which was committed to the Committee on Appropriations.

He also read in his place and presented to the Chair Senate Bill No. 329, entitled:

An Act making an appropriation to the Passavant Hospital, Pittsburgh, Pennsylvania.

Which was committed to the Committee on Appropriations.

He also read in his place and presented to the Chair Senate Bill No. 330, entitled:

An Act making an appropriation to the Montefiore Hospital, Pittsburgh, Pennsylvania.

Which was committed to the Committee on Appropriations.

He also read in his place and presented to the Chair Senate Bill No. 331, entitled:

An Act making an appropriation to the Elizabeth Steel Magee Hospital, Pittsburgh, Pennsylvania.

Which was committed to the Committee on Appropriations.

Mr. LETZLER read in his place and presented to the Chair Senate Bill No. 332, entitled:

An Act to amend section one of the act, approved the twenty-fourth day of March, one thousand nine hundred and five (P. L. 50), entitled "An act to reorganize the Board of Trustees of the Pennsylvania State College," making the Secretary of Mines an exofficio member of the Board of Trustees of the Pennsylvania State College.

Which was committed to the Committee on State Government.

Mr. JACOBS read in his place and presented to the Chair Senate Bill No. 333, entitled:

An Act to amend Article two of the act, approved the first day of May, one thousand nine hundred and thirty-three (P. L. 103), entitled "An act concerning townships of the second class; and amending revising, consolidating and changing the law relating thereto," requiring the consent of the electors when such township, or any part thereof, is to be annexed to a contiguous township, borough or city.

Which was committed to the Committee on County Government.

Mr. EROE read in his place and presented to the Chair Senate Bill No. 334, entitled:

A Supplement to the act, approved the first day of June, one thousand nine hundred and thirty-three (P. L. 1172), entitled "An act establishing certain streets in boroughs

and incorporated towns as State highways and providing for their construction and maintenance at the expense of the Commonwealth," establishing an additional route in the Borough of Ellwood City, Lawrence County.

Which was committed to the Committee on Highways.

He also read in his place and presented to the Chair Senate Bill No. 335, entitled:

An Act to repeal the act approved the second day of June, one thousand nine hundred and thirty-seven (P. L. 1193), entitled "An act to protect the public against fraud and deception; regulating the business of selling liquid fuels by requiring persons engaged in the sale or distribution of liquid fuels to secure a permit or permits for pumps or outlets used therein; prescribing the method and manner of obtaining such permit or permits and prescribing the fees for the issuance thereof; conferring powers and imposing duties on the Department of Revenue and prescribing penalties."

Which was committed to the Committee on Finance.

Mr. KUNKEL read in his place and presented to the Chair Senate Bill No. 336, entitled:

An Act authorizing counties to convey or lease property needed or convenient as a site for a county court house to the General State Authority to acquire additional property for such purposes, and to contract with and lease property from said Authority.

Which was committed to the Committee on State Government.

He also read in his place and presented to the Chair Senate Bill No. 337, entitled:

An Act to further amend section four of, and to add section 9.3 to, the act, approved the twenty-eight day of June, one thousand nine hundred and thirty-five (P. L. 452), entitled "An act to promote the welfare of the people of the Commonwealth; creating a General State Authority as a body corporate and politic with power to construct, improve and operate projects, and to lease the same, and to fix and collect fees, rentals, and charges for the use thereof; authorizing and regulating the issuance of bonds by said Authority, and providing for the payment of such bonds, and the rights of the holders thereof; and to enter into agreements with the Government of the United States or any Federal agency; and authorizing the Department of Property and Supplies to grant, assign, convey, or lease to the Authority lands of the Commonwealth and interest therein, and to acquire lands therefor; granting the right of eminent domain; or providing that no debt of the Commonwealth shall be incurred in the exercise of any of the powers granted by this act," by providing for additional projects, the acquisition of property from counties and the leasing of projects by the Authority to counties.

Which was committed to the Committee on State Government.

Messrs. KUNKEL and WOODWARD read in their places and presented to the Chair Senate Bill No. 338, entitled:

An Act to reenact and amend the act, approved the seventh day of June, one thousand eight hundred and eighty-seven (P. L. 365), entitled "An act to encourage and authorize the formation of cooperative associations, productive and distributive, by farmers, mechanics, laborers or other persons," by extending and changing the provisions thereof.

Which was committed to the Committee on Judiciary General.

Mr. SHAPIRO read in his place and presented to the Chair Senate Bill No. 339, entitled:

An Act to further amend subparagraph two of subsection (a) of section five hundred five of the act, approved the ninth day of April, one thousand nine hundred twenty-nine (P. L. 343), entitled "An act relating to the finances of the State government; providing for the settlement, assessment, collection, and lien of taxes, bonus, and all other accounts due the Commonwealth, the collection and recovery of fees and other money or property due or belonging to the Commonwealth, or any agency thereof, including escheated property and the proceeds of its sale, the custody and disbursement or other disposition of funds and securities belonging to or in the possession of the Commonwealth, and the settlement of claims against the Commonwealth, the resettlement of accounts and appeals to the courts, refunds of moneys erroneously paid to the Commonwealth, auditing the accounts of the Commonwealth, and all agencies thereof, of all public officers collecting moneys payable to the Commonwealth, or any agency thereof and all receipts of appropriations from the Commonwealth and imposing penalties; affecting every department, board, commission, and officer of the State government, every political subdivision of the State, and certain officers of such subdivisions, every person, association, and corporation required to pay, assess, or collect taxes, or to make returns or reports under the laws imposing taxes for State purposes, or to pay license fees or other moneys to the Commonwealth, or any agency thereof, every State depository and every debtor or creditor of the Commonwealth," by further regulating the security for the deposits of State moneys.

Which was committed to the Committee on Finance.

REPORT FROM COMMITTEE

RECORDER OF DEEDS OF CARBON COUNTY

Mr. CHAPMAN from the Committee on Executive Nominations reported with a favorable recommendation the following nominations, made by His Excellency, the Governor, of the Commonwealth:

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, March 20, 1939.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor to nominate for the advice and consent of the Senate the appointment of Mrs. Anna J. Evans Lansford, Carbon County, as Recorder of Deeds of Carbon County, until the first Monday in January, 1940, vice Hayden L. Evans, deceased.

ARTHUR H. JAMES.

CONSIDERATION OF EXECUTIVE NOMINATIONS

Mr. EDMONDS. Mr. President, I move that the Senate do now proceed to the consideration of nominations for appointment as Notaries Public, sent to the Senate, March 27 and 28, 1939, by His Excellency, the Governor of the Commonwealth, together with the nomination just reported from Committee.

Mr. MALLERY. Mr. President, I second the motion. The motion was agreed to.

The nominations were read as follows:

RECORDER OF DEEDS OF CARBON COUNTY

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, March 20, 1939.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor to nominate for the advice and consent of the Senate the appointment of Mrs. Anna J. Evans Lansford, Carbon County, as Recorder of Deeds of Carbon County, until the first Monday in January, 1940, vice Hayden L. Evans, deceased.

ARTHUR H. JAMES.

NOTARIES PUBLIC

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, Pa., March 27, 1939.
To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointment as Notaries Public, for terms of four years to compute from the date of confirmation:

ALLEGHENY COUNTY

Mrs. Elizabeth Bunting, Pittsburgh, Union Trust Bldg.
Jasper R. Glover, Pittsburgh, 5301 Fifth Ave.
Mrs. A. G. Kalmer, Pittsburgh, Frick Bldg.
Miss E. M. McGinley, Pittsburgh, 5648 Friendship Ave.
R. R. Richeimer, Pittsburgh, 2224 Sidney St.
Emile F. G. Rossi, Pittsburgh, 919 Union Trust Building.

BERKS COUNTY

Mrs. Miriam Merkel, Reading.

BUTLER COUNTY

Miss Elizabeth Evans, Butler.

CLEARFIELD COUNTY

Miss M. Augusta Craft, Clearfield.

CRAWFORD COUNTY

Miss Helen M. Milner, Titusville.

DELAWARE COUNTY

L. Cushing Tucker, Chester.

ERIE COUNTY

Miss Isabelle D. Johnston, Erie.
James L. Meldon, Erie.

FAYETTE COUNTY

Miss Donna B. Van Gilder, Uniontown.

JEFFERSON COUNTY

Antonio Marinaro, Reynoldsville.

LACKAWANNA COUNTY

Mrs. Letha Phillips, Scranton.

LEHIGH COUNTY

Mrs. Kathleen B. Keeley, Allentown.

LUZERNE COUNTY

Miss Helen Plisko, Wilkes-Barre.

MONTGOMERY COUNTY

Rowland J. Cheney, Hatboro.

PHILADELPHIA COUNTY

Sydney A. Altman, Phila., 2253 N. Broad St.
Charles Bernstein, Phila., 437 Chestnut St.
Miss Marian F. Carson, Phila., 1023 Public Ledger Bldg.
Joseph B. Cassidy, Phila., 1251 S. Bucknell St.
Miss Mary Culhane, Phila., 4822 N. Front St.
Wm. Fred Dreisbach, Phila., Hotel Adelphia, 13th and Chestnut Sts.
Wayne G. Koons, Phila., Reading Terminal, 15th and Market Sts.
Mrs. Kathryn L. Magowan, Phila., 1616 Walnut St.

WARREN COUNTY

Miss Jennie Ryan, Warren.

WESTMORELAND COUNTY

A. C. Scales, Greensburg.

YORK COUNTY

Miss Catharine E. Blair, York.
William P. Stoner, Hanover.

ARTHUR H. JAMES.

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, Pa., March 27, 1939.
To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for reappointment as Notaries Public, for terms of four years to compute from the date set opposite their names:

BRADFORD COUNTY

P. H. Brown, Ulster Twp., Ulster, March 28, 1939.

VENANGO COUNTY

Mrs. Mary Weikal, Polk, March 30, 1939.

ALLEGHENY COUNTY

Edgar Masters, Pittsburgh, Third and Liberty Avenues, April 1, 1939.

L. A. McKee, Pittsburgh, 34th and Smallman Sts., April 1, 1939.

Harry E. McWhinney, Homestead, April 1, 1939.

Miss B. N. Remington, Braddock, April 1, 1939.

CAMBRIA COUNTY

Harry T. Correll, Johnstown, April 1, 1939.

CHESTER COUNTY

Chas. F. Innis, Coatesville, April 1, 1939.

CUMBERLAND COUNTY

Mrs. Besse Railing Snow, Shippensburg, April 1, 1939.

LACKAWANNA COUNTY

Frank L. Martin, Scranton, April 1, 1939.

LUZERNE COUNTY

Michael T. Danko, Hazleton, April 1, 1939.

MERCER COUNTY

Charles C. Covert, Grove City, April 1, 1939.

NORTHAMPTON COUNTY

William Van. McIlhaney, Washington Twp., R. D. 2, Bangor, April 1, 1939.

PHILADELPHIA COUNTY

Isaac B. Rose, Phila., 5423 Media St., April 1, 1939.
Max Rosenbluth, Phila., 509 W. Girard Ave., April 1, 1939.

LeRoy A. Worrell, Phila., 6225 Lancaster Ave., April 1, 1939.

WASHINGTON COUNTY

F. I. Potter, Canonsburg, April 1, 1939.

ALLEGHENY COUNTY

Frank H. Jack, Pittsburgh, Oliver Bldg., April 2, 1939.

DELAWARE COUNTY

Miss Edna L. Lewis, Norwood, April 2, 1939.

LACKAWANNA COUNTY

Fred V. Lynn, Dunmore, April 2, 1939.
Philip V. Mattes, Scranton, April 2, 1939.

PHILADELPHIA COUNTY

Frederick Dohrmann, Phila., 1841 S. 56th St., April 2, 1939.

CARBON COUNTY

Horace D. Obert, Lehighton, April 3, 1939.

PHILADELPHIA COUNTY

Miss Mary Milano, Phila., 1917 S. 57th St., April 3, 1939.

VENANGO COUNTY

Miss Helen G. Thompson, Oil City, April 3, 1939.

YORK COUNTY

John M. Young, York, April 3, 1939.

COLUMBIA COUNTY

Miss Cleo Nungesser, Berwick, April 4, 1939.

VENANGO COUNTY

C. J. First, Oil City, April 7, 1939.

ALLEGHENY COUNTY

Miss Rose Rubenstein, Pittsburgh, 526 Federal St., April 9, 1939.

Miss Katherine Uhlinger, Springdale, April 9, 1939.

CARBON COUNTY

O. Joseph Rutch, Mauch Chunk Twp., 24 W. Garibaldi Ave., Nesquehoning, April 9, 1939.

LANCASTER COUNTY

Miss Anna Dearbeck, Mount Joy, April 9, 1939.

PHILADELPHIA COUNTY

Miss Clara Edwards, Phila., Atlantic Bldg., 260 S. Broad St., April 9, 1939.

Joseph J. O'Neill, Phila., 3355 N. Front St., April 9, 1939.

ALLEGHENY COUNTY

A. E. Bradley, East McKeesport, April 10, 1939.

LUZERNE COUNTY

M. V. Quinn, Pittston, April 10, 1939.

ALLEGHENY COUNTY

John W. Williams, Pittsburgh, 126 Sheridan Square, April 12, 1939.

WESTMORELAND COUNTY

H. A. Westerman, New Kensington, April 12, 1939.

DELAWARE COUNTY

Miss Sophie Adaman, Lansdowne, April 13, 1939.

PHILADELPHIA COUNTY

Samuel E. Weiner, Phila., 2311 S. 5th St., April 14, 1939.

ERIE COUNTY

James Russell, Erie, April 15, 1939.

ALLEGHENY COUNTY

L. M. Shoemaker, Aspinwall, April 16, 1939.

LACKAWANNA COUNTY

Mrs. Maude Morgan, Scranton, April 17, 1939.

DELAWARE COUNTY

Joseph Zeitzeff, Chester, April 20, 1939.

PHILADELPHIA COUNTY

Edgar J. Elliott, Phila., 1518 N. American Bldg., April 21, 1939.

WESTMORELAND COUNTY

J. R. Silvis, Greensburg, April 21, 1939.

ALLEGHENY COUNTY

V. E. Griffin, Glassport, April 22, 1939.

LUZERNE COUNTY

Cleon O. Hanson, Wilkes-Barre, April 22, 1939.

PHILADELPHIA COUNTY

Ernest T. Wright, Phila., 326 N. 12th St., April 23, 1939.

LUZERNE COUNTY

Russell H. Crisman, Kingston, April 24, 1939.

PHILADELPHIA COUNTY

Edward T. Sieber, Phila., 1117 Packard Bldg., April 28, 1939.

BERKS COUNTY

Mrs. Grace I. Webber, Tulpehocken Twp., Rehrersburg, April 30, 1939.

WAYNE COUNTY

F. Carroll Krautter, Dreher Twp., Newfoundland, April 30, 1939.

ARTHUR H. JAMES.

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, Pa., March 28, 1939.
To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointment as Notaries Public, for terms of four years to compute from the date of confirmation:

ALLEGHENY COUNTY

Norbert F. Braun, Pittsburgh, 3134 Landis St.

BERKS COUNTY

Stephen R. Trupe, Robesonia.

MERCER COUNTY

T. H. McKean, Grove City.

PHILADELPHIA COUNTY

Abraham Amarnek, Phila., 1845 S. 4th St.
Joseph E. Cooney, Phila., Land Title Bldg.
Max H. Kantor, Phila., 917 S. 4th St.
Thomas J. Mellon, Phila., Guarantee Trust Bldg., 1420 Walnut St.
Henry F. Tolson, Phila., 2524 W. Columbia Ave.

ARTHUR H. JAMES,

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, Pa., March 28, 1939.
To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for reappointment as Notaries Public, for terms of four years to compute from the date set opposite their names:

ALLEGHENY COUNTY

W. A. Stoehr, Pittsburgh, 603 E. Ohio St., N. S., April 1, 1939.

PHILADELPHIA COUNTY

Miss Alice M. Wright, Phila., 2617 Fidelity-Phila. Tr. Bldg., 123 S. Broad St., April 1, 1939.
Miss Anne M. Mooney, Phila., 502-3 Finance Bldg., 1428 S. Penn Square, April 2, 1939.

ALLEGHENY COUNTY

George E. Kelsch, McKeesport, April 22, 1939.

ARTHUR H. JAMES.

EXECUTIVE SESSION

By unanimous consent,

A motion was made by Mr. EDMONDS and Mr. MALLERY.

That Rule 38 which requires nominations made by the Governor be referred to an appropriate committee be dispensed with, and the Senate do now resolve itself into Executive Session, for the purpose of acting on the foregoing nominations.

Which was agreed to.

Mr. SHAPIRO. Mr. President, I should like to interrogate the Senator from Somerset, Mr. Ealy.

The PRESIDENT. Will the Senator from Somerset, Mr. Ealy, permit himself to be interrogated?

Mr. EALY. Mr. President, I will.

Mr. SHAPIRO. Mr. President, in the case of the Carbon County nomination, am I correct in understanding that that is caused by the death of the Recorder of Deeds, and that the appointee just mentioned is the widow of the former Registrar of Deeds?

Mr. EALY. Br. President, I so understood.

Whereupon,

A motion was made by Mr. EDMONDS and Mr. MALLERY.

That the Senate do advise and consent to said nominations.

On the question,

Will the Senate agree to the motion?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—46.

Bartlett,	Frey,	Lanlus,	Ruth,
Cavalcante,	Gelder.	Letzler,	Scarlett,
Chapman,	Geltz,	Mallery,	Shapiro.
Coleman,	Gilson,	McCreesh,	Snowden,
Crowe,	Haluska,	McGinnis,	Stevenson,
Dando,	Heyburn,	Miller,	Stiefel,
Dent,	Homsher,	Mundy,	Tallman,
DiSilvestro,	Jacobs,	Owlett,	Thomas,
Ealy,	James,	Pierson,	Walker,
Edmonds,	Jaspan,	Reed,	Wolfenden,
Eroe,	Kilgallen,	Rice,	Woodward,
Farrell,	Kunkel,		

NAYS—0.

Two-thirds of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Governor be informed accordingly.

Mr. EDMONDS. Mr. President, I move that the Executive Session do now rise.

Mr. MALLERY. Mr. President, I second the motion.

The motion was agreed to.

RESOLUTION URGING USE OF LAMINATED GLASS IN CONSTRUCTION OF ALL MOTOR VEHICLES

Mr. DENT offered the following resolution which was twice read as follows:

Whereas, The use of ordinary glass in passenger vehicles has from past experience proven to be unsafe and responsible for many deaths and serious injuries in motor accidents, and

Whereas, Glass manufacturers have developed a type of

glass made by laminating two or more pieces of glass into one transparent sheet and

Whereas, This type of glass has been commonly designated as safety glass and is used exclusively in the windshields of passenger vehicles because of its safety features and

Whereas, There has been put on the market a new type of glass variously called tempered or hardened glass and

Whereas, This type of glass is being used to some extent in passenger vehicles as a safety glass and

Whereas, After exhaustive tests has proven to be unsafe for such use and

Whereas, The use of this type of glass will cause the recurrence of the hazards to the traveling public so common before the introduction of the laminated safety glass, be it hereby resolved and

It is Resolved, That the Bureau of Standards and Safety in this Commonwealth be instructed to forbid the use of any glass other than laminated safety glass in the construction of motor vehicles used in the intra-state traffic of this Commonwealth and

Be It Further Resolved, That copies of this resolution be sent to the Department of Highways, the Bureau of Standards and that the manufacturers of motor vehicles sold in this commonwealth be notified of its contents.

Mr. DENT. Mr. President, I ask unanimous consent that Rule 39, which requires resolutions be referred to an appropriate committee, be dispensed with and the Senate proceed to the consideration of the foregoing resolution.

The PRESIDENT. Is there objection?

Mr. OWLETT. Mr. President, I object.

The Chair hears objection.

Mr. CAVALCANTE. Mr. President, I am in favor of this resolution and will vote to suspend the rule, because this resolution has for its ultimate purpose the protection of an industry that is confined mainly to the counties of Westmoreland, Washington, and Fayette, as this laminated glass is manufactured in plants in those three counties, and the manufacturers employ a considerable number of residents of this State. This resolution, as I understand it, will give some protection to those industries.

It is not an enactment but is merely a resolution to direct the Bureau of Standards to take that into consideration and see if they cannot protect those industries and not permit artificial glass or composition or hard glass to come into this State and take the place of the laminated glass.

Mr. EALY. Mr. President, I may be very much in favor of this resolution when I know what it is and when I understand what it means, but it does seem to me it is asking too much to ask us to vote on it here immediately without it having proper consideration. There are some of us here who could hardly hear the contents of the resolution, let alone being able now to vote as to the wisdom of the resolution.

Mr. OWLETT. Mr. President, I want to make clear that my objection to the immediate consideration of this resolution was not because I have any idea one way or another as to the merits of the resolution. I know nothing about it.

However, it seems to me, as Senator Ealy has pointed out, that this is a resolution we ought to have studied by a committee; it may be a very proper resolution. I assume it should go to the Highway Committee for consideration, and I assume that a few days delay will not be very serious.

Mr. CAVALCANTE. Mr. President, in a way I agree

with the Senator from Tioga, and the Senator from Somerset, Mr. Ealy. The resolution does involve a subject that is important, and probably it is asking this Senate to vote hastily on the resolution without some consideration. If the proponent of the resolution will withdraw his motion I, as seconder of the motion, will gladly withdraw my second.

Mr. DENT. Mr. President, I do not want to be hostile or act arbitrarily with this question, and since I have at least brought it before the Senate and have had an expression of interest from the other side, I probably can withdraw my motion to set aside rule thirty-nine, with the hope, anyway, that it will be considered in time. I was fearful it would go to a committee and there become something like Heinz pickles. Those gentlemen of the committee who are going to consider it, to them I say this is a very important resolution. If the committee so desires, I can bring to this Senate, or to the committee, glass for a demonstration so that they themselves can see exactly what I am driving at.

The reason we do not leave it to the department, without some suggestion, and some idea about how we feel about this particular subject, is that I have already advanced information that they permitted the use of this particular glass, which is more dangerous than the ordinary window glass which was used prior to the days of the discovery of the so called laminated safety glass.

MOTION TO SUSPEND RULE 39 WITHDRAWN

Mr. DENT. One of the largest factories in the entire world is in my home town, manufacturing laminated glass. I am interested, therefore, and would like to have this committee, if they so desire, get in touch with me before we adjourn this week, in order that I may bring to them practical proof of my contention that no other glass manufactured today in America is safe for the use in automobiles and passenger vehicles.

I, therefore, withdraw my motion for immediate consideration.

The PRESIDENT. The motion to suspend rule 39 is withdrawn, and the resolution is referred to the committee on highways.

RESOLUTION

MEMORIALIZING CONGRESS RELATIVE TO ANTHRACITE COAL REGIONS.

Mr. MUNDY. Mr. President, I ask unanimous consent to offer a resolution at this time.

The PRESIDENT. Is there objections? The Chair hears none.

Mr. MUNDY offered the following resolution which was twice read:

In the Senate of Pennsylvania, March 28, 1939.

Whereas, the Members of the General Assembly of the Commonwealth of Pennsylvania are keenly aware of the sad plight of thousands of families residing in the anthracite coal region of Pennsylvania; and

Whereas, it is their belief that the State and Federal Government should rehabilitate and revitalize the anthracite coal industry which has helped make this Commonwealth great, and thereby relieve the distress of many anthracite miners and their families; and

Whereas, the Members of the General Assembly are appreciative of the fact that rehabilitation of the anthracite coal industry will not only provide sustenance for

many destitute families, but will generally revive all of industrial and agricultural Pennsylvania, therefore be it

Resolved (if the House of Representatives concur), That the General Assembly of the Commonwealth of Pennsylvania memorialize the Congress of the United States to enact legislation, if necessary, to recreate gainful employment in the anthracite coal fields; and be it further

Resolved, That the General Assembly of Pennsylvania study the anthracite coal problem for the purpose of enacting legislation which will relieve a distressful situation.

Which was referred to Committee on Mines and Mining.

COMMITTEE ON JUDICIARY GENERAL TO HOLD PUBLIC HEARING.

Mr. MALLERY offered the following resolution which was twice read, considered, and agreed to:

In the Senate, March 28, 1939.

Resolved, That the Senate of Pennsylvania grant permission to the Committee on Judiciary General to use the Senate Chamber for a Public Hearing on Tuesday, March 28, 1939, at 8 P. M.

QUESTION OF PERSONAL PRIVILEGE

Mr. REED. Mr. President, I rise to a question of personal privilege.

The PRESIDENT. The Senator from Washington, Mr. Reed, will state his question of personal privilege.

Mr. REED. Mr. President, before we start consideration of the Calendar, I understand that the Senator from Armstrong four and one half hours ago started for the Democratic Caucus in the Keystone Building, but he never reached there, and now word comes that he has been kidnapped, and I would like the President to direct the Sergeant-at-Arms to make diligent search for him.

Mr. CAVALCANTE. Mr. President, I second the motion.

Mr. WALKER. Mr. President, may I suggest that the best place to look for the Senator from Armstrong would be in the office of the Governor?

Mr. SHAPIRO. Mr. President, that is the last place I would suggest.

Mr. GELDER. Mr. President, from information I have recently received, perhaps the Senator from Armstrong, Mr. Sipe, would not be able to get to the House of Representatives so as to be able to get over there.

BILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 94, entitled:

An Act abating certain unpaid penalties and interest imposed on counties cities boroughs townships school districts and incorporated districts for the nonpayment of state taxes on scrip bonds certificates and evidences of indebtedness and authorizing the Board of Finance and Revenue to compromise the Commonwealth's claims against such political subdivisions for such unpaid taxes.

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—45.

Bartlett,
Cavalcante,
Chapman,
Coleman,
Crowe,
Dando,
Dent,
DiSilvestro,
Ealy,
Edmonds,
Eroe,
Farrell,

Frey,
Gelder,
Geltz,
Gilson,
Haluska,
Heyburn,
Homsher,
James,
Jaspan,
Kilgallen,
Kunkel,

Lanier,
Letzler,
Mallery,
McCreesh,
McGinnis,
Miller,
Mundy,
Owlett,
Pierson,
Reed,
Rice,

Ruth,
Scarlett,
Shapiro,
Snowden,
Stevenson,
Stiefel,
Tallman,
Thomas,
Walker,
Wolfenden,
Woodward,

NAYS—1.

Jacobs,

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

BILL ON THIRD READING

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill no 108, (House Bill No. 26), entitled:

An act to amend section three of the act approved the twenty-seventh day of April one thousand nine hundred and twenty-seven (P. L. 465) entitled "An act to provide for the safety of person employed housed or assembled in certain buildings and structures not in cities of the first class second class and second class A by requiring certain construction and ways of egress, equipment and maintenance providing for the licensing of projectionists requiring the submission of plans for examination and approval providing for the promulgation of rules and regulations for the enforcement of this act providing for the enforcement of this act by the Department of Labor and Industry and in certain cases by the chiefs of fire departments in cities of the third class providing penalties for violations of the provisions of this act and repealing acts" as amended eliminating the requirement that certain buildings shall be equipped with certain equipment in connection with gas meters to prevent or retard the escape of gas.

And said bill having been read at length the third time,
On the question,

Will the Senate agree to the bill?

Mr. RUTH. Mr. President, and gentlemen of the Senate, I am rising in opposition to this bill, and a little history may be necessary. In the 1937 session we passed what was known as Act 349, requiring automatic manual apparatus to be attached to public houses where people congregated, where gas enters, for the safety of firemen in case of fire.

In that bill discretion was left to the Department of Labor and Industry to designate the types of buildings, and that was where a mistake was made. Classifications were drawn out so far it has begun to look as though we are taking in every building where only one or two people are gathered. That was not the intention of the bill.

Then the public utilities, in the form of gas companies, got an injunction and had a hearing before the Dauphin County court, where decision is pending today.

Now there is great apprehension on the part of those utilities that the decision will be in favor of the act, that the court will declare the act constitutional and in order to avoid that they are trying to rush through this session a law repealing that act. What should have been done was that that act should have been amended to specifically designate the buildings. What should be done today is

that this bill be recommitted to a committee and kept there until the court has had an opportunity to hand down its decision. Otherwise, if we cannot recommit the bill and wait for the court decision, we ought to defeat the bill.

This bill was passed for the benefit of the volunteer firemen; they are risking their lives. Remember, this bill does not refer to first and second class cities, where you have paid firemen. They need protection, too, but we are particularly interested in the volunteer firemen who are giving their all, in most instances, for nothing.

We have many records, instances on record, where catastrophies were caused by gas explosion and fires, where, if we had had these shut-off valves the firemen could have turned the gas off before they entered the building and lives could have been saved.

The argument put up by the proponents of this bill, to repeal the act is economy, that people will stop using gas because they have to put these shut-off valves in the buildings. It is not an economy cry. These are the facts. New York State, where they have had this law since 1921, in buildings where these shut-off valves have been attached, they have had a one percent reduction in the insurance premium rate, and in one building alone, with the largest shut-off valve ever used, costing a little over two hundred dollars, they were reduced a little over six hundred dollars a year in fire insurance premiums. In other buildings, where smaller valves have been installed, the fire insurance reduction has amounted to as high as ninety dollars a year.

It has been said they appeared to make a racket by boosting prices. I have information from the Firemen's Association that these valves are priced according to the size, whether they are one-half inch, one inch, or up to two-and a half inches or four inches, and naturally, the larger the pipe entering into the building, the larger the valve that will be necessary, but the average valve costs from thirty-five to fifty dollars.

The measure is absolutely needed for protection of the public and the volunteer firemen who risk their lives, and if we repeal this act we are taking their protection away. The proper thing to do would be to send this bill back to committee and hold it there until the court has rendered a decision; if the court is satisfied, that act No. 349 is unconstitutional we do not need to act. If the court decides it is constitutional the bill can be brought out and worked out on its merit.

Mr. SHAPIRO. Mr. President, I think there is a further objection to the bill which shows that there should be a little more time taken on this bill, and that it ought to go back to committee, because this bill attempts to amend an act of 1927, and this was passed in 1937.

Mr. GILSON. Mr. President, I think that the greatest objection to this bill comes from third class cities which do not have volunteer firemen, and the objection has arisen from the cost of these appliances. I have found, in the city of Erie, that installations which should not have cost over fifteen dollars have been insisted upon at a cost of \$119. I have also found that there has been a very active pressure brought to bear to require the installation of these valves prior to the time set forth in the act.

I do not believe that it is proper for anybody to take advantage of an act designed for the protection of health and safety to this extent. If this is a good measure then

I think we ought to know wherein it is good, and if it is not, we ought to know wherein it is bad, and what the abuse of this act has been.

I was chairman of the committee which reported this bill out in the 1937 session, and it was specifically represented to that committee at that time that the cost of this installation would be reasonable, and it would not operate as a racket.

I have what I think amounts to evidence which satisfies my mind without a shadow of doubt, that in the City of Erie a racket has been developed based upon this bill.

Now, we have one of two alternatives; either recommit this bill or put it upon the postponed calendar, or, second, let these people, the volunteer firemen and other organizations of firemen in the State have presented to them, before a committee or at a general hearing, those facts, and if this measure is good and necessary it can be amended in such a way as to eliminate the racket. Therefore I think in fairness to these two positions the best we can do at the present time is either put the bill on the postponed calendar or to recommit it.

I think the Senate ought to understand we have just as much duty to prevent a racket as we have to develop or protect the safety of the people of our Commonwealth, and that is a serious responsibility. I for one, do not want to be a party to fraud perpetrated by somebody in the guise of safety; neither do I want to deny to someone who is entitled to it safety, particularly in the Fire Department.

BILLS POSTPONED

Mr. SHAPIRO. Mr. President, I move that the question together with the further consideration of the bill be postponed for the present.

Mr. MALLERY. Mr. President, I second the motion. The motion was agreed to.

Mr. DISILVESTRO. Mr. President, I suggest that the Senator from Philadelphia add to his motion that the bill be placed on the postponed calendar pending investigation of the bill, and that a conference be held with both parties concerning the bill. I suggest that that be placed in the motion.

The PRESIDENT. Does the seconder of the motion accept the amendment?

Mr. MALLERY. Mr. President, I do.

On the question,

Will the Senate agree to the motion?

It was agreed to.

Mr. HOMSHER. Mr. President, I move that further consideration of Senate Bill No. 138 on third reading be postponed for the present.

An Act authorizing counties cities boroughs townships of the first and second class and school districts to issue and sell bonds for certain purposes and for a certain period of time providing for a trust fund and a sinking fund for the payment thereof and defining the duties of the officers and governing bodies of the said municipalities or quasi municipalities in relation to said funds and fixing a penalty for the violation thereof.

be postponed for the present.

Mr. THOMAS. Mr. President, I second the motion.

The motion was agreed to.

BILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 170, entitled:

A Joint Resolution proposing an amendment to Article nine section eight of the Constitution of the Commonwealth of Pennsylvania.

And said bill having been read at length the third time,

On the question,

Will the Senate agree to the bill?

Mr. WOODWARD. Mr. President and gentlemen of the Senate, not so long ago there were only fifteen Republican Senators in this chamber, and every Monday night we would assemble in parlor A at the Penn-Harris Hotel, and have a survivors' dinner—I must say the dinners were better then than those we are getting now.

The calendar sometimes would be subjected to our scrutiny, sometimes not; it did not make very much difference—we knew that the bills were slated by the immense Democratic majority and that they would be passed. We thought most of them would be declared unconstitutional by the courts later.

Our dinners, therefore, became a very agreeable series of social meetings and we were all bound together very closely by our misfortune. In the absence of any real business we used to play parlor games. We had a game called "Information, please." A sample question would be "In your opinion, who is the worst Democrat on the Democratic sides?" Then, we would take a secret ballot and the vote would be scattered. We then took another ballot, and the favorite question would be, "which is the worst Earle tax?" There the vote would be unanimously in favor of the worst tax being the personal property tax. That never deviated every Monday night.

The story then was that Governor Earle, when not up in the air, depended a great deal on Harry Kalodner, who kept both feet on the ground—now Judge Kalodner; that Governor Earle was faced with an emergency, like President Roosevelt with a crisis—you may have noted we have had a series of crises in the last six years in Washington, and we have had a series of emergencies in Harrisburg during the Earle administration. I do not like the phraseology—perhaps Governor James can change that, but the story then was that Governor Earle thought that the personal property tax yielded a lot of money, and so he asked Harry Kalodner about it, and Harry Kalodner said, "Well, Governor, it is a capital levy." Governor Earle, not being very conversant with tax phraseology, thought that Judge Kalodner meant "capital" in the sense of admirable or excellent or fine, and, therefore, Governor Earle took his pen and he said, "Now, we are getting so many millions at four mills; if multiplied by two you would get twice as many, and it would be twice as good a tax as you had before," and, therefore, he had enacted by the Assembly a bill jacking the tax up to eight mills, which, as I have said before, in terms of income tax amounts to 20%.

Now, when Governor James came along, he was declaring for an economic administration, but he did not even take up a pen, he took up a worn pencil—without an eraser, I am afraid, because he was not going to rub anything out. He said, "If we accept the \$163,000,000

emergency taxes it will give me more time to interview Senators, even Democratic Senators, in my office, and I do not have to worry about taxes, we will have \$163,000,000, of which \$139,000,000 are dedicated to relief—that will not be enough, but we will have another meeting later.”

Now, last evening we had a very pleasant dinner, that was slightly interrupted by Senator Davis. I sat next to Senator Davis and learned all about Washington gossip; I know just exactly about the third term, and who is to be the Democratic nominee and who is to be the Republican nominee. Then, the Senator, naturally was called on, and he made an excellent speech; and I was so well satisfied with his speech I did not come to the Capitol at all last night to hear the formal speech. It was a very, very unpleasant evening, as you may remember, but I went to the Senate Theatre and saw a very excellent movie that I can recommend to anybody, called “A Love Affair.”

Now, that is only introductory. This joint resolution I shall explain in as few words as possible. Under the existing section of the Constitution the City of Philadelphia may not create or incur indebtedness in excess of 10% of the assessed value of taxable property at the time the debt is created. In the case of other counties the limitation is 7%.

An amendment to the debt section of the constitution is now pending having passed a first time at the Session of 1937, Resolution No. 6B, page 2881. If it is repassed a second time in 1939 it may be submitted to the voters that year. This amendment proposes to change the constitution base for the measuring of the debt of local government from “assessed value of taxable property” to the “average annual assessed value of taxable realty” for the nine years immediately preceding the time any debt is incurred or increased.

The following calculation shows that, as to Philadelphia, the amendment works on the principles that presently the personal property valuation equals one-third of the total value of the taxable property.

Presume the total assessed value of taxable property to be \$90,000,000 made up of \$60,000,000 in realty value and \$30,000,000 in personalty. With a ten percent (10%) borrowing power, \$9,000,000 could be borrowed on this \$90,000,000 valuation. Let us now eliminate the \$30,000,000 personalty and base the borrowing power against the \$60,000,000 in realty value. What must the percentage be to raise \$9,000,000? The answer is fifteen (15%) percent the figure found in the pending amendment.

The phrase “assessed value of taxable property” includes all assessments made for county, and, in Philadelphia for city purposes. In Philadelphia there are but two assessments which constitute the value of taxable property, i.e. the realty valuation and the personal property valuation. In other counties a third assessment is included, i.e. the valuation of trades, occupation and professions. The inclusion of all these elements is well settled by court decision and practice.

In Philadelphia and in some other counties the personal property valuation constitutes a material part of the total assessed value of taxable property.

Persons familiar with, or feeling the burden of, this tax on personal property are agreed that this form of capital levy is unsound, and they are looking for the day when both the county and State personal property taxes may be repealed and an income tax be substituted. I under-

stand everybody wants an income tax except a few reactionaries.

But to repeal this county personal property tax means that the total “assessed value of the taxable property” will be materially reduced, and that as a consequence the borrowing power of counties and of the City of Philadelphia will be correspondingly curtailed.

The retention in the constitution of this phrase “assessed value of taxable property” will delay the enactment of an income tax or hinder its successful operation when the Constitution is finally amended to make the adoption of such a tax possible. It is inconceivable that we shall repeat the attempt of 1935 to levy an income tax on top of a four (4) mill county and four (4) mill State capital levy on personal property. Such a course can only result in a further flight of capital from Pennsylvania.

And talking about a flight of capital, I feel strongly on the subject because I had one of the DuPont family as a tenant of mine and also I had a member of the Proctor and Gamble family as another tenant, and when this eight mills tax came along they both crossed the Brandywine into Delaware, wrapped the personal property tax in cellophane and opened an account in the Wilmington Trust Company. They moved, and many other people moved also.

This resolution I am discussing opens two doors, it enables us to repeal the personal property tax, and it opens the door to a graduated income tax, and I might as well say that here, I suppose, that you cannot repeal the personal property tax until you have divorced it from realty as a base for borrowing, and that is what this resolution does.

An amendment to the debt section of the constitution is now pending, having passed the first time in 1937—that is this bill.

Now, the bill, I admit is difficult in some of its features to understand, perhaps, and the public has to be educated. I have made a very haphazard defense of the bill, but when I sit down I hope my friend, the Senator from Montgomery, Mr. Edmonds, will get up and say a few words more, because if we want a graduated income tax we cannot have it unless you pass this bill and get rid of the tie-up as a borrowing base of personal property with real estate. That is the big thing in the resolution.

Mr. SHAPIRO. Mr. president, for the information of the Senate, what the Senator means is that this bill increases the borrowing capacity of the City of Philadelphia from 10% to 15%, in order to make up for the loss it would incur by virtue of the fact they have taken out borrowing capacity the right to include in it the personal property tax.

I am very much interested in what the Senator has said, because we passed this act last session, and as it must go before the people I suppose the people of Philadelphia and Pennsylvania will vote on this question, and I am very much interested in some of his statements made in the preamble by the Senator from Philadelphia. For instance, he says he thinks one of the vicious taxes adopted by the Earle administration was the personal property tax, and he thinks the Governor of Pennsylvania—the then Governor of Pennsylvania—must have used a pencil without an eraser.

I should like to call his attention, as well as the attention of my colleagues on this side, to the fact that the present Governor is employing this same vicious practice

by not only passing some vicious acts, but he is also using the same pencil without a rubber. It may have been that when Harry Kalodner left that office he left the pencil there—this is one of the things he did not take with him.

So far as the bill itself is concerned, I propose to vote for it, because I think in matters of this kind the people should have the right to pass on the question, it is still finally up to them.

I think the Senate of Pennsylvania would be a serious and quiet group, minding their own business, and watching bills carefully, and having no fun at all, if it were not for the presence of the Senator from Philadelphia, Dr. Woodward.

Mr. WOODWARD. Mr. President, I thank the Senator from Philadelphia, Mr. Shapiro.

Mr. SHAPIRO. Mr. President, I know that for many years—at least for those years I have been in the Senate—the Doctor has been continuously offering this same proposition in the form of a constitutional amendment, and he has never been able to even get it by his Republican colleagues—even in the meetings he had in the Penn-Harris Hotel last year—and the disagreement among his colleagues has extended to the passage of this bill.

He used to say, whenever the bill came up, "I am going to talk on this because I know once I talk on it I am going to be defeated on it."

The last time, the Democratic Senators did not take him seriously and did not defeat the bill, and I hope this time they do not take him seriously again, and pass the bill. I do not want him to take this too much to heart—I think it is closer than he has ever had it before, and I am quite sure if we do not pass this bill the amiable Senator from Philadelphia, Dr. Woodward, will not come back again and we will not have the pleasure of listening on many occasions to his facetious and interesting remarks. I join with him and urge the members of this Senate to keep him in good humor and give him an opportunity on this personal property tax, so that it can go before the people of the Commonwealth of Pennsylvania, so that they may vote it down at the next election, as they usually do on constitutional amendments.

Mr. REED. Mr. President, I desire to interrogate the Senator from Philadelphia, Dr. Woodward.

The PRESIDENT. Will the Senator from Philadelphia, Dr. Woodward, permit himself to be interrogated?

Mr. WOODWARD. Mr. President, I will.

Mr. REED. I would like to ask the Senator from Philadelphia, Dr. Woodward how the passage of this resolution will affect the tax on real estate; whether it will leave it as it is, whether it will cause a rise in real estate taxes or whether it will cause a lowering of real estate taxes?

Mr. WOODWARD. Mr. President, I realize real estate men must get along, but, to answer the interrogation of the Senator from Washington, there really are two answers. There has been a shrinkage of a billion dollars in the assessed value in real estate values in Philadelphia, the assessed values are way down. The other answer is that we simply, we cannot remove the personal property partner in this hook-up for borrowing without bridging the gap somehow, and that is the only way I know of for bridging it.

I regret to say that this figure is fifteen per cent. I am frank enough to say that I tried to change it to 12½% and Mr. Edmonds said it should be 14%; but you cannot change anything, you know, when you are passing it the

second time; you cannot change anything. They have changed it once or twice in the printer's office and this is the second bill I have put in; the first bill was mutilated so much—I must have an enemy over there—but somehow they left out the whole last paragraph.

Mr. REED. Mr. President, getting back to the question, I would like to ask the Senator from Philadelphia, Mr. Woodward, whether in his opinion this will increase the tax on real estate.

Mr. WOODWARD. Mr. President, in my opinion, it will not, sir.

Mr. CAVALCANTE. Mr. President, I wish to correct a misunderstanding on this bill. The Senator from Philadelphia, Mr. Shapiro, has said that the Democratic Session of 1937 passed this resolution, notwithstanding any discourse by Senator Woodward. This resolution passed the 1937 session because, either fortunately or unfortunately, I found myself chairman of the Committee on Constitutional Changes and after some discussion of this resolution it was determined that it was a very meritorious proposition and that it should pass the 1937 Assembly, and the Journal of this Senate will show that when the resolution came up and it was assailed by a few members of the Senate that I rose in defense of it, and explained just what this resolution meant.

Now, as in the last session, there appears in this session to be a misunderstanding of the contents of this resolution. This resolution, if adopted by the public, will not in any way affect taxation. This resolution deals merely with the rule that fixes the amount of borrowing power of a municipality. It does not in any way at all affect taxation but merely establishes a rule by which a municipality fixes the amount of its borrowing power and nothing else.

We determined in the 1937 Committee on Constitutional Changes that it was a very good thing to fix this basis on something that was more substantial than the fluctuating value of personal estates.

One year the assessed value of personal property was way up to the heavens and the next year it was way down and the borrowing power of the municipality fluctuated enormously. In order to establish a more stable basis, if this resolution is adopted by this Senate and the people adopt it, it will fix the basis for the computation of the borrowing power that will be more substantial than under the old rule.

This resolution requires the municipality to take its assessed valuation on real estate for period of nine years and take the average, and upon that average then is the borrowing power predicated.

I think it is a very wise proposition and I trust that this Senate will adopt this resolution and that the people, in their wisdom, see fit to adopt it at the next general election.

Mr. STIEFEL. Mr. President, unfortunately, the history of the Senate of Pennsylvania is not written yet, but when a future historian begins to work on the history he will state that the Senator from Philadelphia, Dr. Woodward, was a grand old man who tried to rejuvenate the Constitution of Pennsylvania.

I am very pessimistic about amending the Constitution of Pennsylvania, because all amendments are voted on at a general election, when the people are engrossed in the election of candidates, and in the heat of their political

activities they forget the vital question of amending some of the provisions of our Constitution.

For example, the city-consolidation act, which passed so many hurdles, was defeated because it came up during a general election and did not command the attention of the people.

Unless and until the Constitution of Pennsylvania will be so amended as to provide for a special election on the constitutional amendment by the people of Pennsylvania, there will be no hope that public attention will become centered upon a vital amendment to the Constitution. For that reason, in my opinion, any proposal to amend the Constitution of Pennsylvania is useless, and for that reason I am going to vote against this resolution.

Mr. REED. Mr. President, I desire to interrogate the Senator from Fayette, Mr. Cavalcante.

The PRESIDENT. Will the Senator from Fayette, Mr. Cavalcante, permit himself to be interrogated?

Mr. CAVALCANTE. Mr. President, I will.

Mr. REED. Mr. President, I would like to ask the Senator from Fayette, Mr. Cavalcante, if this resolution will increase the borrowing power of municipalities?

Mr. CAVALCANTE. Mr. President, it will not.

Mr. EDMONDS. Mr. President, I want to pay my tribute to the Senator from Philadelphia, Dr. Woodward, for having steered a consistent course on this subject of taxation for the past fifteen or eighteen years. He has always been in favor of a personal income tax provided he could get rid of the personal property tax, and I think the reason why the income tax provision has been defeated by the people of Pennsylvania several times was because they doubted whether they would get rid of the personal property tax.

Now, in 1923, there was a legislative commission appointed for the purpose of revising the taxing laws of this State, and in their final report, in 1927, they recommended precisely this amendment. They had in mind the situation the Senator from Fayette has described.

Let us say there is a man who lives in a city with taxable personal property amounting to a million dollars. On that a loan of ten percent, or a hundred thousand dollars can be contracted and then, after the loan has been contracted, the man can move out of the county and take his personal property with him and he leaves a debt of a hundred thousand dollars which is then a debt on the realty or so much assessed property as there may be in the county. That seems like a very foolish method of basing a debt.

Debts ought to be based on values that are fixed and permanent. It was for that reason that the tax commission in 1927 made its recommendation that the basis be shifted from realty and personalty into realty alone; and because certain communities had already followed the personalty end of it, it was necessary that the realty be increased so as to cover the existing debt.

Let us take, for instance, the City of Philadelphia which is not the community I represent, but a community very much in our hearts and minds. There is, at the present time, \$2,500,000,000 of real estate and about \$1,000,000,000 personalty. That means a debt base of \$350,000,000. As a matter of fact, the debt is slightly more than that. If you subtract what is in the sinking fund, I imagine the debt is about \$375,000,000.

Now, if you take away the personalty part of it you

will have to increase the ratio on realty, and that is what the Senator proposes in this amendment.

One of the reasons that I am in favor of it is not merely because it is a reasonable plan—to my mind it is the first step for working out permanently some of the tax problems in this Commonwealth.

If this amendment passes it leaves the way open for an income tax amendment which will provide that if there is a tax on incomes from securities there shall be, then, no tax on the capital value of the securities, which would have the effect of making the income tax replace the personal property tax.

What, then, is going to become of the counties? To meet the question raised by Senator Reed, what is going to become of the counties who will lose their county tax on personal property? A portion of the income tax will have to be returned to the counties, in order to make up for their loss of income.

The recommendation of the tax commission was that one-third of the tax be returned to the counties, which would give the counties more than they would get from the personal property tax, and to that extent it would relieve realty.

All of this is part of a plan, and you cannot take any of the steps of that plan until you take the first step, and the first step is involved in this amendment.

It therefore seems to me it would be proper legislation to vote for the amendment, and I shall vote for it with pleasure.

Mr. SHAPIRO. Mr. President, I am going to vote for the bill this time, although I voted against the bill the last time; and I vote for it, knowing full well that there is a likelihood that the tax on real estate will be increased by the adoption of this amendment.

This amendment is necessary for a city like Philadelphia, because Philadelphia real estate assessed values have been reduced in the last ten years from \$3,400,000,000 to \$2,500,000,000, and a result of that, we are at present over-borrowed on the basis of the Constitutional provision, even if we take from the present debt the amount in the sinking fund.

If this bill should be passed and adopted it would mean that the borrowing capacity of the city of Philadelphia would be increased, because there is an outstanding obligation of \$540,000,000 in Philadelphia, and a reserve or sinking fund of \$120,000,000, which leaves \$420,000,000 as a net borrowing capacity today.

Under this bill a net borrowing capacity would be \$475,000,000. It would be 15 per cent of \$350,000,000. It is not true, as the Senator from Philadelphia says, that the people of Philadelphia do not pass these Constitutional amendments because they do not pay any attention to them, but the truth is that the city-county consolidation provision that was voted on last year was defeated because people who had no interest in the matter at all, the Senators from upstate, came to Philadelphia, and helped to defeat the bill, which concerned Philadelphia only.

The income tax, in my opinion, was defeated last year because the Republican party fought it, and was against it. The income tax bill would have been passed if the Republican party had not fought it. Now, in Philadelphia and other counties, particularly our school districts—and that is why I am for this bill now—our school dis-

tricts are limited in borrowing capacity, and by various subterfuges they are attempting to increase it.

Today I understood Senator Mallery the Senator from Blair, introduced a bill which would enable school districts to issue bonds upon moneys that they had spent out of current income for the past ten years, for capital investment.

In other words, when these school districts in many counties had a surplus of income, instead of reducing taxes they proceeded to use that money to construct a building. And now that they are short of money they want to take advantage of the amount they spent and issue bonds.

In fact, in Johnstown that was done some years ago. That was done without the aid of the bill introduced by the Senator from Blair. Some attorney in Johnstown went to the bankers and told them in his opinion that could be done, and that is the way it was done. In Philadelphia the school district requires aid, and the city requires aid, because Philadelphia has not made a permanent improvement of any value for at least fifteen years. Philadelphia has a substructure, which carries the water pipe and carries the sewage system, that is in danger of breaking down any day. There have been no real substantial repairs to that substructure under the street for fifteen years and any day you may read that something has happened to the whole system; and that can only be corrected by a permanent improvement which will require millions of dollars. Philadelphia needs a water system badly; it will require \$80,000,000 at the lowest estimate to build, and if we pass this amendment, and if our borrowing capacity can be increased, and if proceeds to pay off that borrowing capacity in a proper way, by an annual tax to cover sinking fund—sufficient to return not over a period of fifty years, but by serial bonds to require a certain proportion every year that will require an increase in real estate taxes, but any man who has a sense of business will be tickled to death to pay that increase in taxes when you know it is going to permanently improve the city and bring business back to a high level and attract business in Philadelphia and in every other city.

We do not attract business to Philadelphia because we have nothing to attract it. We have no improvements, we have holes in the ground as subways which can only be used occasionally when a sewer breaks and carries the water off, instead of it going into the cellar, and that is a saving of a few thousand dollars, but that is no comparison with the millions of dollars spent on those subways without any entrances or exits to them.

I think it is important that we have this discussion on this bill now, because the time will come in a general election, when this will come up for action and your constituents will be asking you as to what should be their attitude, and what your attitude is; and I think we should all understand about this bill so that there cannot be any misunderstanding or misstatements later, because it is these misunderstandings and misstatements that defeat proper business management of a community; and there should be an understanding about this bill—that this bill is going eventually to allow a greater borrowing capacity, and it is going to allow a more stable borrowing capacity, because it will prevent municipalities from trying to spend the money simply because real estate assessments have increased.

In Philadelphia we take an assessment—I think it is

over a period of three to five years—we take a situation where we have a high market, a high real estate assessment, and then we have a high borrowing capacity, and then when the market goes down we have a low one and a low borrowing capacity; but this bill spreads it over a period of eight or nine years—nine years—nine years are taken because it is believed by those who have suggested it that that reflects the high and the low fluctuation in real estate over that period, therefore it is going to make a stable borrowing capacity or a stable basis for borrowing capacity for that reason.

Secondly, while increasing the borrowing capacity, it will aid permanent improvements not only Philadelphia but in every county in the state that now needs improvements to make it worthwhile to live in—water systems, sewer systems, all these demands important to health can be met under this bill, and I urge every one to vote for this bill and have it in mind it will be their duty to see to it that this bill passes finally before the people in the next election.

Mr. REED. Mr. President, I desire to interrogate the Senator from Philadelphia, Mr. Shapiro.

The PRESIDENT. Will the Senator from Philadelphia, Mr. Shapiro, permit himself to be interrogated?

Mr. REED. Mr. President, is it the understanding of the Senator from Philadelphia that the passage of this resolution will empower a municipality to increase its indebtedness?

Mr. SHAPIRO. Mr. President passage of this resolution will, in some counties, enable them to increase their indebtedness. In Philadelphia, particularly, we need the passage of this resolution, and the passage or adoption of this resolution by the people will enable Philadelphia to increase its borrowing capacity, because, as I have pointed out, the present borrowing capacity is \$428,000,000, and this will give Philadelphia a borrowing capacity of \$475,000,000, at least, on its present assessed real estate valuation, which is \$2,500,000,000 and its personal property assessment, which amounts in the neighborhood of \$990,000,000.

Mr. REED. Mr. President, I should like to further interrogate the Senator from Philadelphia, Mr. Shapiro.

The PRESIDENT. Will the Senator from Philadelphia permit himself to be further interrogated?

Mr. SHAPIRO. I will, Mr. President.

Mr. REED. Mr. President, will the increase cause an increase in real estate taxation?

Mr. SHAPIRO. Mr. President, not at all.

Mr. CAVALCANTE. Mr. President, I think that we ought not to be hasty in this matter; it is a serious matter. I cannot agree with the entire proposition as is stated by the Senator from Philadelphia, Senator Shapiro. The statistics of this Commonwealth show that the taxable assessment valuation has been in this proportion: about forty per cent on real estate and sixty per cent is personal property; but in the assessment of taxes real estate has always borne from seventy-five to eight-five per cent of the tax burden, while personal property has borne the burden of from fifteen to twenty-five per cent.

When the borrowing power has been based upon personal property and real estate, and the personal property has gone out of the municipality, the burden of paying the indebtedness has fallen upon real estate all the time. It is a natural sequence that, if the personal property goes out of the municipality, that then the payment

of that indebtedness must come from taxation on real estate.

If this particular resolution is adopted the personal estate is not made tax free or tax exempt, but it is merely excluded as in the computation of the basis of the borrowing power, and if today in Philadelphia the taxable assessed valuation on real estate and personal property is in the ratio of forty-five per cent real estate and fifty-five per cent on personal property, the adoption of this resolution will not in any way affect the taxation on real estate, nor will it in any way increase the borrowing power of the City of Philadelphia.

I do not know the ratio in the City of Philadelphia between the assessed valuation of personal property and real estate, but I assume that in Philadelphia the ratio is the same as it is in other parts of the State; that the personal property assessed valuation is much higher than the real estate assessed valuation. If you consider those two and take the City of Philadelphia and eliminate the personal property assessed valuation and take the assessed valuation on real estate for the past nine years, and then get the average, and multiply that by fifteen per cent, you will find that the borrowing capacity of the City of Philadelphia will not be increased at all. If anything, it will be reduced. Then, if the borrowing power is based on real estate, if the personal property goes out of the community, still the taxes on the real estate will remain constant, because borrowing power is more constant, and we ought not to believe here that this amendment will remove personal property from the taxable list.

It will be removed from the computation of the borrowing power but personal property will still remain subject to taxation, to pay the loans on that which has been borrowed by the municipality. I believe this is a good resolution and it ought to be adopted by men who are sound and who believe in sound government.

CHANGE OF VOTES

Mr. JASPAN. Mr. President, having voted under a misapprehension, I desire to change my vote from No to Aye.

The PRESIDENT. The vote of the Senator from Philadelphia will be so recorded.

Mr. STIEFEL. Mr. President, because I believe this question will be decided at a special election and that then the people will be in a position to decide this question, I desire to change my vote from No to Aye.

The PRESIDENT. The vote of the Senator from Philadelphia, Mr. Stiefel, will be so recorded.

QUESTION OF PARLIAMENTARY INQUIRY

Mr. SHAPIRO. Mr. President, I rise to a question of parliamentary inquiry.

The PRESIDENT. The Senator from Philadelphia will state his point of parliamentary inquiry?

Mr. SHAPIRO. Mr. President, I would like to inquire whether a member may change his vote on a bill the day following the vote.

The PRESIDENT. He may not.

And the question recurring.

Will the Senate agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—44

Bartlett,	Farrell,	Kunkel,	Futh,
Cavalcante,	Frey,	Lanius,	Scarlett,
Chapman,	Gelder,	Letzler,	Shapiro,
Coleman,	Geltz,	Mallery,	Snowden,
Crowe,	Gilson,	McCreesh,	Stevenson,
Dando,	Haluska,	McGinnis,	Stiefel,
Deitrick,	Heyburn,	Miller,	Tallman,
Dent,	Homsher,	Mundy,	Thomas,
Ealy,	Jacobs,	Owlett,	Walker,
Edmonds,	James,	Pierson,	Wolfenden,
Eroe,	Jaspan,	Rice,	Woodward,

NAYS—3

DiSilvestro,	Kilgallen,	Reed,
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A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeding to the third reading and consideration of Senate Bill No. 186, entitled:

An Act to amend subsection twelve of section seven hundred and two of the act approved the first day of May one thousand nine hundred and thirty-three (P. L. 103) entitled "An act concerning townships of the second class and amending revising consolidating and changing the law relating thereto" by empowering townships of the second class to prohibit the storage of abandoned and junked automobiles

And said bill having been read at length the third time, and agreed to.

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—44

Bartlett,	Farrell,	Kilgallen,	Rice,
Cavalcante,	Frey,	Kunkel,	Ruth,
Chapman,	Gelder,	Letzler,	Scarlett,
Coleman,	Geltz,	Mallery,	Shapiro,
Crowe,	Gilson,	McCreesh,	Snowden,
Dando,	Haluska,	McGinnis,	Stevenson,
Dent,	Heyburn,	Miller,	Stiefel,
DiSilvestro,	Homsher,	Mundy,	Tallman,
Ealy,	Jacobs,	Owlett,	Walker,
Edmonds,	James,	Pierson,	Wolfenden,
Eroe,	Jaspan,	Reed,	Woodward,

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 199, entitled:

An Act authorizing the courts of common pleas to make orders relative to the payment of costs in road cases

And said bill having been read at length the third time.

On the question,

Will the Senate agree to the bill?

Mr. McGINNIS. Mr. President, I do not know how this affects the other counties, but in Allegheny County when

a condemnation case or a damage case comes over to the Common Pleas Court costs are left dangling, and it is necessary for an attorney to prepare a petition to the court to fix the costs. All this bill does is to grant the court authority to fix costs without petition from the attorney.

Mr. EALY. Mr. President, I desire to interrogate the sponsor of the bill.

The PRESIDENT. Will the Senator from Pittsburgh, Mr. McGinnis, permit himself to be interrogated?

Mr. McGINNIS. Mr. President, I will.

Mr. EALY. Mr. President, I did not hear the explanation offered by the Senator from Pittsburgh just now, but as I understand it under the present law, in condemnation cases, if the land owner takes an appeal from the Board of Viewers and the verdict of the jury is less than the award the man who appeals does not get costs. Does the Senator from Allegheny understand that to be the law?

Mr. McGINNIS. Mr. President, I think that is correct.

Mr. EALY. Mr. President, I would like to inquire what is the real purpose of this act.

Mr. McGINNIS. Mr. President, the Prothonotary is worried about the costs that are dangling there, and an attorney must go in with a petition to the court in order to get the costs. I think that is entirely unnecessary but the courts require it in our county.

Mr. EALY. Mr. President, what will be the effect of this bill, that is what I desire to ask the Senator from Pittsburgh.

Mr. McGINNIS. Mr. President, in any case that is before the Common Pleas Court, the court will determine what is to be done with the costs.

Mr. EALY. Mr. President, I desire to ask the Senator from Pittsburgh, in cases where the verdict of a jury is less than the award, whether the court will order the county to pay the costs?

Mr. McGINNIS. Mr. President, I do not think it changes the distribution of costs at all in any respect. It merely relieves the attorney of the trouble of preparing a petition.

Mr. EALY. It seem to me, Mr. President, that it would be better to provide for reduction of costs, if that already is not the law.

Mr. CAVALCANTE. Mr. President, I would like to qualify some of the statements made in regard to this bill. The difficulty this bill is trying to correct is this: after a verdict has been rendered a jury does not fix the amount of costs in any case, of course, but in the ordinary case the costs are fixed, you know what the witness fee is, you know what the mileage is, you know what the items of costs are, but in condemnation proceedings you sometimes bring in witnesses of a certain character and other matters of costs enter into the case, and if the Prothonotary cannot fix the costs he does not know how much costs must be charged for a particular item. In order to clarify that situation, this bill has been introduced, so that the court, without the necessity of a Prothonotary's petition asking the court to fix the costs in a particular item or items—the court may do that without a petition of the Prothonotary. The costs are fixed and every party involved knows what the costs are.

Mr. REED. Mr. President, I desire to interrogate the

sponsor of this bill, the Senator from Pittsburgh, Mr. McGinnis.

The PRESIDENT. Will the Senator from Pittsburgh, Mr. McGinnis, permit himself to be interrogated?

Mr. McGINNIS. Mr. President, I will.

Mr. REED. Mr. President, I would like to inquire of the Senator from Allegheny, Mr. McGinnis, whether this bill will apply to cases where the verdict of the jury is greater than the award of the viewers.

Mr. McGINNIS. Mr. President, I think the court can decide what is to be done with a case of that kind according to law.

Mr. EALY. Mr. President, I would like to inquire how such cases are handled at the present time in the County of Pittsburgh.

Mr. McGINNIS. Mr. President, the attorney goes into court with a petition, a petition to the court, asking the court to assess or fix costs, and the court does it.

Mr. REED. Mr. President, in my county in cases of that kind the costs follow the verdict; they never have had any trouble about costs.

Mr. McGINNIS. Mr. President, perhaps that is true in Washington County, but it is not true in Allegheny County.

And the question recurring,
Will the Senate agree to the bill on third reading?
It was agreed to.
On the question,
Shall the bill pass finally?
The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—45

Bartlett,	Frey,	Kunkel,	Rice,
Cavalcante,	Gelder,	Lanlus,	Ruth,
Chapman,	Geltz,	Letzler,	Scarlett,
Coleman,	Gilson,	Mallery,	Shapiro,
Crowe,	Haluska,	McCreesh,	Snowden,
Dando,	Heyburn,	McGinnis,	Stevenson,
Dent,	Homsher,	Miller,	Stiefel,
DiSilvestro,	Jacobs,	Mundy,	Tallman,
Ealy,	James,	Owlett,	Walker,
Edmonds,	Jaspan,	Pierson,	Wolfenden,
Eroe,	Kilgallen,	Reed,	Woodward,
Farrell,			

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present the same to the House of Representatives for concurrence.

QUESTION OF PERSONAL PRIVILEGE

Mr. GILSON. Mr. President, I rise to a question of personal privilege.

The PRESIDENT. The Senator from Erie, Mr. Gilson, will state his question of personal privilege.

Mr. GILSON. Mr. President, after a very serious conference with the Senator from Allegheny, Mr. Walker, I am compelled to suggest that the Senate consider favorably the invitation of the Senator from Philadelphia, Dr. Woodward, to participate in a dinner to celebrate the eighteen years of tireless effort and the successful consummation of his heart's desire, in the passage of the resolution amending the Constitution.

Mr. WOODWARD. Mr. President, do I understand I am being invited to dinner or that I am inviting the gentlemen to dinner?

Mr. GILSON. Mr. President, in response to the interrogation of the Senator from Philadelphia, Mr. Woodward, in order that there will not be any misunderstanding about it, the thought is that the Senate accept the invitation of the Senator from Philadelphia.

Mr. WOODWARD. Mr. President, I would be very happy indeed, at a future date—Flag Day or the first of May.

BILL ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 241, entitled:

An Act authorizing counties of the second class to make appropriations to the State World's Fair Commission

And said bill having been read at length the third time, and agreed to.

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—39

Bartlett,	Frey,	Kilgallen,	Ruth,
Chapman,	Gelder,	Kunkel,	Shapiro,
Coleman,	Geltz,	Lanius,	Snowden,
Crowe,	Gilson,	Letzler,	Stevenson,
Dando,	Haluska,	Mallery,	Stiefel,
Dent,	Heyburn,	McCreesh,	Tallman,
DiSilvestro,	Homsher,	McGinnis,	Walker,
Edmonds,	Jacobs,	Miller,	Wolfenden,
Eroe,	James,	Mundy,	Woodward,
Farrell,	Jaspan,	Rice,	

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Mr. STIEFEL. Mr. President, I am constrained to ask that this bill go over until Monday night. This bill is known as the anti-macing bill. Last night I asked that it go over for a continuance in order that I might be in a position to prepare the necessary amendments, but the situation is so complicated it will require more time to prepare the necessary amendments.

This anti-macing bill reminds me of the Barmacedean Feast mentioned in the Arabian Nights. You will recall that Barmacedes celebrated an imaginary feast at which the guests were treated to empty dishes. During the weekend I will attempt to get some amendments to fill the dishes, and present something tangible.

BILL OVER IN ORDER

Mr. STIEFEL. Mr. President, I ask unanimous consent that Senate Bill No. 111, (House Bill No. 92) on second reading, entitled:

An Act to prohibit assessments and demands for contributions for political purposes and providing a penalty go over in its order.

The PRESIDENT. Is there objections? The Chair hears none.

HOUSE MESSAGES

HOUSE BILLS FOR CONCURRENCE

The Clerk of the House of Representatives being introduced presented for concurrence bills of the House, as follows:

House Bill No. 172, (Senate Bill No. 340), entitled:

An Act to amend section two of act approved the twelfth day of July one thousand nine hundred and nineteen (Pamphlet Laws 941) entitled "An act providing for the preparation contents style printing and binding of the Legislative Journal and its delivery and distribution providing for the preparation printing and binding of the Journals of the Senate and House of Representatives authorizing the appointment of official reporters expert typewriters clerks and other employees and providing for their compensation and mileage providing for the making of an appendix and index the printing of wrappers or envelopes for mailing the Legislative Journal and repealing all acts or parts of acts inconsistent herewith" by eliminating certain requirements as to matter to be printed in the Legislative Journal

Which was committed to the Committee on State Government.

House Bill No. 260, (Senate Bill No. 341), entitled:

An Act to protect the public health by prohibiting the re-use of containers for flowers or floral designs at funerals by those dealing in the sale of flowers and floral emblems; and providing penalties.

Which was committed to the Committee on Public Health.

House Bill No. 373, (Senate Bill No. 342), entitled:

An Act declaring valid provisions in wills and trust instruments directing that certain dividends upon and profits realized from corporate stock be treated in whole or in part either as principal or income; and repealing inconsistent legislation.

Which was committed to the Committee on Judiciary General.

House Bill No. 486, (Senate Bill No. 343), entitled:

An Act authorizing the appointment of a deputy mayor in cities of the second class A, and limiting and prescribing his powers and duties.

Which was committed to the Committee on Municipal Government.

House Bill No. 575, (Senate Bill No. 344), entitled:

An Act authorizing the Commonwealth to negotiate temporary emergency loans to defray the current and other expenses of the State government during the two fiscal years beginning the first day of June, one thousand nine hundred thirty-nine, evidenced by tax anticipation notes secured by and payable from current revenues, levied, assessed, collectible, and accruing during such two fiscal years; defining the powers and duties of the Governor, the Auditor General, and the State Treasurer in relation thereto; providing for the payment of interest on and the repayment of such loans; and making an appropriation.

Which was committed to the Committee on Finance.

House Bill No. 312, (Senate Bill No. 345), entitled:

An Act to reenact and amend the title and the act, approved the ninth day of June, one thousand nine hundred thirty-six (Special Session of one thousand nine hundred

thirty-six Pamphlet Laws, thirteen), entitled "An act imposing an emergency State tax for a limited period of time on liquor, as herein defined, sold by the Pennsylvania Liquor Control Board; providing for the collection and payment of such tax; and imposing duties upon the Department of Revenue and the Pennsylvania Liquor Control Board", as previously reenacted and amended, by extending the provisions thereof for a further limited period of time.

Which was committed to the Committee on Finance.

House Bill No. 313, (Senate Bill No. 346), entitled:

An Act to further amend section one of the act, approved the thirteenth day of June, one thousand nine hundred seven (P. L. 640), entitled "An act to provide revenue by levying a tax upon the shares of stock of companies incorporated under the provisions of section twenty-nine of an act, entitled 'An act to provide for the incorporation and regulation of certain corporations,' approved April twenty-ninth, one thousand eight hundred and seventy-four, and the supplements thereto; for the insurance of owners of real estate, mortgages, and others interested in real estate, from loss by reason of defective titles, liens, and encumbrances; and of companies entitled to the benefit of, and of companies having any of the powers of, companies entitled to the benefits of an act, entitled 'An act conferring upon certain fidelity, insurance safety deposit, trust, and savings companies the powers and privileges of companies incorporated under the provisions of section twenty-nine of an act, entitled "An act to provide for the incorporation and regulation of certain corporations," approved April twenty-ninth, Anno Domini one thousand eight hundred and seventy-four and of the supplements thereto,' approved June twenty-seventh, one thousand eight hundred and ninety-five, commonly known as title insurance or trust companies," by continuing the increased rate of tax for a further limited period of time, and reducing the rate of tax after such limited period of time.

Which was committed to the Committee on Finance.

House Bill No. 314, (Senate Bill No. 347), entitled:

An Act to further amend the act, approved the first day of June, one thousand eight hundred eighty-nine (Pamphlet Laws, four hundred twenty), entitled "A further supplement to an act, entitled 'An act to provide revenue by taxation,' approved the seventh day of June, Anno Domini one thousand eight hundred and seventy-nine", by increasing for a further limited period of time the rate of tax imposed by the act upon the gross receipts of certain companies, limited partnerships, associations, joint-stock associations, co-partnerships, and persons.

Which was committed to the Committee on Finance.

House Bill No. 315, (Senate Bill No. 348), entitled:

An Act to further amend section one of the act, approved the fifteenth day of July, one thousand eight hundred ninety-seven (Pamphlet Laws, two hundred ninety-two), entitled "An act to provide revenue by taxation," by increasing the rate of tax for a further limited period of time.

Which was committed to the Committee on Finance.

House Bill No. 316, (Senate Bill No. 349), entitled:

An Act to further amend section four of the act, approved the twenty-first day of May, one thousand nine hundred thirty-one (P. L. 149), entitled "Liquid Fuels Tax Law," by imposing and continuing the additional emergency tax on liquid fuels for a further limited period of time.

Which was committed to the Committee on Finance.

House Bill No. 317, (Senate Bill No. 350), entitled:

An Act to reenact and amend the title and the act, approved the sixteenth day of May, one thousand nine hundred thirty-five (P. L. 208), entitled, as amended, "Corporate Net Income Tax Act," as previously reenacted and amended, by extending the provisions of the act for a further limited period of time; exempting title insurance companies; and making certain changes in the procedure for the collection and adjustment of the tax.

Which was committed to the Committee on Finance.

House Bill No. 318, (Senate Bill No. 351), entitled:

An Act to reenact and amend the title and the act, approved the twenty-second day of June, one thousand nine hundred thirty-five (P. L. 414), entitled "State Personal Property Tax Act," as previously reenacted and amended, by continuing the State personal property tax for a further limited period of time.

Which was committed to the Committee on Finance.

House Bill No. 319, (Senate Bill No. 352), entitled:

An Act to reenact and amend the title and the act, approved the fourteenth day of June, one thousand nine hundred thirty-five (P. L. 341), entitled as amended "Cigarette Tax Act," as previously reenacted and amended, by extending the provisions of the act for a further limited period of time.

Which was committed to the Committee on Finance.

BILLS INTRODUCED

Mr. MUNDY. Mr. President, I ask unanimous consent to introduce bills at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. MUNDY read in place and presented to the Chair Senate Bill No. 353, entitled:

An Act to further amend the act, approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith," by defining professional employees, and providing for and regulating the employment, dismissal, suspension, and demotion of such employees, and providing for appeal to the Court of Common Pleas.

Which was committed to the Committee on Education.

He also read in his place and presented to the Chair Senate Bill No. 354, entitled:

An Act to further amend the act, approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith," by defining professional employees, and providing for and regulating the employment, dismissal, suspension, and demotion of such employees, and providing for appeal to the Court of Common Pleas.

Which was committed to the Committee on Education.

He also read in his place and presented to the Chair Senate Bill No. 355, entitled:

An Act to further amend the act, approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith," by defining professional employes, and providing for and regulating the employment, dismissal, suspension, and demotion of such employes, and providing for appeal to the Court of Common Pleas.

Which was committed to the Committee on Education.

He also read in his place and presented to the Chair Senate Bill No. 356, entitled:

An Act to further amend the act, approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith," by defining professional employes, and providing for and regulating the employment, dismissal, suspension, and demotion of such employes, and providing for appeal to the Court of Common Pleas.

Which was committed to the Committee on Education.

MOTION TO READ BILLS THE FIRST TIME

Mr. OWLETT. Mr. President, I move that the Senate do now proceed to the first reading of all bills reported from committees for the first time at today's session.

Mr. GELDER. Mr. President, I second the motion.

The motion was agreed to.

BILLS ON FIRST READING

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 83, entitled:

An Act to amend section one of the act, approved the twenty-fifth day of April, one thousand nine hundred twenty-nine (P. L. 694), entitled "An act providing for the payment monthly by the counties to the Department of Revenue of the expenses of keeping convicts in State penitentiaries," by imposing upon the State the keeping of certain convicts.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 174, entitled:

An Act to amend article twenty-three of the act, approved the ninth day of April, one thousand nine hundred and twenty-nine (P. L. 177), entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments, boards, commissions, and officers thereof, including the boards of trustees of State Normal Schools, or Teachers Colleges; abolishing, creating, reorganizing or authorizing the reorganizing of certain administrative depart-

ments, boards, and commissions; defining the powers and duties of the Governor and other executive and administrative officers, and of the several administrative departments, boards, commissions, and officers; fixing the salaries of the Governor, Lieutenant Governor, and certain other executives and administrative officers; providing for the appointment of certain administrative officers, and of all deputies and other assistants and employes in certain departments, boards, and commissions; and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments, boards, and commissions shall be determined," by imposing upon the Department of Welfare, the duty to investigate the subject of crime prevention and to stimulate, develop and coordinate crime prevention activities in this Commonwealth.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 286, (House Bill No. 400), entitled:

An Act to amend the title and the act, approved the nineteenth day of May, one thousand eight hundred and eighty-seven (P. L. 132), entitled "An act to give preference of appointment or employment to honorably discharged soldiers, sailors and marines who fought for the Union cause in the late war of the rebellion," by extending the same preference to veterans and nurses of any war in which the United States has engaged.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 288, (House Bill No. 474), entitled:

An Act to further amend section three of the act, approved the twenty-eighth day of June, one thousand nine hundred thirty-five (P. L. 452), entitled "An act to promote the welfare of the people of the Commonwealth; creating a General State Authority as a body corporate and politic with power to construct, improve, and operate projects, and to lease the same, and to fix and collect fees, rentals, and charges for the use thereof; authorizing and regulating the issuance of bonds by said Authority, and providing for the payment of such bonds, and the rights of the holders thereof; and to enter into agreements with the Government of the United States or any Federal agency; and authorizing the Department of Property and Supplies to grant, assign, convey, or lease to the Authority lands of the Commonwealth and interests therein, and to acquire lands therefor; granting the right of eminent domain; and providing that no debt of the Commonwealth shall be incurred in the exercise of any of the powers granted by this act," fixing the terms for the appointed members of the General State Authority, and terminating the terms of present members.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

ADJOURNMENT

Mr. OWLETT. Mr. President, I move that the Senate do now adjourn until Wednesday, March 29, 1939 at 12:30 o'clock, p. m.

Mr. HEYBURN. Mr. President, I second the motion.
The motion was agreed to.

The Senate adjourned at 4:38 o'clock, p. m. until Wednesday, March 29, 1939, at 12:30 o'clock, p. m.

HOUSE OF REPRESENTATIVES

TUESDAY, March 28, 1939.

The House met at 1 p. m.

The SPEAKER (Ellwood J. Turner) in the Chair.

PRAYER

The Chaplain, Rev. Walter Evans Deibler, offered the following prayer:

God of our fathers we approach Thee this day with renewed hope in Thy eternal vigilance and continue our prayer for Thy guidance in all human relationships in general and in the affairs of this House in particular. Open our eyes that we may see Thy way. Un-stop our ears that we may hear Thy commands. Loosen our tongues that we may speak Thy will.

"Lord, while for all mankind we pray,
Of ev'ry clime and coast,
Oh, hear us for our native land,
The land we love the most.

"Oh, guard our shores from ev'ry foe,
With peace our borders bless,
Our cities with prosperity,
Our fields with plenteousness.

"Unite us in the sacred love
Of knowledge, truth, and Thee;
And let our hills and valleys shout
The songs of liberty."

Amen.

JOURNAL APPROVED

The SPEAKER. The Clerk will read the Journal of yesterday.

The Clerk proceeded to read the Journal of yesterday, when, on motion of Mr. GORSKI, the further reading was dispensed with and the Journal approved.

BILLS INTRODUCED AND REFERRED

By Mr. BRETHERICK. HOUSE BILL No. 727.

An Act to protect the public health and safety by requiring registration with and the securing of permits from the State Board of Pharmacy by persons, copartnerships, associations and corporations engaged in the manufacture, production and dealing in drugs, cosmetics and medical supplies; regulating the manufacture of drugs, cosmetics and medical supplies; prescribing permit fees; providing for inspections and the suspension and revocation of permits; conferring powers on the State Board of Pharmacy and Courts; and providing penalties.

Referred to the Committee on Professional Licensure.

By Mr. BRETHERICK. HOUSE BILL No. 728.

An Act to amend section one and section thirteen as amended of the act approved the seventeenth day of May, one thousand nine hundred seventeen (Pamphlet Laws 208), entitled "An act to regulate the practice of pharmacy and sale of poisons and drugs, and providing penalties for the violation thereof; defining the words "drug" and "poison"; and providing for the appointment of a board which shall have in charge the enforcement of said law, and the power to make rules and regulations for the enforcement of said law; and providing for the purchase of samples of drugs for determining their quality, strength, and purity," and further defining certain words and terms; further regulating the conducting and operation of pharmacies, and the compounding and dispensing of drugs, cosmetics, medical supplies, household and proprietary medicines; and providing penalties.

Referred to the Committee on Professional Licensure.

By Mr. LLOYD H. WOOD.

HOUSE BILL No. 729.

An Act making an appropriation to the Department of Forests and Waters for the purchase of additional land for the Valley Forge Park.

Referred to the Committee on Appropriations.

By Mr. HOLLAND.

HOUSE BILL No. 730.

An Act to further amend section ten of the act approved the fourteenth day of June, one thousand nine hundred and twenty three (P. L. 710), entitled "An act allowing and regulating boxing, sparring, and wrestling matches and exhibitions; establishing a State Athletic Commission; making an appropriation therefor; and appropriating moneys received for monument and memorial purposes; and prescribing penalties," requiring a decision in favor of one of the contestants in certain cases.

Referred to the Committee on State Government.

By Mr. FISHER.

HOUSE BILL No. 731.

An Act to amend the act approved the fourth day of May, one thousand nine hundred twenty-seven (P. L. 519), entitled "An act concerning boroughs, and revising, amending, and consolidating the law relating to boroughs," as amended, by adding Section 1035.1, limiting budget and report forms.

Referred to the Committee on Boroughs.

By Mr. FISHER.

HOUSE BILL No. 732.

An Act to repeal the act, approved the seventh day of June, one thousand nine hundred and one (P. L. 493), entitled "An act providing for the examination, licensure and registration of persons, firms or corporations engaged or engaging in the business or work of plumbing or house drainage, and prescribing certain rules, regulations and requirements for the construction of plumbing, house drainage and cesspools, in cities of the second class, and imposing fines, penalties and forfeitures for violation thereof," in so far as it relates to boroughs.

Referred to the Committee on Professional Licensure.

By Mr. TRONZO.

HOUSE BILL No. 733.

An Act defining the civil service status of certain persons employed by fire departments in cities of the second class.

Referred to the Committee on Cities—Second Class.

By Mr. ROSENFELD.

HOUSE BILL No. 734.

An Act relating to outdoor advertising; licensing persons engaged in such business; requiring permits for the erection of certain outdoor advertising; prescribing license and permit fees; prohibiting the erection of certain outdoor advertising; requiring non-resident licensees and permittees to give bond; providing for the removal of certain outdoor advertising; conferring powers and imposing duties upon the Department of Highways; and providing penalties.

Referred to the Committee on Ways and Means.

By Mr. ROSENFELD.

HOUSE BILL No. 735.

An Act increasing the powers, duties and personnel of the Pennsylvania Motor Police; abolishing the police forces of the various municipalities and imposing the duties heretofore performed by such organizations and individuals upon the Pennsylvania Motor Police; requiring municipalities to contribute certain sums to the Commonwealth and to continue to maintain police headquarters; and making an appropriation.

Referred to the Committee on State Government.

By Mr. ROSENFELD.

HOUSE BILL No. 736.

An Act to provide revenue by imposing a State tax upon sales of books by publishers as herein defined; prescribing the method and manner of collecting such tax; conferring powers and imposing duties on the Department of Revenue, and persons, as herein defined, engaged in the sale of books; making an appropriation; and providing penalties.

Referred to the Committee on Ways and Means.

By Messrs. SNYDER and STEWART.

HOUSE BILL No. 737.

An Act to further amend the act approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith," by providing for the merger of school districts and parts of school districts with other districts; changing the terms of officers of conventions of school directors and the method of selecting members of county boards of school directors; providing for filling of vacancies; empowering the county boards of school directors to employ an attorney and fix his compensation; granting certain powers and imposing certain duties on members of the county board of school directors; providing limitations on the appointment of district superintendents; requiring the filing of copies of auditor's reports with the county board of school directors; and validating previous mergers.

Referred to the Committee on Education.

By Mr. SWEENEY.

HOUSE BILL No. 738.

An Act to further amend sections one, two, three, four and five of the act, approved the eleventh day of July, one thousand nine hundred and twenty-three (P. L. 1032), entitled "An act providing for the abatement of nuisances caused by the improper grading or defective paving or encroaching fences in alleys, in cities of the first class; for the establishment of lines and grades for, and the grading, paving, or repaving of, said alleys, and the grading of private alleys hereafter laid out; and for apportioning the cost, and for the filing of liens therefor," by extending the provisions of said act to retaining walls.

Referred to the Committee on Cities—First Class.

By Mr. O'NEILL.

HOUSE BILL No. 739.

An Act making an appropriation to the Department of Public Instruction for paying to the school districts of this Commonwealth, seventy-five per centum of the minimum salaries of all teaching and supervisory members thereof.

Referred to the Committee on Appropriations.

By Mr. O'NEILL.

HOUSE BILL No. 740.

An Act providing for the payment by the Commonwealth of seventy-five per centum of the minimum salaries of all teaching and supervising members of the public schools.

Referred to the Committee on Appropriations.

By Mr. BREThERICK.

HOUSE BILL No. 741.

An Act relating to the administration of oaths, by notaries public, magistrates, aldermen, and justices of the peace; and validating certain oaths heretofore taken.

Referred to the Committee on Judiciary General.

By Messrs. READINGER and HESS.

HOUSE BILL No. 742.

An Act to amend section one thousand eight hundred five of the act, approved the twenty-third day of June, one thousand nine hundred and thirty-one (P. L. 932), entitled "An act relating to cities of the third class; and amending, revising, and consolidating the law relating thereto," by exempting warrants for payments to volunteer fire companies from provision requiring production of certain evidence.

Referred to the Committee on Cities—Third Class.

By Mr. BOHN.

HOUSE BILL No. 743.

An Act prohibiting third class cities from installing, operating, or maintaining parking meters upon streets or highways maintained by the State Department of Highways; requiring the removal of those installed; and providing penalties.

Referred to the Committee on Cities—Third Class.

By Mr. STAMBAUGH.

HOUSE BILL No. 744.

An Act to amend section one of the act, approved the second day of May, one thousand eight hundred and ninety-nine (P. L. 184), entitled "An act to provide revenue by imposing a mercantile license tax on vendors of or dealers in goods, wares and merchandise, and providing for the collection of said tax," as amended, exempting wholesale and retail vendors and dealers from paying such tax on goods, wares and merchandise sold to the Commonwealth.

Referred to the Committee on Ways and Means.

By Mr. STAMBAUGH.

HOUSE BILL No. 745.

An Act to amend section nine hundred thirteen of the act, approved the third day of June, one thousand nine hundred and thirty-seven (P. L. 1333), entitled "An act concerning elections, including general, municipal, special and primary elections, the nomination of candidates, primary and election expenses and election contests; creating and defining membership of county boards of elections; imposing duties upon the Secretary of the Commonwealth, courts, county boards of elections, county commissioners; imposing penalties for violation of the act, and codifying, revising and consolidating the laws relating thereto; and repealing certain acts and parts of acts relating to elections," authorizing the various county boards of election to waive the fees required for filing nomination petitions for certain officers.

Referred to the Committee on Elections.

By Messrs. MATTHEWS and HAINES.

HOUSE BILL No. 746.

An Act making an appropriation to the Treasury Department for the purpose of refunding taxes collected by the Commonwealth under the Store and Theatre Tax Act.

Referred to the Committee on Appropriations.

By Mr. WINNER. (By request). HOUSE BILL No. 747.

An Act to amend section five of the act, approved the second day of July, one thousand nine hundred and thirty-five (P. L. 599), entitled "An act relating to motion picture exhibitions and sound motion picture exhibitions, together with orchestral or other instrumental musical or mechanical musical accompaniment, prelude, playing, or selection in connection with or incidental thereto on Sunday; prohibiting motion picture exhibitions and sound motion picture exhibitions, and orchestral or other instrumental musical or mechanical musical accompaniment, prelude, playing, or selection incidental thereto on Sunday during certain hours, and also during other hours, unless the electors of a municipality approve thereof;

regulating the employment of persons in conducting such exhibitions on Sunday; providing for referendums to ascertain the will of the electors; and providing penalties; and repealing inconsistent laws"; to provide for referendums to ascertain the will of the electors not oftener than once in three years.

Referred to the Committee on Law and Order.

By Messrs. READINGER and HESS.

HOUSE BILL No. 748.

An Act to amend section two of the act, approved the seventeenth day of June, one thousand nine hundred and thirteen (P. L. 507), entitled "An act to provide revenue for State and county purposes, and, in cities coextensive with counties, for city and county purposes; imposing taxes upon certain classes of personal property; providing for the assessment and collection of the same; providing for the duties and compensation of prothonotaries and recorders in connection therewith; and modifying existing legislation which provided for raising revenue for State purposes," fixing a date for making returns for county and city and county taxes.

Referred to the Committee on Counties.

By Mr. REUBEN E. COHEN. HOUSE BILL No. 749.

An Act authorizing mutual savings banks to establish life insurance divisions; providing for issuance of certificates by the Secretary of Banking and Insurance Commissioner; defining the duties of the Insurance Commissioner; providing for the procedure and prerequisites, and making an appropriation.

Referred to the Committee on Banking.

By Mr. BOORSE. (By Request) HOUSE BILL No. 750.

An Act to amend section one thousand and one of the act approved the fourth day of May, one thousand nine hundred twenty-seven (P. L. 519), entitled "An act concerning boroughs, and revising, amending, and consolidating the law relating to boroughs," as amended, by providing reimbursement to council for certain time expended.

Referred to the Committee on Boroughs.

By Mr. CURRAN. HOUSE BILL No. 751.

An Act providing for the payment of the costs and expenses of the trial and maintenance thereafter at any penal or correctional institution of a resident of one county, who is convicted of a misdemeanor or felony in any other county, by the county of which such person is a resident; defining residence; imposing rights and duties upon county treasurers, county commissioners and authorities of penal or correctional institutions; providing for the determination of such liability; and regulating procedure in connection therewith.

Referred to the Committee on Counties.

By Mr. CURRAN. HOUSE BILL No. 752.

An Act to amend section one of the act approved the twenty-first day of March, one thousand nine hundred and twenty-nine, (P. L. 34), entitled "An act authorizing the judges of the courts of common pleas and orphans' courts in counties of the third class, to employ stenographers, typists and clerks to facilitate the business of the courts, and to provide for the payment of their compensation by the county, and validating former employments and payments therefor," authorizing the employment of clerks learned in the law; providing for their compensation, and requiring them to take an oath of office.

Referred to the Committee on Counties.

By Mr. RUSSELL E. REESE. HOUSE BILL No. 753.

An Act making bank nights in theatres and moving picture houses unlawful; and providing penalties.

Referred to the Committee on Law and Order.

By Mr. TERRY. HOUSE BILL No. 754.

An Act to add section one thousand thirty-four to the act, approved the first day of May, one thousand nine hundred and twenty-nine (P. L. 905), entitled "An act for the protection of the public safety; regulating the use of highways, and the operation of vehicles, tractors, street cars, trackless trolley omnibuses, bicycles, pedestrians, and the riding of animals upon the highways of this Commonwealth; providing for the titling, including liens, encumbrances, and legal claims; registration of certain vehicles and licensing the operators thereof, upon payment of prescribed fees; prescribing and limiting the powers of local authorities to deal with the subject matter of this act; conferring powers and imposing duties upon the Department of Revenue, the Department of Highways, peace officers, mayors, burgesses, magistrates, aldermen, justices of the peace, the courts and the clerks thereof, owners of vehicles, and garage keepers; providing that records are admissible as evidence; imposing upon owners, counties, cities, boroughs, incorporated towns, townships, within the Commonwealth, liability for damages caused by the negligent operation of their motor vehicles; imposing penalties; imposing certain costs upon counties; providing for the disposition of fines, forfeitures, fees and miscellaneous receipts; making an appropriation and providing for refunds," by prohibiting carrying gasoline in other than standard gas tank.

Referred to the Committee on Motor Vehicles.

By Mr. ROBERTSON. HOUSE BILL No. 755.

An Act validating certain proceedings and elections of municipalities had and held pursuant to the provisions of an act, approved the twentieth day of April, one thousand eight hundred and seventy-four (P. L. 65), entitled "An act to regulate the manner of increasing the indebtedness of municipalities, to provide for the redemption of the same, and to impose penalties for the illegal increase thereof" and the amendments and supplements thereto, and validating bonds issued or authorized to be issued in pursuance of such proceedings and elections, and in case any bonds have been sold by a municipality and the publication of notices of the sale have been defective, to cure such defective publication of sale notices and validate the sale thereof.

Referred to the Committee on Municipal Corporations.

By Miss BRANCATO. HOUSE BILL No. 756.

An Act concerning needy persons who are deaf or hard of hearing; imposing duties on the Department of Welfare; and making an appropriation.

Referred to the Committee on Welfare.

By Messrs. RUSSELL E. REESE and WILLIAMS
HOUSE BILL No. 757.

An Act to amend clause (b) of section five of the act, approved the second day of July, one thousand nine hundred and thirty-seven (P. L. 2714), entitled "A supplement to the act, approved the second day of June, one thousand nine hundred fifteen (P. L. 736), entitled, as amended 'An act defining the liability of an employer to pay damages for injuries received by an employee in the course of employment; establishing a system and schedule of compensation; providing procedure for the determination of liability and compensation thereunder; and prescribing penalties,' as amended and re-enacted, providing for the inclusion of occupational diseases within the scope thereof and providing definitions, provisions, and procedure

related to such diseases; and making an appropriation," by providing for payment of compensation for partial disability due to certain occupational diseases, and increasing the payment for total disability resulting from such diseases.

Referred to the Committee on Workmens Compensation.

By Miss BRANCATO. HOUSE BILL No. 758.

An Act to further amend section one of the act, approved the thirty-first day of May, one thousand eight hundred and ninety-three (P. L. 188), entitled "An act designating the days and half days to be observed as legal holidays, and for the payment, acceptance, and protesting of bills, notes, drafts, checks, and other negotiable paper on such days," by declaring February fifteenth, known as Susan B. Anthony's birthday, a legal holiday.

Referred to the Committee on Banking.

By Messrs. FOOR and SLOAN. HOUSE BILL No. 759.

An Act to further amend subsection (a) of section nine hundred and three of the act, approved the first day of May, one thousand nine hundred and twenty-nine (P. L. 905), entitled "An act for the protection of the public safety; regulating the use of highways, and the operation of vehicles, tractors, street cars, trackless trolley omnibuses, bicycles, pedestrians, and the riding of animals upon the highways of this Commonwealth; providing for the titling, including liens, encumbrances, and legal claims; registration of certain vehicles and licensing the operators thereof, upon payment of prescribed fees; prescribing and limiting the powers of local authorities to deal with the subject matter of this act; conferring powers and imposing duties upon the Department of Revenue, the Department of Highways, peace officers, mayors, burgesses, magistrates, aldermen, justices of the peace, the courts and the clerks thereof, owners of vehicles, and garage keepers; providing that records are admissible as evidence; imposing upon owners, counties, cities, boroughs, incorporated towns, townships, within the Commonwealth, liability for damages caused by the negligent operation of their motor vehicles; imposing penalties; imposing certain costs upon counties; providing for the disposition of fines, forfeitures, fees, and miscellaneous receipts; making an appropriation and providing for refunds," changing the maximum gross weight for certain commercial motor vehicles and truck tractors.

Referred to the Committee on Motor Vehicles.

By Mr. POWERS. HOUSE BILL No. 760.

An Act authorizing the Department of Public Instruction to require school districts, which have the proper facilities, to establish classes to instruct students in the duties of police officers and firemen.

Referred to the Committee on Education.

By Mr. POWERS. HOUSE BILL No. 761.

An Act authorizing State and State-aided medical and surgical hospitals to issue and sell stamps and to redeem the same by hospitalization service.

Referred to the Committee on Welfare.

By Mr. JAMES. HOUSE BILL No. 762.

An Act to amend subdivision heading (i) of article eleven, and section one thousand one hundred forty, of the act, approved the first day of May, one thousand nine hundred and thirty-three (P. L. 103), entitled "An act concerning townships of the second class; and amending, revising, consolidating, and changing the law relating thereto," authorizing the township supervisors to accept lands dedicated by deed to the township for highway purposes.

Referred to the Committee on Townships.

By Mr. JAMES.

HOUSE BILL No. 763.

An Act to amend subdivision (a) of article eleven, and section one thousand one hundred and eleven of the act, approved the first day of May, one thousand nine hundred and thirty-three (P. L. 103), entitled "An act concerning townships of the second class; and amending, revising, consolidating, and changing the law relating thereto," changing the procedure for laying out, opening, widening, straightening, vacating and relaying roads, streets et cetera, wholly within said townships.

Referred to the Committee on Townships.

By Mr. SEIF. (By Request) HOUSE BILL No. 764.

An Act to make it unlawful for any private business school or person connected therewith to recommend or agree to recommend any of its students to any employment agent operating for profit for placement of such student in employment or for such school or person to offer any scholarship unless such school shall have received the funds for such purpose, and providing for injunction and penalties.

Referred to the Committee on Education.

By Mr. SEIF. (By Request) HOUSE BILL No. 765.

An Act to regulate the salaries of tipstaves in the County Court of Allegheny County.

Referred to the Committee on Cities—Second Class.

By Mr. POWERS. HOUSE BILL No. 766.

An Act to amend section twenty-three of the act approved the twenty-eighth day of May, one thousand nine hundred and thirty-seven (P. L. 955), entitled "An act to promote public health, safety, morals, and welfare by declaring the necessity of creating public bodies, corporate and politic, to be known as housing authorities to engage in slum clearance, and to undertake projects, to provide dwelling accommodations for persons of low income; providing for the organization of such housing authorities; defining their powers and duties; providing for the exercise of such powers, including the acquisition of property by purchase, gift or eminent domain, the renting and selling of property, and including borrowing money, issuing bonds, and other obligations, and saving security therefor; prescribing the remedies of obligees of housing authorities; authorizing housing authorities to enter into agreements, including agreements with the United States, the Commonwealth, and political subdivisions and municipalities thereof; defining the application of zoning, sanitary, and building laws and regulations to projects built or maintained by such housing authorities; exempting the property and securities of such housing authorities from taxation; and imposing duties and conferring powers upon the State Board of Housing, and certain other State officers and departments," by making it mandatory for an authority to pay political subdivisions for enforcements, services and facilities, including the costs incurred by political subdivisions for schools and their operation furnished for the benefit of such authority.

Referred to the Committee on Municipal Corporations.

By Mr. SKALE. HOUSE BILL No. 767.

An Act to protect the obligors or guarantors of bonds and mortgages created after the passage of this act, and owners of property affected thereby, and others indirectly liable for the payments thereof, by prohibiting, for certain periods, the foreclosure sale of mortgaged property at less than its fair market value; and prescribing the method of fixing the fair market value of said property.

Referred to the Committee on Judiciary General.

By Mr. SKALE.

HOUSE BILL No. 768.

An Act to amend clause (b) of section two hundred and one, and section four hundred and fifteen of, and to add section four hundred and sixteen to, the act, approved the twenty-ninth day of November, one thousand nine hundred and thirty-three (P. L. 15, 1933-34), entitled as amended "An act to regulate and restrain the sale manufacture, possession, transportation, importation, traffic in, and use of alcohol, and alcoholic and malt or brewed beverages; conferring powers and imposing duties upon the Pennsylvania Liquor Control Board and its agents, the Department of Public Instruction, other officers of the State government, courts, and district attorneys; authorizing the establishment and operation of State stores for the sale of such beverages not for consumption on the premises, and the granting of licenses, subject to local option, to sell such beverages for consumption on and off the premises; forbidding importation or bringing of such beverages into the State except as herein provided; prohibiting certain sales or practices in, connection with, and transactions in such beverages by licensees and others; providing for the forfeiture of certain property; making disposition of the receipts from State stores and of fees; and imposing penalties," as reenacted and amended, providing for the licensing of wine importers, fixing the fees and qualifications therefor; and prohibiting the board from purchasing wine from any source other than licensed wineries or wine importers.

Referred to the Committee on Liquor Control.

By Mr. McNALLY. (By Request) HOUSE BILL No. 769.

An Act to amend section five hundred two of the act approved the twenty-ninth day of November, one thousand nine hundred thirty-three (Pamphlet Laws, fifteen, one thousand nine hundred thirty-three, one thousand nine hundred thirty-four), entitled "An act to regulate and restrain the sale, manufacture, possession, transportation, importation, traffic in, and use of alcohol, and alcoholic and malt or brewed beverages; conferring powers and imposing duties upon the Pennsylvania Liquor Control Board and its agents, the Department of Public Instruction, other officers of the State government, courts, and district attorneys; authorizing the establishment and operation of State stores for the sale of such beverages not for consumption on the premises, and the granting of licenses, subject to local option, to sell such beverages for consumption on and off the premises; forbidding importation or bringing of such beverages into the State except as herein provided; prohibiting certain sales or practices in, connection with, and transactions in such beverages by licensees and others; making disposition of the receipts from State stores and fees; and imposing penalties," as reenacted and amended by the act approved the sixteenth day of June, one thousand nine hundred thirty-seven (Pamphlet Laws, one thousand seven hundred sixty-two).

Referred to the Committee on Liquor Control.

By Mr. FISHER.

HOUSE BILL No. 770.

An Act to amend section one of the act, approved the twenty-third day of June, one thousand nine hundred and thirty-one (P. L. 1203), entitled "An act providing aid by the Commonwealth to free public non-sectarian county libraries; authorizing the Department of Public Instruction to provide books for demonstration purposes to encourage the establishment of such county libraries; and making an appropriation," by changing the amount of aid to be given to seventh class counties; the maximum amount that may be given any county; and making an appropriation.

Referred to the Committee on Appropriations.

By Messrs. ALSPACH and TERRY.

HOUSE BILL No. 771.

An Act to amend sections one and two of the act, approved the second day of March, one thousand nine hundred and thirty-three (P. L. 6), entitled "An act to enable persons, associations, partnerships and corporations engaged in farming, and raising, breeding, fattening and marketing livestock to borrow money and secure the repayment thereof by the execution and recordation of chattel mortgages on livestock, farm machinery, farm equipment, and crops; and designating the operation and effect of the lien of such mortgages," as amended; further changing fees and agencies from whom borrowings may be made.

Referred to the Committee on Appropriations.

By Mrs. FAUSET and Mr. HAMILTON.

HOUSE BILL No. 772.

An Act to protect public health, safety and morals, and to promote the common welfare, by regulating the use and occupancy, reuse and re-occupancy, and the renting and re-renting for use and occupancy, of all buildings in cities of the first class planned in whole or in part for residential purposes, and any living quarters connected with a business or commercial establishment, by requiring the issuance of certificates of occupancy, and by requiring owners, agents and tenants to obtain such certificates of occupancy; conferring powers and imposing duties upon the Department of Public Health and upon the Department of Public Safety of cities of the first class; providing for inspections and inspection fees, and the institution of prosecutions for failure to obtain certificates of occupancy; imposing penalties; and repealing inconsistent acts or parts of acts.

Referred to the Committee on Cities—First Class.

By Mrs. FAUSET.

HOUSE BILL No. 773.

An Act to further amend clause (c) of section three of the act, approved the twenty-fifth day of July, one thousand nine hundred and thirteen (P. L. 1024), entitled "An act to protect the public health and welfare, by regulating the employment of females in certain establishments, with respect to their hours of labor and the conditions of their employment; by establishing certain sanitary regulations in the establishments in which they work; by requiring certain abstracts and notices to be posted; by providing for the enforcement of this act by the Commissioner of Labor and Industry and others; by prescribing penalties for violations thereof; by defining the procedure in prosecutions; and by repealing all acts and parts of acts inconsistent with the provisions thereof," by extending the provisions of this act to include females engaged in domestic service.

Referred to the Committee on Labor.

RESOLUTIONS INTRODUCED AND REFERRED

By Mr. WEISS.

RESOLUTION No. 52.

In the House of Representatives, March 27, 1939.

Whereas, Many of the school districts within the Commonwealth are financially handicapped and have set up their budgets depending upon the payment of certain moneys appropriated by the State for the payment of the expenses of transportation of pupils and other expenses; and

Whereas, Such provision has not been made in the budget submitted to this Legislature by the Governor for the biennium beginning June 1, 1939; therefore be it

Resolved, By the House of Representatives of the General Assembly of the Commonwealth of Pennsylvania, that the Governor is hereby requested to revise the budget so submitted in order to include therein payment to school districts, of all moneys for transportation and other expenses appropriated to them for the biennium ending May 31, 1939; and be it further

Resolved, That the Chief Clerk of the House shall forthwith submit a copy of this resolution to His Excellency, the Governor.

Referred to the Committee on Appropriations.

By Mr. HOLLAND. RESOLUTION No. 53.

In the House of Representatives, March 27, 1939.

Whereas, It appears from experience in other states in the Union that the installation of an electrical roll call system in the legislative bodies of said states has proved entirely desirable and practical; and

Whereas, Because of its large membership, a great part of the time of the Pennsylvania House is taken up in roll calls; and

Whereas, It appears that the installation of an electrical roll call system would not only result in a great saving of time in the conduct of the business of the House of Representatives in the Commonwealth of Pennsylvania, but would result in a substantial saving of money to the taxpayers of the State; therefore, be it

Resolved, That an electrical roll call system be installed by the Department of Property and Supplies in the chamber of the House of Representatives of the Commonwealth of Pennsylvania before the next session of the General Assembly, such system to be substantially of the same kind and character as that which has heretofore been installed in the Capitols of Virginia, Wisconsin, Louisiana, Nebraska, Iowa, Texas, California and West Virginia, all of which has adopted and installed an electrical roll call system; and be it further

Resolved, That an item of appropriation to the Department of Property and Supplies, sufficient to pay for the installation of said system, be included in the General Appropriation Bill.

Referred to the Committee on Rules.

By Mr. KNOBLE. RESOLUTION No. 54.

In the House of Representatives, March 27, 1939.

Whereas, Numerous resolutions passed by different clubs and associations in Lackawanna County have been received by Members of this House referring to the activity of the Honorable Robert J. Cordier in having a section of State highway in Lackawanna County extending from Crown Avenue and Moosic Street in Scranton to Daleville, constructed as a State highway; and

Whereas, These resolutions are an expression of the appreciation of the people of Lackawanna County in the efforts put forth by the Honorable Robert J. Cordier in having this highway so constructed; therefore be it

Resolved, By the House of Representatives of the General Assembly of the Commonwealth of Pennsylvania, that the Secretary of Highways is hereby requested to name the highway above described as the "Cordier Highway," and that the same shall be known as such in the future; and be it further

Resolved, That a copy of this resolution be submitted to the Secretary of Highways by the Chief Clerk of the House.

Referred to the Committee on Highways.

By Messrs. CHECK and WEISS. RESOLUTION No. 55.

In the House of Representatives, March 27, 1939.

Whereas, The State budget as submitted to this Legislature by His Excellency, the Governor, for the coming biennium would, if adopted, cut the State appropriation for unemployment relief to the extent of \$77,000,000; and

Whereas, This proposed cut comes at a time when there is an increase in the number of applications for relief due to increased unemployment; therefore be it

Resolved, By the House of Representatives of the General Assembly of the Commonwealth of Pennsylvania that open hearings be held by the Appropriation Committee of this House on the matter of the necessity for an increase in the appropriation for unemployment relief over

that recommended by the Governor in his budget in order that the citizens of the Commonwealth shall have an opportunity to present their views.

Referred to the Committee on Appropriations.

By Messrs. CHECK and WEISS. RESOLUTION No. 56.

In the House of Representatives, March 27, 1939.

Whereas, There continues to be large numbers of our people still unemployed and in need of public assistance, and

Whereas, It is apparent that such families, especially those having children of school age, are not getting the proper nourishment, such as a fair proportion of milk, and

Whereas, Funds for rendering proper assistance by the Commonwealth are limited and that it is imperative that such funds as are available accomplish the most good, therefore be it

Resolved, by the House of Representatives of the General Assembly of the Commonwealth of Pennsylvania, that in view of the value of milk in the diet of growing children and the need that the milk industry has for additional outlets, that the Department of Public Assistance, in its distribution of relief funds, shall make orders for the proper quantities of milk a part of the relief administered in and to families which contain a growing child or children, and be it further

Resolved, That a copy of this resolution be immediately transmitted by the Chief Clerk of the House to the Secretary of the Department of Public Assistance.

Referred to the Committee on Welfare.

COMMUNICATIONS

The SPEAKER laid before the House the following communications which were read by the Clerk.

PHILADELPHIA CITY CHARTER

Resolutions from:

Retail Merchants' Credit Association.

Fifty-second & Girard Ave. Business Men's Association.

requesting right for citizens of Philadelphia to vote upon the adoption of the new City Charter.

Referred to the Committee on Cities—First Class.

TEACHERS TENURE LAW

Resolutions from:

The Married Women Teachers' Council of the Philadelphia Public Schools.

Faculty of the Stephen A. Douglas Public School.

favoring retention of Teachers' Tenure Act.

Referred to the Committee on Education.

HOUSE BILL No. 192

A resolution from the borough of Upland favoring passage of House Bill No. 192.

Referred to the Committee on Highways.

AMERICANISM

A resolution from the Philadelphia Music Center favoring passage of House Bill No. 103.

Referred to the Committee on Judiciary Special.

LIQUOR CONTROL

A resolution from the Laymen's Association of the Philadelphia Conference of the Methodist Church protesting the sale of liquor in the Pennsylvania exhibit at the New York fair and protesting amendment of existing liquor control law to permit sale of liquor in grocery and drug stores.

Referred to the Committee on Liquor Control.

AMERICANISM

A resolution from Graphic Arts Industries Association, Pittsburgh, favoring Americanization programs of patriotic societies and passage of Senate Bill No. 134 and House Bill No. 156.

Referred to the Committee on State Government.

RELIEF

A resolution from the Erie Workers Alliance protesting return of administration of relief to counties.

Referred to the Committee on Welfare.

PETITIONS

The SPEAKER laid before the House the following petitions which were read by the Clerk.

PAYMENT OF TEACHERS

Petitions from citizens of Coal Township;
Kiwanis Club of Shamokin;
Unpaid Teachers of Coal Township;
requesting appropriation of sufficient funds to pay salaries of the teachers of Coal Township, Northumberland County.

Referred to the Committee on Appropriations.

LEAVES OF ABSENCE

Mr. Ominsky asked and obtained leave of absence for Mr. FINNERTY for the remainder of the week on account of illness in the family.

Mr. McClester asked and obtained leave of absence for Mr. IMBRIE for the remainder of the week on account of illness.

REPORTS FROM COMMITTEES

Mr. O'CONNOR from the Committee on Judiciary General reported as amended, House Bill No. 554, entitled:

An Act validating municipal claims of cities and boroughs and incorporated towns where not filed within the time specified by law.

Mr. HOMER S. BROWN from the Committee on Judiciary General reported as amended, House Bill No. 375, entitled:

An Act to amend paragraph (c) of section fifty-eight of the act, approved the seventh day of June, one thousand nine hundred seventeen (P. L. 447), entitled as amended "An act relating to the administration and distribution of the estates of decedents and of minors, and of trust estates; including the appointment, bonds, rights, powers, duties, liabilities, accounts, discharge and removal of executors, administrators, guardians, and trustees, herein designated as fiduciaries; the administration and distribution of the estates of presumed decedents; widow's and children's exemptions; debts of decedents, rents of real estate as assets for payment thereof, the lien thereof, sales and mortgages of real estate for the payment thereof, judgments and executions therefor, and the discharge of real estate from the lien thereof; contracts of decedents for the sale or purchase of real estate; legacies, including legacies charged on land; the discharge of residuary estates and of real estate from the lien of legacies and other charges; the appraisement of real estate devised at a valuation; the ascertainment of the curtilage of dwelling houses or other buildings devised; the abatement and survival of actions and the substitution of executors and administrators therein; the survival of causes of action and suits thereupon by or against fiduciaries; investments by fiduciaries; the organization of corporations to carry on the business of decedents; the audit and review of accounts of fiduciaries; refunding

bonds; transcripts to the court of common pleas of balances due by fiduciaries; the rights, powers, and liabilities of nonresident and foreign fiduciaries; the appointment, bonds, rights, powers, duties and liabilities of trustees durante absentia; the recording and registration of decrees, reports and other proceedings, and the fees therefor; appeals in certain cases; and, also, generally dealing with the jurisdiction, powers, and procedure of the orphans' court in all matters relating to fiduciaries concerned with the estates of decedents," as amended by permitting foreign fiduciaries representing the estates of decedents, minor and legal incompetents, to foreclose on mortgage, to enter judgment on mortgage bonds, to sell the property bound thereby, to take title to property so sold, and to resell such property.

Mr. WAGNER, from the Committee on Education reported as committed, House Bill No. 250, entitled:

An Act to amend clause one of section three of the act, approved the eighteenth day of July, one thousand nine hundred and seventeen (P. L. 1043), entitled "An act establishing a public school employees' retirement system, and creating a retirement board for the administration thereof; establishing certain funds from contributions by the Commonwealth and contributing employees, defining the uses and purposes thereof and the manner of payments therefrom, and providing for the guaranty by the Commonwealth of certain of said funds; imposing powers and duties upon boards having the employment of public school employees; exempting annuities, allowances, returns, benefits, and rights from taxation and judicial process; and providing penalties," as amended, by further extending the time for present employees as defined in the act, to elect to be covered by the retirement system.

Mr. TAYLOR, from the Committee on Education reported as committed, House Bill No. 386, entitled:

An Act to amend section four hundred and ten of the act, approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local or any parts thereof, that are or may be inconsistent therewith," as amended, providing that boards of school directors may become members of the State School Directors Association, and bear a proportionate part of the expenses of such association.

BILLS ON SECOND READING

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 567, entitled:

An Act to amend section one of the act approved the nineteenth day of May one thousand nine hundred and twenty-three (Pamphlet Laws 275) entitled "An act fixing the salary of sheriffs in counties of the eighth class providing for the payment for the care and maintenance of prisoners where the sheriff is the keeper or warden of the jail requiring all fees and mileage earned by sheriffs in such counties to be paid into the county treasury for the use of the county and prescribing penalties" increasing the salary of sheriffs in such counties and providing for the payment of mileage thereto by the counties

The first section was read as follows:

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section one of the act approved the nineteenth day of May one thousand nine hundred and twenty-three (Pamphlet Laws 275) entitled "An act fixing the salary of sheriffs in counties of the eighth class providing for the payment for the care and maintenance of prisoners where the

sheriff is the keeper or warden of the jail requiring all fees and mileage earned by sheriffs in such counties to be paid into the county treasury for the use of the county and prescribing penalties" is hereby amended to read as follows

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the sheriff in each county of the eighth class shall receive an annual salary of [twelve hundred dollars \$1,200] two thousand dollars (\$2,000) Such salary in addition to any expenses which may be incurred by such sheriff in the performance of his duties shall be paid by the county from moneys in the county treasury Such expenses shall include an allowance of reasonable mileage by the county to the sheriff on the various writs copies of pleadings official notices execution processes or court orders and other documents or copies thereof which he or his clerk or deputies may be required to serve or execute

The sheriff in said counties shall not be entitled to any additional fees or compensation for the care and maintenance of prisoners but the actual expense for such care and maintenance of prisoners shall be paid by the county from the county treasury upon itemized bills rendered from time to time

On the question,

Will the House agree to the section?

Mr. HALL. Mr. Speaker, I desire to offer the following amendment.

The SPEAKER. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend Sec. 1 (Sec. 1), page 2, line 12, by striking out the following: "two thousand dollars (\$2,000)" and inserting in lieu thereof: "sixteen hundred dollars (\$1,600)."

On the question,

Will the House agree to the amendment?

It was agreed to.

On the question,

Will the House agree to the section as amended?

It was agreed to.

The second section and title were separately read and agreed to as follows

Section 2 This act shall become effective on the first day of July one thousand nine hundred and thirty-nine

An Act to amend section one of the act, approved the nineteenth day of May, one thousand nine hundred and twenty-three (P. L. 275) entitled, "An act fixing the salary of sheriffs in counties of the eighth class; providing for the payment for the care and maintenance of prisoners, where the sheriff is the keeper or warden of the jail; requiring all fees and mileage earned by sheriffs in such counties to be paid into the county treasury for the use of the county; and prescribing penalties," increasing the salary of sheriffs in such counties and providing for the payment of mileage thereto by the counties.

And said bill having been read at length the second time and agreed to as amended.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 475, entitled:

An Act defining and regulating the practice of photography providing for the licensing of individuals co-partnerships associations and corporations operating photographic studios and of individuals engaging in the practice of photography creating a Board of Photographic Examiners in the Department of Public Instruction defining its powers and duties and providing penalties

The first section was read as follows:

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Purpose This act is enacted under the police power of the Commonwealth to protect the public from fraud practiced by persons who without maintaining any fixed establishment in this Commonwealth through misrepresentations false pretenses and other artifices take orders and obtain money [property] without returning commensurate value therefor

On the question,

Will the House agree to the section?

BILL RECOMMITTED

Mr. KANE. Mr. Speaker, because of the numerous requests to place amendments in this bill, I move that it be recommitted to the Committee on Professional Licensure for the purpose of further study and amendment.

The motion was agreed to.

BILLS ON SECOND READING

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 586, as follows:

An Act authorizing the abatement of certain portions of the interest charges expenses or debt of claims imposed or assessed for improvements or for the abatement of nuisances by any city county borough incorporated town township school district or institution district

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Whenever after due investigation it has been determined by the corporate authorities of any county city borough incorporated town township school district or institution district that the fair market value of any property against which such political subdivision has theretofore entered a lien for municipal improvements or for the abatement of nuisances or against which such political subdivision has secured judgment by revival of a lien theretofore entered is insufficient in the judgment of the corporate authorities of such political subdivision to realize the amount thereof at a sheriff's sale of the same such portions of the interest penalties and total debt of said claim as in the judgment of said corporate authorities may be uncollectible from said property may be abated by the political subdivision in behalf of which the claim was filed Provided however That no such abatement of any portion of the debt interest or penalties shall be made except in cases where immediate payment of the reduced amount with costs is made in cash to such political subdivision And provided further That no such abatement shall be made unless the same is authorized by a resolution passed by a two-thirds vote of the corporate authorities of the county city borough incorporated town township school district or institution district so abating the same

Section 2 The provisions of this act shall not apply to or in any manner affect any assessments which are the sole basis of improvement bonds issued by any political subdivision and which are the security for the payment thereof or to any assessments which have heretofore been assigned by any political subdivision to any contractor in payment of the amount due him under the terms of the contract for the improvement for which the assessment was levied

Section 3 All acts and parts of acts general local and special inconsistent with the provisions of this act are hereby repealed

Section 4 This act shall become effective immediately upon final enactment

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 579, as follows:

An Act to amend section sixteen of the act approved the twenty-ninth day of May one thousand nine hundred thirty-one (Pamphlet Laws 280) entitled "An act relating to delinquent taxes on seated lands and prescribing interest charges on nonpayment thereof requiring the receivers and collectors of county city borough town township school district and poor district taxes to make a return to the county commissioners of such unpaid taxes and providing for the lien thereof authorizing the county treasurers to collect such taxes and to sell seated lands at public sale for taxes heretofore or hereafter returned as unpaid and authorizing the county commissioners to purchase such lands and resell the same under certain circumstances" as amended by giving county commissioners the right to recover possession of real property purchased at tax sales and to rent such lands and providing for the disposition of moneys received from such rentals

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section sixteen of the act approved the twenty-ninth day of May one thousand nine hundred thirty-one (Pamphlet Laws 280) entitled "An act relating to delinquent taxes on seated lands and prescribing interest charges on nonpayment thereof requiring the receivers and collectors of county city borough town township school district and poor district taxes to make a return to the county commissioners of such unpaid taxes and providing for the lien thereof authorizing the county treasurers to collect such taxes and to sell seated lands at public sale for taxes heretofore or hereafter returned as unpaid and authorizing the county commissioners to purchase such lands and resell the same under certain circumstances" as amended by the act approved the nineteenth day of July one thousand nine hundred thirty-five (Pamphlet Laws 1321) is hereby further amended to read as follows

Section 16 When the county commissioners shall purchase any real property at a county treasurer's sale they shall provide a book wherein shall be entered (a) the name of the person as whose land the same was sold (b) a brief description of the property together with any lot and block number (c) the amount of taxes interest and costs for which it was sold Such property shall not so long as it remains the property of the county be charged in the duplicate The county shall have the right after the purchase of any real property at such sale to recover possession of such property from any tenant or person in possession thereof and the county commissioners may pursue such rights in the name of the county and secure possession of such property and recover accrued rent and costs from any person having possession thereof in the manner and under the same procedure provided by law for the recovery of possession of real property by the purchasers thereof at judicial sales So long as such property remains the property of the county the county commissioners shall have the power to rent or lease the same and receive the rentals therefor They shall give no lease for a longer period than one year and they may employ a real estate agent or other person to take care of such property and the rental thereof whose compensation shall be a commission of five per centum (5%) on the rents collected The moneys derived from the rent of any such property shall be used for the payment of all necessary costs incurred for the maintenance and upkeep thereof including insurance the commission of the agent handling the renting of the property and any costs incurred in recovering possession of the property After all such necessary expenses have been paid any balance or balances remaining from the money received shall be credited to the former owner of the property or other persons interested For the next five years following such sale if the land remains unredeemed the commissioners shall in separate columns in the same book charge every such tract of land with like county city borough town township school and poor taxes as would have been chargeable against the land had the same not been purchased by the

county commissioners and also with all moneys spent for maintenance and upkeep out of any rents collected from such property They shall also credit in such book every tract of land with all moneys derived from the leasing or renting thereof The right of redemption shall remain in the real owner of such lands or other persons interested for five years after sale to the county commissioners and such redemption may be accomplished by a payment within such period to the county treasurer of all taxes interest and costs due thereon at the time of sale and interest thereon and also the taxes and interest which have been annually levied and charged thereon after the sale and interest thereon beginning on the first day of January in the year succeeding the year when the respective taxes were levied Provided however when such property shall have been rented at any time since the purchase thereof by the county commissioners and there is a balance remaining from the revenues derived from such rentals after paying the costs and expenses of maintaining such property which balance is credited to the former owner or other person interested as above provided the amount of such balance shall be deducted from the payment herein required from the person redeeming the same If at any time the balance credited to the owner as herein provided shall equal the total amount required by this act for redeeming the property the county commissioners shall forthwith transfer the property back to the former owner in the same manner as if the owner had redeemed the property and all such cases shall be considered a redemption under this act All redemptions of property purchased by the county commissioners shall be noted upon their records and the county treasurer shall forthwith cause an entry of redemption to be made on the records in like manner as if such property were purchased by other than county commissioners

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 497, as follows:

An Act enabling city county poor institution district ward school borough and township tax collectors their executors and administrators if they are deceased or either surety or sureties to collect taxes for the payment of which they have become personally liable without having collected the same by the expiration of the authority of their respective warrants or by the expiration of their terms of office extending the time for the collection of the same for a period of two years from the passage of this act and validating collections and proceedings for collections made or commenced without previous authority

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 In all cases in which the period of limitation of the warrants of the duplicates of the county poor institution district road city township ward school and borough tax collectors have heretofore expired or will expire during the years one thousand nine hundred thirty-nine and one thousand nine hundred and forty and in cases where the power and authority of the said tax collectors have heretofore expired or shall expire during the years one thousand nine hundred thirty-nine and one thousand nine hundred and forty by virtue of the expiration of their terms of office and said tax collector or collectors have or shall become personally liable for the taxes contained in said duplicates and warrants or any part thereof by reason of the personal payment or otherwise by said tax collector or collectors of the said taxes or any part thereof without having recovered or collected the same from the person or persons against whom they have been levied and assessed or without having recovered or collected the same from the person or persons owning the property against which the said taxes have been assessed and levied the said duplicates and warrants and the power and authority of the said tax collectors in all such cases are hereby revived and

extended for a period of two years after the passage of this act and the said tax collector or collectors their executors and administrators if they are deceased or either surety or sureties are hereby empowered to proceed and collect said taxes from all such persons who have not paid them residing in said district within which said taxes are assessed as well as from all persons who may remove or have removed from said city ward township or townships or boroughs and have neglected to pay the taxes aforesaid assessed with the like effect as if said warrant or warrants had not expired or the term of office of said tax collector had not expired

Section 2 The collection heretofore of any tax and all proceedings by distress or otherwise for the collection of any tax heretofore commenced are hereby ratified confirmed and made valid notwithstanding the fact that at the time of such collection or the commencement of such proceedings the period of limitation of the warrants of the duplicates of the tax collector had expired or the power and authority of the tax collector had expired by virtue of the expiration of his term of office and such duplicates and warrants and the power and authority of the tax collector had not at such time been revived and extended with like effect as though the same had in fact been so revived and extended

Section 3 The provisions of this act shall not apply to warrants issued prior to the year one thousand eight hundred and ninety-four and nothing in this act shall release any bondsman or security This act shall not apply to cities having special laws on this subject No collector or the sureties thereof who take advantage of this act shall be permitted to plead the statute of limitations in any action brought to recover the amount of any duplicate or warrant so extended or renewed No statute of limitations shall prevent the collection of any tax for which the warrants and powers and authorities of the said tax collectors have been so as aforesaid extended renewed and revived

Section 4 This act shall become effective immediately upon final enactment

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 286, as follows:

An Act providing that officials charged with the duty of assessing real estate for taxation except in cities of the first class may at any time split or separate the assessment on any tract of real estate which has been or is to be divided in order to permit the payment of taxes due on a portion of such tract requiring tax collectors to accept payment of such taxes and validating all such split or separated assessments heretofore made

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Any official or authority charged with the duty of assessing real estate for the purpose of taxation is hereby authorized at any time to split or separate the assessment on any tract of real estate which has been or is to be divided in order to permit and facilitate the payment of a portion only of the taxes levied on such tract of real estate which partial payment shall represent the taxes due upon a fixed and described parcel of such tract In such cases the tax collecting authority shall accept the payment of such amount as represents the taxes penalties and interest due on such fixed and described parcel of the larger tract in the same manner and subject to the same duties relative thereto as if such fixed and described parcel had been assessed as one parcel of real estate in the original assessment The provisions of this section shall apply to all taxes heretofore or hereafter levied and assessed including taxes which are or have been returned to the county commissioners or entered as liens in the office of the prothonotary

Section 2 In all cases where any official or authority charged with the duty of assessing real estate for the purpose of taxation has heretofore split or separated the

assessment on any tract of real estate in the manner and for the purpose described in this act such action is hereby ratified confirmed and validated and the assessment of each parcel of real estate which has heretofore been split or separated for the purpose described in this act are hereby declared to be for all purposes as good and valid as if such parcels of real estate had been assessed separately in the original assessment

Section 3 This act shall not apply to cities of the first class

Section 4 All acts and parts of acts inconsistent with the provisions of this act are hereby repealed

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 298, entitled:

An Act to amend section one of the act approved the fourteenth day of April one thousand nine hundred and thirty-seven (Pamphlet Laws 313) entitled "An act to enable cities of the first second and second class A incorporated towns boroughs and townships of the second class to govern and regulate by ordinance the construction alteration repairs occupation maintenance sanitation lighting ventilation water supply toilet facilities drainage use and inspection of all buildings and land appurtenant thereto providing for the enforcement of such ordinances and repealing existing laws" by making provision for adoption of standard building codes and dispensing with the publishing of such codes in full

The first section was read as follows:

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section one of the act approved the fourteenth day of April one thousand nine hundred and thirty-seven (Pamphlet Laws 313) entitled "An act to enable cities of the first second and second class A incorporated towns boroughs and townships of the second class to govern and regulate by ordinance the construction alteration repairs occupation maintenance sanitation lighting ventilation water supply toilet facilities drainage use and inspection of all buildings and land appurtenant thereto providing for the enforcement of such ordinances and repealing existing laws" is hereby amended to read as follows

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That in addition to other remedies provided by law and in order to promote the public health safety morals and the general welfare all cities of the first second and second class A incorporated towns boroughs and townships of the second class in this Commonwealth are hereby authorized and empowered to enact and enforce suitable ordinances to govern and regulate the construction alteration repairs occupation maintenance sanitation lighting ventilation water supply toilet facilities drainage use and inspection of all buildings and to the sanitation and inspection of land appurtenant thereto and the said ordinances may provide proper penalties not exceeding five hundred dollars (\$500) for the violation of their provisions

Such ordinances may adopt any standard building code published and printed in book form covering any or all of the above items without incorporating such building code in the ordinance or any such city borough town or township may enact any such building code as its ordinance authorized under the provisions of this act In either event such building code shall not be published or advertised in full as required by law in the case of the adoption of ordinances Provided That a notice of the adoption of such standard building code as the building ordinance of the city borough town or township and the place or places within the municipality or township where copies of the building code adopted are deposited

and may be examined shall be published in the manner provided by law for the publication of ordinances. Not less than three such copies shall be made available to public inspection and use during business hours for a period of not less than three months after the adoption of such building code

On the question,

Will the House agree to the section?

Mr. WINNER. Mr. Speaker, I desire to offer the following amendment.

The SPEAKER. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend Section 1, on Page 3, by striking out of line 9, after the word "township", the word: "and" and inserting in lieu thereof the following: "together with a brief summary thereof setting forth the principal provisions of said ordinance in such reasonable detail as will give adequate notice of its contents pursuant to a uniform form which shall be prepared or approved by the Department of Internal Affairs and a reference to".

On the question,

Will the House agree to the amendment?

It was agreed to.

On the question,

Will the House agree to the section as amended?

It was agreed to.

The second section and title were separately read and agreed to as follows:

Section 2 The provisions of this act shall become effective immediately upon its final enactment

An Act to amend section one of the act, approved the fourteenth day of April, one thousand nine hundred and thirty-seven (P. L. 313), entitled "An act to enable cities of the first, second, and second class A, incorporated towns, boroughs, and townships of the second class, to govern and regulate by ordinance the construction, alteration, repairs, occupation, maintenance, sanitation, lighting, ventilation, water supply, toilet facilities, drainage, use and inspection of all buildings and land appurtenant thereto; providing for the enforcement of such ordinances; and repealing existing laws," by making provision for adoption of standard building codes; and dispensing with the publishing of such codes in full.

And said bill having been read at length the second time and agreed to as amended.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 543, as follows:

An Act to amend the act approved the twenty-ninth day of May one thousand nine hundred and thirty-one (Pamphlet Laws 280) entitled "An act relating to delinquent taxes on seated lands and prescribing interest charges on nonpayment thereof requiring the receivers and collectors of county city borough town township school district and poor district taxes to make a return to the county commissioners of such unpaid taxes and providing for the lien thereof authorizing the county treasurers to collect such taxes and to sell seated lands at public sale for taxes heretofore or hereafter returned as unpaid and authorizing the county commissioners to purchase such lands and resell the same under certain circumstances" by making the provisions of said act mandatory as to all delinquent taxes in counties other than counties of the first and second classes extending such provisions to taxes on unseated lands further regulating the lien of such taxes removing the right to revive extend or continue such liens preserving and extending existing liens in certain cases prescribing the time for selling properties for the non-

payment of such taxes and the effect of such sales upon mortgages and other liens changing the period of redemption on properties purchased at such sales by the county and requiring the county commissioners to sell such properties within a certain period of time

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section one of the act approved the twenty-ninth day of May one thousand nine hundred and thirty-one (Pamphlet Laws 280) entitled "An act relating to delinquent taxes on seated lands and prescribing interest charges on nonpayment thereof requiring the receivers and collectors of county city borough town township school district and poor district taxes to make a return to the county commissioners of such unpaid taxes and providing for the lien thereof authorizing the county treasurers to collect such taxes and to sell seated lands at public sale for taxes heretofore or hereafter returned as unpaid and authorizing the county commissioners to purchase such lands and resell the same under certain circumstances" is hereby amended to read as follows

Section 1 Be it enacted et cetera That from and after the passage of this act it shall be the duty of each receiver or collector of any county city borough town township school district or [poor] institution district taxes to make a return to the county commissioners of such taxes which are assessed and levied on seated or unseated lands and which are unpaid and for which no liens have been filed at the time this act becomes effective All such taxes in counties other than counties of the first and second class which were assessed and levied for the years preceding the year of one thousand nine hundred and thirty-eight and which are unpaid and for which no liens have been filed shall be so returned by the receiver or collector of taxes or delinquent tax collector or taxing authority in whose hands such taxes now repose for collection within six months from the effective date of this act All taxes assessed and levied in the year one thousand nine hundred and thirty-eight and subsequent years shall be so returned not later than the first Monday of May in the year succeeding the year in which the respective taxes were assessed and levied filing therewith a description of said real estate by adjoiners or otherwise sufficient to identify said land with name of the owner or reputed owner against whom such taxes were assessed and levied and the amounts of taxes unpaid and the year during which the said taxes were assessed or levied In addition to penalties under existing laws interest at the rate of six per centum per annum shall be added beginning on the first day of May of the year following the levy and assessment of such tax until such taxes are paid or the seated lands responsible therefor are sold as hereinafter provided

Section 2 Sections four and five of said act as amended by the act approved the twenty-second day of May one thousand nine hundred and thirty-three (Pamphlet Laws 940) are hereby further amended to read as follows

Section 4 All taxes unpaid and so returned and docketed as aforesaid shall be a first lien subject as hereinafter stated on said real estate liable for the payment thereof together with all charges interest expenses and fees added thereto for failure to pay promptly and such liens shall have priority to and be fully paid and satisfied out of the proceeds of any judicial sale of said property before any mortgage obligation claim lien or estate with which said property may have or shall become charged or for which it may become liable save and except only the costs of the sale and of the writ upon which it is made and liens in favor of the Commonwealth of Pennsylvania which shall have priority to such tax liens All taxes returned under this or any previous statute supplied hereby shall be first liens for a period of five years from the date of their return or until sold as hereinafter provided or unless sooner discharged [or extended as hereinafter provided]

Section 5 Such tax so returned and filed and entered upon said docket shall remain a lien upon said property until fully paid and satisfied or until the property shall be sold in accordance with provisions hereof Provided however That no such lien shall continue for a longer period than five years from the date of the entry of such return in said return docket [unless within such

period of five years such lien is extended as herein provided. If for any reason any property subject to such lien has not been sold during a period of five years from the date of the return of the taxes the county treasurer may before the expiration of such period file such taxes as liens in the office of the prothonotary whereupon the lien thereof shall continue for another period of five years from the date of filing in the prothonotary's office) except as hereinafter provided.

Section 3 Section eight of said act as last amended by the act approved the third day of May one thousand nine hundred and thirty-three (Pamphlet Laws 239) is hereby further amended to read as follows:

Section 8 Such sale shall be made for taxes entered on the return docket or last revived or extended during the year of one thousand nine hundred and thirty-four or any year prior thereto on the first Monday of August [in the second year succeeding the year in which the respective taxes are assessed and levied or on any day to which such sale may be adjourned or readjusted from time to time except in the case of taxes levied for the year one thousand nine hundred and thirty or any year prior thereto and returned under the provisions of this or any other law in which case and for such taxes the sale shall be held in the year one thousand nine hundred thirty-three or on any day to which such sale is adjourned or readjusted] in the year one thousand nine hundred and thirty-nine and in all other cases within a period of five years from the date such taxes have heretofore been entered on the tax return docket or from the date the lien thereof has last been extended or continued by filing the same in the office of the prothonotary or from the date such taxes shall hereafter be entered on said docket except in cases where such sale has been or shall hereafter be adjourned or readjusted beyond such period of time under the authority of any other act of Assembly. In all such cases of adjournment or readjustment and in all cases where the lien of any tax would under the provisions of this amendment expire or be lost prior to the first Monday of August one thousand nine hundred and thirty-nine such liens are hereby revived preserved and extended and shall remain in full force and effect until the time of such adjourned or readjusted sale or until the first Monday of August one thousand nine hundred and thirty-nine as the case may be. Provided That the advertisement and notice of a sale as required by this act may be given preceding the date of any adjourned or readjusted sale in which case no prior advertisement or notice shall be required and in case the sales for different years taxes be held on the same date the advertisements and notices may be consolidated. Provided further That if any such sale be adjourned or readjusted after advertisement and notice by public announcement at such sale adjournment or readjustment no additional advertisement or notice shall be necessary for such adjourned or readjusted sale. Provided further That no such adjournment or readjustment shall be for a longer period than thirty days unless the county treasurer with the consent in writing of the county commissioners and the approval of the judge of the court of the county in which the sale is pending shall declare at the time fixed for a sale of any adjournment or readjustments thereof that because of widespread economic and business depression and usual unemployment incident thereto a sale would be inadvisable in which case any such sale may be adjourned or readjusted at any one time and from time to time for a longer period [not exceeding two years and six months and] but in no case beyond the expiration of the period fixed for such sale by this amendment or beyond the date of the actual holding of the first subsequent sale for any other year's taxes provided that when after advertisement of a sale it has been determined as aforesaid to adjourn any sale for taxes the county treasurer shall publish at the expense of the county in at least two newspapers of general circulation in the county if so many be published in the county a brief notice or advertisement announcing said adjournment and the actual new date to which such sale for taxes has been adjourned.

For each tract of land so disposed of the county treasurer shall be entitled to the following fees which shall be taxed as part of the costs of such proceeding and shall be paid the same as other costs:

Advertising each tract including printer's charge the actual cost

Selling each tract or part thereof	\$.2
Writing and signing each deed	1.5
Acknowledging every deed .....	.5
Writing and filing every bond to acknowledge the purchase money	

The county shall in the first instance be liable for the cost of advertising treasurers' sales and the fees collected for such advertising shall be paid into the county treasury for the use of the county.

For receiving and paying over the purchase money of taxes collected by him the county treasurer shall be entitled to a commission of two per centum (2%) thereof such commission to be deducted from the amount to be paid to the taxing district upon any settlement with the taxing district and upon presentation to the taxing district of a transcript of the information required to be compiled by the county treasurer by section eleven hereof.

Section 4 Section nine of said act as amended by the act approved the twelfth day of July one thousand nine hundred and thirty-five (Pamphlet Laws 661) and by the act approved the nineteenth day of July one thousand nine hundred and thirty-five (Pamphlet Laws 1321) is hereby further amended to read as follows:

Section 9 No sale shall be valid where the taxes and interest have been paid prior to said advertisement or where the taxes interest and costs have been paid after advertisement and before sale or when such taxes are not legally due and collectible [No]. Every such sale shall discharge the lien of [any] every mortgage [which shall have been recorded before such taxes became liens by return and docketing as herein provided and which is or shall be prior to all other liens except other mortgages obligations claim lien or estate with which said property may have or shall become charged or for which it may become liable including ground rents [municipal claim and] or other taxes and except no such sale shall discharge the lien of any [ground rent] municipal claim or tax remaining unpaid. Any real estate sold under this act may be redeemed by the owner his heirs or legal representatives or by any lien creditor or his heirs assigns or legal representatives or by anyone interested in said real estate for the benefit of the owner thereof at any time within [five] three years after such sale if such real estate has been purchased by the county otherwise within two years after such sale by the payment to the county treasurer of the full amount which the purchaser paid to said treasurer for taxes interest and costs and fifteen per centum of the amount of tax in addition thereto. In case the purchaser has paid any taxes of any kind whatsoever assessed and levied against said property the same shall be reimbursed to said purchaser before any redemption shall take effect. No sale of seated lands for taxes under the provisions of this act shall be prejudiced or defeated by proof that there was personal property to be found on the premises sufficient to pay the taxes assessed thereon nor shall such sale be prejudiced by reason of the fact that such lands so assessed as seated lands were at the time unseated.

When any real estate is so sold no lien whatsoever against such real estate shall be deemed to be discharged during the period for redemption but if such real estate is not redeemed then all liens against the same except such liens as are hereinbefore specifically saved shall be deemed to be discharged from the date that the right of redemption expired.

When any real estate is so redeemed by a lien creditor or his heirs assigns or legal representatives or by any person interested for the benefit of the owner the county treasurer shall issue to the person redeeming such real estate a certificate stating the fact of such redemption a brief description of the real estate redeemed such real estate a certificate stating the fact of such redemption a brief description of the real estate redeemed and the amount of the redemption money paid which certificate may be entered in the office of the prothonotary of the county as a judgment against the owner of the real estate for the amount stated therein. The lien of any such judgment shall have priority over all other liens against such real estate except such liens as would not have been discharged had no redemption been made.

Section 5 Section twelve of said act is hereby amended to read as follows

Section 12 It shall be the duty of the county treasurer at the first term of a court of common pleas of the proper county succeeding any such sale to make a report and return wherein he shall set forth a brief description of the land or property sold the name of the person (where known) in which the same is assessed the amount of tax and the year for which the same is assessed the time when and the newspapers in which the advertisement for sale was made with a copy of said advertisement the time of sale the name of the purchaser and the price for which each respective property was sold Upon the presentation of said report or return if it shall appear to said report or return if it shall appear to said court that such sale has been regularly conducted under the provisions of this act the said report and the sale so made shall be confirmed nisi

The county treasurer shall at the expense of the county publish a general notice once in a newspaper of general circulation throughout the county stating that the report of the county treasurer with respect to sales for delinquent taxes has been presented to the court giving the date thereof and that exceptions thereto may be filed within sixty days after the date of return otherwise the report will be confirmed absolutely

In case no objections or exceptions are filed to any such sale within sixty days after the date of return a decree of absolute confirmation shall be entered as of course by the prothonotary Any objections or exceptions to such a sale may raise the legality of the taxes for nonpayment of which the real estate was sold or the return thereof or the validity of the sale for the reason that the tax was actually paid or question the regularity or legality of the proceedings of the treasurer in any respect In case any objections or exceptions are filed they shall be disposed of according to the practice of the court When the same was overruled or set aside a decree of absolute confirmation shall be entered by the court If such objections or exceptions are sustained and the court deems the defect not amendable it shall by its order or decree invalidate the sale From the decision of the court of common pleas any party interested may appeal to the Supreme or Superior Court as in other cases If no objections or exceptions are filed as herein provided or where objections or exceptions are finally overruled and the sale confirmed absolutely the validity of the assessment of the tax and its return for nonpayment and the validity of the proceedings of the treasurer with respect to such sale shall not thereafter be inquired into judicially in equity or by civil proceedings by the person or persons in whose name such property was sold his or her or their heirs or his her or their grantees or assigns subsequent to the date of the assessment of the taxes for which such sale was made and such sale after the period of redemption shall be terminated shall be deemed to pass a good and valid title to the purchaser [as against the person or persons in whose name such property was sold] free from any liens or encumbrances whatsoever except such liens as are hereinbefore specifically saved and in all respects as good and effective as if acquired by a sheriff's deed provided the purchaser has filed the bond for surplus moneys as hereinafter provided

Section 6 Section sixteen of said act as amended by the act approved the nineteenth day of July one thousand nine hundred and thirty-five (Pamphlet Laws 1321) is hereby further amended to read as follows

Section 16 When the county commissioners shall purchase any real property at a county treasurer's sale they shall provide a book wherein shall be entered (a) the name of the person as whose land the same was sold (b) a brief description of the property together with any lot and block number (c) the amount of taxes interest and costs for which it was sold Such property shall not so long as it remains the property of the county be charged in the duplicate [for the next five years] During the redemption period following such sale if the land remains unredeemed the commissioners shall in separate columns in the same book charge every such tract of land with like county city borough town township school and

poor taxes as would have been chargeable against the land had the same not been purchased by the county commissioners The right of redemption of lands heretofore purchased by the county commissioners shall remain in the real owner of such lands or other persons interested for five years after such sale to the county commissioners and of all lands hereafter purchased by the county commissioners such right shall remain for three years after such sale and such redemption may be accomplished by a payment within such period to the county treasurer of all taxes interest and costs due thereon at the time of sale and interest thereon and also the taxes and interest which have been annually levied and charged thereon after the sale and interest thereon beginning on the first day of January in the year succeeding the year when the respective taxes were levied All redemptions of property purchased by the county commissioners shall be noted upon their records and the county treasurer shall forthwith cause an entry of redemption to be made on the records in like manner as if such property were purchased by other than county commissioners

Section 7 Sections seventeen eighteen and twenty-one of said act are hereby amended to read as follows

Section 17 If the owner of any real property his heirs or legal representatives or lien creditor his heirs assigns or legal representatives or other person interested in property so purchased by the county commissioners shall not redeem the same within such period the county commissioners shall [at any time] within six months after the expiration of such period sell [any] such lands at public sale [and make deed therefor] or private sale in the manner provided by law for the best price or prices obtainable Any such lands now owned by the county for which the redemption period has expired shall be sold as herein provided within six months after the effective date of this act After any such sale or in the case of any redemption the property shall be charged by the assessor in the name of the last purchaser or redeemer and such lands shall again be liable for taxes as other lands

The county commissioners before making sale of real property purchased by them at tax sales shall give at least thirty days' notice once a week for three consecutive weeks of such sales particularly designating the tracts that are to be sold This notice shall be inserted in two newspapers published in the county if so many are published in said county if there be only one then in such newspaper published in the county

Such advertisement shall set forth

- (a) The purpose of such sale
- (b) The time of such sale
- (c) The place of such sale
- (d) The terms of such sale
- (e) A list of seated lands affected and their location and the owner or reputed owner of each

After such sale the county commissioners shall make and deliver a deed being acknowledged before an officer authorized to acknowledge deeds Such deed shall pass such title as the county commissioners have a right to convey

Section 18 Nothing contained in this act shall be construed to repeal the provisions of the act approved the sixteenth day of May one thousand nine hundred and twenty-three (Pamphlet Laws two hundred seven) entitled "An act providing when how and upon what property and to what extent liens shall be allowed for taxes and for municipal improvements for the removal of nuisances and for water rents or rates sewer rates and lighting rates for the procedure upon claims filed therefor the method for preserving such liens and enforcing payment of such claims the effect of judicial sales of the properties liened the distribution of the proceeds of such sales and the redemption of the property therefrom for the lien and collection of certain taxes heretofore assessed and of claims for municipal improvements made and nuisances removed within six months before the passage of this act and for the procedure on tax and municipal claims filed under other and prior acts of Assembly" except in so far as such provisions relate to tax claims and tax liens to be hereafter entered or filed or revived or extended in ac-

cordance therewith in counties other than counties of the first and second classes

Section 21 No tax collector for any political subdivision in counties of the first or second classes shall make any return of taxes as provided in this act if the taxing authorities shall notify such tax collector in writing that returns shall not be made but that delinquent taxes are to be collected by the filing of liens in the office of the prothonotary

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

BILL RECOMMITTED

Mr. BRETHERICK. Mr. Speaker I move that this bill be recommitted to the Committee on Municipal Corporations for the purpose of further study and amendment.

The motion was agreed to.

BILLS ON SECOND READING

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 363, as follows:

An Act to amend section six of the act approved the twelfth day of May one thousand nine hundred and twenty-five (Pamphlet Laws 603) entitled "An act concerning conditional sales and to make uniform the law relating thereto" by providing that all such contracts heretofore or hereafter filed shall be judicial records and subject to the control of the court

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section six of the act approved the twelfth day of May one thousand nine hundred and twenty-five (Pamphlet Laws 603) entitled "An act concerning conditional sales and to make uniform the law relating thereto" is hereby amended to read as follows

Section 6 Place of Filing The conditional sale contract or copy shall be filed in the office of the prothonotary in the county in which the goods are first kept for use by the buyer after the sale and shall be a judicial record and be subject to the control of the court having jurisdiction of the subject matter thereof It shall not be necessary to the validity of such conditional sale contract or in order to entitle it to be filed that it [may] be acknowledged or attested This section shall not apply to the contracts described in section eight

Section 2 The provisions of this act shall be retroactive and shall apply to all contracts or copies heretofore filed in accordance with the provisions of the act to which this is an amendment

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 557, (Senate Bill No. 132), as follows:

An Act to amend sections one two and four of the act approved the sixteenth day of May one thousand nine hundred nineteen (Pamphlet Laws 180) entitled "An act providing a method of establishing title to land acquired at a sale for unpaid taxes or municipal claims" extending the provisions of said act to include land acquired at county treasurer's sales for unpaid taxes

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Sections one two and four of the act approved the sixteenth day of May one thousand nine hundred nineteen (Pamphlet Laws 180) entitled "An act providing a method of establishing title to land acquired at a sale for

unpaid taxes or municipal claims" are hereby amended to read as follows

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That in all cases where land has been heretofore sold by the sheriff on claims for unpaid taxes or municipal liens or by a county treasurer for unpaid taxes under any act or acts of Assembly the purchaser including a municipality in case it be the purchaser at such sale or his or its successors in title may present his or its petition under oath to the court of common pleas of the county wherein the land is situate setting forth (a) The location of the lands by metes and bounds or if it be in a recorded plan of lots the plan number of the lot and the place of record of the plan (b) the names of the former owners reputed owners persons in possession or any other person having or claiming to have a right to interest in or claim against said land if any there be and (c) that upon diligent inquiry no person has been found who has or claims to have any right title or interest in or claim against said land unless it be those named in the petition Thereupon a rule shall be granted upon the persons named in the petition and generally upon all other persons not named in the petition who have or claim to have any right title or interest in or claim against the said land to appear within sixty days from service of the rule and show cause why the title of the petitioner to said land should not be adjudicated and decreed valid and indefeasible as against all rights or claims whatsoever The rule may be made returnable to such term or return day as may be fixed by the court and shall be entered of record in the appearance docket of said court and duly indexed therein and also in the ejectment index of said court As to persons domiciled within the county the rule shall be served and returned as writs of summons are served and returned As to those persons who do not have their domicile within the county in which the rule is issued or those whose domicile is outside the State the rule may be served by mailing a true and attested copy of the petition and rule by registered letter to his or their last known address if any

In addition thereto the court shall direct that notice by one advertisement in a newspaper of general circulation in the county where the land is situate be given to all persons including those named in the petition to appear on or before the return day of the rule and show cause why the title of the petitioner should not be adjudicated and decreed valid and indefeasible as against all rights or claims whatsoever The advertisement shall be made at least sixty days before the return day of the said rule

Section 2 In case no person or persons shall appear within the time hereinbefore stipulated or in case he shall appear and does not make answer to said rule within fifteen days after appearance the court shall make the rule absolute as to all persons who do not appear or answer as the case may be Thereafter all rights and claims of those against whom the rule is made absolute with respect to said land shall be totally barred and any deficiency or defects whatever in the procedure whereby the land was acquired at sheriff's or treasurer's sale as aforesaid from the filing of the claim or lien up to and including the actual sale and delivery of [sheriff's] the deed to such land shall not thereafter be asserted and the title of the petitioner shall be adjudicated and decreed valid and indefeasible as against all such persons If any person or persons shall appear and make answer to said petition the court shall thereupon order and decree that such person or persons shall begin proceedings to establish his or their title or interest in or claim against said land within ninety days thereafter and if such person or persons shall fail to comply with said order or decree the court shall thereupon make the rule absolute with the same force and effect as hereinbefore stated

Section 4 The remedy herein provided is not intended as an exclusive method of establishing title to land acquired at a sheriff's sale on a tax claim or municipal claim or at a county treasurer's sale for unpaid taxes

Section 5 This act shall become effective immediately upon final enactment

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 550, as follows:

An Act making an appropriation to the Department of Property and Supplies to provide cases for the display of colors and standards of the World War and expenses connected therewith

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The sum of ten thousand dollars (\$10,000) or so much thereof as may be necessary is hereby specifically appropriated to the Department of Property and Supplies for the purpose of providing in the rotunda of the State Capitol Building two suitable cases similar to those now in the rotunda for the purpose of housing and displaying the colors and standards which were carried by Pennsylvania regiments and units during the World War which standards and colors are now in possession of the Department of Military Affairs The said appropriation shall also be available for the payment of any expenses in connection with the preparation covering and repair of such colors and standards in order that they may be properly displayed

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

BILL RECOMMITTED

Mr. HERFERD M. WOOD. Mr. Speaker, I move that this bill be recommitted to the Committee on Appropriations for amendment.

The motion was agreed to.

BILLS ON SECOND READING

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 546, as follows:

An Act to further amend section six of the act approved the seventeenth day of May one thousand nine hundred and twenty-one (Pamphlet Laws 869) entitled "An act providing for the organization government discipline maintenance and regulation of the armed land forces of this Commonwealth" by eliminating certain provisions relating to retirement age of a major general in command of the National Guard

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section six of the act approved the seventeenth day of May one thousand nine hundred and twenty-one (Pamphlet Laws 869) entitled "An act providing for the organization government discipline maintenance and regulation of the armed land forces of this Commonwealth" as amended by section two of the act approved the twenty-first day of April one thousand nine hundred and thirty-seven (Pamphlet Laws 332) is hereby further amended to read as follows

Section 6 Officers commissioned to and holding in the Pennsylvania National Guard the grade of general officers shall with the exception of the Adjutant General hereafter be known as general officers of the line The number of general officers of the line shall conform with the number of such officers allocated to the Commonwealth of Pennsylvania as authorized by the Tables of Organization covering the National Guard promulgated from time to time in conformity with the provisions of the National Defense Act General officers shall be appointed by the Governor with the consent of the Senate but no person shall be appointed a general officer who shall not have served at least fifteen years as a commissioned officer

either in the National Guard or any State Territory of the District of Columbia or in the United States Army or both

[Any major general in command of the National Guard of this Commonwealth may with the approval of the Governor as Commander-in-Chief of the National Guard continue to hold such position until he shall have reached the age of sixty-nine years]

Section 2 The provisions of this act shall become effective on the twenty-fifth day of June one thousand nine hundred and thirty-nine

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 639, as follows:

An Act to repeal certain obsolete acts relating to military history records and historical works

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The following acts are hereby repealed absolutely

The act approved the seventeenth day of April one thousand eight hundred and sixty-seven (Pamphlet Laws 88) entitled "An act to authorize the completion of the military history of the Pennsylvania volunteers"

The act approved the thirteenth day of April one thousand eight hundred and ninety-nine (Pamphlet Laws 48) entitled "An act to provide for the preparation and publication of the names and records of Pennsylvania volunteers in the Spanish-American War and making an appropriation for the clerical work in connection therewith"

The act approved the thirteenth day of April one thousand nine hundred and three (Pamphlet Laws 168) entitled "An act to authorize the purchase of historical works relative to the services of Pennsylvania Volunteers during the late Civil War"

The act approved the twenty-second day of April one thousand nine hundred and three (Pamphlet Laws 260) entitled "An act to provide for the preparation and publication of the names and records of enlistments of Pennsylvanians in the Philippine and China wars one thousand eight hundred and ninety-eight one thousand eight hundred and ninety-nine one thousand nine hundred one thousand nine hundred and two and making an appropriation for the clerical work in connection therewith"

The act approved the eleventh day of May one thousand nine hundred and five (Pamphlet Laws 462) entitled "An act to authorize the purchase of historical works relative to the services of Pennsylvania Volunteers during the late Civil War"

The act approved the thirteenth day of May one thousand nine hundred and nine (Pamphlet Laws 684) entitled "An act to authorize the purchase of historical works relative to the services of Pennsylvania Volunteers during the late Civil War when same has been approved by the Governor Auditor General and Adjutant General"

The act approved the twenty-third day of June one thousand nine hundred and eleven (Pamphlet Laws 1120) entitled "An act to authorize the purchase of historical works relative to the services of any regiment or battery or other unit of military organization of Pennsylvania Volunteers during the war for the suppression of the rebellion when same has been approved by the Governor Auditor General and Adjutant General and making an appropriation for purchase of same and payment of expenses incurred or services rendered in examination and correction of said histories and providing for distribution of histories so purchased"

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 576, as follows:

An Act to further amend section seven of the act approved the fifth day of January one thousand nine hundred and thirty-three (Pamphlet Laws 223 1933-34) entitled "An act providing compensation to certain persons who served in the military or naval forces of the United States during the World War the war between the United States and Spain the China Relief Expedition or in the Philippines or Guam providing the method of making payment to representatives of persons who because of death or incapacity cannot personally receive compensation imposing certain duties on the Adjutant General making an appropriation and repealing inconsistent legislation and providing penalties" as amended extending the time during which application may be filed for veterans' compensation

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section seven of the act approved the fifth day of January one thousand nine hundred and thirty-three (Pamphlet Laws 223 1933-34) entitled "An act providing compensation to certain persons who served in the military or naval forces of the United States during the World War the war between the United States and Spain the China Relief Expedition or in the Philippines or Guam providing the method of making payment to representatives of persons who because of death or incapacity cannot personally receive compensation imposing certain duties on the Adjutant General making an appropriation and repealing inconsistent legislation and providing penalties" as last amended by the act approved the twenty-ninth day of April one thousand nine hundred and thirty-seven (P. L. 543) is hereby further amended to read as follows

Section 7 Application for compensation shall be made to the Adjutant General on such forms and in such manner as he shall prescribe

All applications shall be made (1) personally by the veteran or (2) in case of death or mental incompetency preventing the making of a personal application then by such representative of the veteran as the Adjutant General shall by regulation prescribe An application made by a representative other than one authorized by such regulation shall be void

The Adjutant General shall not accept or consider any application filed with him after the first day of July one thousand nine hundred and forty-two

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 536, as follows:

An Act providing for the regulation supervision and control of un-official military organizations requiring certificates conferring powers and imposing duties upon the Adjutant General and authorizing the adoption and enforcement of rules and regulations

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 No association society group or other organization whether heretofore or hereafter organized or incorporated which assembles trains or drills its members with or without uniform or military equipment or whose purposes are military or semi-military in character shall operate or carry on its activities within the state unless it has first obtained from the Adjutant General of the state a certificate authorizing it to do so

Section 2 the Adjutant General is hereby authorized and empowered to regulate control and supervise the activities of all organizations whose functions and purposes are within the purview of section one of this act He may require such information as he may deem necessary to form a judgment as to whether an organization is subject to this act and if so as to the advisability or expediency of issuing the certificate required by section one of this act He may if in his judgment the public interest so requires or if one or more rights guaranteed by the Constitution or laws of this state will be there-

by promoted protected or safeguarded refuse to issue such certificate or annex thereto such conditions as he may deem appropriate or revoke a certificate previously issued He shall have power to make amend and enforce rules and regulations for the supervision and control of such organizations

Section 3 This act shall become effective immediately upon final enactment

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The bill having been called up from the postponed calendar, by Mr. STEWART.

The House resumed the consideration on second reading of House Bill No. 183, entitled:

An Act to amend sections five hundred and fifty-seven and five hundred and fifty-eight of the act approved the eighteenth day of May one thousand nine hundred and eleven (Pamphlet Laws 309) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" as amended by making all employers including governmental agencies liable for delinquent per capita taxes of their employes in school districts of the second third and fourth classes and requiring tax collectors to collect the same from the employers

The first section was read as follows:

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Sections five hundred and fifty-seven and five hundred and fifty-eight of the act approved the eighteenth day of May one thousand nine hundred and eleven (Pamphlet Laws 309) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" as amended by sections eight and nine of the act approved the eleventh day of May one thousand nine hundred and twenty-one (Pamphlet Laws 508) are hereby further amended to read as follows

Section 557 In case any resident or inhabitant of any school district of the second third and fourth class in this Commonwealth neglects or refuses to pay his or her per capita tax as herein provided after having received ten days' notice or demand so to do the collector of such school taxes shall notify any person firm association [or] corporation or governmental agency where such delinquent taxpayer is employed that such taxpayer has failed or neglected to pay his or her per capita tax as required and such collectors of school taxes [may] shall thereupon [request] demand the payment of such per capita tax by such employer out of any money then due and owing or thereafter to become due and owing to such delinquent taxpayer whereupon every person firm association [or] corporation or governmental agency employing any such delinquent taxpayer [may] shall deduct from the wages that are then or may thereafter become due and owing to him the amount of such delinquent per capita tax and pay the same over to such collector of school taxes and the proper receipt for such taxes paid to the tax collector by any employer shall be a good and sufficient voucher to offset any claim that such delinquent taxpayer may have against such employer for any wages to the amount thereof

Section 558 If any person firm association [or] corporation or governmental agency receiving a notice from any school tax collector [requesting] demanding the pay-

ment of any per capita tax of any employe shall fail or refuse to deduct from any wages when due or that may thereafter become due and owing to such employe the amount of such per capita tax or if such person firm association [or] corporation or governmental agency deducts the amount of such per capita tax and fails to pay the same over to the collector of school taxes in any district within thirty days after making such deduction or deductions such person firm association [or] corporation or governmental agency shall forfeit any pay to the said school district a sum equal to the amount of such occupation tax [collected from such employe or employes] demanded as aforesaid which sum together with costs may be recovered by the said school district in any action of assumpsit against said person firm association or corporation failing to pay over such tax as debts of like amount are now recoverable. In the collection of any judgment recovered for any such delinquent occupation tax against any person firm association or corporation the defendant therein shall not be entitled to the benefit of any exemption appraisement law or stay of execution.

On the question,

Will the House agree to the section?

BILL RECOMMITTED

Mr. STEWART. Mr. Speaker, I move that this bill be recommitted to the Committee on Education for the purpose of further study.

The motion was agreed to.

BILLS PASSED OVER

There being no objection House Bill No. 74, Printer's No. 164 was passed over at the request of Mr. CALVIN.

There being no objection House Bill No. 176, Printer's No. 125 was passed over at the request of Mr. BRETHERICK.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 172, entitled:

An Act to amend section two of the act approved the twelfth day of July one thousand nine hundred and nineteen (P. L. 941) entitled "An act providing for the preparation contents style printing and binding of the Legislative Journal and its delivery and distribution providing for the preparation printing and binding of the Journals of the Senate and House of Representatives authorizing the appointment of official reporters expert typewriters clerks and other employes and providing for their compensation and mileage providing for the making of an appendix and index the printing of wrappers or envelopes for mailing the Legislative Journal and repealing all acts or parts of acts inconsistent herewith" by eliminating certain requirements as to matter to be printed in the Legislative Journal.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—199.

Achterman,	Eckels,	Lichtenwalter,	Scanlon,
Ackermann,	Ely,	Long,	Schrock,
Allen,	Ewing,	Lovett,	Schrope,
Allmond,	Fauset,	Lyons,	Schwab,
Alspach,	Fisher,	Madden,	Self,
Andrews,	Fiss,	Malloy,	Serrill,
Atkins,	Flanagan,	Malone,	Shaw,
Auker,	Fleming,	Marr,	Shearer,
Baker,	Foor,	Matthews,	Simons,

Balliet,	Freed,	McClester,	Skale,
Balthaser,	Fullerton,	McGarrity,	Sloan,
Bardes,	Furman,	McKinney,	Snyder,
Bennett,	Gates,	McLane,	Sollenberger,
Bohn,	Gillan,	McNally,	Stambaugh,
Bois,	Gillette,	McVay,	Stank,
Boney,	Goll,	Melchiorre,	Stewart,
Boorse,	Gorski,	Mihm,	Stockham,
Bouse,	Habbyshaw,	Montgomery,	Sweeney,
Bower,	Haines,	Mooney,	Tahl,
Boyd,	Hall,	Moran,	Tarr,
Brancato,	Hamilton,	Moser, F. S.,	Taylor,
Bretherick,	Harbeson,	Moser, J. L.,	Terry,
Broad,	Harkins,	Muir,	Thistle,
Bronson,	Haudenshield,	Munley,	Thompson, E. F.,
Brown, H. S.,	Henry,	O'Brien,	Thompson, G. R.,
Brown, S. W.,	Hess,	O'Connor,	Tiemann,
Brunner,	Hewitt,	O'Dare,	Tronzo,
Burris,	Hindman,	O'Keefe,	Trout,
Cadwalader,	Hocke,	Ominsky,	VanAllsburg,
Calvin,	Hoffman, J. N.,	O'Neill,	Van Belle,
Carpenter,	Hoffman, S. K.,	Peacock,	Voorhees,
Check,	Holland,	Peale,	Wagner,
Chervenak,	Hoyt,	Powers,	Walsh,
Christler,	Huntley,	Preston,	Watkins,
Clark,	James,	Readinger,	Webster,
Clearwater,	Jirolanio,	Reagan,	Welss,
Cohen, H. B.,	Johnston,	Reese, D. P.,	Welsh, E. B.,
Cohen, R. E.,	Jones,	Reese, R. E.,	Welsh, M. J.,
Cook,	Kane,	Reynolds,	Westrick,
Cooper,	Keenan,	Rider,	Wilkinson,
Cordier,	Kenehan,	Riley,	Williams,
Cortese,	Kilroy,	Robertson,	Wilson,
Curran,	Kline,	Rooney,	Winnier,
Dalrymple,	Knoble,	Rose,	Wood, H. M.,
Denman,	Kowalski,	Roseberry,	Wood, L. H.,
Dick,	Krise,	Rothenberg,	Wood, N.,
Dix,	Lee,	Royer,	Woodside,
Donahue,	Leisey,	Sarge,	Yeakel,
Donohoe,	Levy,	Sarrafi,	Turner,
Downey,	Leydic,		Speaker.

NAYS—0.

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 260, entitled:

An Act to protect the public health by prohibiting the re-use of containers for flowers or floral designs at funerals by those dealing in the sale of flowers and floral emblems and providing penalties.

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

Mr. HERBERT B. COHEN. Mr. Speaker, will the sponsor of this bill be good enough to explain to the House the benefits that will accrue to the people of the Commonwealth by its passage.

Mr. LYONS. Mr. Speaker and ladies and gentlemen of the House, the purpose of this bill is to prevent florists from renting vessels, vases that are to be sent into the homes at the time of a funeral, later on brought back into their shops and sent into other homes, when they don't know from what disease or ailment the person died. It is strictly a health measure. Eighty percent of the florists in business now will not in anyway be restricted by this bill. They already comply with it, because when you purchase a basket or vessel or vase from them it is included in the purchase price of the flowers.

Mr. ANDREWS. Mr. Speaker, I desire to interrogate the sponsor of this bill.

The SPEAKER. Will the gentleman from Mercer permit himself to be interrogated?

Mr. LYONS. I will, Mr. Speaker.

Mr. ANDREWS. Mr. Speaker, I desire to inquire of the gentleman, do the chairs go back?

Mr. LYONS. Mr. Speaker, florists have nothing to do with chairs.

Mr. KANE. Mr. Speaker, may I interrogate the gentleman who sponsored this bill?

The CHAIR. Will the gentleman from Mercer permit himself to be interrogated?

Mr. LYONS. I will, Mr. Speaker.

Mr. KANE. Mr. Speaker, I would like to ask the gentleman if it would not be a necessary sequence following the enactment of this bill that the cost of funerals would be increased, to some degree at least?

Mr. LYONS. Mr. Speaker, I would say, no.

Mr. KANE. Mr. Speaker, the gentleman having answered my question I would like permission to speak against the bill.

Mr. Speaker, it is with considerable regret that I must continually oppose bills that are sponsored by friends of mine. I am certain that the gentleman probably has the best intentions in the world in presenting this bill, but I don't exactly see where public health is involved in this matter. As one of those who has had the unfortunate privilege of attending a good many funerals, I have seen the tremendous expense that has grown up, unnecessarily in my opinion, in connection therewith, and the entire estate of many families has been confiscated in the burying of their dead by those who took advantage of their distress in trying to sell them a lot of unnecessary things. I see no purpose in this Assembly enacting one more law that would increase the expense of one single nickel. If I may say so, Mr. Speaker, preventing the reuse of these devices which hold flowers, would certainly come in that category. If the containers can't be re-used, they must be destroyed, and if they are destroyed, Mr. Speaker, that costs money with the result that the cost of funerals would be increased. Therefore I must be against this bill for that reason.

Mr. LYONS. Mr. Speaker, in answer to the gentleman from McKean, Mr. Kane, I would like to say that this does not increase in any way the cost of the funeral in any shape or form. The baskets, vessels or vases that are sent into the home at the time of a funeral are not always purchased by friends of the family. When I say that this is a health measure, I mean exactly what I say. It is a health measure, because I myself happen to be one of these florists who, under certain circumstances, is going to suffer under this bill. When I say suffer, I mean that, for the simple reason that after a funeral is over, in a lot of cases, you will find chiseling florists will go to the undertaker and have him gather up baskets, and vases at the cemetery and sell them to him for possibly a very small amount of money, bringing them back into his store and sending them into the homes of people who do not know where they came from or anything about them.

Now, the experience that I had just one year ago was the case of a party who died from meningitis. At that funeral there were seventy-two vessels, baskets and vases of different descriptions that went into that home. When those vessels and baskets were taken to the cemetery, the undertaker took them there, brought them back and sold them to a particular florist. I would like to ask any mem-

ber of this House if he would like to have one of them sent into his home by the florist who purchased them from the undertaker. If that isn't a health measure I don't know what is, and that is all this bill intends to do, correct that evil. As I said before, eighty percent of the florists, in this particular industry will not stoop to this practice, and if you men back in your own communities will inquire into it you will find that what I am telling you is right. Thank you.

Mr. KANE. Mr. Speaker, I would like to ask the gentleman from Mercer if it is not a fact that the bill does not in any way state that it is confined to funerals of people who died of contagious diseases or anything of that sort.

Mr. LYONS. Mr. Speaker, the bill states all funerals—any baskets, vessels or vases sent into a home at the time of a funeral. In answer to the gentleman from McKean I would like to say that the florist is in no position to know what everybody in the county died from, what the disease was, therefore that is unnecessary.

Mr. KANE. Mr. Speaker, I would like to ask the gentleman from Mercer whether or not the undertaker, on the other hand, is not in a position to know exactly what the person died from, and does he not take that into consideration in his arrangements?

Mr. LYONS. Does the gentleman mean that the florist gets into communication with the undertaker and inquires of him what the person died from, when the florist in many cases does not know who the undertaker is.

Mr. KANE. Mr. Speaker, that would seem to be only a reasonable precaution. However, I might say, Mr. Speaker, if the gentleman will agree to amend the bill in such a way that it would only require this precaution in the case of funerals of persons with communicable diseases, I would be willing to go along with the bill.

Mr. LYONS. Mr. Speaker, in answer to the gentleman, I don't think it is necessary to have an amendment to this bill for the simple reason that if we amend it, it will only put another burden on the florist to try to find out at all times what everybody in a community died from, or from what disease they died. As I said before, there are less than twenty percent of the men connected with this industry that are not living up to this particular precaution in the way of health protection. I say there are only about fifteen percent of them that are chiselers, as we call them, and I ask the members of this House to vote for this bill in its original form.

Mr. KANE. Mr. Speaker, I don't wish to take up too much of the time of the House on this bill. However, Mr. Speaker, it is the custom in my county which is away up in the woods, as you have frequently reminded me, Mr. Speaker, to sometimes take the flowers that were used at a funeral and send them container and all, to a local hospital. Now, Mr. Speaker, I don't believe it is going to hurt the people in the local hospitals because they are already suffering from many diseases.

Further I would suggest that there not only is a possibility of the florists getting in touch with the undertakers but they work hand in hand like a band of brothers. I think, Mr. Speaker, they know just exactly what a person died from, when they died and what flowers are prepared by members of the family.

I might say, that in my county, and this custom may be peculiar to the members of the House, the florists or the undertakers supplying the vases the wire frames and that sort of thing on which they make these displays have them

marked with the name of the respective house, and if they were unable to get them back and re-use them, it would mean that the family in order to have flowers at the funeral would have to pay not only the cost of the flowers but the cost of the vases, the racks and the designs. Therefore, Mr. Speaker, I would ask the members of the House to vote against the bill, unless the gentleman cares to amend it.

Mr. REYNOLDS. Mr. Speaker and members of the House, undertakers in the county from which I hail have nothing to do with the resale of baskets or anything else. Once they are delivered to the cemetery they become the property of the cemetery, and the cemetery keeper disposes of them as he sees fit.

However, I want to agree with the sponsor of this bill that all chiselers, whether they are undertakers, florists or whatnot, should be legislated out of business and we should not condone the family's paying for something and then some chiseler going out to the cemetery, collecting and reselling them. If that is doing what Mr. Kane from McKean said, it is not going to increase the prices of flowers because the family doesn't get the benefit. The chiseling florist and the chiseling undertaker gets it. I think we ought to pass this bill in order that it will prohibit the sale of something that someone else paid for. I want to say that the undertakers in my district have nothing to do with the resale of any kind of floral designs, because when they deliver them to the cemetery they are not allowed to do anything with them. The undertakers in the state of Pennsylvania are in accord with this measure because they are against all forms of chiseling.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—108.

Ackermann,	Eckels,	McClester,	Sollenberger,
Allen,	Falkenstein,	McGarrity,	Stewart,
Allmond,	Fauset,	McKinney,	Stockham,
Atkins,	Fiss,	McLane,	Sweeney,
Balthaser,	Fleming,	McNally,	Tahl,
Boorse,	Fullerton,	Melchiorre,	Taylor,
Boose,	Gates,	Montgomery,	Terry,
Bower,	Gillette,	Mooney,	Thompson, E. F.,
Boyd,	Goll,	Moser, F. S.,	Thompson, G. R.,
Bretherick,	Hall,	Muir,	Tiemann,
Bronson,	Hamilton,	Munley,	Trout,
Brown, S. W.,	Hewitt,	O'Dare,	VanAllsburg,
Brunner,	Hindman,	O'Keefe,	Van Belle,
Burns,	Hocke,	Peacock,	Voorhees,
Burriss,	Huntley,	Peale,	Walsh,
Cadwalader,	Keenan,	Preston,	Webster,
Calvin,	Kenehan,	Reese, D. P.,	Welsh, E. B.,
Christler,	Kline,	Reynolds,	Williams,
Clearwater,	Knoble,	Rose,	Wilson,
Cooper,	Lee,	Royer,	Winnier,
Cordier,	Lelsey,	Sarge,	Wood, H. M.,
Corrigan,	Leydic,	Schrock,	Wood, L. H.,
Curran,	Lyons,	Schwab,	Wood, N.,
Dalrymple,	Malloy,	Serrill,	Yeakel,
Denman,	Malone,	Shaw,	Turner,
Dick,	Marr,	Simons,	Speaker,
Donohoe,	Matthews,	Snyder,	

NAYS—77.

Achterman,	Dix,	Hoffman, J. N.,	Reagan,
Alspach,	Donahue,	Holland,	Reese, R. E.
Andrews,	Downey,	Hoyt,	Regan,
Auker,	Ely,	James,	Rider,
Baker,	Ewing,	Johnston,	Riley,
Balliet,	Fisher,	Jones,	Rooney,
Bardes,	Flanagan,	Kane,	Roseberry,
Bennett,	Foor,	Kowalski,	Rothenberger,
Bols,	Freed,	Krispe,	Schrope,
Boney,	Furman,	Lovett,	Shearer,

Brancato,	Gillan,	McVay,	Skale,
Broad,	Gorski,	Mihm,	Sloan,
Brown, H. S.,	Habbyshaw,	Moran,	Stank,
Check,	Haines,	Moser, J. L.,	Tronzo,
Chervenak,	Harbeson,	O'Brien,	Wagner,
Clark,	Harkins,	O'Connor,	Watkins,
Cohen, H. B.,	Haudenshield,	Ominsky,	Welsh,
Cook,	Henry,	Powers,	Welsh, M. J.,
Cortese,	Hess,	Readinger,	Westrick,
			Woodside,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 486, entitled:

An Act authorizing the appointment of a deputy mayor in cities of the second class A and limiting and prescribing his powers and duties.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—127

Ackermann,	Eckels,	Krise,	Shearer,
Alspach,	Ely,	Lee,	Simons,
Andrews,	Ewing,	Lelsey,	Sloan,
Atkins,	Fisher,	Leydic,	Snyder,
Auker,	Fiss,	Lichtenwalter,	Sollenberger,
Balliet,	Fleming,	Madden,	Stambaugh,
Bardes,	Foor,	Malone,	Stewart,
Bennett,	Freed,	Marr,	Stockham,
Boorse,	Fullerton,	Matthews,	Sweeney,
Boose,	Gates,	McClester,	Tahl,
Bower,	Gillan,	McGarrity,	Taylor,
Boyd,	Gillette,	McKinney,	Terry,
Bretherick,	Goll,	McNally,	Thistle,
Bronson,	Gorski,	McVay,	Tiemann,
Brown, S. W.,	Habbyshaw,	Montgomery,	Trout,
Brunner,	Haines,	Moser, F. S.,	VanAllsburg,
Cadwalader,	Hall,	Moser, J. L.,	Van Belle,
Calvin,	Hamilton,	Muir,	Voorhees,
Carpenter,	Harbeson,	O'Dare,	Wagner,
Christler,	Haudenshield,	Peacock,	Watkins,
Clark,	Henry,	Peale,	Webster,
Clearwater,	Hewitt,	Reagan,	Westrick,
Cook,	Hocke,	Reese, D. P.,	Wilkinson,
Cooper,	Hoffman, J. N.,	Riley,	Wilson,
Cordier,	Hoyt,	Robertson,	Winnier,
Cortese,	James,	Rose,	Wood, H. M.,
Curran,	Johnston,	Roseberry,	Wood, L. H.,
Dalrymple,	Jones,	Royer,	Wood, N.,
Denman,	Kane,	Sarge,	Woodside,
Dick,	Kline,	Schrock,	Yeakel,
Dix,	Knoble,	Self,	Turner,
Donahue,	Kowalski,	Serrill,	Speaker,

NAYS—47

Achterman,	Fauset,	Moran,	Rosenfeld,
Allmond,	Furman,	O'Brien,	Rothenberger,
Baker,	Hess,	O'Connor,	Schrope,
Balthaser,	Hindman,	O'Keefe,	Schwab,
Bohn,	Holland,	Ominsky,	Skale,
Boney,	Keenan,	O'Neill,	Stank,
Brancato,	Kenehan,	Powers,	Tarr,
Broad,	Lovett,	Preston,	Walsh,
Check,	Malloy,	Readinger,	Welsh,
Cohen, R. E.,	Melchiorre,	Rider,	Welsh, E. B.,
Corrigan,	Mihm,	Rooney,	Welsh, M. J.,
Downey,	Mooney,		

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 575, entitled:

An Act authorizing the Commonwealth to negotiate temporary emergency loans to defray the current and other expenses of the State Government during the two fiscal years beginning the first day of June one thousand nine hundred thirty-nine evidenced by tax anticipation notes secured by and payable from current revenues levied assessed collectible and accruing during such two fiscal years defining the powers and duties of the Governor the Auditor General and the State Treasurer in relation thereto providing for the payment of interest on and the repayment of such loans and making an appropriation

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

HERBERT B. COHEN. Mr. Speaker and members of the House, I just wish to call to the attention of the House that this particular method of financing upon which we are about to vote was the device that was first enacted by the last Democratic administration. This method makes available immediately the revenue that will become available by the passage of certain acts.

At the time this bill was presented on the floor of the House, in 1935 and 1937, it met with the unqualified, vehement objection on the part of the minority, now the majority. I am glad to see that in the few months that have elapsed since November 8, the Republican majority have really read the contents of this act and are now espousing it as a part of their own program. I feel that this, along with a lot of other measures, is a sincere compliment to the ingenuity, to the integrity and to the ability of the past administration.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—204

Achterman,	Downey,	Leydic,	Sarraf,
Ackermann,	Eckels,	Lichtenwalter,	Scanlon,
Allen,	Ely,	Long,	Schrock,
Allmond,	Ewing,	Lovett,	Schrope,
Alspach,	Falkenstein,	Lyons,	Schwab,
Andrews,	Fauset,	Madden,	Seif,
Atkins,	Fisher,	Malloy,	Serrill,
Auker,	Fiss,	Malone,	Shaw,
Baker,	Flanagan,	Marr,	Shearer,
Balliet,	Fleming,	Matthews,	Simons,
Balthaser,	Foor,	McClester,	Skale,
Bardes,	Freed,	McGarrity,	Sloan,
Bennett,	Fullerton,	McKinney,	Snyder,
Bohn,	Furman,	McLane,	Sollenberger,
Boies,	Gates,	McNally,	Stambaugh,
Boney,	Gillan,	McVay,	Stank,
Boorse,	Gillette,	Melchiorre,	Stewart,
Boose,	Goll,	Mihm,	Stockham,
Bower,	Gorski,	Montgomery,	Sweeney,
Boyd,	Habbyshaw,	Mooney,	Tahl,
Brancato,	Haines,	Moran,	Tarr,
Bretherick,	Hall,	Moser, F. S.,	Taylor,
Broad,	Hamilton,	Moser, J. L.,	Terry,
Bronson,	Harbeson,	Muir,	Thistle,
Brown, H. S.,	Harkins,	Munley,	Thompson, E. F.,
Brown, S. W.,	Haudenschild,	O'Brien,	Thompson, G. R.,
Brunner,	Henry,	O'Connor,	Tiemann,
Burns,	Hess,	O'Dare,	Tronzo,
Burris,	Hewitt,	O'Keefe,	Trout,

Cadwalader,	Hindman,	Ominsky,	Van Allsburg,
Calvin,	Hocke,	O'Neill,	Van Belle,
Carpenter,	Hoffman, J. N.,	Peacock,	Voorhees,
Check,	Hoffman, S. K.,	Peale,	Wagner,
Chervenak,	Holland,	Powers,	Walsh,
Christler,	Hoyt,	Preston,	Watkins,
Clark,	Huntley,	Readinger,	Webster,
Clearwater,	James,	Reese, D. P.,	Weiss,
Cohen, H. B.,	Jirolanio,	Reese, R. E.,	Welsh, E. B.,
Cohen, R. E.,	Johnston,	Regan,	Welsh, M. J.,
Cook,	Jones,	Reynolds,	Westrick,
Cooper,	Kane,	Rider,	Wilkinson,
Cordier,	Keenan,	Riley,	Williams,
Corrigan,	Kenehan,	Robertson,	Wilson,
Cortese,	Kilroy,	Rooney,	Winnier,
Curran,	Kline,	Rose,	Wood, H. M.,
Dairymple,	Knoble,	Roseberry,	Wood, L. H.,
Denman,	Kowalski,	Rosenfeld,	Wood, N.,
DeNote,	Krise,	Rothenberger,	Woodside,
Dick,	Lee,	Royer,	Yeakel,
Dix,	Lelsey,	Sarge,	Turner,
Donahue,	Levy,		Speaker,
Donohoe,			

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

BILL PASSED OVER

There being no objection House Bill No. 410, Printer's No. 130 was passed over at the request of Mr. SWEENEY.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 373, entitled:

An Act declaring valid provisions in wills and trusts instruments directing that certain dividends upon and profits realized from corporate stock be treated in whole or in part either as principal or income and repealing inconsistent legislation.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—204

Achterman,	Donohoe,	Leydic,	Sarraf,
Ackermann,	Downey,	Lichtenwalter,	Scanlon,
Allen,	Eckels,	Long,	Schrock,
Allmond,	Ely,	Lovett,	Schrope,
Alspach,	Ewing,	Lyons,	Schwab,
Andrews,	Falkenstein,	Madden,	Seif,
Atkins,	Fauset,	Malloy,	Serrill,
Auker,	Fisher,	Malone,	Shaw,
Baker,	Fiss,	Marr,	Shearer,
Balliet,	Flanagan,	Matthews,	Simons,
Balthaser,	Fleming,	McClester,	Skale,
Bardes,	Foor,	McGarrity,	Sloan,
Bennett,	Freed,	McKinney,	Snyder,
Bohn,	Furman,	McLane,	Sollenberger,
Boies,	Gates,	McNally,	Stambaugh,
Boney,	Gillan,	McVay,	Stank,
Boorse,	Gillette,	Melchiorre,	Stewart,
Boose,	Goll,	Mihm,	Stockham,
Bower,	Gorski,	Montgomery,	Sweeney,
Boyd,	Habbyshaw,	Mooney,	Tahl,
Brancato,	Haines,	Moran,	Tarr,
Bretherick,	Hall,	Moser, F. S.,	Taylor,
Broad,	Hamilton,	Moser, J. L.,	Terry,
Bronson,	Harbeson,	Muir,	Thistle,
Brown, H. S.,	Harkins,	Munley,	Thompson, E. F.,
Brown, S. W.,	Haudenschild,	O'Brien,	Thompson, G. R.,
Brunner,	Henry,	O'Connor,	Tiemann,

Burns,	Hess,	O'Dare,	Tronzo,
Burris,	Hewitt,	O'Keefe,	Trout,
Cadwalader,	Hindman,	Ominsky,	Van Allsburg.
Calvin,	Hocke,	O'Neill,	Van Belle,
Carpenter,	Hoffman, J. N.,	Peacock,	Voorhees,
Check,	Hoffman, S. K.,	Peale,	Wagner,
Chervenak,	Holland,	Powers,	Walsh,
Christler,	Hoyt,	Preston,	Watkins,
Clark,	Huntley,	Readinger,	Webster,
Clearwater,	James,	Reagan,	Weiss,
Cohen, H. B.,	Jirolanio,	Reese, D. P.,	Welsh, E. B.,
Cohen, R. E.,	Johnston,	Reese, R. E.,	Welsh, M. J.,
Cook,	Jones,	Regan,	Westrick,
Cooper,	Kane,	Reynolds,	Wilkinson,
Cordier,	Keenan,	Rider,	Williams,
Corrigan,	Kenahan,	Riley,	Wilson,
Cortese,	Kilroy,	Robertson,	Winner,
Curran,	Kline,	Rooney,	Wood, H. M.,
Dalrymple,	Knoble,	Rose,	Wood, L. H.,
Denman,	Kowalski,	Roseberry,	Wood, N.,
DeNote,	Krise,	Rosenfeld,	Woodside,
Dick,	Lee,	Rothenberger,	Yeakel,
Dix,	Leisey,	Royer,	Turner,
Donahue,	Levy,	Sarge,	Speaker.

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 312, entitled:

An Act to reenact and amend the title and the act approved the ninth day of June one thousand nine hundred thirty-six (Special Session of one thousand nine hundred thirty-six Pamphlet Laws thirteen) entitled "An act imposing an emergency State tax for a limited period of time on liquor as herein defined sold by the Pennsylvania Liquor Control Board providing for the collection and payment of such tax and imposing duties upon the Department of Revenue and the Pennsylvania Liquor Control Board" as previously reenacted and amended by extending the provisions thereof for a further limited period of time.

On the question,

Will the House agree to the bill on third reading?

ADDRESS BY MR. ANDREWS

Mr. ANDREWS asked and obtained unanimous consent to address the House.

Mr. ANDREWS. Mr. Speaker and members of the House, I rise first for the purpose of discussing the general features of the tax program which we are about to review, and also as a preliminary to making a motion to re-commit. I shall at this time say all that I have to say about the tax program.

I appreciate the position of both the minority and the majority parties at this present time. With the majority I will say that while I can "eat crow" I'll be darned if I like it. I also desire to remind the gentlemen of the majority party that in 1935 I stood upon this side of the House and said to my Democratic colleagues that the tax program then being enacted was in a number of respects fatally defective.

The first feature of this tax program is the fact that it is unbalanced. We are undertaking to pass a tax program without having at any time made an opportunity to ascertain the incidence of the taxes we are imposing.

Four years ago, gentlemen, it was impossible to ascertain the incidence of the new taxes. but I say to you that

after four years of experience it is possible to ascertain upon what constituency a sales tax taxing cigarettes will fall, a sales tax taxing gasoline will fall, a sales tax taxing liquor will fall, and a sales tax on amusements will fall. No such effort has been made, and therefore I say, and I would remind the gentlemen of the press that if they will sharpen their pencils and do a little figuring, they will actually ascertain that the sales tax, the specialized sales tax, in this program will fall heavier upon the people of this state having an income of less than twelve hundred dollars than either a general sales tax or a flat income tax.

This program is out of balance because it imposes sixty-five million dollars in specialized sales taxes. Who pays the tax on gasoline; who pays the tax on cigarettes; who unfortunately pays the tax on liquor? The men of medium and moderate incomes.

I object to this tax program because there has been made no effort to ascertain the incidence of the twenty-three normal taxes, which are riding on the statute books. Now those twenty-three normal taxes have multiplicity; a situation that the majority party for four years has pledged itself to correct, on the theory that you as tax experts are saying that with these twenty-three normal taxes the burden has not been accurately distributed as between the various types of corporations which pay the taxes.

The most serious of these situations is the fact that these taxes, these special taxes and the normal taxes, finance a budget which is unbalanced in two respects. It is unbalanced insofar as relief is concerned, and I believe the administration has been wise in not balancing at this time estimated income as against uncertain needs for relief, but gentlemen, the school situation can be met. It is possible to ascertain the imperative needs of the public school system, and we suggest in the budget that two million five hundred thousand dollars will do that, and we know, at least those of us who have surveyed that problem, that two million five hundred thousand dollars will not meet the emergency needs of the school system of this State. When we have enacted this budget, when we have passed these emergency taxes, we have closed the door of hope upon the schools, and that is something to think about.

One finds other considerations. In this state unlike other states, the founders of the Constitution decreed that local government should be financed by imposing taxes upon real estate and that state government should be financed by imposing taxes upon corporations. Almost with the birth of the Constitution, the Legislature by mandatory enactment began imposing the local expenses of government upon real estate, and that burden upon real estate is a result of the mandatory enactments of this Legislature and has become insupportable because we are today ruining small business, but it isn't anything compared to the wreck and ruin that we find among the home owners of this state. They have been pledged and you have been pledged these last ten years that sometime you are going to do something to lighten the burden upon real estate. I say to you if you enact this emergency tax program as it stands at the present time you not only close the door of hope upon the schools but you close the door of hope upon all those who expected relief for real estate.

Now members of the House, it isn't any more the business of the minority party to help enact this particular tax program than it was the business of the minority party in 1935 and 1937 to enact its tax program. Gentlemen, you are the tax experts; you are the ones who campaigned successfully on the basis that this very program was filled with iniquity; you are the ones who made the pledges to the people that you would redraft and reframe the tax structure of this state. I say that nothing has been done to bring the normal corporation taxes into line; nothing has been done to improve the administration of any of these tax measures that have been passed. You are taking them raw; you are taking them as raw as the Legislature in 1935 took them, and certainly we should have gained some experience in that time.

Members of the House, I say that those who are interested in the welfare of the schools, and that those who have in mind doing something to relieve the burden on real estate, and those who have it in mind to observe the content of their campaign pledges owe it to themselves to have a club behind the door. I say if we enact all of this program at this time, those who want to do something for the schools, those who want to do something for real estate, are sunk, and you don't have anything with which to bargain.

Therefore, I am proposing, as a matter of sound practice, and because the measure in and of itself is objectionable, that House Bill No. 318, on page 12 of the calendar—

The SPEAKER. Will the gentleman from Cambria, Mr. Andrews, yield? The gentleman asked permission to address the House. Does the gentleman now desire to make a motion?

Mr. ANDREWS. Yes, Mr. Speaker.

The SPEAKER. The remarks of the gentleman will be spread upon the Journal. The Chair now recognizes the gentleman from Cambria.

MOTION TO RECOMMIT

Mr. ANDREWS. Mr. Speaker, I move that House Bill No. 318, Printer's No. 145, on page 12 of the calendar, be recommitted to the Committee on Ways and Means for further study.

The SPEAKER. The Chair feels that the gentleman from Cambria is out of order. We were on House Bill No. 312; the bill had been read by the Clerk, at which point the gentleman from Cambria asked for unanimous consent to address the House.

Mr. ANDREWS. Mr. Speaker, I did my best to obtain recognition before the Chair called the bill. I also took pains to verbally inform the Chair of my desire, prior to the consideration of the tax program, to speak upon the tax program as a whole, and that I desired that my remarks be preliminary to a motion to re-commit.

The SPEAKER. If the gentleman from Cambria feels that he was not given an opportunity before this bill was read to make his preliminary remarks and to make his motion, unless there be objection the Chair will withdraw its decision with reference to House Bill No. 312 and take up House Bill No. 318 in order to permit the gentleman from Cambria to make his motion to re-commit House Bill Number 318. The Chair hears none and House Bill No. 312 is withdrawn. We will now proceed to the consideration of House Bill No. 318.

BILL ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 318, entitled:

"An Act to reenact and amend the title and the act approved the twenty-second day of June one thousand nine hundred thirty-five (Pamphlet Laws four hundred fourteen) entitled "An act to provide revenue for State purposes imposing taxes upon certain classes of personal property providing for the assessment collection and lien of the same and the distribution of the proceeds thereof imposing duties on executors administrators registers of wills recorders of deeds prothonotaries and court clerks and on persons copartnerships associations banks national banks trust companies and other corporations receiving deposits of money and on certain corporations and limited partnerships conferring powers and imposing duties on certain State officers and departments imposing penalties and making an appropriation" as previously reenacted and amended by eliminating ground rents from list of taxable personal property providing for the apportionment in certain cases of the taxes imposed by the act defining clarifying and limiting certain exemptions and continuing the State personal property tax for a further limited period of time.

On the question,

Will the House agree to the bill on third reading?

Mr. ANDREWS. Thank you, Mr. Speaker.

I move that this bill be re-committed to the Committee on Ways and Means for further study. I ask for a roll call.

On the question,

Will the House agree to the motion?

PARLIAMENTARY INQUIRY

Mr. WOODSIDE. Mr. Speaker, I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state his parliamentary inquiry.

Mr. WOODSIDE. Mr. Speaker, do I understand that the Chair is now ruling that the motion made by the gentleman from Cambria is in order?

The SPEAKER. The gentleman is correct.

Mr. WOODSIDE. Mr. Speaker, I wish to speak on the motion.

The SPEAKER. The gentleman will proceed.

Mr. WOODSIDE. Mr. Speaker, I ask the members of the House to vote down the motion to recommit the bill to the Committee on Ways and Means. It has had long and careful consideration there and it is now before the House for its consideration.

The yeas and nays were required by Mr. Andrews and Mr. Achterman.

YEAS—64.

Achterman,	DeNote,	Lovett,	Reynolds,
Allen,	Donohoe,	Malloy,	Rider,
Allmond,	Downey,	Malone,	Rooney,
Andrews,	Falkenstein,	McLane,	Rosenfeld,
Baker,	Fauset,	Mihm,	Scanlon,
Bois,	Flanagan,	Mooney,	Schrope,
Boney,	Furman,	Moran,	Schwab,
Brancato,	Gates,	Munley,	Shaw,
Brown, H. S.,	Harkins,	O'Brien,	Stank,
Burns,	Hess,	O'Connor,	Tarr,
Burriss,	Hindman,	O'Keefe,	Thompson, E. F.
Check,	Holland,	Ominsky,	Walsh,
Chervenak,	Jirolanio,	O'Neill,	Weiss,
Cohen, H. B.,	Keenan,	Powers,	Welsh, E. B.,
Cohen, R. E.,	Kenehan,	Preston,	Welsh, M. J.,
Corrigan,	Long,	Reese, R. E.,	Williams,

NAYS—125.

Ackermann,	Ely,	Lelsey,	Shearer,
Alspach,	Ewing,	Levy,	Simons,
Atkins,	Fisher,	Leydick,	Skale,
Auker,	Fiss,	Lichtenwalter,	Sloan,
Baillet,	Fleming,	Lyons,	Snyder,
Bardes,	Foor,	Madden,	Sollenberger,
Bennett,	Freed,	Marr,	Stambaugh,
Boorse,	Gillan,	Matthews,	Stewart,
Boose,	Gillette,	McClester,	Stockham,
Bower,	Goll,	McGarrity,	Sweeney,
Boyd,	Gorski,	McKinney,	Tahl,
Bretherick,	Habbyshaw,	McNally,	Taylor,
Bronson,	Haines,	McVay,	Thistle,
Brown, S. W.,	Hall,	Melchiorre,	Thompson, G. R.
Brunner,	Hamilton,	Montgomery,	Tiemann,
Ca'walader,	Harbeson,	Moser, J. L.	Trout,
Calvin,	Haudenschild,	Muir,	Van Allsburg,
Carpenter,	Henry,	O'Dare,	Van Belle,
Christler,	Hewitt,	Peacock,	Voorhees,
Clark,	Hocke,	Peale,	Wagner,
Clearwater,	Hoffman, J. N.,	Readinger,	Watkins,
Cook,	Hoyt,	Reese, D. P.,	Webster,
Cooper,	Huntley,	Riley,	Wilkinson,
Cordier,	James,	Robertson,	Wilson,
Cortese,	Johnston,	Rose,	Winnier,
Curran,	Jones,	Roseberry,	Wood, L. H.,
Dalrymple,	Kane,	Royer,	Wood, N.,
Denman,	Kline,	Sarge,	Woodside,
Dick,	Knoble,	Schrock,	Yeakel,
Dix,	Kowalski,	Seif,	Turner,
Donahue,	Krise,	Serrill,	Speaker.
Eckels,	Lee,		

So the question was determined in the negative and the motion was not agreed to.

On the question recurring,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

PARLIAMENTARY INQUIRY

Mr. HERBERT B. COHEN. Mr. Speaker, I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state his parliamentary inquiry.

Mr. HERBERT B. COHEN. Mr. Speaker, do I understand that the bill now before the House is Bill Number 318, Printer's Number 145?

The SPEAKER. That is correct.

Mr. HERBERT B. COHEN. Mr. Speaker, I desire to interrogate the sponsor of this measure.

The SPEAKER. Will the gentleman from Montgomery permit himself to be interrogated?

Mr. WINNER. Mr. Speaker, I yield to the gentleman from Delaware, Mr. Bretherick.

Mr. HERBERT B. COHEN. Mr. Speaker, prior to indulging in the interrogation I desire to secure the Chair's acquiescence in a discussion of the entire tax program rather than confining my interrogation and remarks to the bill that is now before the House for consideration.

The SPEAKER. The Chair is generally in favor of that procedure except that the Chair agreed with the gentleman from Cambria, Mr. Andrews, to discuss the whole program at the beginning.

Mr. HERBERT B. COHEN. Mr. Speaker, is this not the beginning?

The SPEAKER. The gentleman from Cambria, Mr. Andrews, started on Bill 312. The Chair, however, unless there is objections, will acquiesce in the request. The Chair hears none and the gentleman will proceed.

Mr. HERBERT B. COHEN. Thank you, Mr. Speaker.

I desire to inquire of the gentleman whether there are

any amendments which the majority party has to insert in any bill that is now before the House for consideration and the other bills that represent the tax program.

Mr. BRETHERICK. Mr. Speaker, speaking for House Bill 318, there are some amendments, and the principle amendment is made necessary by a recent decision of the Supreme Court of Pennsylvania in the Dorrance estate. It was theretofore the practice in Pennsylvania to tax trust estates proportionally in the counties, that is, as far as the county taxes were concerned, in which the trustees resided. Insofar as the state taxes are concerned, an effort was made to tax the trust estate in the state of one trustee, and proportionately in the state of the other three trustees. There were four trustees—

Mr. HERBERT B. COHEN. Mr. Speaker, I think the gentleman has already answered the question. I don't wish to prolong the discussion. The gentleman has indicated that there are amendments that are to be offered subsequently to the bill presently before the House; is that correct?

Mr. BRETHERICK. Mr. Speaker, that is correct.

Mr. HERBERT B. COHEN. May I inquire whether or not there are any amendments to be offered to the corporate loan tax.

Mr. BRETHERICK. Mr. Speaker, I am sorry that I cannot answer your question. I will have to refer him to Mr. Woodside.

Mr. HERBERT B. COHEN. Mr. Speaker, I desire to interrogate the gentleman from Dauphin, Mr. Woodside.

The SPEAKER. Will the gentleman from Dauphin permit himself to be interrogated?

Mr. WOODSIDE. I shall, Mr. Speaker.

Mr. HERBERT B. COHEN. Mr. Speaker, I desire to inquire of the gentleman whether or not there are any amendments which will be offered in the Senate to the corporate loan tax.

Mr. WOODSIDE. There are none, Mr. Speaker, that I know of at this time.

Mr. HERBERT B. COHEN. Mr. Speaker, I desire to inquire whether or not there are any amendments that are to be offered to the foreign franchise tax and the corporation net income tax.

Mr. WOODSIDE. Mr. Speaker, none that I know of at this time.

Mr. HERBERT B. COHEN. Mr. Speaker, I desire to inquire whether or not there are any amendments that are to be offered to the penalties that are now presently existing in the taxes.

Mr. WOODSIDE. Mr. Speaker, none that I know of at this time.

Mr. HERBERT B. COHEN. Mr. Speaker and members of the House, the reply of the gentleman from Dauphin, I would say, is a magnificent compliment to the Earle Administration and a miserable repudiation of the Republican pre-election promises. We should be highly complimented that the tax program is virtually lifted from the previous Democratic Administration, after being the subject of a political barrage and made the tax program of those who won on the supposed theory that these taxes were driving industry out of Pennsylvania. I cannot conceive of the majority membership of this House in the short space of four months entirely repudiating what they stated on the campaign platform throughout this Commonwealth.

The gentleman from Cambria stated that if he were

speaking for the majority he would say, "I can eat crow but I don't like it." I would say that the gentlemen of the majority are eating a double portion of crow and apparently liking it.

The gentleman from Dauphin says that there are no amendments that are necessary; none that he knows of. In my superficial activity relative to the presentation of this tax program, I have had called to my attention amendments, not one, not two, but innumerable amendments that are necessary in order to make this tax program a more workable, a more efficient, and a more expedient program, but still we are informed by the majority leader that there are no amendments required to this program in order to refine its application.

At the hearing before the Ways and Means Committee I know that representatives from the Bar Association of the Commonwealth of Pennsylvania were shunted off and told to present their amendments in the Senate; I know that tax experts present at that hearing were told to delay their recommendations until this tax program was offered in the Senate so that it could be refined or amended. I know that in the light of four years of administration experience on the collection and the administration of these taxes there are amendments that are required in order to make this program workable, to make it more efficient and to make it a better legislative enactment. I know that on the corporation loan tax the treasurers of corporations under the present law are today told to withhold four mills and after the passage of this act will have to withhold eight mills and that every treasurer of every corporations of the Commonwealth of Pennsylvania will be confronted with a paradox, not knowing what to do nor how to do it because the act does not specifically say what should be done. I know that, because we had the experience in the passage of the act of 1937, and the proponents of this measure should avail themselves of the experience we have had in the administration of these acts in order to give to the people of Pennsylvania a better tax act. I know and every man that has any superficial knowledge of the problem knows that the fraction that was utilized in the assessment of the foreign franchise tax and the corporation net income tax requires amendment. That was adequately brought out at the hearing before the Ways and Means Committee, and it has been adequately demonstrated in four years of departmental experience in the corporation bureau of this Commonwealth. Still they are asking us to reenact every possible flaw and defect that has been uncovered in four years of actual administration of these acts. I know that in the passage in 1937 of the self-assessment feature the penalties contained therein worked an undue hardship; I know that the interest is not the same interest penalty and should not be applicable under a tax with the self-assessment feature as has been in vogue under the tax without the self-assessment feature. I know that facts were presented to our committee; it is available with little, if any investigation and still the majority are seeking us not to correct these apparent inequities, these mal-administration problems. They are saying, "Enact this program," as they have said to the representatives of the Bar Association and the tax experts and the people who have come to the committee seeking amendments that will cure the defects. They say, "Pass this tax program and those amendments may be placed in it in the Senate."

I say to the members of this House that never should the House of Representatives abdicate its legislative prerogatives to the Senate. I know from experience, and the members of this House also know from experience, that when these bills are rushed back from the Senate requiring concurrence in Senate amendments that there is not sufficient time to sit down and adequately read and determine the full import of the amendments that are inserted by the Senate.

I know, and the membership of this House who have been through various sessions knows, that we cannot deliberate when we are acquiescing in amendments inserted by the Senate. There is only one place where the membership of this House has the opportunity to deliberate on measures brought before us and that is when they are presented in Committee. There is but one place where remedial amendments should be put in and that is when the bill is presented before the House. There is but one place where corrections to House Bills should be made and that is in the House. To follow any other process of enactment is to allow this House to become a mere rubber stamp.

Further, how can the State Emergency Council, how can the Chamber of Commerce who for months, yea even years prior to November 8 condemned this program, come before our Legislative Committee devoid of one scintilla of suggestion, devoid of any recommendations and accept the enactment of this program? As I stated before, we of the minority consider this a magnificent compliment, but we are not satisfied with having done a job that is satisfactory to the Republicans. We can do a better job on this program. These administrative amendments, these problems that we have had called to our attention should be enacted now in this program, and I for one do not feel that at any time should we allow our Legislative prerogatives to be assumed by the Senate, and I for one do not feel that a program in which there are defects apparent to us all should be passed by this House when we have the remedy immediately at hand.

Further, as the gentleman from Cambria has indicated, this program to my mind, viewed in the light of the problems that are presented in the budget, does not meet the requirements. Today I was interviewed by a delegation of teachers from Schuylkill County who have not received their salary checks for months and months. No program is here presented, either directly or indirectly to correct that condition. The problem is still before us and the enactment of this legislation does not solve that problem.

I say to the membership of this House that until we have a full, complete and correct enactment of the tax program it is futile for the members of the House to go along and vote for it and then be confronted with the necessity of hastily concurring in amendments inserted by the Senate. Under those circumstances, Mr. Speaker, I for one at the present time cannot subscribe to this particular enactment.

Mr. WOODSIDE. Mr. Speaker, I was very much interested in trying to discover just what attack the minority would make upon their own program, as they wish to call it. It was very interesting to me to have the minority call this side a rubber stamp. It was very interesting to me to have the minority floor leader make reference to rushing bills through this House of Representatives.

I want to remind them of the days when the Ways and Means Committee met in a corner of the House of Repre-

sentatives and passed out bills that no member of this House of Representatives had ever seen before. I want to remind them of the way they rushed bills through without any consideration being given them by the members of this House of Representatives. Then I want to recall how on February 28, a month ago, this entire program was introduced. I want them to recall how this bill was considered in Committee and I want the members of the House to remember that the gentleman who has just spoken on this floor is a member of the Ways and Means Committee. I want the members of this House to also know that when this bill was on second reading and when this bill was in the Committee, in spite of the fact that they had all this experience about which they talk, in spite of the fact that they had all this knowledge about all these amendments which should be inserted, there wasn't a single man of the minority who inserted, or attempted to insert, a single amendment to this program. I want to say to the members of the House that the members of the minority, if they could have given us so much advice as to how to re-draft these bills, why do they now come when the bill is on third reading, a month after it has been introduced, and say, "We have some amendments which we think should be introduced to make this program a good program". I say to the members of the House there is only one purpose, and that is to interfere with the carrying out of this program at this time, purely for the purpose of hampering, hindering, and interfering with the orderly process of government. I say to them that if they were sincere in the amendments they have to improve this bill, they would have been free to help, we would have considered their amendments when the bills were on second reading; we would have considered them in committee. There was plenty of time for us to have them read, and they could have helped us in the preparation of these bills. The real purpose of coming here at this time is not to improve these bills by amendments, but simply to use that method, the only method left to them to attack this program with the hope that they can defeat it. They know very well that this money is needed to carry on the program. The extravagance which existed in the Earle administration left us with a large deficit. All of the various expenses which they have saddled on the government we are now trying to cut down in a very substantial way so that the people of Pennsylvania may be saved from additional taxes. I hate to think what would have happened if the minority party had regained control of this Legislature and the Governor's office, and had continued spending millions upon millions of dollars. New taxes would have been necessary for the people of Pennsylvania. I say that the Republican Administration never has promised to reduce the taxes, it has always said that it would make a thorough investigation of these taxes and that it would put in economies with the idea that it could eventually reduce taxes, and that is exactly what the Republican party is now doing; it is making efforts to economize at every possible turn, cutting out unnecessary expenses of government in order that the people may be saved increased taxation.

For that reason, Mr. Speaker, I think that this bill and all the rest of the bills in this program should be passed by this House.

Mr. JOHN N. HOFFMAN. Mr. Speaker and members of the House, with the permission and indulgence of the

House, I wish to make a few declarations upon the general taxation program that we are considering today.

I have listened to the statements of the gentleman from York, Mr. Cohen, and I confess that I am hardly able to bring myself to reconcile his sincerity as to the statements he has made in connection with this taxation program when he refers us to the inconsistencies contained in these bills passed by the former Democratic majority in the House, knowledge of which he has had previously and which knowledge he apparently denied to the members of the Ways and Means Committee of which I have the honor to be a member. He preferred to wait until this time to inject a spirit of doubt and ridicule upon bills that were passed by the former administration, which were recognized as lawful bills, accomplishing their purposes as far as they were concerned, but now denying the same equitable rights when we seek to apply the conditions of these bills to the emergency of the hour.

There isn't a man in this House more reluctant to meet the situation that is now before this honorable Assembly, not by our choice but by the door of indulgence than I am. I take second place to no man in this House as to my sincerity before the people of my county during the campaign to assure them of my opposition to the policy of the Democratic administration of inflicting upon the people and industry obnoxious and burdensome taxes.

Now, we are simply dealing with a problem that has come to us without our invitation and there is nothing that we can do presently but to meet the situation in the spirit of fairness, and we believe we reflect the atmosphere the attitude of our constituents. Nobody likes taxes and yet they are a necessary evil in the conduct of our State government, and proper conduct when reasonably applied to business. The present administration has taken over an inheritance, as I said on a number of occasions, that is reviled and out of this revilement we are presumed to be able to arrive at a reasonable solution that will meet the emergency. I think I am within my rights in stating that so far the evidence that has been displayed by His Excellency, the Governor of the State of Pennsylvania, as he reflects his judgment upon the matter of taxation, is wholesome and sound. I believe the reaction of sentiment has even gone so far as to find its way into the federal government at Washington, because I notice that since the Republican administration has taken over the reins of government in the state of Pennsylvania and has pronounced emphatically that while they have a situation where taxes must be met, they are specific and definite in their statement that there shall not be any increase in taxation and that has reflected itself in the federal government at Washington. I understand also that they are beginning to believe that now is the time when the people must be considered in the problem of taxation and to that end they are already thinking about reducing taxes in Washington.

I am speaking to you, members of the House, through the courtesy of the Speaker from a three-fold angle. In the first place, I am speaking as a business man; I know what taxes have done to business. I have the honor to represent a large industry in Northampton county, controlling approximately eighty-five per cent of the output of slate in Northampton county, in the state of Pennsylvania, and in the United States of America. I know what taxes have done to our industry. I am speaking on behalf of that industry, as a representative of that industry, and

I believe that I am qualified to bring to you statements that are in keeping with facts, and facts are realities with which we must deal in order to get away from the theories that have too long dominated conditions in the state of Pennsylvania under the former administration.

PARLIAMENTARY INQUIRY

Mr. JIROLANIO. Mr. Speaker, I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state his parliamentary inquiry.

Mr. JIROLANIO. Mr. Speaker, may I be informed what is before the House at the present time?

The SPEAKER. We are now discussing particularly House Bill No. 318, but at the request of your Democratic colleague the whole tax program is being discussed with very wide latitude.

Mr. JIROLANIO. Mr. Speaker, then I would say that the gentleman from Northampton is not speaking on any tax bill, he is making a general statement.

The SPEAKER. The Chair feels that in view of the speech that has been made by the minority leader, the gentleman from Northampton can take most any ground and still be in order.

Mr. JOHN N. HOFFMAN. Thank you Mr. Speaker and my appreciation to the House. I have no desire to inflict my personal views upon this honorable body nor would I attempt to make a general statement or declaration if I were not aware that that request had been made and granted to a member on the other side. It is for that reason that I desire to make the statement that I am now making, recognized as a general declaration upon the tax bills that we are considering this afternoon.

As I stated I am speaking in a three-fold capacity, first as a business man; secondly as a representative of business interests, and the third is that I directly represent interests other than the slate interests in Northampton County. I would like to take the time right now to read you expressions from industries in Northampton County, outside of the slate industries. The first is a telegram that I received today from Easton, Pennsylvania, which reads as follows:

"Confirming my telephone conversation with you today. Am of opinion industry's stand on tax situation should be to obtain every relief consistently possible but situation being as it is should go along with present program outlined for next biennium taking steps to correct every deficiency in meantime so that the relief necessary to promote upswing in business will not be unduly delayed. *ADA* very anxious to cooperate along these lines.

A. R. LILICRAPP, Chairman
Legislative Committee
Easton Board of Trade."

I had the pleasure of speaking to the Secretary of the Board of Trade of Easton last Saturday in the interest of these tax measures that I anticipated would be considered by the House this week, and I would like to read a telegram which I also received today from the Secretary of the Easton Board of Trade, which reads as follows:

"Talked with several representatives of local industries here in Easton over the week-end and while each of them would like to see every relief possible from the burdensome taxation of Pennsylvania, without exception, they questioned whether the present legislature could do anything but reenact the present tax structure. Therefore, I believe that local manufacturers as a group reasonably expect the present tax structure to be reenacted and that

they will go along with this program expecting relief from this heavy tax burden at the next budget biennium two years hence; furthermore, believe the local manufacturers appreciate you asking their opinion and believe that your thoughts as expressed Saturday morning are much the same as those expressed by local manufacturers.

LYON O. BORDEN, Secretary
Easton Board of Trade."

Now, of course, any statement made along the line of taxation measures carries with it the spirit that nobody likes to see tax increases or these burdensome taxes carried on, but as I indicated awhile ago, we are confronted with a situation beyond our control, not given to us by our choice. Between the two evils I believe it is more sensible to choose the lesser evil and re-enact these present tax measures with the assurance that there is not going to be any additional tax imposed upon industry. Industry in the past has been frightened to death. They have had promises that are just like the one that turned into a whirlwind, and that is what the Republican party is reaping today. The Democratic party has been sowing the wind during the past four years of administration the same as the Federal administration has been doing at Washington and today the country and the state of Pennsylvania is reaping a whirlwind that is inescapable.

Mr. Speaker and members of the House, I ask that we meet this situation in a spirit of calmness and courage remembering that we will be doing the best service for our constituents under the two evils if we select the lesser evil and re-enact these measures as ours.

Mr. HERBERT B. COHEN. Mr. Speaker and members of the House, I don't wish to apologize for prolonging this discussion because I feel that both the gentleman from Dauphin and the gentleman from Northampton made personal attacks upon my sincerity.

In calling to the attention of the House these corrective amendments that should undoubtedly be placed in the bill prior to passage, and in order to confront both gentlemen with the real facts, I wish to call to the attention of the gentleman from Dauphin and the gentleman from Northampton, who have indicated that I had knowledge and withheld from the committee, the fallacy of their remarks.

You will remember that in the open hearing on the tax bill, Mr. Fox of the Chamber of Commerce recommended these notes are the notes that I took during that hearing—that insofar as the foreign franchise tax and the corporation income tax are concerned, that the fractions that are utilized in determining the taxes be amended. That fact was given to the Committee, the inequities of the present fractions were shown; the necessity for amendment was conclusively indicated and that information was available to the entire Committee.

I further wish to call to the attention of the members of the House that that information came from both Mr. Fox representing the Chamber of Commerce and from Mr. Turner a representative of the State Emergency Council. I further wish to call to the attention of the membership of this House that a representative of the Pennsylvania Bar Association was present. I further wish to call to the attention of the membership of this House that Philip Sterling a former member of this House, was present and made suggestions. I further wish to call to the attention of the membership of this House that John Y. Scott, former Deputy Attorney General assigned to the Department of Revenue and fully cognizant of the problem

presented in these bills, was present, as was also Mr. Raymond Evleth, former head of the Corporation Bureau who had experience in the collection of these taxes and who knew the problem. I further wish to call to the attention of the membership of this House that every one of those individuals was told to go home with a statement substantially as follows: "We will not consider your amendments; those amendments are to be placed in the Senate".

It is the policy of the Republican steam roller to get these bills out of the House and over in the Senate where they can be amended. Now, if that is withholding knowledge, Mr. Speaker, if that is not playing fair with the Republican Committee, if that is secreting knowledge which I have in order to catch you unawares, then I am guilty, but I cannot conceive, where the Republican Committee had made available to them, where the committee chairman had made available to him, all these corrective amendments which I have suggested on the floor of this House, that the statement should have been made that no amendments were to be put in, that that problem was to be handled in the Senate, where a full open hearing was to be given on these bills. How can you expect this House to abdicate its legislative prerogative so that these amendments may be stuck in in the Senate and presented to us with the hope of concurrence, not knowing their effect?

Mr. Speaker and members of the House, I say that these problems have been before the Republican Ways and Means Committee since the introduction of these bills, and they have steadfastly refused to make corrective administrative amendments for the sole and single purpose of rushing these bills into the House without giving opportunity to correct any of the administrative defects that are present. I say that you won't have a high grade, first class workable tax program unless you avail yourselves of the experience that we have had in the collection and the administration of these taxes for four years. I say to the gentleman from Easton, who says he is here representing business, that the business man would avail himself of our four years of experience, he would not have taxes rushed through, he would not approve of a program that is not perfect. That is not the way that the gentleman from Easton or his business constituents should aspire to do. I say to the membership of this House that I am not speaking in three categories. I am not speaking in any manner except as a representative of my constituents, and I say that each and every member here, as the representative of his constituents, should see that the best available program, that the best available enactment, that all the administrative experience, that all the refinements should be placed in the tax program, so that it can be made more workable. Nobody likes taxes, so that when you are passing this measure you should pass it in a manner that will indicate you have given it the required deliberation. That is the way the members of this Legislature should conduct themselves, and it certainly is the way that business would want you to conduct yourselves.

Mr. KANE. Mr. Speaker and members of the House, I feel that the gentleman from York is right in resenting any personal implications that placed upon him. On the other hand, Mr. Speaker, as one of those who the gentleman from York knows supported the tax bills when the Democrats had them up, I feel free to say to him that there was opportunity given to amend these tax bills either by the minority or the majority. I believe the committee considered a good many amendments.

While I think he is correct in principle and the Constitution places on the lower House the sole right to originate taxes and that this House should consider, deliberate and hold hearings if necessary, rather than the Senate, nevertheless, Mr. Speaker, the time for offering amendments has passed. I did not offer any, neither did anyone else, and I believe, Mr. Speaker, that the House should support this bill because it is just as necessary today as was two years ago.

Mr. ACHTERMAN. Mr. Speaker and members of the House, I felt that last evening was the end of unique meetings, but the arguments in relation to the tax bill strike me rather unique. I cannot find myself able to reconcile my position in favor of either of the leaders of the two parties here today. I can understand the position of the gentleman from York, Mr. Cohen, in that he feels the bill should be made as perfect as possible, but apparently the majority of this House are not interested in doing that. I therefore would agree with the opinion of the gentleman from Cambria, Mr. Andrews, who stated quite frankly that the burden is the burden of the majority. You are now the tax experts. If you pass bills that are not perfect, then the fault is yours. We have given you the opportunity of perfecting these bills from the experience that we have had. It is with that thought in mind, Mr. Speaker, that I intend to vote for the bills; intend to vote for them upon the condition that the burden of passing these bills is the burden of the majority members of this House. If they are willing to pass them, imperfect as they are, then since it is their duty to provide the tax program, their duty to pass it, and since they did not apparently have the initiative to carry out the promises of their campaign, the promises of relieving burdensome taxes, if they do not desire to do that then certainly I shall not voice further objections to it.

Don't you know that last evening you were exhorted by the Democratic Senator to re-enact those beneficial laws of the Earle administration? Quite obviously you were intent on doing that very thing, and of course the Republican Senator from Pennsylvania has thrown out a smoke-screen which the gentleman from Northampton has accepted by deciding finally that the excessive and burdensome taxes are not in Pennsylvania but are in Washington. Apparently now, since the campaign is over, you do not have burdensome taxes in Pennsylvania. Business is delighted to go along with your tax program, you will now transfer your attack upon Washington and seek your relief there instead of here in Pennsylvania, even though one of your own number has suggested a method of relief to business.

I reiterate, Mr. Speaker, that I feel since this is a Republican burden they should cast sufficient votes to make this program possible, accepting all of the implications and the burdens of the imperfections that have been pointed out to them.

Mr. BURRIS. Mr. Speaker and members of the House, in my campaign for election last fall some of the Republican party used this four mill personal property tax against me because it was one of the emergency tax bills passed by the Earle Administration, now before us as House Bill 318. Certainly, the majority of the Republicans in this House will oppose the passage of this piece of legislation. As a matter of fact, I concur with my Republican colleagues in the thought that this is a destructive piece of legislation of the worst kind and if I had been a mem-

ber of this House four years ago, when this bill was enacted, I would have voted against it at that time, as I propose to vote against it today.

May I cite for you, Mr. Speaker, one specific field which is taxed under this bill that is destructive without question.

For the past 20 years, I have been a life insurance agent in rural Juniata County, and in that time have paid and have seen paid hundreds of claims under life insurance policies of less than ten thousand dollars where the proceeds of such policies have been held under options of settlement for the benefit of old men, old women, widows, children and orphans—mere bread and butter for such beneficiaries.

Under this law that was enacted four years ago, and which it is now proposed to re-enact, the Revenue Department has taxed such life insurance funds that were left with the companies under one of their several options at a rate which would amount, in many cases, to an income tax of approximately twelve percent.

I ask you, ladies and gentlemen, individually as members of this House, whether you will vote for approximately a twelve percent income tax on the life insurance that you have provided for your good wife and your children, remembering that your good wife and children will pay this tax as your widow and orphaned children.

Furthermore, you represent hundreds of thousands of just such fathers as you, who in a great many cases have skimped to pay the premiums on their life insurance policies so that their families could be independent, not dependent wards of the State.

May I repeat, if you feel that an approximate twelve percent income tax is a fair tax on such funds for old men, old women, widows, children and orphans, vote for this bill. If you feel that it is unfair to so tax this class of folks, bearing in mind that this twelve percent tax added to the four mill personal property tax paid to the counties, results in not a twelve percent income tax, but a twenty-four percent income tax, then vote "no" on this bill.

Mr. AUKER. Mr. Speaker and members of the House, I ask the indulgence of the House for just about two minutes. I am in favor of this bill but I do feel that it carries some very vicious things in it. One of them is that it does not exempt from the bill investments that are dead wood, in other words, investments that do not produce any income to the person holding such investments or securities, and making them dig deep down into their pockets and pay out four and eight mills tax when they are not receiving any income from it.

However, I know that no amendments can be put in which would be constitutional to take care of that kind of investments and securities, but I do feel that this House should give serious consideration to reporting out bills that will change the Constitution of Pennsylvania to the end that some of these amendments can be put into these tax bills to protect the citizens of the Commonwealth from highway robbery because that is how I regard it when they have to pay money out of their own pockets, four and eight mills, on investments and securities on which they receive no income.

I am supporting the bill because I believe it is necessary, but I do want to call to the attention of the members the fact that amendments or bills should be reported out of the House, looking to changes in the Constitution of

this state, so that these inequalities can be corrected. I thank you.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—159

Achterman.	Donohoe,	Lyons.	Shaw,
Ackermann	Eckels,	Madden,	Shearer,
Allen.	Ewing,	Malloy,	Simons,
Allmond,	Falkenstein.	Malone,	Sloan,
Alspach,	Fauset,	Marr,	Snyder,
Atkins,	Fisher,	Matthews,	Sollenberger,
Auker,	Fiss,	McGarrity,	Stambaugh,
Baker,	Flanagan,	McKinney,	Stank,
Balliet,	Fleming,	McLane,	Stewart,
Bardes,	Foor,	Melchiorre,	Stockham,
Bennett.	Freed,	Mihm,	Sweeney,
Bohn,	Fullerton,	Montgomery,	Tahl,
Boles,	Furman,	Mooney,	Taylor,
Boorse,	Gillan,	Moran,	Thistle,
Boose,	Gillette,	Moser, F. S.,	Thompson, E. F.,
Bower,	Gorski,	Moser, J. L.,	Thompson, G. R.,
Boyd,	Habbyshaw,	Muir,	Tiemann,
Brancato,	Hall,	Munley,	Tronzo,
Bretherick,	Hamilton,	O'Dare,	Trout,
Bronson,	Harbeson,	O'Keefe,	Van Allsburg,
Brown, H. S.,	Harkins,	Omlinsky,	Van Belle,
Brown, S. W.,	Haudenschild,	Peacock,	Voorhees,
Brunner,	Hewitt,	Peale,	Wagner,
Burns,	Hindman,	Powers,	Watkins,
Cadwalader,	Hocke,	Readinger,	Webster,
Calvin,	Hoffman, J. N.,	Reagan,	Weiss,
Chervenak,	Hoyt,	Reese, D. P.,	Welsh, E. B.,
Christler,	James,	Reynolds,	Welsh, M. J.,
Clark,	Jones,	Rider,	Westrick,
Clearwater,	Kane,	Riley,	Wilkinson,
Cohen, R. E.,	Keenan,	Robertson,	Williams,
Cook,	Knoble,	Rose,	Wilson,
Cooper,	Kowalski,	Roseberry,	Winner,
Cordier,	Krise,	Royer,	Wood, H. M.,
Cortese,	Lee,	Sarge,	Wood, L. H.,
Curran,	Leisey,	Scanlon,	Wood, N.,
Dalrymple,	Levy,	Schrock,	Woodside,
Denman,	Leydie,	Schrope,	Yeakel,
DeNote,	Lichtenwalter,	Seiff,	Turner,
Dick,	Long,	Serrill,	Speaker.
Dix,			

NAYS—30

Andrews,	Donahue,	Jirolanio,	O'Connor,
Balthaser,	Downey,	Johnston,	Preston,
Broad,	Ely,	Kenehan,	Rooney,
Burris,	Gates,	Kline,	Rosenfeld,
Carpenter,	Haines,	Lovett,	Rothenberger,
Check,	Henry,	McClester,	Terry,
Cohen, H. B.,	Hess,	O'Brien,	Walsh,
Corrigan,	Holland,		

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

REASONS FOR VOTE

Mr. ALSPACH filed the following reason for his vote:
I am voting for House Bill 318 for the sole reason that the administration needs the money for relief purposes. I think the personal property tax is vicious, discriminative and totally unfair. It does not truly tax on the basis of "ability to pay." If the revenue to be derived therefrom were to be used for any purpose other than relief, I would vote "no."

Mr. AUKER filed the following reasons for his vote:
1. Because revenue derived from this bill is absolutely necessary to help provide finances for next biennium.
2. I do not approve of the bill wherein it applies to in-

vestments which are not producing an income, but any amendment to exempt such non-producing securities being so manifestly unconstitutional, being an elected Republican Assemblyman, I have no recourse but to vote for the bill.

Mr. DALRYMPLE filed the following reasons for his vote:

I am filing my reasons for voting for the eight tax bills which came from the Ways and Means Committee. I am voting "Yes" on all the bills. My reasons are as follows:

The Governor, being left with a \$50,000,000 deficit and a large unemployment situation, relief, old age pension, and blind pension, all these agencies must be taken care of. Therefore, I deem it wise and human in my power to support these measures.

Mr. DENMAN filed the following reason for his vote:

I am personally very much against the passage of this bill. I came to Harrisburg this week with the full intention of voting against this bill. I find now however that the relief rolls are so increasing that unless the revenue is to come into the state that relief will be sent back to the local counties and communities. If this is done the increase in taxes on the home owner, the farmer, and the small business man will be such that the tax which he will pay on the four mills personal property bill will be small in comparison to the increase in other taxes which he would have to pay if this bill should be defeated.

In voting for the passage of this bill, I do so with the thought in mind that I am protecting my constituency from an increase in other taxes, and the probability of new taxes being placed on him if this bill should not pass. The personal property tax will appropriate \$24,000,000. If it is not passed, there will be additional taxes for relief, and for the payment of school teachers salaries. All of these would mean heavier burdens on the man now paying taxes. The passage of the four mills tax will lighten the burden of taxes on the home owner, the farmer and business man.

I am against this bill, I vote for it only because I know that if this bill should fail to pass my people back home would be forced to pay higher taxes on real estate, on food, on gasoline and the other things which they buy.

If I should vote against this bill, I would be voting against the best interests of the people, who want lower taxes. I vote for this bill, to keep other taxes from going up and new taxes from being levied.

Mr. GATES filed the following reason for his vote:

A Commonwealth held together by the bonds of reason only, requires much compromise of opinion, that things even salutary should not be crammed down the throats of dissenting brethren.

Mr. LICHTENWALTER filed the following reasons for his vote:

I feel that this tax is a great burden on the many citizens of this state who pay a tax on property on which they receive no income in the given taxable year, but because of the deficit inherited by the present administration and the providing for the payment of this deficit in the 1939-41 budget which will necessitate use of every available revenue now at the command of the Commonwealth, and having a desire to have the budget in balance I have voted for the continuance of this particular tax as an emergency measure for a two-year period so that

there will be no breakdown in relief to the people of this Commonwealth.

Mr. WILSON filed the following reasons for his vote:

For the past several weeks the Republican members of the House have investigated fully and carefully the financial condition of the state. It has been definitely ascertained that all of these so called "Emergency Taxes" must be continued for a limited period of time. Such a necessity is to be regretted. Every effort of the present administration is being exerted to bring down governmental expenses but the commitments of the preceding administration are so much greater than generally understood. It is found that not even a sound and economic policy can suddenly terminate these particular temporary taxes. I have consistently urged that certain of these taxes be reduced at this session. No personal property tax is perhaps the most unfair and objectionable. This tax must be discontinued at the earliest possible date. To do so now would endanger the very urgent plans for meeting the emergency which confronts us. One thing is sure; had the spending program of the Democratic party been continued longer it would have been necessary to greatly increase taxation. Our agreement to continue temporarily these emergency taxes has been arranged because the present situation does not admit of any other course. Our efforts to solve these problems prove we are sincere and a way will be found to check costs so the states normal income will cover them, because our policy is sound.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 312, entitled:

An Act to reenact and amend the title and the act, approved the ninth day of June, one thousand nine hundred thirty-six (Special Session of one thousand nine hundred thirty-six Pamphlet Laws, thirteen), entitled "An act imposing an emergency State tax for a limited period of time on liquor, as herein defined, sold by the Pennsylvania Liquor Control Board; providing for the collection and payment of such tax; and imposing duties upon the Department of Revenue and the Pennsylvania Liquor Control Board," as previously reenacted and amended, by extending the provisions thereof for a further limited period of time.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—187

Achterman,	Donahue,	Levy,	Schrock,
Ackermann,	Downey,	Leydie,	Schrope,
Allen,	Eckels,	Lichtenwalter,	Schwab,
Allmond,	Ely,	Long,	Self,
Alspach,	Ewing,	Lyons,	Serrill,
Atkins,	Falkenstein,	Madden,	Shaw,
Auker,	Fauset,	Malloy,	Shearer,
Baker,	Fisher,	Malone,	Simon,
Ballet,	Fliss,	Marr,	Skale,
Balthaser,	Flanagan,	Matthews,	Sloan,
Bardes,	Fleming,	McClester,	Snyder,
Bennett,	Foor,	McGarrity,	Sollenberger,
Eohn,	Freed,	McKinney,	Stambaugh,
Boles,	Furman,	McLane,	Stank,
Boney,	Gates,	McNally,	Stewart,

Booree,	Gillan,	McVay,	Stockham,
Boose,	Gillette,	Melchiorre,	Sweeney,
Bower,	Goll,	Mihm,	Tahl,
Boyd,	Gorski,	Montgomery,	Taylor,
Brancato,	Habbyshaw,	Mooney,	Terry,
Bretherick,	Haines,	Moran,	Thistle,
Bronson,	Hall,	Moser, F. S.,	Thompson, E. F.,
Brown, H. S.,	Hamilton,	Moser, J. L.,	Thompson, G. R.,
Brown, S. W.,	Harbeson,	Muir,	Tiemann,
Brunner,	Harkins,	Munley,	Trout,
Burns,	Haudenschild,	O'Brien,	Van Allsburg,
Burris,	Henry,	O'Dare,	Van Belle,
Cadwalader,	Hess,	O'Keefe,	Voorhees,
Calvin,	Hewitt,	Ominsky,	Wagner,
Carpenter,	Hindman,	O'Neill,	Walsh,
Check,	Hocke,	Peacock,	Watkins,
Chervenak,	Hoffman, J. N.,	Peale,	Webster,
Christler,	Holland,	Powers,	Weiss,
Clark,	Hoyt,	Preston,	Welsh, E. B.,
Clearwater,	Huntley,	Readinger,	Welsh, M. J.,
Cohen, R. E.,	James,	Reagan,	Westrick,
Cook,	Johnston,	Reese, D. P.,	Wilkinson,
Cooper,	Jones,	Rider,	Williams,
Cordier,	Kane,	Riley,	Wilson,
Corrigan,	Keenan,	Robertson,	Winnier,
Cortese,	Kenahan,	Rooney,	Wood, H. M.,
Curran,	Kline,	Rose,	Wood, L. H.,
Dalrymple,	Knoble,	Roseberry,	Wood, N.,
Denman,	Kowalski,	Rosenfeld,	Woodside,
DeNote,	Krise,	Rothenberger,	Yeakel,
Dick,	Lee,	Royer,	Turner,
Dix,	Lelsey,	Sarge,	Speaker.

NAYS—7

Andrews,	Cohen, H. B.,	Jirolanio,	O'Connor,
Broad,	Donohoe,	Lovett,	

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered. That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 313, entitled:

An Act to further amend section one of the act, approved the thirteenth day of June, one thousand nine hundred seven (Pamphlet Laws, six hundred forty), entitled "An act to provide revenue by levying a tax upon the shares of stock of companies incorporated under the provisions of section twenty-nine of an act, entitled 'An act to provide for the incorporation and regulation of certain corporations,' approved April twenty-ninth, one thousand eight hundred and seventy-four, and the supplements thereto; for the insurance of owners of real estate, mortgages, and others interested in real estate, from loss by reason of defective titles, liens, and encumbrances; and of companies entitled to the benefit of, and of companies having any of the powers of, companies entitled to the benefits of an act, entitled 'An act conferring upon certain fidelity, insurance, safety deposit, trust, and savings companies the powers and privileges of companies incorporated under the provisions of section twenty-nine of an act, entitled "An act to provide for the incorporation and regulation of certain corporations," approved April twenty-ninth, Anno Domini one thousand eight hundred and seventy-four, and of the supplements thereto,' approved June twenty-seventh, one thousand eight hundred and ninety-five, commonly known as title insurance or trust companies," by continuing the increased rate of tax for a further limited period of time, and reducing the rate of tax after such limited period of time.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—192

Achterman,	Downey,	Leydie,	Schrock,
Ackermann,	Eckels,	Lichtenwalter,	Schrope,
Allen,	Ely,	Long,	Schwab,
Allmond,	Ewing,	Lyons,	Self,
Alspach,	Falkenstein,	Madden,	Serrill,
Atkins,	Fauset,	Malloy,	Shaw,
Auker,	Flss,	Malone,	Shearer,
Baker,	Flanagan,	Marr,	Simons,
Balliet,	Fleming,	Matthews,	Skale,
Balthaser,	Foor,	McClester,	Sloan,
Bardes,	Freed,	McGarrity,	Snyder,
Bennett,	Furman,	McKinney,	Sollenberger,
Bohn,	Gates,	McLane,	Stambaugh,
Boles,	Gillan,	McNally,	Stank,
Boney,	Gillette,	McVay,	Stewart,
Boorse,	Goll,	Melchiorre,	Stockham,
Boose,	Gorski,	Mihm,	Sweeney,
Bower,	Habbyshaw,	Montgomery,	Tahl,
Boyd,	Haines,	Mooney,	Taylor,
Brancato,	Hall,	Moran,	Terry,
Bretherick,	Hamilton,	Moser, F. S.,	Thistle,
Bronson,	Harbeson,	Moser, J. L.,	Thompson, E. F.,
Brown, H. S.,	Harkins,	Muir,	Thompson, G. R.,
Brown, S. W.,	Haudenschild,	Munley,	Tiemann,
Brunner,	Henry,	O'Brien,	Trout,
Burns,	Hess,	O'Dare,	Van Allsburg,
Burris,	Hewitt,	O'Keefe,	Van Belle,
Cadwalader,	Hindman,	Ominsky,	Voorhees,
Calvin,	Hocke,	O'Neill,	Wagner,
Carpenter,	Hoffman, J. N.,	Peacock,	Walsh,
Check,	Holland,	Peale,	Watkins,
Christler,	Hoyt,	Powers,	Webster,
Clark,	Huntley,	Preston,	Weiss,
Clearwater,	Irvin,	Readinger,	Welsh, E. B.,
Cohen, R. E.,	James,	Reagan,	Welsh, M. J.,
Cook,	Johnston,	Reese, D. P.,	Westrick,
Cooper,	Jones,	Rider,	Wilkinson,
Cordier,	Kane,	Riley,	Williams,
Corrigan,	Keenan,	Robertson,	Wilson,
Cortese,	Kenahan,	Rooney,	Winnier,
Curran,	Kilroy,	Rose,	Wood, H. M.,
Dalrymple,	Kline,	Roseberry,	Wood, L. H.,
Denman,	Knoble,	Rosenfeld,	Wood, N.,
DeNote,	Kowalski,	Rothenberger,	Woodside,
Dick,	Krise,	Royer,	Yeakel,
Dix,	Lee,	Sarge,	Turner,
Donahue,	Lelsey,	Scanlon,	Speaker.
Donohoe,	Levy,		

NAYS—4

Andrews,	Cohen, H. B.,	Lovett,	O'Connor,
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The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered. That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 314, entitled:

An Act to further amend the act, approved the first day of June, one thousand eight hundred eighty-nine (Pamphlet Laws, four hundred twenty), entitled "A further supplement to an act, entitled 'An act to provide revenue by taxation,' approved the seventh day of June, Anno Domini one thousand eight hundred and seventy-nine," by increasing for a further limited period of time the rate of tax imposed by the act upon the gross receipts of certain companies, limited partnerships, associations, joint-stock associations, co-partnerships, and persons.

And said bill having been read at length the third time, considered and agreed to.

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—194							
Achterman,	Donohoe,	Levy,	Schrock,	Allmond,	Ewing,	Long,	Seif,
Ackermann,	Downey,	Leydic,	Schrope,	Alspach,	Falkenstein,	Lovett,	Serrill,
Allen,	Eckels,	Lichtenwalter,	Schwab,	Atkins,	Fauset,	Lyons,	Shaw,
Allmond,	Ely,	Long,	Self,	Auker,	Fisher,	Madden,	Shearer,
Alspach,	Ewing,	Lyons,	Serrill,	Baker,	Fliss,	Malloy,	Simons,
Atkins,	Falkenstein,	Madden,	Shaw,	Balliet,	Flanagan,	Malone,	Skale,
Auker,	Fauset,	Malloy,	Shearer,	Balthaser,	Fleming,	Marr,	Sloan,
Baker,	Fisher,	Malone,	Simons,	Bardes,	Foor,	Matthews,	Snyder,
Balliet,	Fliss,	Marr,	Skale,	Bennett,	Freed,	McClester,	Sollenberger,
Balthaser,	Flanagan,	McClester,	Snyder,	Bohn,	Fullerton,	McGarrity,	Stambaugh,
Bardes,	Fleming,	McKinney,	Sollenberger,	Boles,	Furman,	McKinney,	Stank,
Bennett,	Foor,	McLane,	Stank,	Boney,	Gates,	McLane,	Stewart,
Bohn,	Freed,	McNally,	Stewart,	Boorse,	Gillan,	McNally,	Stockham,
Boies,	Furman,	McVay,	Stockham,	Boose,	Gillan,	McVay,	Sweeney,
Bones,	Gates,	Melchiorre,	Sweeney,	Bower,	Gillette,	Melchiorre,	Tahl,
Boney,	Gillan,	Mihm,	Tahl,	Boyd,	Goll,	Mihm,	Tarr,
Boorse,	Gillette,	Montgomery,	Taylor,	Brancato,	Gorski,	Montgomery,	Taylor,
Boose,	Goll,	Mooney,	Terry,	Branco,	Habbyshaw,	Mooney,	Terry,
Bower,	Gorski,	Moran,	Thistle,	Broad,	Haines,	Moran,	Thistle,
Boyd,	Habbyshaw,	Moser, F. S.,	Thompson, E. F.,	Bronson,	Hall,	Moser, J. L.,	Thompson, G. R.,
Brancato,	Haines,	Muir,	Thompson, G. R.,	Bretherick,	Hamilton,	Munley,	Tiemann,
Bretherick,	Hall,	O'Brien,	Trout,	Broad,	Harbeson,	O'Brien,	Tronzo,
Bronson,	Hamilton,	O'Dare,	Van Allsburg,	Brown, H. S.,	Harkins,	O'Keefe,	Van Allsburg,
Brown, H. S.,	Harbeson,	O'Keefe,	Van Belle,	Brown, S. W.,	Haudenschild,	O'Neil,	Van Belle,
Brunner,	Haudenschild,	O'Neill,	Voorhees,	Burns,	Hoffman, J. N.,	Peacock,	Voorhees,
Burns,	Henry,	Peacock,	Wagner,	Burris,	Hoffman, S. K.,	Peale,	Wagner,
Cadwalader,	Hess,	Powers,	Watkins,	Cadwalader,	Holland,	Powers,	Walsh,
Calvin,	Hewitt,	Preston,	Webster,	Calvin,	Hoyt,	Welss,	Watkins,
Carpenter,	Hindman,	Readinger,	Welsh, E. B.,	Check,	Huntley,	Readinger,	Webster,
Chervenak,	Hocke,	Reagan,	Welsh, M. J.,	Chervnak,	Hoffman, J. N.,	Reagan,	Weiss,
Christler,	Holland,	Rider,	Westrick,	Christler,	Holland,	Reese, D. P.,	Welsh, E. B.,
Clark,	Hoyt,	Riley,	Wilkinson,	Clark,	Hoyt,	Rider,	Welsh, M. J.,
Clearwater,	Huntley,	Robertson,	Williams,	Cohen, R. E.,	Huntley,	Riley,	Wilkinson,
Cook,	James,	Rooney,	Wilson,	Cook,	James,	Robertson,	Williams,
Cooper,	Jirolanio,	Rose,	Winnor,	Cooper,	Jirolanio,	Rooney,	Winnor,
Cordier,	Johnston,	Rosenfeld,	Wood, H. M.,	Cordier,	Johnston,	Rose,	Wood, H. M.,
Corrigan,	Kane,	Rothenberger,	Wood, L. H.,	Corrigan,	Kane,	Rosenfeld,	Wood, L. H.,
Cortese,	Keenan,	Royer,	Woodside,	Cortese,	Keenan,	Rothenberger,	Woodside,
Curran,	Kilroy,	Sarge,	Yeakel,	Curran,	Kilroy,	Royer,	Yeakel,
Dalrymple,	Kline,	Scanlon,	Turner,	Dalrymple,	Kline,	Sarge,	Turner,
Denman,	Knoble,		Speaker,	Denman,	Knoble,	Scanlon,	Speaker,
DeNote,	Kowalski,			DeNote,	Kowalski,		
Dick,	Krise,			Dick,	Krise,		
Dix,	Lee,			Dix,	Lee,		
Donahue,	Lelsey,			Donahue,	Lelsey,		

NAYS—4

Andrews,	Cohen, H. B.,	Lovett,	O'Connor,
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The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,
The House proceeded to the third reading and consideration of House Bill No. 315, entitled:

An Act to further amend section one of the act, approved the fifteenth day of July, one thousand eight hundred ninety-seven (Pamphlet Laws, two hundred ninety-two), entitled "An act to provide revenue by taxation," by increasing the rate of tax for a further limited period of time.

And said bill having been read at length the third time, considered and agreed to.

On the question,
Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—196			
Achterman,	Downey,	Levy,	Schrock,
Ackermann,	Eckels,	Leydic,	Schrope,
Allen,	Ely,	Lichtenwalter,	Schwab,

Atkins,	Ewing,	Long,	Seif,
Auker,	Falkenstein,	Lovett,	Serrill,
Baker,	Fauset,	Lyons,	Shaw,
Balliet,	Fisher,	Madden,	Shearer,
Balthaser,	Fliss,	Malloy,	Simons,
Bardes,	Flanagan,	Malone,	Skale,
Bennett,	Fleming,	Marr,	Sloan,
Bohn,	Foor,	Matthews,	Snyder,
Boles,	Freed,	McClester,	Sollenberger,
Boney,	Fullerton,	McGarrity,	Stambaugh,
Boorse,	Furman,	McKinney,	Stank,
Boose,	Gates,	McLane,	Stewart,
Bower,	Gillan,	McNally,	Stockham,
Boyd,	Gillette,	McVay,	Sweeney,
Brancato,	Goll,	Melchiorre,	Tahl,
Bretherick,	Gorski,	Mihm,	Tarr,
Broad,	Habbyshaw,	Montgomery,	Taylor,
Bronson,	Haines,	Mooney,	Terry,
Brown, H. S.,	Hall,	Moran,	Thistle,
Brown, S. W.,	Hamilton,	Moser, F. S.,	Thompson, E. F.,
Brunner,	Harbeson,	Moser, J. L.,	Thompson, G. R.,
Burns,	Harkins,	Muir,	Tiemann,
Burris,	Haudenschild,	Munley,	Tiemann,
Cadwalader,	Henry,	Tronzo,	Tronzo,
Calvin,	Hess,	O'Brien,	Trout,
Carpenter,	Hewitt,	O'Dare,	Van Allsburg,
Check,	Hewitt,	O'Keefe,	Van Belle,
Chervenak,	Hindman,	O'Neil,	Voorhees,
Christler,	Hocke,	Peacock,	Wagner,
Clark,	Hoffman, J. N.,	Peale,	Walsh,
Clearwater,	Hoffman, S. K.,	Powers,	Watkins,
Cohen, R. E.,	Holland,	Preston,	Webster,
Cook,	Hoyt,	Readinger,	Weiss,
Cooper,	Huntley,	Reagan,	Welsh, E. B.,
Cordier,	James,	Reese, D. P.,	Welsh, M. J.,
Corrigan,	Jirolanio,	Rider,	Westrick,
Cortese,	Johnston,	Riley,	Wilkinson,
Curran,	Kane,	Robertson,	Williams,
Dalrymple,	Keenan,	Rooney,	Wilson,
Denman,	Kenehan,	Rose,	Winnor,
DeNote,	Kilroy,	Roseberry,	Wood, H. M.,
Dick,	Kline,	Rosenfeld,	Wood, L. H.,
Dix,	Knoble,	Rothenberger,	Woodside,
Donahue,	Kowalski,	Royer,	Yeakel,
Donohoe,	Krise,	Sarge,	Turner,
	Lee,	Scanlon,	Speaker,
	Lelsey,		

NAYS—3

Andrews,	Cohen, H. B.,	O'Connor,
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The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,
The House proceeded to the third reading and consideration of House Bill No. 316, entitled:

An Act to further amend section four of the act, approved the twenty-first day of May, one thousand nine hundred thirty-one (Pamphlet Laws, one hundred forty-nine), entitled "An act imposing a State tax, payable by those herein defined as distributors, on liquid fuels used or sold and delivered within the Commonwealth, which are ordinarily, practically, and commercially usable in internal combustion engines for the generation of power; providing for the collection and lien of the tax, and the distribution and use of the proceeds thereof; requiring such distributors to secure permits, to file corporate surety bonds and reports, and to retain certain records; imposing duties on retail dealers, common carriers, county commissioners, and such distributors; providing for rewards; imposing certain costs on counties; conferring powers and imposing duties on certain State officers and departments; providing for refunds; imposing penalties; and making an appropriation," by imposing and continuing the additional emergency tax on liquid fuels for a further limited period of time.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—197

Achterman,	Downey,	Lelsey,	Schrock,
Ackermann,	Eckels,	Levy,	Schrope,
Allen,	Ely,	Leydic,	Schwab,
Allmond,	Ewing,	Lichtenwalter,	Self,
Alspach,	Fauset,	Long,	Serrill,
Atkins,	Fisher,	Lyons,	Shaw,
Auker,	Fiss,	Madden,	Shearer,
Baker,	Flanagan,	Malloy,	Simons,
Balliet,	Fleming,	Malone,	Skale,
Balthaser,	Foor,	Marr,	Sloan,
Bardes,	Freed,	Matthews,	Snyder,
Bennett,	Fullerton,	McClester,	Soilenberger,
Bohn,	Furman,	McGarrity,	Stambaugh,
Bois,	Gates,	McKinney,	Stank,
Boney,	Gillan,	McLane,	Stewart,
Boorse,	Gillette,	McNally,	Stockham,
Boose,	Goll,	McVay,	Sweeney,
Bower,	Gorski,	Melchiorre,	Tahl,
Boyd,	Habbyshaw,	Mihm,	Tarr,
Brancato,	Haines,	Montgomery,	Taylor,
Bretherick,	Hall,	Mooney,	Terry,
Broad,	Hamilton,	Moran,	Thistle,
Bronson,	Harbeson,	Moser, F. S.,	Thompson, E. F.,
Brown, H. S.,	Harkins,	Moser, J. L.	Thompson, G. R.,
Brown, S. W.,	Haudenschild,	Muir,	Tiemann,
Brunner,	Henry,	Munley,	Tronzo,
Burns,	Hess,	O'Brien,	Trout,
Burris,	Hewitt,	O'Dare,	VanAllsburg,
Cadwalader,	Hindman,	O'Keefe,	Van Belle,
Calvin,	Hocke,	Ominsky,	Voorhees,
Carpenter,	Hoffman, J. N.,	O'Neill,	Wagner,
Check,	Hoffman, S. K.,	Peacock,	Walsh,
Chervenak,	Holland,	Peale,	Watkins,
Christler,	Hoyt,	Powers,	Webster,
Clark,	Huntley,	Preston,	Weiss,
Clearwater,	Irvin,	Readinger,	Welsh, E. B.,
Cohen, R. E.,	James,	Reagan,	Welsh, M. J.,
Cook,	Jirolanio,	Reese, D. P.,	Westrick,
Cooper,	Johnston,	Rider,	Wilkinson,
Cordier,	Jones,	Riley,	Williams,
Corrigan,	Kane,	Robertson,	Wilson,
Cortese,	Keenan,	Rooney,	Winner,
Curran,	Kenahan,	Rose,	Wood, H. M.,
Dalrymple,	Kilroy,	Roseberry,	Wood, L. H.,
Denman,	Kline,	Rosenfeld,	Wood, N.,
DeNote,	Knoble,	Rothenberger,	Woodside,
Dick,	Kowalski,	Royer,	Yeakel,
Dix,	Krise,	Sarge,	Turner,
Donahue,	Lee,	Scanlon,	Speaker.
Donohoe,			

NAYS—5

Andrews,	Falkenstein,	Lovett,	O'Connor,
Cohen, H. B.,			

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 317, entitled:

An Act to reenact and amend the title and the act, approved the sixteenth day of May, one thousand nine hundred thirty-five (Pamphlet Laws, two hundred eight), entitled, as amended, "An act to provide revenue for State purposes by imposing an excise tax, for a limited period of time, on the net incomes of certain corporations, joint-stock associations, and limited partnerships; providing for the assessment, collection, settlement and re-settlement of taxes, and reviews and appeal therefrom; conferring powers, and imposing duties on certain persons, corporations, joint-stock associations, limited partnerships, State, and county officers, boards, and depart-

ments; making an appropriation; and providing penalties," as previously reenacted and amended, by extending the provisions of the act for a further limited period of time; exempting title insurance companies; and making certain changes in the procedure for the collection and adjustment of the tax.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—195

Achterman,	Downey,	Lelsey,	Schrock,
Ackermann,	Eckels,	Levy,	Schrope,
Allen,	Ely,	Leydic,	Schwab,
Allmond,	Ewing,	Lichtenwalter,	Self,
Alspach,	Falkenstein,	Long,	Serrill,
Atkins,	Fauset,	Lyons,	Shaw,
Auker,	Fisher,	Madden,	Shearer,
Baker,	Fiss,	Malloy,	Simon,
Balliet,	Flanagan,	Malone,	Skale,
Balthaser,	Fleming,	Marr,	Sloan,
Bardes,	Foor,	Matthews,	Snyder,
Bennett,	Freed,	McClester,	Sollenberger,
Bohn,	Fullerton,	McGarrity,	Stambaugh,
Bois,	Furman,	McKinney,	Stank,
Boney,	Gates,	McLane,	Stewart,
Boorse,	Gillan,	McNally,	Stockham,
Boose,	Gillette,	McVay,	Sweeney,
Bower,	Goll,	Melchiorre,	Tahl,
Boyd,	Gorski,	Mihm,	Tarr,
Brancato,	Habbyshaw,	Montgomery,	Taylor,
Bretherick,	Haines,	Mooney,	Terry,
Broad,	Hall,	Moran,	Thistle,
Bronson,	Hamilton,	Moser, F. S.,	Thompson, E. F.,
Brown, H. S.,	Harbeson,	Moser, J. L.	Thompson, G. R.,
Brown, S. W.,	Harkins,	Muir,	Tiemann,
Brunner,	Haudenschild,	Munley,	Tronzo,
Burns,	Henry,	O'Brien,	Trout,
Burris,	Hess,	O'Dare,	VanAllsburg,
Cadwalader,	Hewitt,	O'Keefe,	Van Belle,
Calvin,	Hindman,	Ominsky,	Voorhees,
Carpenter,	Hocke,	O'Neill,	Wagner,
Check,	Hoffman, J. N.,	Peacock,	Walsh,
Chervenak,	Hoffman, S. K.,	Peale,	Watkins,
Christler,	Holland,	Powers,	Webster,
Clark,	Hoyt,	Preston,	Welsh, E. B.,
Clearwater,	Huntley,	Readinger,	Welsh, M. J.,
Cohen, R. E.,	James,	Reagan,	Westrick,
Cook,	Jirolanio,	Reese, D. P.,	Wilkinson,
Cooper,	Johnston,	Rider,	Williams,
Cordier,	Jones,	Riley,	Wilson,
Corrigan,	Kane,	Robertson,	Winner,
Cortese,	Keenan,	Rooney,	Wood, H. M.,
Curran,	Kenahan,	Rose,	Wood, L. H.,
Dalrymple,	Kilroy,	Roseberry,	Wood, N.,
Denman,	Kline,	Rosenfeld,	Woodside,
DeNote,	Knoble,	Rothenberger,	Yeakel,
Dick,	Kowalski,	Royer,	Turner,
Dix,	Krise,	Sarge,	Speaker.
Donahue,	Lee,	Scanlon,	
Donohoe,			

NAYS—5

Andrews,	Lovett,	O'Connor,	Weiss,
Cohen, H. B.,			

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 319, entitled:

An Act to reenact and amend the title and the act, approved the fourteenth day of June, one thousand nine hundred thirty-five (Pamphlet Laws, three hundred forty-one), entitled, as amended, "An act to provide reve-

nue by imposing a State tax upon sales of cigarettes by dealers as herein defined, requiring persons engaged in the sale of cigarettes at wholesale and retail to secure permits; prescribing the method and manner of collecting such tax; conferring powers and imposing duties on the Department of Revenue, and persons, as herein defined, engaged in the sale of cigarettes at retail or wholesale; and providing penalties," as previously reenacted and amended, by extending the provisions of the act for a further limited period of time.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—192

Achterman.	Downey.	Levy.	Schrock.
Ackermann.	Eckels	Leydic.	Schrope.
Allen.	Ely.	Lichtenwalter.	Schwab.
Allmond.	Ewing.	Lovett.	Seif.
Alspach.	Fauset.	Lyons.	Serrill.
Atkins.	Fisher.	Madden.	Shaw.
Auker.	Fliss.	Malloy.	Shearer.
Baker.	Flanagan.	Malone.	Simons.
Balliet.	Fleming.	Marr.	Skale.
Balthaser.	Foor.	Matthews.	Sloan.
Bardes.	Freud.	McClester.	Snyder.
Bennett.	Fullerton.	McGarrity.	Sollenberger.
Bohn.	Furman.	McKinney.	Stambaugh.
Boies.	Gates.	McLane.	Stank.
Boney.	Gillan.	McNalty.	Stewart.
Boorse.	Gillette.	McVay.	Stockham.
Boose.	Goll.	Melchiorre.	Sweeney.
Bower.	Gorski.	Mihm.	Tahl.
Boyd.	Habbyshaw.	Montgomery.	Tarr.
Brancato.	Haines.	Mooney.	Taylor.
Bretherick.	Hall.	Moran.	Terry.
Broad.	Hamilton.	Moser, F. S.	Thistle.
Bronson.	Harbeon.	Moser, J. L.	Thompson, E. F.
Brown, H. S.	Harkins.	Muir.	Thompson, G. R.
Brown, S. W.	Haudenschild.	Munley.	Tiemann.
Brunner.	Henry.	O'Brien.	Trout.
Burns.	Hess.	O'Dare.	Van Allsburg.
Burriss.	Hewitt.	O'Keefe.	Van Belle.
Cadwalader.	Hindman.	Omlinsky.	Voorhees.
Calvin.	Hocke.	O'Neill.	Wagner.
Carpenter.	Hoffman, J. N.	Peacock.	Walsh.
Chervenak.	Hoffman, S. K.	Peale.	Watkins.
Christler.	Holland.	Powers.	Webster.
Clark.	Hoyt.	Preston.	Weiss.
Clearwater.	Huntley.	Readinger.	Welsh, E. B.
Cohen, R. E.	James.	Reagan.	Welsh, M. J.
Cook.	Johnston.	Reese, D. P.	Westrick.
Cooper.	Jones.	Rider.	Wilkinson.
Cordier.	Kane.	Riley.	Williams.
Corrigan.	Keenan.	Robertson.	Wilson.
Cortese.	Kenahan.	Rooney.	Winner.
Curran.	Kilroy.	Rose.	Wood, H. M.
Dalrymple.	Kilne.	Roseberry.	Wood, L. H.
Denman.	Knoble.	Rosenfeld.	Wood, N.
D. Note.	Kowalski.	Rothenberg.	Woodside.
Dick.	Krise.	Royer.	Yeakel.
Dix.	Lee.	Sarge.	Turner.
Donahue.	Lelsey.	Scanlon.	Speaker.
Donohoe.			

NAYS—7

Andrews.	Cohen, H. B.	Jirolanio.	O'Connor.
Check.	Falkenstein.	Long.	

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

BILL ON THIRD READING

Mr. JIROLANIO asked and obtained unanimous consent to call up out of order House Bill No. 263, Printer's

No. 146, on page 17 of today's calendar, bill on third reading.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 263, entitled:

An Act to amend section two thousand one of the act approved the twenty-third day of June one thousand nine hundred and thirty-one (P. L. 932) entitled "An act relating to cities of the third class and amending revising and consolidating the law relating thereto" by fixing the minimum compensation for patrolmen in such cities.

On the question,

Will the House agree to the bill on third reading?

Mr. ANDREWS. Mr. Speaker is that in agreement with the sponsor?

Mr. DAVID P. REESE. Mr. Speaker I have no objection to calling up this bill, specially if it is an accommodation to Mr. Jirolanio.

Mr. DIX. Mr. Speaker, I would like to interrogate the gentleman from Dauphin, Mr. Reese.

The SPEAKER. Will the gentleman from Dauphin permit himself to be interrogated?

Mr. DAVID P. REESE. I will, Mr. Speaker.

Mr. DIX. Will the gentleman from Dauphin please state in brief the purpose, content and intent of this bill?

Mr. DAVID P. REESE. Mr. Speaker, the purpose, content and intent is to develop a minimum wage for policemen in cities of the third class in the state of Pennsylvania.

Mr. DIX. Mr. Speaker, does this bill affect all cities of the third class besides Harrisburg?

Mr. DAVID P. REESE. Mr. Speaker, it certainly does.

Mr. DIX. Mr. Speaker, can the gentleman tell me the starting salaries of school teachers in the common grades of the Harrisburg schools, in comparison to the bill presented by you for policemen?

Mr. DAVID P. REESE. Mr. Speaker, I do not know.

Mr. DIX. Mr. Speaker, is it not true that one thousand dollars is the minimum starting salary for teachers in Harrisburg and all other third class cities?

Mr. DAVID P. REESE. Mr. Speaker, that is answered by the first answer.

Mr. DIX. Mr. Speaker, I wish to state that is a fact. Is it true that Bill No. 263 starts a rookie police officer on the taxpayers' payroll at a salary six hundred dollars greater than a school teacher who has had four to six years of special education, at a cost of several thousand dollars?

Mr. WOODSIDE. Mr. Speaker, I would like to ask the gentlemen if they would not kindly yield and agree to have the bill go over at this time?

The SPEAKER. Is there objection to passing this bill over in order? The Chair hears none and the bill will go over in its order.

SENATE MESSAGE

CONCURRENCE IN HOUSE RESOLUTION No. 38

The Clerk of the Senate being introduced, informed that the Senate has concurred in the resolution from the House of Representatives as follows:

In the House of Representatives, March 13, 1939.

For many years this country and the world at large has observed May first as May Day, and, at different places, the observance has been marked by various kinds of celebrations.

At times these celebrations have resulted in demonstrations against organized government.

In 1932 the American Legion in Fayette County inaugurated a new kind of observance of the day, by staging a parade of Americanism, which has grown each year into an event of first importance.

The participation in the celebration of this day by patriotic societies, veterans' organizations and other organizations, cannot help but make it throughout the Commonwealth a day to awaken new pride in our American institutions, therefore be it

Resolved (if the Senate concur), That the General Assembly of the Commonwealth of Pennsylvania urges the setting aside of May first as Americanism Day, and urges upon all patriotic, veteran, fraternal and civic organizations the planning of its celebration in such a manner as will bring to the people of the Commonwealth a full realization of the benefits and privileges and blessings that come to them through the continuance of our American form of government, and be it further

Resolved, That the Governor of the Commonwealth is hereby urged to issue his proclamation further urging the people of the Commonwealth to join in a real American celebration of Americanism Day.

BILL SIGNED BY SPEAKER

Bill numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the title was publicly read as follows:

SENATE BILL No. 40.

An act making an appropriation to the Department of Forests and Waters for the use of the Pennsylvania State Park and Harbor Commission of Erie and for the joint use of the Department of War of the United States Government and the Department of Forests and Waters of the Commonwealth of Pennsylvania and the use of the Department of Forests and Waters in cooperation with the Federal Beach Erosion Board

Whereupon,

The SPEAKER, in the presence of the House, signed the same.

BILL ON THIRD READING

Agreeably to order,

The bill having been called up from the postponed calendar by Mr. CHRISTLER.

The House resumed the consideration on third reading of House Bill No. 473, entitled:

An Act to further amend a part of section one of article three of the act, approved the seventh day of March, one thousand nine hundred and one (P. L. 20), entitled "An act for the government of cities of the second class," providing for the removal and dismissal of policemen in cities of the second class.

On the question recurring,

Will the House agree to the bill on third reading?

BILL RECOMMITTED

Mr. O'KEEFE. Mr. Speaker, with the consent of the sponsor of this bill, I move that it be recommitted to the Committee on Cities—Second Class for the purpose of a public hearing.

The motion was agreed to.

ADDRESS BY MR. KANE

Mr. KANE asked and obtained unanimous consent to address the House.

Mr. Speaker, I wish to state first to the members of the House that I have deferred making this statement for

about a week on account of the press of business. If there are any of the members who do not care to hear me I will not be offended if they find it necessary to leave.

Last night about 3 A. M., I mean 1 A. M., or perhaps shortly after midnight, I was challenged by the Uncle Dominick of the newspaper profession on the ground that I had helped to force upon the Commonwealth the Teachers' Tenure Act, because I had refused to support an amendment to eliminate married teachers from the protection of the bill. I explained to him that on the contrary I was against the whole bill, but if teachers were going to be put in jobs for life then by all means it was better that they had a normal life on those jobs. And if they wanted to marry, then for God's sake let them do it. It's the normal thing to do. I want my kids in the hands of normal men and women.

I might say further that I think the modern tales circulated about child birth in the classrooms, etc., are nothing but a scurrilous libel on the teaching profession, as all the women teachers I have ever known were persons of the utmost modesty. However, I come to bury Caesar, not to praise him. Before I begin the lates rites let me say that in calling this gentleman "the Uncle Dominick of the newspaper profession" I pay him a compliment. Just as I feel that the Uncle Dominick in the Philadelphia Inquirer is the embodiment of the Jack Cummings idea, of what Jack Cummings would like to think he would be like when he reaches that age, so this worthy legislator, who still believes in running his own affairs, and saying what he pleases to whomever it pleases him, comes pretty near to being my idea of what I would like to think I would be able to be as a legislator when I reach his age. But to get back to the main point, he claimed that a certain Tax Commission had solved the coal problem while the school problem on which I was all wound up had nothing to do with coal.

Gentlemen, nothing could be further from the truth. Coal is vitally affected by the break down of the school system. It is a tragedy which affects all of us, but when you consider the enormous taxes which the bankrupt and dying coal mining business bears for school taxes you will see school taxes are killing the very industries on which they feed while training no one for them.

It is not surprising that the anthracite region which was the resting place of the crooked schoolboards became the hatching place of the Tenure bill.

It was said that teachers needed tenure because of crooked schoolboards. Because the taxpayers thus were robbed they must in redress assume life jobs for hordes of idlers and the labor laws prevent us from making teachers stay here. The other states and private schools can hire out the ambitious. The teacher who shows some real stuff can quit and go in business. We must retain in charge of our children the dregs of the profession. Ambitious teachers whose heart is in the work; teachers whose services we want and need; teachers practical enough to understand that law steer clear of Pennsylvania. If those schoolboards were so crooked—why then let's clear up the schoolboards.

Who ever first joked our village school mams into the idea they should have a longer term in office than the President of the United States? Do they imagine that they do not serve the public because they only have charge of our children—the most precious thing we have. The fact

they ever subscribed to such a crazy notion as a lifetime tenure goes to prove their own unfitness to assume instruction. They do not know the people for that isn't in the books. Not only that, but school taxes are killing the homes of the country. The strength of America lies in the preservation of the homes of the free people. They are the bricks of which the Nation's house is builded. If they dissolve all else goes with them. When the home of the citizen is not secure the Nation is in danger. Every law must, therefore, aid in a general way to preserve the American home and every profession must aid in its up-building.

Last week I was very much moved by the spendid speech of the gentleman from Schuylkill, Mr. Wagner, with regard to the terrible plight of the unpaid teachers of his district and I am concerned over the plight of anyone who goes unpaid for labor honestly delivered whether by brain or hand.

I was pleased that our Chaplain prayed for these people, but I suggest that while God perhaps holds the only keys to Schuylkill County and the Philadelphia County financial problems, still it is our duty to try to offer a remedy here in this House.

We have a lot of Swedish people up in our county, and you have probably heard of the story of the Swede who took his wife, Christine, to the airport for the purpose of taking an airplane ride.

The pilot approached them and said, "Don't you want to go up?"

"Nay," he said, "Mr. I only got two dollars and I won't go up without Christine."

"Well," he said, "I will tell you what I will do. I will take you up and Christine also. If you don't holler or say anything I will give you a ride for nothing." It was an open cockpit type of airplane.

So the Swede and his wife, Christine, got in behind the pilot, who proceeded to do all kinds of stunts that an airplane is capable of doing. When they were coasting into the airport the pilot looked back over his shoulder and he hollered to the Swede, "Mr. Olson, I guess you got the ride for nothing, you never opened your mouth in the air."

The Swede said, "Nay, but it was pretty hard to keep quiet when Christine fell out of the plane."

And we should begin the good work by removing the April third deadline on new ideas and plan to stay here until our work is done, and like General Grant, here highly resolve to fight it out on this line if it takes all summer.

But I don't wish to have it in any way understood that I feel these teachers are a special or a better class than any other unpaid workers or any other unemployed citizens when they are out of jobs and money. They are a learned profession of importance, but only one of the learned professions, and they are an outstanding failure in training our young people for their useful work in life. Nor can this be blamed upon the law. We provide the school houses and the books and even the buses now. We provide all the equipment for a profession which is virtually self-directing. They largely determine by their influence the courses that are prescribed and certainly daily determine the practical or impractical nature of their teaching.

We have developed a system of intellectual inbreeding by which persons graduate from schools one spring and go in the doors of other schools to teach the young next

fall. They know nothing of life because they have never lived except in cloistered academic halls, supervised by professorial grandmothers, and financed generally by hard-working and not too curious old dads or mothers. Half the graduating classes go forth to hard work, but many seek easy work and many just to avoid work entirely.

Many noble souls go into teaching as a calling, but many bright but lazy loafers go into teaching, because the outside world of competitive labor looks hard and has no summer vacations—it offers a dirty foundry instead of an immaculate manual training shop at the local high school.

My sisters were teachers. My mother was a teacher. I am not against teachers. Those who want to know what a teacher can be should read Bliss Perry's book "And Gladly Teach." But I am against the academic drones who seek to further burden our poor little home owners with foolish schooling and laws to make your children and mine leave those homes to hear their impractical ideas. Neither do we hire them to meddle with our children's home taught religion.

There was a time when a few people went to high school and to college, to learn culture and to train for professions. In that day, a system was established which has hung on. Now even those who will soon become housewives or machinists must follow in that groove. Everyone wants his child to become an architect and no one a stone mason or a brick layer. Yet the latter are better paid on the average and do at least as useful a work. Someone has to lay the brick or soon you have no buildings; we are not faced with the present housing shortage for lack of architects or blue prints.

Our daughters learn a smattering of geometry and of Spanish, but go to their weddings untrained in household buying. They do not know enough Spanish to get a job. They could not interpret a Mexican buyer in their own father's office, but they have been wasting their time when they could have learned to be better mothers. They learn about geometry and are ignorant about milk and soap and shoes for little children. Yet the actual career of nine-tenth of all women is home-making and motherhood for which they receive less than one-tenth of their public schooling.

There exists a very strong educational hierarchy, a professorial union. And if that union went on strike for a year, perhaps we would all be ahead and people at home would start to think and to learn again. My wife says, "The last American sat down at home to read in the days of Henry Clay." It would be well for the teachers who are not in distress to avoid the distress that is coming and point their dainty noses in the right direction by trying to direct their teaching toward training people for the jobs that do exist and will exist in the future. They must recognize that we cannot build our civilization with a horde of architects and engineers. We must also train those worthwhile youngsters who shape the steel and lay the bricks of that gigantic structure.

The most caustic thing I have ever heard about teaching was quoted from George Bernard Shaw to me by a local high school teacher. He said: "Those who, can do, those who can't teach."

Let the teachers join my project. Let them demand a chance to be practical. Let us set up schools where people learn by doing, in which those fine young people who

don't do well with books can learn to earn a living and get away from scholars on relief and the cultured in the ditches. And let our teachers develop the courage to tell parents: "Your son cannot go on with books. He may become a fine mechanic, but he can never be a great engineer. Save his hopes and his ambition by teaching him a trade now."

They dare not say "no," but stall you off for years with endless "maybes." "If more years are spent—more money used someday you'll finish training." We graduate our children now as old Jack Cummings' Uncle Dominick, before they start to practice.

Then, let us open many free night schools wherein those who want to try on their own time may progress upward and onward while their neighbors loaf or dance.

Let us consider the plight of the teachers, but let us consider the plight of our own children and our taxpayers. Let us revamp the whole educational lay-out from a "jobholding game" into a "life training profession" for our children.

Last week at a Ways and Means Committee hearing, I asked a small manufacturer who complained of his taxes whether he had ever received from his local public schools a single person adequately trained to work at his plant and he said, "no."

Yet, education is more than sixty percent of the costs of the average local taxes which burden the little factory, and evenmore, the homes of Pennsylvania.

I would save our homes from greater taxes. I would save our children from further wasted lives and I would even save our teachers from wasting their careers.

A foolish notion we require no practical life experience of our teachers who have twice as much time with our children as we parents have. Nor do we require any educational standards of the school directors who select the teachers and build the schools at our expense in taxes.

The parents must get more interested than just going to a P. T. A. meeting to drink tea. These parents play golf and play bridge while maids attend their children. They perfect a golf stroke, who can't afford to play. They lose their homes for taxes while they rob their children of their most precious heritage—the experience of Dad and Mother in the way of life. And little hands must be bruised, little heads bumped and little feet must stumble up the whole long rocky road again, because a pleasure-seeking loafer had no time, or a hard working fortune-chaser amassed a fortune to ruin his own heirs who inherited his cash but not his common sense.

The brains that could solve our country's problems are wasted every evening over the bridge tables of America and the energy to rebuild a nation is squandered on the golf links and in the stadiums. If the so-called "good people" will neither protect their inheritance nor perpetuate their kind, let them neither together curse fate nor be lawmakers. And if the school teachers cannot soon justify their existence let them not ask this assembly for any further taxes.

This depression is a tragedy, but in another sense an opportunity. We have the buildings, the cash, the teachers and goodness knows the ignorance. I have the following suggestions to make:

1. Repeal the life tenure bill and substitute 2 year, 3 year, and 4 year contracts.

2. Establish practical day trade schools and occupational

night schools for adults whose occupations have become outmoded or distasteful.

3. Establish educational qualifications on school boards and prohibit the employment in any board member's district of any person as closely related to a board member as a first cousin.

4. Create a state fund for use where needed to guarantee all children wherever they live a reasonably equal educational opportunity.

5. For this purpose I recommend we reenact an optional tax such as a luxury or amusement tax and lower the local school tax on homes and business.

ADDRESS BY MR. DENMAN

Mr. DENMAN asked and obtained unanimous consent to address the House.

Mr. Speaker and members of the House, this nation is passing the eleventh year of the depression which has swept over us. The unemployment situation has become the nation's No. 1 problem. The Unemployment Relief problem has become the No. 1 problem of this General Assembly. So far there appears to be no solution to this problem.

So far as the normal unemployment crisis is concerned, all forces are working to relieve the situation as soon as possible, and to provide for those who are without funds of their own.

The unemployment situation alone is sufficient to keep this General Assembly busy for some time to come. Fortunately, to date, there have been no other crises arise. There have been no outside interferences to combat.

No nation can long endure when its citizens are not self-sustaining.

Our industries and coal mines are working at only a small percentage of their normal capacity. Our railroads are faced with desperate conditions. Most of them are insolvent, many are in actual bankruptcy and are working under a receivership. Eventually they all should be able to overcome their difficulties and again be on a sound footing.

Western Pennsylvania is a great industrial area. The Bituminous Coal Mines there employ tens of thousands of men. The railroads there are likewise heavy employers of labor. Whatever interferes with the efforts to keep these units working as best they can, contributes to the increase in the number of the unemployed. Our people cannot stand confiscatory taxation, yet, the money for relief must be forthcoming or people will starve.

If employment can be continued, the relief rolls will gradually decrease and taxation will likewise decrease.

Whatever interrupts the normal course of industry, of its railroads or of the coal mines in Western Pennsylvania, creates unemployment.

The Federal Government proposes to dig a canal from the Ohio River to the Great Lakes.

Through this canal it is proposed to carry from 22,480,000 to 35,021,000 tons of freight annually.

This freight is now hauled by the railroads.

Should this freight be hauled by the proposed waterway, the railroads, and the mills from which they purchase supplies, and the coal mines from which they purchase their coal, will be irreparably injured. To injure these units will throw out of work tens of thousands of men.

The railroads affected by this loss of freight employ 8600

men in the territory which they serve. The industries and coal mines contribute many times that amount.

There is a great diversity of opinion whether this canal is even advisable. To construct it, the Federal Government will provide \$225,000,000 of our tax money at a time when the Federal Budget is terribly out of balance; and at a time when we are threatened with the necessity of spending untold sums for national defense.

The tax money which would be used for the construction of this canal would, to a great extent, come from the Commonwealth of Pennsylvania, for we pay over 10% of the taxes collected by the Federal Government; hence, our own tax money would be used to throw our own men out of work.

Should our men, now working for the units which would be injured by this canal, be thrown out of work, this legislature would eventually be faced with the problem of providing for additional persons on relief.

If there were every reason why this canal should be constructed so that there could be cheap transportation by water between the Ohio River and the Great Lakes, certainly this is not the time to use Federal Funds to subsidize private transportation, when to do so would result in increased unemployment in Western Pennsylvania.

The proposal to construct this canal is now before Congress.

A public hearing is to be held in the halls of Congress in the near future to discuss the advisability of construction of this canal.

Because the benefits to be gained, if any, by the construction of this canal, are being questioned;

Because it is proposed to use public funds to subsidize private transportation in direct competition with other forms of transportation;

Because by constructing and maintaining this proposed canal, the Federal Government would be creating a transportation system which would seriously injure the railroad and the industries and coal mines dependent upon them, and add to our relief rolls;

Because this General Assembly is charged with the protection of all of the citizens of Pennsylvania I desire to offer a resolution.

RESOLUTIONS

Mr. DENMAN offered a resolution and asked unanimous consent for its immediate consideration.

The SPEAKER. Will the House give its unanimous consent to the immediate consideration of the resolution? Is there objection?

Mr. ACHTERMAN. Mr. Speaker, I object.

The SPEAKER. The Chair hears objection and consent is not granted.

The resolution will be filed with the Clerk under the rules.

SYMPATHY EXTENDED

Messrs. CALVIN, MARR and GOLL offered a resolution and asked and obtained unanimous consent for its immediate consideration.

The resolution was twice read, considered and adopted as follows:

In the House of Representatives, March 28, 1939.

Willard Stanton Reader of Patterson Heights, a former member of the House, pioneer Beaver County newspaperman, and one of that district's best known and most highly

respected residents, passed away at his home at 11 o'clock Monday of this week, after a short illness of complications. Mr. Reader was manager of the New Brighton office of the News-Tribune.

Born in New Brighton, September 28, 1871, the deceased was educated in the New Brighton public schools and Geneva College. He entered the office of the Beaver Valley News, owned by his father, Francis S. Reader, as an apprentice in 1886, assuming the duties of reporter in 1888, and became a partner in the firm of F. S. Reader & Son on his twenty-first birthday. He served as editor from that time until consolidation of the paper with the Beaver Falls Tribune.

Mr. Reader was ever active in community affairs, and was associated with the Association of New Brighton Citizens. In the years 1907 and 1908 he was Burgess of New Brighton. A staunch Republican, the deceased served three terms in the House of Representatives of the Pennsylvania Legislature, being chosen as representative from the second Beaver County district in the elections of 1924, 1926 and 1928. For many years he was secretary of the Lincoln Republican Club.

Mr. Reader was vitally interested in church work and was a life-long member of the First Presbyterian Church of New Brighton, an elder of the congregation, a member of the session and for a quarter of a century secretary of the Sunday school. For several years he had been a member of the board of Providence Hospital, therefore it

Resolved, By the House of Representatives of the General Assembly of the Commonwealth, That this House extends its sincere sympathy to the widow and the three sons who survive its former member; and be it further

Resolved That the Chief Clerk of this House shall transmit a copy of this resolution to Mrs. Lily R. Reader, the widow of the deceased.

SENATE CONCURRENT RESOLUTION No. 3

Mr. WEBSTER. Mr. Speaker, I desire to call up at this time Senate Concurrent Resolution No. 3, Printer's No. 24.

The resolution was read by the Clerk as follows:

In the Senate, February 7, 1939.

Whereas, Milk Control has been the subject of much controversy, and

Whereas, The production and distribution of milk is a subject of such vital importance to the citizens of the Commonwealth; therefore be it

Resolved (if the House of Representatives concur), That the President Pro Tempore shall appoint three members of the Senate, one of whom shall be designated as Chairman, and the Speaker of the House of Representatives shall appoint four Members of the House, who, together shall constitute a joint legislative committee and whose duty it shall be to investigate and study, (a) all regulations records and activities of the several departments and boards engaged in any manner in the administration of laws regulating the production and distribution of milk and to take the testimony of such witnesses as may be deemed necessary to ascertain full facts which will be useful and helpful in formulating future remedial and regulatory legislation

Resolved, That said committee shall have power to issue subpoenas under the hand and seal of its Chairman, requiring and commanding any person to appear before it and answer such questions touching matters properly being inquired into by the committee, and to produce such books, papers, records and documents as the committee may deem necessary. Such subpoenas may be served upon any person and shall have the same force and effect as subpoenas issued out of the courts of this Commonwealth. Each member of the committee shall have power to administer oaths and affirmations to witnesses appearing before it. Any person who shall wilfully neglect or refuse to appear and testify for said committee, or to produce any books, papers, records and documents shall be subject to the penalties provided by the laws of this Commonwealth in such cases.

On the question,

Will the House concur in the resolution?

It was concurred in.

Ordered, That the Clerk inform the Senate accordingly.

REPORT FROM COMMITTEE

Mr. MELCHIORRE from the Committee on Law and Order reported as amended, House Bill No. 10, entitled:

An Act providing for the conducting of, and legalizing, lotteries by the State; creating a State Lottery Commission; and making appropriations.

RESOLUTION No. 31.

Mr. HINDMAN. Mr. Speaker, I desire to call up at this time Resolution No. 31, Printer's No. 111.

The resolution was read by the Clerk as follows:

In the House of Representatives, March 8, 1939.

Whereas, The Commonwealth of Pennsylvania has for years carried on a broad program for the eradication of tuberculosis; and

Whereas, the Commonwealth of Pennsylvania has from time to time established institutions for the care and treatment of persons suffering from tuberculosis; and

Whereas, the disease continues to spread, principally because of the ease of contagion and also because of the difficulty and length of treatment necessary to properly curb and combat it, and accordingly the question has arisen as to whether the Commonwealth of Pennsylvania is providing a sufficient number of such institutions for the proper hospitalization of tuberculosis patients; therefore be it

Resolved, That the Department of Health of the Commonwealth of Pennsylvania report to the House of Representatives the following information:

(1) The number of tuberculosis patients who, during the last twelve months, have made application for admission to state tuberculosis institutions and who continue to await admission thereto.

(2) The number of beds in state institutions now occupied by tuberculosis patients.

(3) The number of vacant beds now available in such institutions.

On the question,

Will the House adopt the resolution?

Mr. REYNOLDS. Mr. Speaker and members of the House.

On March 7th the gentleman from Washington, Mr. Hindman, asked and received unanimous consent to address the house. He spoke relative to a Tuberculosis Hospital in Butler County. During the course of his address, he made the statement that "Negroes are especially prone to tuberculosis" and this is the statement that I wish to refute, because if this statement is allowed to stand as true, it will have an unfavorable reaction on the Negro race as a whole. I do not believe the gentleman from Washington, Mr. Hindman, for whom I have the highest regard, intended such to be true. However any race so branded is bound to suffer if the true facts are not brought to light. The gentleman cited certain statistical figures to prove his statement. The figures he quoted may be true and the percentage of tuberculosis among negroes may be higher than it is among whites. But what is the cause of this obviously high morbidity and mortality rate among negroes and why must they be singled out of the general population to be affected more heavily with this dreaded disease? Can it be biological, or fixed difference in the racial resistance or is it not because of economic conditions in which the negro finds himself, in this great state?

Eminent physicians in the field of medicine bear out the fact that the high percentage of tuberculosis among negroes is forced upon them because of the conditions under which they have to live. A number of scientifically conducted surveys in recent years have more than substantiated the conclusion that the doctrine of racial immunity and susceptibility has but small basis in fact as far as tuberculosis is concerned and also the argument has been used largely by statisticians and students of the subject to cover up and explain obvious discrepancies in the medical protection and supervision afforded different racial groups. Bushnell, made a study of the records of the department of health of Charleston, South Carolina, which extended back to 1822 before the Emancipation. He found that the death rate from tuberculosis of the slaves during the period 1822 to 1865 was lower than that for the whites, but that following the Emancipation this group was made to live under very unfavorable conditions and thus the rate was higher.

Ulmar, Ornstein and Dittler, in their study of tuberculosis found only twenty-one cases among a group of 1000 colored nurses caring for open cases of tuberculosis at Sea View Hospital in a five year period. Dr. Ornstein in reviewing this work in a recent publication made the following statement—"yet in spite of the advanced disease which prevailed among the patients cared for by this group of Negro nurses, the type of infection which they contracted was identical in appearance with the disease in the majority of whites, most of the young ladies came from hospitals in the southern states, chiefly North Carolina, Virginia, Florida. Some of them had their training in the local municipal Hospitals. The group as a whole, was a fine cross section of the Negro in the east. Here is definite proof against racial susceptibility to tuberculosis infection. This group worked among open tubercular cases"—Dr. Ornstein is medical Director of Sea View Hospital.

Mr. Speaker I feel these surveys prove that under the same conditions the negro is no more susceptible to tuberculosis than any other group. Disease travels hand in hand with ignorance, poor personal hygiene, unsanitary living conditions, poverty and poor conditions for work and play regardless of race, and those who lie prostrate at the foot of the economic ladder are the ones most apt to contract tuberculosis. Those who are forced to live in the neglected gutters of our towns and cities, in the alleys, along the railroad tracks and beside the dumps and marshes it is they, regardless of race or color, who will suffer most this dreaded disease.

Mr. Speaker, I am hopeful that the people of the State of Pennsylvania will face this problem fairly and impartially. The negro would not represent such a large per cent of the tuberculosis if they were given equal opportunities economically. In many instances the door of opportunity is closed to them, they are forced on the relief rolls, they are forced to live in many instances in rat-ridden houses, they are refused employment because they are negroes.

Mr. Speaker and members of the House, I believe that the state of Pennsylvania would do well to investigate this thing and see to it that the Negro population of Pennsylvania is given an equal opportunity to make a living, in order that they might give themselves the same medical care and protection, and in order that they might rid themselves of this stigma that Dr. Hindman has referred

to. I do not believe that he intended to hurt the Negroes, because I have the highest regard for Dr. Hindman. However, he was stating the facts as they were given to him and I hope that a survey will be made. I hope that this Legislature will make an investigation and see to it that no race of people is subjected to living in a state where they are not given equal rights and privileges and the opportunity to work in utilities that gain thousands and thousands of dollars of Negro money in the state of Pennsylvania. I hope that we will face this fact, not as Negroes but as American citizens. I am for the resolution.

On the question recurring,

Will the House adopt the resolution?

It was adopted.

COMMITTEE MEETINGS

There will be meetings of the Committees on Boroughs, Wednesday, March 29, 1939, at 10 a. m. in Room 546.

Cities—Second Class, Wednesday, March 29, 1939 at 12 noon, in Room 546.

Cities—Third Class, Wednesday, March 29, 1939, at 10:30 a. m. in Room A.

Constitutional Amendments, Wednesday, March 29, 1939, at 10:30 a. m. in Room 333.

Counties, Wednesday, March 29, 1939, at 10 a. m. in Room 100.

Elections, Wednesday, March 29, 1939, at 11 a. m. in Room 546.

Fisheries, immediately after today's session, in Room 325.

Forestry, Wednesday, March 29, 1939, at 10:30 a. m. in Room 147.

Labor, Wednesday, March 29, 1939, at 11 a. m. in Room 541.

Municipal Corporations, immediately after today's session, in Room 546.

Public Health and Sanitation, Wednesday, March 29, 1939, at 11 a. m. in Room 323.

State Government, Wednesday, March 29, 1939, at 11:15 a. m., in the House Caucus Room.

Townships, Wednesday, March 29, 1939, at 11 a. m., in Room 418.

ADJOURNMENT

Mr. LLOYD H. WOOD. Mr. Speaker, I move that this House do now adjourn until tomorrow at 1 p. m.

The motion was agreed to, and (at 4:55 p. m.) the House adjourned until Wednesday, March 29, 1939, at 1 p. m.

Legislative Journal.

Session 1939.

133d of the General Assembly.

Vol. 23

HARRISBURG, PA., WEDNESDAY, MARCH 29, 1939.

No. 31.

SENATE

WEDNESDAY, March 29, 1939

The Senate met at 12:30 o'clock, p. m.

The PRESIDENT (Lieutenant-Governor Samuel S. Lewis) in the Chair.

PRAYER

In the absence of the Chaplain the Rev. FRANK W. RUTH, offered the following prayer:

Almighty God, Our Heavenly Father, we come to Thee this morning. We thank Thee for life and for all the opportunities that Thou hast given us to exercise the privileges of life on this beautiful day. We pray that we may understand that after all the turmoil and disturbing elements in the world there comes a new life into the world. So may it be in our life, that there may be a new attitude, the attitude of brotherhood and love, that we, in our place and in our positions may do everything we can to promote this brotherhood throughout our State and Nation and throughout the world; that the time may speedily come for which we have prayed so long, that every knee shall bow and every tongue shall confess that Thou art Lord indeed, and of all creation. We ask it in our Master's Holy name, Amen.

JOURNAL APPROVED

The PRESIDENT. A quorum of the Senate being present the Clerk will read the Journal of the preceding session.

The Clerk proceeded to read the Journal of the preceding session, when, on motion of Mr. OWLETT and Mr. HOMSHER, the further reading was dispensed with, and the Journal was approved.

LEAVES OF ABSENCE

Mr. SHAPIRO, the Senator from Philadelphia, asked and obtained leave of absence for himself, for Monday, April 3, 1939.

Mr. STIEFEL, the Senator from Philadelphia, asked and obtained leave of absence for himself, for Monday, April 3, 1939.

Mr. JASPAN, the Senator from Philadelphia, asked and obtained leave of absence for himself, for Monday, April 3, 1939.

QUESTION OF PERSONAL PRIVILEGE

Mr. SHAPIRO. Mr. President, I rise to a question of personal privilege.

The PRESIDENT. The Senator from Philadelphia, Mr. Shapiro, will state his question of personal privilege.

Mr. SHAPIRO. Mr. President, yesterday, or the day before, Monday evening, I read in the record at the direction of the Democratic caucus a letter which had been addressed to the Governor of the Commonwealth of Pennsylvania. I want to say here and now that that letter was not my letter; the letter was the expression of the opinion of the Democratic caucus in the Senate. In reply to that letter I have received a communication from the Governor which, I feel, in fairness to him, ought to be submitted into the record as a part of the matter referred to in my letter to him; and I therefore read the letter as follows:

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, March 28, 1939.

My dear Senator:

This will acknowledge receipt of your letter of March 27th, notifying me that the Democratic Senators had decided in caucus not to accept my invitation for luncheon today. I regret exceedingly that a misunderstanding should have resulted in you and your colleagues making this decision. However, I can understand very well your desire not to condone what you consider an "insult" to one of your number.

Let me say that at no time since my inauguration have I attempted to make myself inaccessible to any person, Senator, or otherwise, who has any claim upon my time. My office has been open long hours almost daily, and I have devoted my first attention to listening to those who wish to discuss State affairs.

Concerning the episode referred to in your letter, let me point out the following:

1. The Senator referred to, who had made no previous engagement, arrived at my office after the conference he desired to attend was virtually complete—within a few minutes of the time when it broke up.

2. The Senator did not appear with a group of his constituents.

3. Neither he nor the spokesman for the group had indicated that the Senator had been expected.

4. Another Senator who came with the group was admitted without question.

5. It is obviously necessary for the protection of the interests of those who have appointments with me, as well as for the conservation of my own time, that those who do not arrive for appointments on time make some special advance provision for their admission during these conferences, or at least give the Receptionist or the Secretary, ample time to bring the matter to my attention.

Under these circumstances, I cannot see basis for your statement that an insult was offered one of your colleagues. I regret that the Senator feels himself affronted.

Let me further say that neither the unfortunate episode which is the basis of the action by your colleagues, nor this action itself, will change my policy of granting free access to my office to Senators of either party who come by appointment.

Sincerely yours,

(Signed) ARTHUR H. JAMES

Honorable Harry Shapiro,
Senate of Pennsylvania,
Harrisburg, Pennsylvania.

I want to correct what would seem to be the attitude from this letter, that the letter that I sent was not a personal letter but was a letter reflecting the action of the caucus and upon the instructions of the caucus.

QUESTION OF PERSONAL PRIVILEGE

Mr. SIPE. Mr. President, I rise to a question of personal privilege.

The PRESIDENT. The Senator from Armstrong, Mr. Sipe, will state his question of personal privilege.

Mr. SIPE. Mr. President, I should like to say a few words in reply to the letter of the Governor, just read by Senator Shapiro. At the outset let me say that I have nothing personally against the Governor in this world and that I hope to meet him in the world to come under the healing trees that shade the waters of the eternal river.

I first met the Governor in 1929. In the year of grace 1929, the Pennsylvania Historical Commission erected a number of markers along the trail, along the line of march of the army of General Sullivan, from Easton over to Wilkes-Barre and on up the Susquehanna into central New York—an expedition ordered by George Washington against the Five Nations of New York.

One of the markers erected by the Historical Commission during that year was a marker at Wilkes-Barre, marking the site of Fort Wyoming, which was erected there in 1779 by General John J. Sullivan.

I was invited, as a collateral descendant of General Sullivan, to make the historical address on the occasion of the dedication of that monument, and Arthur H. James, then Lieutenant-Governor of Pennsylvania, also spoke. I found him a very pleasant gentleman.

Now, I am perfectly willing to accept the word of the Governor that he knew nothing of my presence in his reception room until this conference between the Governor and certain farmers from my district and adjacent counties was over; but, accepting his word that he knew nothing about my presence until the conference was over, I am forced to the conclusion that his secretary, Mr. Green, did not convey to the Governor the three messages that I sent in with him, seeking to be permitted to take part in that conference.

I could not look through the walls into the Governor's office after Mr. Green left the reception room and went into the Governor's office; for all I know Mr. Green may have been talking to Andy Gump in there or he may have been talking to Colonel Estes, for all I know.

I simply know this, that I had no trouble whatever in getting before the Milk Control Board in the conference the farmers had there; I know that when I arrived at the reception room of the Governor the lady receptionist told me that the farmers had just gone in; I know that I told her who I was and I know that she wrote my name down and took it into the Governor's office and remained there for at least four or five minutes and then came out and told me that the Governor's secretary would be out to see me.

I waited what seemed to be an age-long time, but which was not, probably, actually more than five minutes, for the arrival of the secretary. He did not come and then I sent the young lady in to him with this message to urge him to come out promptly, that I feared the Governor's conference would be over before I could get in.

Then the young lady went in the second time and

brought the secretary out. I have nothing personal against the secretary, but I frankly say that I did not like the method of his approach to me. With a great deal of scornful emphasis he said to me "I know you; I have been over in the Senate and heard you." But I sent him in with the message that I wanted to get into this conference. After arguing a while he went in; then came out with the information that I could not get in. I have already told the Senate that I sent him in three times but was not able to get in myself.

I want at this point to correct a newspaper account of my appearance at the Governor's office, namely, the account that is in this morning's Pittsburgh Post-Gazette, where the writer, whoever he is, Mr. Dressler, or whoever he is, quotes that secretary as saying that I said to the secretary that I did not want to see any blankety-blank Governor. I never said such thing; I never, neither in the Governor's office or anywhere else, referred to him as a blankety-blank Governor.

I want to further correct the statement in the Post-Gazette this morning that I referred to the secretary as a blankety-blank secretary. I never did—either in the Governor's office or anywhere else.

You know, Mr. President, newspapers differ just like individuals differ; some are very fair and broad-minded and others are not. There is a certain type of newspaper that wraps itself in the beautiful blue and white and crimson folds of yonder heaven-born starry banner of the free and shouts about the freedom of the press until the very heavens ring, while, as a matter of fact, the only kind of freedom that such newspapers are interested in is the freedom for themselves to tell one side of a story to the exclusion of the other; freedom to color news, freedom to distort, freedom to misrepresent, freedom to engage in sneaking and cowardly innuendo.

I am sending back the true story of my experience in the Governor's office, sending it to the newspapers of my district; and it will be published there. The people of my district know me well enough to know that I am a truthful man, they know me well enough to know that I would not refer to any governor as a blankety-blank governor or to his secretary as a blankety-blank secretary; but I am saying through my newspapers that it would be much better to fire an incompetent secretary than to try to excuse him, much better indeed to do that; and I want to assure you, Mr. President and the members of the Senate, that I am not grieving personally because I did not get into the conference after fifteen minutes of trying to do so. I am not broken hearted because I know hundreds of Republicans in Pennsylvania, orthodox Republicans, who worked hard for Arthur H. James, who told me that they cannot get to see him, who told me that some person has built such a wall around the Governor, for those election they worked so hard, that even they, orthodox Republicans, cannot get to see him; and some of them seem to think that probably Colonel Estes is the wall builder. So that those Republicans and I sort of sympathize together.

QUESTION OF PERSONAL PRIVILEGE

Mr. SIPE. Now, Mr. President, while I am on my feet may I continue for about two minutes on a question of personal privilege?

The PRESIDENT. The Senator from Armstrong, Mr. Sipe, will state his question of personal privilege.

Mr. SIPE. Mr. President, I rise again to protest against the false economy in the Governor's decision to lock up the Butler Tuberculosis Sanatorium for two years. I want to read into the record a partial account of a large protest meeting that was held in the City of Butler yesterday, a meeting composed of high-class lawyers, high-class bankers, high-class businessmen of that county—mostly Republicans—who worked hard to get that institution of mercy located in Butler county.

Here is a part of the newspaper account—I am reading from the Butler Eagle, of March 28, 1939:

**OPENING OF NEW SANATORIUM NEAR BUTLER IS
ADVOCATED BY GROUP OF 50 AT MEETING**

Governor Arthur H. James was urged to open Butler's Western Pennsylvania Tuberculosis Sanatorium, now nearing completion, in a resolution unanimously adopted yesterday by a group of fifty civic, medical and welfare leaders.

Addressing a luncheon meeting in the Nixon hotel, Dr. C. Howard Marcy, medical director of the Pittsburgh Tuberculosis League and secretary of the Pennsylvania Tuberculosis Society said he believed the governor had been "misinformed" when he recommended the local institution be kept closed for two years.

Declaring the closing order to be a "short sighted policy and not good public health practice," Dr. Marcy told his audience a large waiting list of tuberculosis patients, needing hospitalization, ought to be provided for.

"The state should not economize at the expense of the sick and needy," he said. These individuals are a source of danger to society because they are infecting other persons.

Dr. William F. Pohl, head of the local tuberculosis clinic, estimated at least 21 Butler County patients are on the waiting list and that others are in such condition they should make application.

Dr. Marcy explained Allegheny County has a waiting list of 160, and that other Western Pennsylvania counties report an inability to get patients into any hospital.

The nearest state institution at Cresson is 120 miles distant, a serious handicap to victims of the disease and their relatives in the Western part of the state he said.

Because of delays 80 per cent of patients reaching institutions have almost reached the hopeless stage, he said, explaining that early treatment is most necessary.

Usually it takes from four to six months to get an applicant into a state institution, he said. Often this delay produces fatal results that could easily have been prevented.

Referring to the official waiting list of the state health department standing at 611, Dr. Marcy said the figures didn't mean much, because (1) no one over 50 years of age can be admitted, (2) no aliens are eligible, and (3) many patients needing hospitalization make no application because of the futility of the situation.

"I can see no sensible reason why the Butler sanatorium should not be opened," the speaker said. "The more adequate provision we make now, the less we shall have to pay later."

"It is a question of public opinion. If the public can be brought to understand the vital need of the Butler institution, it will be opened."

He was introduced by Judge John H. Wilson. The meeting was opened by Arthur O. Black, president of the

Chamber of Commerce. A brief resume of the present situation was given by J. Campbell Brandon, chairman.

Resolution which was adopted follows:

"Whereas, Pennsylvania is in need today of approximately 3,800 additional hospital beds for tuberculosis sufferers in order to reach the standard of two beds per death, and,

"Whereas, The new sanatorium in Butler county was planned for 550 beds, and new accommodations at Mount Alto and Hamburg are to provide 738 additional sanatorium beds, or a total of 1,288 beds, which represents only one-third of the 3,800 additional beds Pennsylvania needs, and,

"Whereas, There are approximately 44,000 cases of tuberculosis in Pennsylvania at the present time, and at a conservative estimate, at least 12,000 of these are in need of hospital treatment, and

"Whereas, There is a dire need for provision for additional hospital beds for tuberculosis victims, and

"Whereas, The Western Pennsylvania Tuberculosis Sanatorium at Butler, costing taxpayers of this Commonwealth in excess of \$2,500,000 is now nearing completion, and

"Whereas, The governor recently recommended to the legislature in his budget message that the sanatorium be not opened for two years,

"Therefore, be it hereby resolved, That this organization respectfully petition Governor Arthur H. James and his secretary of health to reconsider the needs of the state's tuberculosis victims and that a sufficient amount be included in the budget for the opening and operating of the Western Pennsylvania sanatorium, the only institution of its kind in this section of the Commonwealth.

"And be it further resolved, That copies of this resolution be sent the governor, the secretary of the Commonwealth of Pennsylvania and to members of the state legislature from the Butler district and to state and county tuberculosis associations of Pennsylvania."

Now, Mr. President, I do not conceal the fact that I feel deeply about this decision of the Governor to lock up the Butler Tuberculosis Sanatorium for two years.

Mr. President and gentlemen of the Senate, I know what a dread disease tuberculosis is and how it baffles medical skill unless treated properly in time.

Mr. President and gentlemen of the Senate, more than thirty-five years ago this dread disease snuffed out the life of my lovely and brilliant sister on the threshold of her young womanhood. With aching heart I saw her gasp for breath. With aching heart I saw the crimson life blood gush from her lovely lips. As we laid her down to sleep the last long sleep amid the familiar scenes of her childhood, as we saw the earth close over her beautiful face—I thought, Mr. President, of her brilliant, broken plans; I thought of her baffled high ambition; I thought how tragic it was that one so gifted should have a life so brief; but I did not think that I should ever see the day when a Governor of Pennsylvania, for the saving of a few, cold dollars, would lock up a tuberculosis sanatorium for two years, and thus fail to prevent a recurrence of this grief and suffering in hundreds of other families.

QUESTION OF PERSONAL PRIVILEGE

Mr. EALY. Mr. President, I rise to a question of personal privilege.

The PRESIDENT. The Senator from Somerset, Mr. Ealy, will state his question of personal privilege.

Mr. EALY. Mr. President, I can well appreciate the fact that the Senator from Butler-Armstrong would feel some disappointment that this new State building would not be open immediately. I can appreciate the fact that the people there would like to have it finished. It is possible also and natural that the Senator from Armstrong would have told the people of his district how much he had worked to secure the location of this institution there, and he would feel naturally disappointed not to be able to take a prominent part early in the dedicatory ceremonies connected with the opening of that institution.

I do not know, Mr. President, what led the General Authority to select the town of Butler or the county of Butler for this institution. If they had chosen a site on the basis of the most beautiful location in Pennsylvania and the most healthful, they would have given much more consideration to one of the numerous available sites in my own county of Somerset; but, however that may be, there is another story, another picture to this case.

None of us would want to have the people who are afflicted with this dread disease not to receive proper treatment; but this matter has been thoroughly investigated by the Department of Health and by the doctors connected with it, and the Secretary of Health has made a statement, which I think has been published in the newspapers of the State, in regard to this situation.

He says: "The sanatorium at Butler, which is being built for the hospitalization of tuberculosis patients, is now 55% completed. After consulting with the General State Authority I find that they are of the opinion that it will not be finished until late next fall. When it is finished the equipment and maintenance for 550 patients to the end of the next biennium will cost \$1,321,200. The institution will be finished, but we cannot make any arrangements at the present time for its equipment and maintenance because the money is not available without some form of new taxation. Therefore, it was decided without some form of new taxation. Therefore, it was decided with all concerned to just finish the sanatorium at Butler at this time, and if conditions warrant it, at a later date, ways and means might be found to equip and maintain it if we found that it was necessary to do so.

At the present time extensions have been made to Mont Alto and Hamburg Sanatoria which will be finished, equipped and ready for occupancy on October 1, 1939, which will give us a bed capacity at these two institutions, without using any of the old buildings at Mont Alto, of 2,068 an increase of 508 beds over the present capacity. Utilizing the present old buildings at Mont Alto, except the Children's Hospital, and including Cresson and Hamburg Sanatoria, gives us a total bed capacity of 3,511. Our present capacity at these three institutions is 2,384.

On March 1, 1939, we had a waiting list of 611. On October 1, 1939, when the above extensions are completed, equipped and ready for occupancy at Mont Alto and Hamburg, we will be able to absorb the waiting list with the exception of 105 patients without using any of the old buildings at Mont Alto. The situation therefore is as follows:

Using the new buildings and the old buildings, with the exception of the Children's Hospital, and Mont Alto Sanatorium, Hamburg Sanatorium with its new extensions, and Cresson Sanatorium, give us a bed capacity of

3,511 patients. The present capacity of existing building at the three institutions, plus the waiting list of 611 gives a total of 2,995 patients. Thus we will absorb the waiting list as of March 1, 1939, and still have 516 beds for any additional waiting list that may be assumed in the future months."

The Secretary of Health, who has made this statement, makes it plain that the provisions which are being made and which will be completed, equipped and all, before the building itself will be completed at Butler, will be sufficient to take care of all present requirements and if it should be necessary, if the waiting list increases and it should be necessary to get more hospitalization, means will then have to be found and will be found, no doubt, as the State has always been ready to take care of patients.

QUESTION OF PERSONAL PRIVILEGE

Mr. MUNDY. Mr. President, I rise to a question of personal privilege.

The PRESIDENT. The Senator from Luzerne, Mr. Mundy will state his question of personal privilege.

Mr. MUNDY. Mr. President, as one who has practiced medicine for more than 31 years in the State of Pennsylvania, I have had occasion to be at the bedside of a great many people who suffered from the dread disease of tuberculosis.

In the early days of our progress we were wont to accept conditions as they presented themselves at that time. We did not have the facilities of sanatoria nor did we have the advantages of the advanced research work which has been conducted in the study of tuberculosis.

I vision men who spent their lives and their life's energy, with very little remuneration, to try to find some solution to this grave problem which confronted the citizenry not only of this state but of the world at large.

I cannot conceive in my wildest imagination how anybody a Senator particularly—would rise on this floor and indulge in levity or that anybody could laugh when the consideration of such a serious problem is presented on the floor of this Senate.

This problem involves the health and morale and the future happiness of a great many citizens of the State of Pennsylvania. It is a very, very grave and a very, very serious problem which confronts us, and when we talk of human life and when we talk of human futility, it should be in the attitude of seriousness when such a problem is considered.

I come from Luzerne County, and I do not intend to be present at any dedicatory exercises out in Senator Sipe's county; do not hope to receive any benefit excepting the fact that as a member of a great profession I rise on the floor to defend this problem which now presents itself.

I conceive that, even coming from the remote section of Luzerne, I have a perfect right to get on this floor and speak on these problems as they are presented to us. While in the past I have used very little of the Senate in speaking on the floor, I am going to ask the indulgence of the members of the Senate while I present this problem.

Mr. MUNDY. Mr. President, I am fully appreciative of the fact that the cost of all Government has increased at such a rapid rate that it is almost impossible to provide funds to meet these gigantic expenditures.

And now, Mr. President, I will interrupt myself to read an editorial of the Pittsburgh Press, of March 27th, which has a caption in headlines, "Legislature Should Intervene,"

and in this editorial in the Press it states that Governor James bases his decision upon a report of two cabinet officers that other sanatoria expansion also under construction will provide ample room for patients now on hospitalization waiting lists.

Let me say to the Senator from Somerset, that after all we are presented with a problem and we have to meet that problem in actuality and reality; and when the Governor comes down to the department and asks for economies, it is very easy, Senator Ealy, to call in a group of statisticians to justify the curtailment of expenditures.

Under the Democratic Administration, and I have also noticed during the new Republican Administration, it is very easy to have anybody working in your department to present figures and facts as to say, "Yes, Mr. Governor, that is perfectly all right." But what you need in there, or you should need in there, is somebody with enough red blood to say that is striking at the vital interest of the people of Pennsylvania and it does not concern any economy:

LEGISLATURE SHOULD INTERVENE

The decision of Gov. Arthur H. James to save money by letting the new four million-dollar 550-bed Butler tuberculosis sanitarium to be completed next Fall, stand idle for two years is developing considerable opposition, particularly among groups in close contact with the fight against this dread disease.

Governor James based his decision upon reports of two cabinet officers that other sanatoria expansion also under construction will provide ample room for patients now on hospitalization waiting lists. Dr. S. Howard Marcy, secretary of the Pennsylvania Tuberculosis League, asserts that present facilities and those under construction will not meet the need for treatment.

Even if the Butler institution is utilized to the limit of its capacity, Dr. Marcy says, all the tuberculosis sufferers needing hospitalization could not be cared for.

Dr. Marcy estimates that 9,800 persons in Pennsylvania need hospitalization for tuberculosis. Public and private hospitals now accommodate 4,562. As the League secretary points out, "this leaves more than 3,000 patients, without hope of hospital care. Only 738 of them can be absorbed by facilities now under construction. And even Butler Hospital would provide only 550 beds.

Dr. Marcy adds:

"What happens to the rest of them? Most of them receive treatment at home, we hope, or at dispensaries . . . But what of their families? What of society? How many persons will be exposed to one patient's germs in a theater or a church?"

These are important questions, and directly bear on the question of whether there is any real economy in trying to save a few thousand dollars for hospital equipment now when lack of facilities threatens to spread the disease, increasing the demands for care in the future. Tending to support their argument is the fact that, after a steady decline for ten years, the State's tuberculosis mortality rate began climbing in 1937, and continued upward in 1938.

Dr. Marcy, it seems to us, has made out at least a strong *prima facie* case against the Governor's position. And, faced with the alarming fact of an increasing tuberculosis death rate, Pennsylvania cannot afford to neglect any effort which will help stamp out this plague.

If the Governor's cabinet officers and leaders in the campaign against tuberculosis cannot agree as to the needs, we feel that the Legislature should step in and investigate for itself, then appropriate whatever funds are necessary. Pennsylvania was a leader among states in stamping out tuberculosis among its cattle, so that its milk supply would be free of this bacilli. Thousands of dollars were appropriated for this work.

Surely the State can take no less generous attitude

toward human sufferers of the disease. And if there are tuberculars in the State needing the facilities of the new Butler Hospital, it should be promptly opened to them. That is the only path to true economy.

In the early days of this Session I was impressed by certain statements that the policy outlined by the new Governor in his campaign pledges were to be adhered to. Business was to be relieved of burdensome taxes by a vigorous policy of retrenchment. Taxes imposed in the 1935-37 Session were to be repealed. These promises have been repudiated. Absolutely no new taxes were to be levied. With the introduction of new bills in the last week entailing additional expenditures, I fear that the last promise will also soon be but a "myth."

We read a great deal in the newspapers about the discharge of unnecessary employees as thousands of small job holders were thrown back on the relief rolls. Now we listen to the complaints of the many Departments that they are under-manned and therefore cannot function promptly and efficiently.

We were heartily in sympathy with the curtailment of expenditures where such curtailment did not seriously affect the function of Government, or where it did not vitally affect the welfare of our citizens.

I believe that the most precious assets a Commonwealth has is to be found in the state of happiness and health of its people. To curtail the relief or work relief program seriously affect both. To deprive hospitals of badly needed funds seriously affects the health of the Community. The majority of this Senate has voted thousand of dollars of expenditures to further investigations borne in political hatred and fostered by pride of the vindication of personal prejudice in order to justify the appropriation of funds for this purpose, the Governor has seen fit to cut the appropriation of the institutions which safeguard the welfare and health of the people of this State.

Outstanding among these was the refusal to furnish funds for the new tuberculous hospital at Butler, Pennsylvania, although this State has a serious problem facing it from this angle. Thousands of poor tuberculous patients are anxiously awaiting the only hope of recovery afforded by proper institutional care. Everywhere throughout Pennsylvania hollowed eyed, undernourished men, woman and children were living on that single hope, only now to learn that the door of the house of restoration to health has been empirically closed by the Governor to those he recently promised so much.

As they expectorate they are startled to see that crimson streak against a background of white portending early death, they turn their eyes toward a great brownstone mansion along the river front in this city to try to learn if within the warmth of those magnificently appointed surroundings there was a heart which beat in sympathy and unison with theirs.

Mr. President, To those who advised the Governor of this Commonwealth that the closing of the Butler Sanitarium was economy, I say that they are totally ignorant of the facts, lack courage to properly present the case, or are indifferent to the affect on the Commonwealth.

The cure of a tuberculous patient is most readily effected in the early stages of the disease. It means for them cessation of all activity, including work. These patients physically sick, economically void, shunned by

fellow men, need encouragement and help in order to rehabilitate them.

In Pennsylvania this feature was too long neglected and just when a ray of hope came into their life, the new head of the Health Department agreed with the Governor that the closure of the Butler Sanatorium was a proper economy.

I wonder if this new Secretary of Health had time to familiarize himself with the health conditions in the State before he was called upon to make the decision. He should know that that stretch of area west of the mountains extending from Lake Erie to the Maryland line has not a single institution to care for tuberculous patients.

In an interview he was quoted as saying that the Department of Health could accommodate all waiting patients in the institutions now functioning. I ask Mr. Secretary of Health "How and in what fashion and how efficiently?" If you succeed along these lines I will suggest the Governor decorate you as the first living medical "Houdini."

We joined the eminent Senator from Indiana, Mr. Wolfenden, in bills to safeguard the health of the people against syphilis and the venereal diseases, because we felt that it was an assurance of healthy minds and bodies to the present and future citizens of Pennsylvania.

Social workers were very active in voicing their approval of these bills, and labored diligently to affect their passage. Is the great army of 50,000 known tuberculous cases wandering about this State mixing with healthy individuals, frequently expectorating promiscuously in public places, a greater source of infection than the syphilitic who frequently invites the antecedent infection under dimmed lights in the arms of a known woman of the street? Are the economic effects less serious upon the public at large? If not, why do we not meet both problems frankly. Why are the voices of the social worker so loud in clamor for reform and restoration in the one problem, and so still and quiet in dealing with one so much greater?

I make this appeal as a matter of conscience. I would be derelict in my duty, blind to the truths of a noble profession, if I neglected to make this plea. I want to go to bed at night to sleep and not lie awake visioning hollow hectic flushed cheeks, brilliantly illumed eyes staring, gaunt arms outstretched, pleading with me for "God's sake not to forget them."

I sincerely hope too that the Governor of Pennsylvania and the Secretary of Health are not so calloused as not to be affected by a sympathetic plea. I wish for both pleasant dreams.

QUESTION OF PERSONAL PRIVILEGE

Mr. DENT. Mr. President, I rise to a question of personal privilege.

The PRESIDENT. The Senator from Westmoreland will state his question of personal privilege.

Mr. DENT. Mr. President and members of the Senate, I would be indeed derelict in my duties to my constituency if I failed to enter into this discussion this afternoon relative to the vital problem of closing the Butler institution.

I could not help but think as I heard the reading of the letter from the Secretary of Health by the Senator

from Somerset, Mr. Ealy, that the Secretary of Health and his department are not consistent.

I would like to read here a letter that I received personally from the Deputy Secretary of Health, on February 21, 1939, which was over a month ago.

February 21, 1939.

Honorable John H. Dent,
Jeannette, Pennsylvania.

Dear Senator Dent:

We have your letter of February 16th in the interest of Mr. Edward Leseman, North Third Street, Jeannette, Pennsylvania.

The application for sanatorium treatment for Mr. Leseman was received on February 15th and he is the type of case for which there has been a scarcity of vacancies at the sanatoria. We have listed him for Cresson and will admit him as promptly as possible, but regret that a definite date cannot be given at this time.

Very truly yours,

A. H. STEWART, M. D.
Deputy Secretary of Health.

Last week-end when I was at home relatives of this man came to see me and told me that if he was not placed in some sort of sanatorium before thirty days were up the State would be relieved of the obligation of placing him in any sanatorium—that the Lord would take care of him.

I have here a letter from the Johnstown Society for the Prevention of Tuberculosis, which also gives figures which do not entirely agree with the figures given by the Secretary of Health.

March, 23, 1939.

Hon. John J. Haluska,
Senator,
Harrisburg, Pa.

Dear Senator:

The Johnstown Society for the Prevention of Tuberculosis is very much interested in having the Sanitarium at Butler opened for use of the tuberculosis patients of Pennsylvania, and also increased bed space. From our knowledge of the cases needing hospital and sanitarium care, as there were 4,800 deaths in Pennsylvania last year, and on the basis of nine (9) cases to every death, there are approximately 44,000 active cases of tuberculosis in Pennsylvania at the present time. The most conservative estimate would show at least 12,000 of these are in need of hospital treatment and there are but 4,512 beds available in Tuberculosis Hospitals or sanatoria in the State at this time.

As it is recognized by authorities on tuberculosis that the minimum requirements are two beds for each annual death, there is a dire need for provisions for additional hospital beds.

With best wishes we are,

Very truly yours,

HARRY B. HERSHEY,
President.

March 9, 1939.

Honorable Arthur H. James, Governor
Commonwealth of Pennsylvania
State Capital Building
Harrisburg, Pennsylvania

Dear Governor:

We are writing you in behalf of Mrs. Margaret A. Shane, 251 Sherman Avenue, Vandergrift, Pennsylvania, who is residing with her husband, Mr. Milfred R. Shane, three children, ages 13, 3 and 1 year respectively.

Mrs. Shane is suffering from a chronic case of tuberculosis. She was examined in the early part of January, 1939, by the State Clinic at Greensburg, Pennsylvania and was informed by the Clinic that it would be necessary

for her to return home at that time and await her turn to be admitted to a state institution.

We are writing you and begging that you take immediate steps to have this mother admitted to a State Institution for treatment.

Yours truly,

JAMES B. FEENEY,
Field Representative.

P. S.—For your information, copies which are self-explanatory and further request that you help us in any way you can to have the patient immediately admitted.

I want to say here to the members of this Senate that I have no doubt whatsoever that the Butler institution will be opened before the two-year period is up. Public indignation at the so-called governmental economy at the expense of the health and the welfare of the people of this State will force the opening of that institution before the period is up.

I think it is only fair that we should call attention to a few pertinent facts that will assist this wave of public indignation in getting those who are in power to see the light and do that which is their bounden duty to do, to open that sanatorium.

I want to say that the estimates of the General State Authority that I received last fall stated that the hospital would be ready for occupancy around the first of June. The Senator from Somerset, Mr. Ealy, in his remarks stated that the institution would not be ready until late fall. Why will it not be ready until late fall? Because your Governor, who has taken the attitude of a little Napoleon and has to have his fingers in every function and department of government has interfered in the due process of the workings of the General State Authority; that for a period of over two months the General State Authority has not met and only recently did they break bread together, all simply because this man who was elected Governor takes the attitude that the people in Pennsylvania repudiated everything Democratic, that persons who have the stigma of being registered Democratic are not to serve, in his opinion, in any department of government whether it be the Turnpike Commission, Public Utility Commission or the General State Authority or any other, because this Governor has placed political patronage, political expediency, ahead of the welfare of the people of Pennsylvania and because he thinks that this general election recently held in Pennsylvania has given him a clear road and the dictatorial power to go in and smash down all the institutions created by the Democratic Administration for four years and to interfere in their proper functioning; and if the General State Authority was left alone this sanatorium would be ready by June first or near that date.

And so I say do not come in here with alibis. You have asked for it and now take it; you did not know what you were doing when you closed, or said you would keep closed, that institution; your Secretary of Health was only in office about six weeks when he said that the sanatorium was not needed.

I agree with the Senator from Luzerne, Mr. Mundy, and I say that I too doubt whether he has sufficient knowledge to make that statement. And so I do not pay much attention to the letters of explanation, to the letters of excuse given us by the department head. I state to the people of Pennsylvania from this Senate floor that this

sanatorium must be opened; that it will be opened, because public indignation will open it.

QUESTION OF PERSONAL PRIVILEGE

Mr. REED. Mr. President, I rise to a question of personal privilege.

The PRESIDENT. The Senator from Washington, Mr. Reed will state his question of personal privilege.

Mr. REED. Mr. President, sometime in early January one of our school teachers in Washington County made application to one of our sanatoriums, and up until today he has not been admitted. I have here a letter from Doctor Keck, of February 18, 1939, setting forth the seriousness of this teacher's case; and, on February 17, 1939, I have a petition signed by twenty-four of the school teachers of the West Pike Run Township stating that it was of very great importance that this young man be entered in one of our sanatoriums as a patient; and to date I have been in close touch with the Department of Health and have just recently learned again that no definite arrangements can be made for his admission; and I ask, Mr. President, the right to have these two papers, one from Doctor Keck and the other from the school teachers of West Pike Run Township entered in the record of the Senate.

February 17, 1939.
West Pike Run Twp.

Dear Mr. Reed:

We, the undersigned teachers of the West Pike Run School District, are asking your aid in behalf of one of our fellow teachers, Anthony Zaharewicz. Mr. Zaharewicz has taught in our district until his health failed him, and is now in desperate need of proper attention. It is a matter now of immediate attention to regain his health or of a delay which may prove fatal to him.

We, the undersigned, ask your aid.

Name: Address:

(Signed by 24 petitioners, together
with their addresses.)

February 18, 1939.

Senator J. Albert Reed
California, Penna.

Dear Sir:

I am writing you in behalf of Anthony Laharewicz, a school teacher of West Pike Run Township. Mr. Laharewicz had a lung abscess followed by impuenna. He has now developed tuberculosis, and is in urgent need of proper hospital or sanitarium care.

W. F. KECK, M. D.

QUESTION OF PERSONAL PRIVILEGE

Mr. SHAPIRO. Mr. President, I rise to a question of personal privilege.

The PRESIDENT. The Senator from Philadelphia, Mr. Shapiro, will state his question of personal privilege.

Mr. SHAPIRO. Mr. President, I had hoped that this subject, which is of extreme importance, should be discussed without the calling of any names. I also would like to see the Senator of Westmoreland, Mr. Dent, ask that the names of the persons he read be stricken from the record.

I am sure that in zeal of the discussion he did not give any thought to the fact that he is advertising a matter which I think is more private than public, at least to the extent of the names; I therefore hope that he will of his own motion ask that these names be stricken from the record.

I want to say that for the past ten years Pennsylvania has stood still in the development of prevention and cure of tuberculosis. I would like to have the members of this Senate read a book which was written by a Paul de Kruif, who wrote "Microbe Hunters," and the book is called "Why Let Them Live," which was published two years ago. It should be illuminating to us, and to the citizens of Pennsylvania, to know what has been done in Detroit and Cincinnati in this respect to this very serious subject; it may be illuminating to the Senator from Westmoreland to know that the thing he calls a waiting list is not a waiting list of tuberculosis patients at all it is merely a list of names of those people who have tuberculosis, or suffer from it, who have applied for institutional care.

It does not scratch the surface of the people who have given up hope in applying, nor of those who have tuberculosis but who are not even known to be suffering from it; and in Detroit and Cincinnati the State itself, and the localities pay to private physicians for X-ray work which is being done in their offices to disclose the number of persons who are suffering from tuberculosis and who are not known.

In the last twenty-one years, the doctors can tell you, members of this Senate who are physicians can tell you—there has been a development in phrenic treatment from the so-called pneumothorax treatment which is complete collapsing of the lung, for those who do need institutional care and it is the semi-collapsing of the lung or semi-pneumothorax treatment. They have developed a thorocaplastic operation which is known as a deribbing operation. All of these new developments have resulted in a change of our attitude of hopelessness as to the cure of tuberculosis.

In other words we require beds, more beds than are even now possible for the placing and segregating of these patients.

In Long Island, New York, one hundred patients who were declared to be hopeless were placed in a sanatorium, and because of their hopelessness and because of the fact that this new deribbing operation was so dangerous, and, in many cases, thought to be fatal, they determined to perform this thorocaplastic operation on those patients; and after a period of five years 45 per cent of the patients on whom that operation was performed are still alive and will continue to live. When you consider the proposition from that aspect you can get some idea on how neglectful the Commonwealth of Pennsylvania has been in the last ten years on this very important subject.

Let us be frank about it. It is useless and not proper to say that we have sufficient institutions to care for this terrible disease. We will never have until we take steps to prevent it.

In Cincinnati and Detroit the number has been decreased, many causes have been wiped out, slum areas have been investigated, X-ray and proper treatment have reduced the percentage of new cases; and we can do the same thing here, and I am not at all, in dealing with that question, interested in what the situation of the budget is.

I say that the more you neglect it the more you spend in the institution, and I think that the time has now come that we should take some action on this matter and not think of it merely as an occasion for the venting of spleen by the gentleman from Butler—whose attitude some of you may not like by his continuing to harp on this subject; if he does not do it nothing will ever come of it.

I do not know how many of you remember last year, or

the session before, when we were flooded with circulars from someone connected I think with the Saturday Evening Post, discussing the movement to develop in Pennsylvania the same situation that has disclosed and developed in Detroit and Cincinnati but nothing was done about that. We all got those circulars and read them and stood by and did nothing.

I recommend to you that you read that book by Paul de Kruif and you will see what we are now doing in Pennsylvania and will understand that the Butler institution is merely a signal and that is all.

When the Governor of Pennsylvania can tell you in his budget that it is not necessary to open the Butler County institution, I am sure his information comes from people who have not gone deeply enough into the subject. I made inquiry about the situation, with respect to the building, and I am told by people who know that if that building is allowed to remain idle, in its present condition, for two years, then the 55 per cent completion will only mean 20 per cent completion, because it will deteriorate 30 per cent in the next two years. That is not saving money; that is losing it.

I would rather see the many thousands of dollars we are appropriating here forgotten and substitute for that some solution of this problem which has been raised by the Senator from Butler, Mr. Sipe. It is not his fight nor my fight, it is the obligation of everyone of us; and unless by next week some of the gentlemen from the other side where I think it will be more effective, submit a resolution for complete information to be furnished to the members of this Senate, I shall present a resolution myself not only asking that we be given full information about the capacity and about the waiting list complete—not special waiting lists and not what is going to be done in the next few weeks—but what our problem is for the next few years; and I hope somebody on the other side will take the trouble to prepare such a resolution and that we will take some action.

I think it is time we got some results.

I hope, however, in our discussion of this subject we will not mix it up with our resentment against the Governor or anybody else but treat this purely on an humanitarian basis; otherwise it will get lost among the Senators themselves.

This is not a proposition between Governor James and Mr. Sipe; it is not a proposition between any one of them and the Governor; there is no necessity for criticism here of the Governor's action; but unless we and the Governor act certainly it will be a subject of criticism at the proper time and there is no sense in muddying the issue now calling him names or criticizing him.

I call upon the members on the Republican side of the house to proceed with due diligence in this matter.

MR. DENT. I usually try to be reasonable and sensible in my enunciation and in my denunciation of things, but I cannot understand how any harm whatsoever can come from stating simple truths. I do not believe I called the Governor or anybody else, any names, other than the fact that I said he took a Napoleonic attitude, which I believe. As far as the names of the persons who are afflicted with this disease and pleading for help are concerned if I do not read names someone might say that the cases were only fictitious; that I had made them up.

Names must be read to make the record straight. There is nothing criminal about these poor people having tuber-

culosis; the thing that is criminal is that we are denying them treatment. There is nothing wrong with reading a person's name into the record, who is suffering from a disease, and that person himself is not interested in the publicity he gets; all he asks is that he gets treatment that he may live; and so I do not intend to ask that any names or any of the remarks I have made be taken from the record; and I will fight to the limit of my ability to keep those remarks on the record, where I intended them to be.

Mr. EALY. Mr. President, I desire to interrogate the Senator from Luzerne, Dr. Mundy.

The PRESIDENT. Will the Senator from Luzerne, Mr. Mundy permit himself to be interrogated?

Mr. MUNDY. Mr. President, I will.

Mr. EALY. Mr. President, I wish to ask the Senator from Luzerne whether he has presented the facts which he referred to in his address to the Secretary of Health and to the Governor.

Mr. MUNDY. Mr. President, I have not. I have had absolutely no contact with the Governor or the Secretary of Health.

Mr. EALY. I wish to ask the Senator from Luzerne, Mr. President, if the Medical Society of the State to which he belongs has taken up this matter with the Secretary of Health or with the Governor.

Mr. MUNDY. Mr. President, I understand from Dr. Palmer that he has already talked to them—what his conversation was I do not know, but I am informed he has talked to them on various occasions. For your information, if that is the knowledge you want to know, whether the State Medical Society had any influence on my standing on the floor and talking today, I would say no, I have talked as an individual.

Mr. EALY. Mr. President, I am glad that this discussion occurred here today I am sorry it has in some manner degenerated into an attack on the Governor. We are all very anxious to take care of the tuberculosis patients in Pennsylvania; we are all interested in that matter; we know the conditions, and the State has not been entirely derelict in this matter.

Besides, the sanatoria at Hamburg and Mont Alto and Cresson there are quite a number of appropriations to hospitals which are equipped especially to take care of consumptives, State aided hospitals.

As was pointed out in the statement by the Secretary of Health it is not intended at all to let the Butler hospital go—he made it very clear in that statement, as I recall that the Butler Hospital would be completed—but the General Authority could not complete that until late in the fall, and in the meantime additions will be completed and fully equipped in these other sanatoria to take care of all the waiting patients.

I think the statement of the Senator from Philadelphia, Mr. Shapiro, that there should be a different approach to this problem is perhaps worthy of consideration; not merely that hospitals be erected, but that more preventative action should be taken in all the localities throughout the Commonwealth. The State is working on that. We are all interested in this problem, but I am sorry it has simply degenerated into an attack on the Governor.

If these men have these facts so fully at hand it should have been presented to the Secretary of Health long ago, and if the money is demanded for rushing this institution to completion at an earlier date than the General Authority says it can complete it, why that should be done; but

if the facts are so bad that this mere five hundred beds or whatever it is there, is going to take care of the situation, surely the Governor and Secretary of Health will use every effort to find the means to complete it.

Mr. MUNDY. Mr. President, I want to correct one misapprehension, one statement, made by the Senator from Somerset, Mr. Ealy. He says this has degenerated into an attack upon the Governor of Pennsylvania.

I think we are all intelligent enough to distinguish between an attack on the Governor and an attack on the judgment of some of his men. There is a distinct difference between an attack, a personal attack on anybody, and a criticism or discussion of some of the judgments of that official, and I think it is perfectly fair that we stand on this floor and criticize judgment, I might say further that in my talk I was very particular to say that, after all, the Governor's judgment is formed by the knowledge—or should be formed by the knowledge he receives from his cabinet heads. The Senator in his speech said the deduction was made because of the presentation of certain facts by statistician in the bureau, and I thought it was clear in the minds of the Senators and everybody—and it was far from my intention at any time to attack the Governor of Pennsylvania, but rather his judgment in a matter of State, which I think is the prerogative of a Senator on the floor. I might say, for the Senator's information, that on the evening of November 8th when the election returns came in, my attacks on the Governor of Pennsylvania ceased.

Mr. EROE. Mr. President, in regard to a remark of the Senator from Somerset, Mr. Ealy, I think the figures which he quoted, 611, are in error, or else the Department of Health has changed its figures in a very short time.

Some time ago, a year or so ago, I used to appeal to the Department of Health on special cases. One day I happened to visit the hospital in Elwood when a chest clinic in the hospital was being conducted by the county physicians, and for an hour and a half I listened to pleas from mothers and fathers and sisters, asking me if I would use my influence to get members of their families preference in the tuberculosis hospital. From that time on I knew that there were so many urgent cases that I ceased to make personal appeals, because I could not do so without doing injustice to somebody else that needed to be in there as badly as the person that appealed to me.

However, if the figures are true, then I think the Senator can cut one off, because we buried a man near to me Monday, who had been trying for months to get in a tuberculosis hospital; and if 611 are correct, I say to him most of them must be in my district.

Mr. SIPE. Mr. President, I was very much surprised, and so were some of my colleagues on this side of the House, that Senator Ealy should make the implication on the floor of this Senate that my zeal for the opening of this wonderful institution for suffering humanity was due to my desire to make a speech when the institution is formally dedicated.

I must speak plainly and state to Senator Ealy that is pretty cheap stuff, in my opinion, I am not seeking to make any speech at the dedicatory exercises. I did not appear on the program when the ground-breaking took place. The speeches that I am making for the opening of the sanatorium are being made here on the floor of this Senate, and I will continue to make them right along, because while Brother Ealy is fighting for dollars I am

fighting for humanity, and I will keep on until this session is ended.

Mr. CAVALCANTE. Mr. President, we have listened with great attention and concern to the discussion of a very vital problem, and from all the discussion and knowledge that we have it appears that the problem has arisen because of the efforts of His Excellency the Governor to bring about economy of administration of government.

Because the problem was developed by the Governor's economy policy I at this time offer the following resolution:

RESOLUTION URGING RECALL OF CONFIRMATION OF SECRETARY OF REVENUE, WM. J. HAMILTON

Mr. CAVALCANTE offered the following resolution which was twice read as follows:

In the Senate, March 29, 1939.

Whereas, On the 6th day of February, 1939, this Senate confirmed the appointment of one certain William J. Hamilton, Jr., to the office of Secretary of the Department of Revenue of this Commonwealth, and

Whereas, The Senate Journal definitely indicates that said confirmation was given by this Senate as a mark of courtesy to his Excellency the Governor and also on the theory that failure to give the same would interfere with the orderly administration of the Department of Revenue to the great embarrassment of His Excellency the Governor, and

Whereas, One month and upwards has elapsed since the confirmation and the said Hamilton has failed to assume the oath and duties of said office, and

Whereas, The failure of said Hamilton to assume the oath and duties of said office within a reasonable time is a mark of discourtesy both to his Excellency the Governor and to this Senate, and

Whereas, Senate Bill No. 192 introduced by the gentleman from Montgomery, Mr. Edmonds, and the economy policy of his Excellency the Governor, and the administration of said Department without the said Hamilton all indicate that the office of Secretary of the Department of Revenue is surplusage and unnecessary, and

Whereas, The said Hamilton has shown no disposition to assume the oath and duties of said office

Now be it Resolved, That his Excellency the Governor be immediately advised that if it pleases his Excellency it is the resolve of this Senate to recall said confirmation unless the said Hamilton assumes the oath and duties of said office on or before the first day of April, 1939.

Mr. CAVALCANTE. Mr. President, I now move that this resolution be adopted.

Mr. OWLETT. Mr. President, I object.

POINT OF ORDER

Mr. CAVALCANTE. Mr. President, I rise to a point of order.

The PRESIDENT. The Senator from Fayette, Mr. Cavalcante, will state his point of order.

Mr. CAVALCANTE. Mr. President, I have moved that this resolution be adopted and there has been a second of my motion. The vote is on the motion. As to the number of votes required that is a matter for the Chair to decide, whether it takes a majority or two-thirds.

Mr. OWLETT. Mr. President, I object immediate consideration of the motion and I ask that it be referred to a committee under the rules.

Mr. CAVALCANTE. I have not, Mr. President, asked for unanimous consent. I have moved the adoption of the

resolution and my motion has been seconded. If it takes a two-thirds vote to adopt the motion, all well and good, but I am entitled to have action on the motion which has been seconded.

The PRESIDENT. Rule 39 provides the following: "39. The following resolutions after they have been twice read, shall be referred to an appropriate committee, without debate (unless by unanimous consent the Senate shall otherwise direct)....." I declare that motion out of order.

MOTION TO SUSPEND RULE 39

Mr. CAVALCANTE. Mr. President, I move that Rule 39 be suspended and that we proceed to immediate consideration of the resolution.

Mr. REED. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

The yeas and nays were required by Mr. CAVALCANTE and Mr. REED, and were as follows, viz:

YEAS—21.

Cavalcante,	Gilson,	Kunkel,	Rice,
Coleman,	Haluska,	McCreesh,	Ruth,
Dando,	Jacobs,	McGinnis,	Shapiro,
Dent,	Jaspan,	Mundy,	Sipe,
DiSilvestro,	Kilgallen,	Reed,	Stiefel,
Eroe,			

NAYS—24.

Bartlett,	Farrell,	Letzler,	Stevenson,
Chapman,	Gelder,	Mallery,	Taliman,
Crowe,	Geltz,	Miller,	Thomas,
Deitrich,	Heyburn,	Owlett,	Walker,
Ealy,	Homsher,	Pierson,	Wolfenden,
Edmonds,	James,	Snowden,	Woodward,

So the question was determined in the negative.

The PRESIDENT. The resolution is referred to the Committee on State Government.

PETITIONS AND REMONSTRANCES

The Chair cleared his table and laid before the Senate the following petitions.

URGING APPROPRIATION TO PAY UNPAID SALARIES

Senator Deitrick presented petitions from taxpayers of Coal Township, urging appropriation to pay unpaid salaries of professional employees.

POINT OF ORDER

Mr. WOODWARD. Mr. President, I rise to a point of order.

The PRESIDENT. The Senator from Philadelphia, Dr. Woodward, will state his point of order.

Mr. WOODWARD. Mr. President, if you will be a little liberal in your ruling now I would like to announce the five members of the Senate who have been appointed by the President Pro Tempore of this Senate as members of the Council of State Government, to attend the convention in Chicago next week, at a meeting of the Council of State Government on the question of trade barriers between States. I believe that committee consists of Senator DeSilvestro, Senator Heyburn, and myself, and two unknown Senators that we are trying to find out about here.

NOMINATIONS BY THE GOVERNOR

NOTARIES PUBLIC

The Secretary to the Governor being introduced, presented in writing from His Excellency, the Governor of the Commonwealth, nominations for appointment as Notaries Public which were laid on the table.

REPORTS FROM COMMITTEES

Mr. WALKER, from the Committee on Judiciary General, reported as committed, Senate Bill No. 18, entitled:

A Joint Resolution proposing an amendment to article four, section twenty-one of the Constitution of the Commonwealth of Pennsylvania.

Mr. THOMAS, from the Committee on Forestry, Game and Fish, reported as committed, Senate Bill No. 169, entitled:

An Act relating to parks, farms, glens, or picnic grounds owned and operated by charitable associations for the use of the public without charge; authorizing the adoption of rules and regulations pertaining to such property; providing for the appointment of park policemen for their enforcement; imposing penalties for violations thereof; and extending the jurisdiction of aldermen and justices of the peace thereto.

Mr. JAMES, from the Committee on Judiciary General, reported as committed, Senate Bill No. 216, (House Bill No. 115), entitled:

An Act to amend section ten of the act approved the thirty-first day of March, one thousand eight hundred and sixty (P. L. 427), entitled "An act to consolidate, revise and amend the laws of the Commonwealth relating to penal proceedings and pleadings" by providing further for the administration of oaths and affirmations to witnesses appearing before grand juries.

Mr. CHAPMAN, from the Committee on Municipal Affairs reported as committed, Senate Bill No. 112, (House Bill No. 142), entitled:

An Act to further amend section five of the act approved the twenty-sixth day of April one thousand nine hundred and thirty-five (P. L. 90) entitled "An act to promote uniformity in the assessment and taxation of properties and persons within the territorial limits of cities of the second class A by providing that city and school taxes within such territorial limits shall be assessed levied and collected upon the basis of the assessments for taxation for county purposes and requiring the furnishing of tax duplicates by the county taxing authorities to such cities and to school districts coterminous therewith abolishing the department of assessors in cities of the second class A consolidating tax statements covering city school county and poor taxes therein and making uniform the time for levy and collection of said taxes respectively and regulating the discounts therefrom and penalties thereon" by changing the date of certain tax payments and further regulating the penalties and interest imposed on unpaid taxes

Mr. HOMSHER, from the Committee on Municipal Government, reported as committed, Senate Bill No. 147, entitled:

A further Supplement to an act approved the twenty-first day of July, one thousand nine hundred and thirteen, (P. L. 863), entitled "A supplement to an act approved the eleventh day of June, one thousand eight hundred seventy-nine, entitled 'An act to authorize Cities of the first class to levy and fix a tax rate, to fix the time of opening and closing the tax duplicates, to regulate the appropriations and expenditures of said cities, and prescribing penalties for the violation of the provisions of

this act," by providing that the same shall not apply to the books of personal property taxes, and to extend the time for the opening of the books, and the payment of personal property taxes.

Mr. LETZLER, from the Committee on Mines and Mining, reported as committed, Senate Bill No. 168, entitled:

An Act to amend paragraph six of section two, and paragraph four of section five of the act, approved the twenty-ninth day of April, one thousand nine hundred thirty-seven (P. L. 551), entitled "An act prohibiting the employment of miners, as herein defined, in the bituminous coal mines, unless certificated by a miners' examining board; providing for the appointment of such boards, and defining their powers and duties; providing penalties; and making an appropriation by providing for the suspension of examinations and certifications by the Secretary of Mines and for the issuance of new certificates to replace lost certificates.

Mr. GELTZ, from the Committee on County Government, reported as committed, Senate Bill No. 189 (House Bill No. 211), entitled:

An Act to amend section one of the act, approved the twelfth day of June, one thousand nine hundred nineteen (P. L. 450), entitled "An act permitting counties of the Commonwealth of Pennsylvania to appropriate and expend moneys and to incur indebtedness and issue bonds and other obligations, for the improvement and maintenance of State highways and State-aid highways or any public highway in any county of the Commonwealth, and providing the method for applying for said moneys, and for the approval thereof by the State Highway Department in certain cases," as amended by extending the provisions thereof to include the improvement and maintenance of public highways in towns.

Mr. CAVALCANTE, from the Committee on Judiciary General, reported as committed, Senate Bill No. 11, entitled:

A Joint Resolution proposing an amendment to article eight of the Constitution of the Commonwealth of Pennsylvania by adding thereto section eighteen.

He also from the Committee on Judiciary General reported as amended, Senate Bill No. 264, (House Bill No. 343), entitled:

An Act to amend section one of the act approved the twenty-second day of May one thousand nine hundred and thirty-three (P. L. 851) entitled "An act fixing the pay and mileage of jurors and witnesses" by authorizing the court to direct additional compensation for jurors in certain cases.

BILLS INTRODUCED

Mr. CAVALCANTE read in his place and presented to the Chair, Senate Bill No. 357, entitled:

An Act to amend clause (c) of section four of the act approved the twenty-second day of June, one thousand nine hundred and thirty-one (P. L. 720), entitled "An act providing for the taking over by the Commonwealth under certain terms, conditions and limitations of certain streets in cities of the second class, second class A, and third class, as State highways, and for the improvement, construction, reconstruction, resurfacing and maintenance by the Commonwealth of certain defined widths of said streets; imposing duties on such cities and on public utility companies using such streets; providing that no assessment shall be made upon the Commonwealth in the elimination of any grade crossing thereon; authorizing cities, persons, associations or corporations to enter into agreements with the Commonwealth to bear a portion of the cost of construction or maintenance; providing for the assessment of certain portions of the cost of street improvements on abutting property owners; regulating the

replacement of certain facilities of public utility companies; prohibiting the opening of said streets after improvement without a permit, and providing penalty therefor; regulating the maintenance of detours; authorizing the increase of city indebtedness in certain cases, and appropriating money in the Motor License Fund for the purposes of this act," imposing the construction, reconstruction and maintenance of certain structures on the Commonwealth.

Which was committed to the Committee on Highways.

Mr. RUTH read in his place and presented to the Chair Senate Bill No. 358, entitled:

An Act establishing a mode of selecting and drawing jurors for the courts of this Commonwealth.

Which was committed to the Committee on Judiciary General.

Mr. LETZLER read in his place and presented to the Chair, Senate Bill No. 359, entitled:

An Act to enable tax collectors and receivers of taxes to make return of unpaid taxes assessed on seated lands for the years one thousand nine hundred and twenty-nine, one thousand nine hundred and thirty, one thousand nine hundred and thirty-one, one thousand nine hundred and thirty-two, one thousand nine hundred and thirty-three, one thousand nine hundred and thirty-four, one thousand nine hundred and thirty-five, one thousand nine hundred and thirty-six, and one thousand nine hundred and thirty-seven; and validating the liens of such taxes.

Which was committed to the Committee on County Government.

Mr. OWLETT, by request, read in his place and presented to the Chair, Senate Bill No. 360, entitled:

An Act to further amend sections one, two, three, four and five of the act, approved the second day of March, one thousand nine hundred thirty-three (P. L. 6), entitled "An act to enable persons, associations, partnerships and corporations engaged in farming, and raising, breeding, fattening and marketing livestock to borrow money and secure the repayment thereof by the execution and recordation of chattel mortgages on livestock, farm machinery, farm equipment, and crops; and designating the operation and effect of the lien of such mortgages," by adding thereto provisions preserving the lien of chattel mortgage against bailment leases and conditional sale agreements under certain conditions and providing for the filing, indexing, and docketing of such chattel mortgages in lieu of recordation, and providing additional methods for foreclosure of such chattel mortgages.

Which was committed to the Committee on Judiciary General.

He also, by request, read in his place and presented to the Chair, Senate Bill No. 361, entitled:

An Act providing for bailment leases to be filed in the office of the prothonotary of the Court of Common Pleas.

Which was committed to the Committee on Judiciary General.

He also, by request, read in his place and presented to the Chair, Senate Bill No. 362, entitled:

An Act relating to the form and method of making assessments, valuations, notices, tax collections, returns of delinquent taxes, and records of assessment valuation and returns on seated lands.

Which was committed to the Committee on Judiciary General.

He also, by request, read in his place and presented to the Chair, Senate Bill No. 363, entitled:

An Act to amend sections four and five, as amended, and sections six, eighteen and twenty-one of the act, approved the twenty-ninth day of May, A. D. one thousand nine hundred thirty-one (P. L. 280), entitled "An act relating to delinquent taxes on seated lands, and prescribing interest charges on nonpayment thereof; requiring the receivers and collectors of county, city, borough, town, township, school district and poor district taxes to make a return to the county commissioners of such unpaid taxes, and providing for the lien thereof; authorizing the county treasurers to collect such taxes, and to sell seated land at public sale for taxes heretofore or hereafter returned as unpaid; and authorizing the county commissioners to purchase such lands and resell the same under certain circumstances," by providing that the lien of delinquent taxes after return to the county commissioners may be transferred to the prothonotary's office within three years, changing the compensation of tax collectors, providing for notice before entry of liens, and giving the taxing authorities discretionary powers as to sale by the county treasurer, or transfer of liens.

Which was committed to the Committee on Judiciary General.

He also, by request, read in his place and presented to the Chair, Senate Bill No. 364, entitled:

An Act to further amend section nine of the act, approved the sixteenth day of May, one thousand nine hundred twenty-three (P. L. 207), entitled "An act providing when, how, upon what property, and to what extent, liens shall be allowed for taxes and for municipal improvements, for the removal of nuisances, and for water rents or rates, sewer rates, and lighting rates; for the procedure upon claims filed therefor; the methods for preserving such liens and enforcing payment of such claims; the effect of judicial sales of the properties liened; the distribution of the proceeds of such sales, and the redemption of the property therefrom; for the lien and collection of certain taxes heretofore assessed, and of claims for municipal improvements made and nuisances removed, within six months before the passage of this act; and for the procedure on tax and municipal claims filed under other and prior acts of Assembly," by providing that delinquent taxes on real estate cannot be entered as liens in the prothonotary's office until after they have been returned to the County Commissioners, as provided by law.

Which was committed to the Committee on Judiciary General.

Mr. KILGALLEN read in his place and presented to the Chair, Senate Bill No. 365, entitled:

An Act to amend section one hundred and eighty-one of the act, approved the thirty-first day of March, one thousand eight hundred sixty (P. L. 382), entitled "An act to consolidate, revise and amend the penal laws of this Commonwealth," by prescribing the effect on an alien for serving a sentence under the provisions of this act.

Which was committed to the Committee on Judiciary General.

Mr. GILSON read in his place and presented to the Chair, Senate Bill No. 366, entitled:

An Act to further amend section 1109 of the act, approved the fifteenth day of May, one thousand nine hundred and thirty-three (P. L. 624), entitled "An act relating to the business of banking, and to the exercise of fiduciary powers by corporations; providing for the organization of corporations with fiduciary powers, and of banking corporations, with or without fiduciary powers, including the conversion of National banks into State

banks, and for the licensing of private bankers; defining the rights, powers, duties, liabilities, and immunities of such corporations, of existent corporations authorized to engage in a banking business, with or without fiduciary powers of private bankers, and of the officers, directors, trustees, shareholders, attorneys, and other employees of all such corporations or private bankers, or of affiliated corporations, associations or persons; restricting the exercise of banking powers by any other corporation, association, or person, and of fiduciary powers by any other corporation; conferring powers and imposing duties upon the courts, prothonotaries, recorders of deeds, and certain State departments, commissions, and officers; imposing penalties; and repealing certain acts and parts of acts," by further providing for the powers, and limitations upon powers, of corporations with fiduciary power.

Which was committed to the Committee on Banking.

Mr. SHAPIRO read in his place and presented to the Chair Senate Bill No. 367, entitled,

An Act relating to the creation and use of special jurors in counties of the first class.

Which was committed to the Committee on Judiciary General.

Mr. EROE read in his place and presented to the Chair Senate Bill No. 368, entitled:

A Supplement to the act approved the first day of June, one thousand nine hundred and thirty-three (P. L. 1172), entitled "An act establishing certain streets in boroughs and incorporated towns as State highways, and providing for their construction and maintenance at the expense of the Commonwealth," establishing an additional route in the Borough of Fallston, Beaver County.

Which was committed to the Committee on Highways.

He also read in his place and presented to the Chair Senate Bill No. 369, entitled:

A Supplement to the act approved the twenty-second day of June, one thousand nine hundred and thirty-one (P. L. 594), entitled "An act establishing certain township roads as State highways; authorizing their construction, maintenance and improvement under certain conditions and restrictions, limiting the obligation of the Commonwealth in the construction of certain structures located on such highways; conferring certain powers upon the Department of Highways and local authorities, persons, associations and corporations for sharing the cost of the maintenance and construction of such highways, and making an appropriation to carry out the provisions of said act," establishing an additional route in the County of Beaver.

Which was committed to the Committee on Highways.

Mr. GELTZ, by request, read in his place and presented to the Chair Senate Bill No. 370, entitled:

An Act reducing salaries of teaching, supervisory and administrative staffs, and discontinuing automatic increments, in school districts of the first class for a temporary period.

Which was committed to the Committee on Education.

He also, read in his place and presented to the Chair Senate Bill No. 371, entitled:

An Act to further amend section five hundred twenty-four of the act, approved the eighteenth day of May, one thousand nine hundred eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish

and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith," by reducing administrative tax levy in school districts of the first class.

Which was committed to the Committee on Education.

Mr. DENT, by request, read in his place and presented to the Chair Senate Bill No. 372, entitled:

An Act creating the Board of Review of the Pennsylvania Liquor Board.

Which was committed to the Committee on State Government.

He also read in his place and presented to the Chair, Senate Bill No. 373, entitled:

An Act to add a new definition to section two, to amend subsection C of section three hundred two, and to repeal subsection D of section three hundred two, of the act, approved the twenty-ninth day of November, one thousand nine hundred and thirty-three (P. L. 15—1933-34), entitled as amended "An act to regulate and restrain the sale, manufacture, possession, transportation, importation, traffic in, and use of alcohol, and alcoholic and malt or brewed beverages; conferring powers and imposing duties upon the Pennsylvania Liquor Control Board and its agents, the Department of Public Instruction, other officers of the State government, courts, and district attorneys; authorizing the establishment and operation of State stores for the sale of such beverages not for consumption on the premises, and the granting of licenses, subject to local option, to sell such beverages for consumption on and off the premises; forbidding importation or bringing of such beverages into the State except as herein provided; prohibiting certain sales or practices in connection with, and transactions in such beverages by licensees and others; providing for the forfeiture of certain property; making disposition of the receipts from State stores and of fees; and imposing penalties," by further regulating the employment of personnel by the board; providing hearings for employees in certain disputes relative to such employment before the Board of Review of the Pennsylvania Liquor Control Board, and eliminating the Governor's power to remove such employees.

Which was committed to the Committee on State Government.

Mr. PIERSON read in his place and presented to the Chair Senate Bill No. 374, entitled:

An Act relating to the licensing of dogs trained to aid blind persons without the payment of a license fee.

Which was committed to the Committee on State Government.

CONSIDERATION OF EXECUTIVE NOMINATIONS

Mr. EDMONDS. Mr. President, I move that the Senate do now proceed to the consideration of nominations for appointment as Notaries Public, sent to the Senate, March 29, 1939 by His Excellency, the Governor of the Commonwealth.

Mr. GELDER. Mr. President, I second the motion. The motion was agreed to.

The nominations were read as follows:

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, March 29, 1939.
To the Honorable, the Senate of the Commonwealth of Pennsylvania:
In conformity with law, I have the honor hereby to

nominate for the advice and consent of the Senate the following persons for appointment as Notaries Public, for terms of four years to compute from the date of confirmation:

ALLEGHENY COUNTY

Miss W. M. Townsend, Swissvale.

FAYETTE COUNTY

J. R. Smiley, Uniontown.

McKEAN COUNTY

Miss Nellie M. Dwyer, Port Allegany.

PHILADELPHIA COUNTY

Matthew R. Kafel, Phila., 1716 Frankford Avenue.

Emanuel Kline, Phila., 255 South 5th Street.

Vincent J. McGettigan, Phila., 3222 North Hope Street.

PIKE COUNTY

W. Willard Clune, Milford.

TIOGA COUNTY

Guy B. Clark, Westfield.

ARTHUR H. JAMES.

Commonwealth of Pennsylvania.

Governor's Office, Harrisburg, March 29, 1939.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for reappointment as Notaries Public, for terms of four years to compute from the date set opposite their names:

ALLEGHENY COUNTY

H. H. Montgomery, Pittsburgh, 506 Pittsburgh and Lake Erie R. R. Terminal Bldg., April 1, 1939.

CAMBRIA COUNTY

Miss Mary K. Kearns, Johnstown, April 1, 1939.

ALLEGHENY COUNTY

Miss Elizabeth E. Young, Pittsburgh, 709 Clark Bldg., April 2, 1939.

PHILADELPHIA COUNTY

Miss Ida V. Frank, Phila., 712 Land Title Building, April 2, 1939.

ALLEGHENY COUNTY

Albert P. Dible, Penn Twp., Haffey, April 9, 1939.

Louis D. Vockel, Emsworth, April 9, 1939.

MIFFLIN COUNTY

Howard E. Stine, Lewistown, April 16, 1939.

LYCOMING COUNTY

Kurt R. Cloud, Jersey Shore, April 20, 1939.

ARTHUR H. JAMES.

EXECUTIVE SESSION

By unanimous consent,

A motion was made by Mr. EDMONDS and Mr. GELDER,

That Rule 38, which requires nominations made by the Governor, to lie on the table one day be dispensed with, and the Senate do now resolve itself into Executive Session, for the purpose of acting upon all the nominations reported at to-day's session.

Which was agreed to.

Whereupon,

A motion was made by Mr. EDMONDS and Mr. GELDER,

That the Senate do advise and consent to the nominations reported.

On the question,

Will the Senate agree to the motion?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—46

Bartlett,
Cavalcante,
Chapman,
Coleman,
Crowe,
Dando,
Deitrick,
Dent,
DiSilvestro,
Ealy,
Edmonds,
Eroe,

Farrell,
Frey,
Gelder,
Geltz,
Gilson,
Haluska,
Heyburn,
Homsher,
Jacobs,
James,
Jaspan,
Kilgallen,

Kunkel,
Letzler,
Mallery,
McCreesh,
McGinnis,
Miller,
Mundy,
Owlett,
Pierson,
Reed,
Rice,

Ruth,
Shapiro,
Sipe,
Snowden,
Stevenson,
Stiefel,
Tallman,
Thomas,
Walker,
Wolfenden,
Woodward,

NAYS—0

Two-thirds of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Governor be informed accordingly.

Mr. EDMONDS. Mr. President, I move that the Executive Session do now rise.

Mr. GELDER. Mr. President, I second the motion.

The motion was agreed to.

SENATE NON-CONCURS IN AMENDMENTS MADE BY THE HOUSE TO SENATE BILL NO. 79

Mr. MILLER. Mr. President, I move that the Senate non-concur in the amendments made by the House of Representatives to Senate Bill No. 79, House Bill No. 556, entitled:

An Act permitting the county treasurer, with the consent of the county commissioners or the approval of the court, to adjourn county treasurers' sales of seated and unseated lands for non-payment of taxes in all counties except counties of the first class, and preserving the lien of all taxes on such lands.

Mr. OWLETT. Mr. President, I second the motion.

The motion was agreed to.

Ordered, That the Clerk inform the House of Representatives accordingly.

BILL ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 262, (House Bill No. 199), entitled:

An Act to confirm and validate past tax levies or assessments made by school districts of the first class and liens filed thereon

And said bill having been read at length the third time, and agreed to

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—43.

Cavalcante,	Farrell,	Kunkel,	Ruth,
Chapman,	Frey,	Letzler,	Shapiro,
Coleman,	Gelder,	Mallery,	Sipe,
Crowe,	Gilson,	McCreesh,	Snowden,
Dando,	Haluska,	McGinnis,	Stevenson,
Detrich,	Heyburn,	Miller,	Stiefel,
Dent,	Homsheer,	Mundy,	Tallman,
DiSilvestro,	Jacobs,	Owlett,	Thomas,
Ealy,	James,	Pierson,	Wolfenden,
Edmonds,	Jaspan,	Reed,	Woodward,
Eroe,	Kilgallen,	Rice,	

NAYS—2

Geltz, Walker.

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

BILL ON THIRD READING

Mr. HOMSHER. Mr. President, I move that the Senate do now resume the consideration of Senate Bill No. 138, on third reading postponed.

Mr. OWLETT. Mr. President, I second the motion.

The motion was agreed to.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 138, entitled:

An Act authorizing counties, cities, boroughs, townships of the first and second class, and school districts to issue and sell bonds for certain purposes and for a certain period of time; providing for a trust fund and a sinking fund for the payment thereof, and defining the duties of the officers and governing bodies of the said municipalities or quasi-municipalities in relation to said funds; and fixing a penalty for the violation thereof.

And said bill having been read at length the third time,

On the question,

Will the Senate agree to the bill?

RECONSIDERATION OF SENATE BILL NO. 138.

Mr. HOMSHER. Mr. President, I move that the Senate do now reconsider the vote by which this bill passed second reading.

The PRESIDENT. How did the Senator vote?

Mr. HOMSHER. Mr. President, I voted "aye."

Mr. OWLETT. Mr. President, I second the motion.

The PRESIDENT. How did the Senator vote?

Mr. OWLETT. Mr. President, I voted "aye."

The motion was agreed to.

And the question recurring,

Will the Senate agree to the bill on second reading?

Mr. HOMSHER. Mr. President, I move that the Senate do now reconsider the vote by which the title was agreed to.

Mr. OWLETT. Mr. President, I second the motion.

The motion was agreed to.

And the question recurring,

Will the Senate agree to the title?

Sections, from eight to one inclusive of the bill were severally reconsidered.

And the question recurring,

Will the Senate agree to the first section?

Mr. HOMSHER. Mr. President, I move to amend the bill Section 1, page 2, line 4 by inserting after the word

"exceeding" the following: S "eighty per cent (80%) of." Amend the bill Section 1, page 2, line 11 by inserting after the word "exceed" the following: S "eighty per cent (80%) of."

Mr. OWLETT. Mr. President, I second the motion.

On the question,

Will the Senate agree to the amendments?

It was agreed to.

Will the Senate agree to the section as amended?

It was agreed to.

The second, third, fourth, fifth, sixth, seventh and eight sections of the bill were read as follows and agreed to:

Section 2 For the purpose of creating a sinking fund for the payment of the principal and interest of the bonds created under the provisions of this act and any taxes covenanted to be paid thereon the governing bodies of the municipalities or quasi municipalities issuing same shall annually (until payment of the said bonds and the interest thereon and any taxes covenanted to be paid thereon be fully provided for) levy and collect in addition to the other taxes a tax sufficient to pay the interest and principal of said indebtedness and any taxes covenanted to be paid thereon within ten (10) years from the date of said bonds. Such taxes shall be called the "Emergency Sinking Fund Tax" and shall be paid into the treasury of such municipality or quasi municipality and shall be kept separate and distinct from all other funds in a fund to be called "Emergency Sinking Fund" and shall be applied to the redemption of said bonds and the payment of the interest and taxes if any thereon and to no other purpose whatsoever and said bonds when so redeemed shall be cancelled.

Section 3 Each ordinance or resolution authorizing the issuing of said bonds shall recite an amount of the uncollected taxes then due at least equal to the amount of the proposed issue of bonds which amount of uncollected taxes so recited shall become a trust fund for the redemption of said bonds and the payment of the interest and taxes if any thereon and it shall be the duty of the secretary or clerk of the governing body to credit the emergency sinking fund with such taxes and of the treasurer of such municipality or quasi municipality to deposit in the emergency sinking fund immediately upon receipt thereof any and all said uncollected taxes provided that the amount of said uncollected taxes received and deposited in the emergency sinking fund in any year may be deducted from the amount of the annual tax levied for the year following to be levied and collected for the redemption of said bonds and the payment of the interest and taxes if any thereon.

Section 4 Any person who shall directly or indirectly apply or use any of said uncollected taxes to or for any purposes other than to deposit the same in the emergency sinking fund shall be guilty of a misdemeanor and upon conviction thereof shall be fined in a sum not exceeding one thousand dollars (\$1,000) or imprisoned for a term not exceeding one (1) year or either or both in the discretion of the court.

Section 5 The trust fund and the emergency sinking fund covering each issue of bonds under the provisions of this act shall be alike numbered and in consecutive order and the amount thereof as well as the uncollected taxes due and collectible shall be deducted from the gross indebtedness in ascertaining the net indebtedness of such municipality or quasi municipality.

Section 6 The temporary emergency power hereby granted shall be in addition to the powers granted to such municipalities or quasi municipalities to issue and create indebtedness under existing law.

Section 7 Any bonds issued under the provisions of this act shall be issued in accordance with the provisions of the Constitution of this Commonwealth and the act approved the twentieth day of April one thousand eight hundred and seventy-four (Pamphlet Laws sixty-five) entitled "An act to regulate the manner of increasing the indebtedness of municipalities to provide for the redemption of the same and to impose penalties for the illegal

increase thereof" as supplemented and amended and shall require the approval of the Department of Internal Affairs

Section 8 This act shall become effective immediately upon its approval by the Governor and remain in force and effect only for six (6) years thereafter

The title of the bill was read as follows and agreed to:

An Act authorizing counties cities boroughs townships of the first and second class and school districts to issue and sell bonds for certain purposes and for a certain period of time providing for a trust fund and a sinking fund for the payment thereof and defining the duties of the officers and governing bodies of the said municipalities or quasi municipalities in relation to said funds and fixing a penalty for the violation thereof.

And said bill as amended having been read at length the second time.

On the question,

Will the Senate agree to the bill as amended?

Mr. HOMSHER. Mr. President, when this bill was introduced originally, inadvertently, there was a mistake made in it providing that borrowing capacity on uncollected taxes should include the full amount of those taxes. No borrowing power should exceed eighty per cent and therefore this bill was amended to provide that the extent of loans against money to be borrowed shall be only eighty per cent of the amount of the delinquent taxes.

Mr. SHAPIRO. Mr. President, I should like to interrogate the Senator from Lancaster, Mr. Homsher.

The PRESIDENT. Will the Senator from Lancaster, Mr. Homsher, permit himself to be interrogated?

Mr. HOMSHER. Mr. President, I will.

Mr. SHAPIRO. Mr. President, does this amendment, under sections 2 and 3, enable increasing of taxes by the tax levying body?

Mr. HOMSHER. Mr. President, it does not.

And the question recurring,

Will the Senate agree to the bill on second reading as amended?

It was agreed to.

And said bill as amended having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

BILL ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 83, as follows:

An Act to amend section one of the act approved the twenty-fifth day of April one thousand nine hundred twenty-nine (Pamphlet Laws 694) entitled "An act providing for the payment monthly by the counties to the Department of Revenue of the expenses of keeping convicts in State penitentiaries" by imposing upon the State the keeping of certain convicts

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section one of the act approved the twenty-fifth day of April one thousand nine hundred twenty-nine (P. L. 694) entitled "An act providing for the payment monthly by the counties to the Department of Revenue of the expenses of keeping convicts in State penitentiaries" is hereby amended to read as follows

Section 1 The expenses of keeping the convicts in the State penitentiaries shall be borne by the respective counties in which they shall be convicted except in cases in which convicts are in the State penitentiaries as a result

of the commutation of a death sentence by the State Board of Pardons or by a judgment of the Supreme Court modifying a death sentence the expenses of keeping such convicts shall be paid by the State The [said expenses] expenses for which the counties are liable shall be paid to the Department of Revenue by orders to be drawn by the duly authorized agents of said department at said penitentiaries on the treasurers of the said counties who shall accept and pay same to the Department of Revenue Promptly after the last day of each calendar month the agents of the Department of Revenue shall transmit by mail to the commissioners of such of the counties as may have become indebted for convicts confined in said penitentiaries during such calendar month accounts of the expense of keeping said convicts which accounts shall be sworn or affirmed to by them and it shall be the duty of the said commissioners immediately on receipt of said accounts to give notice to the treasurers of their respective counties of the amount of said accounts with instructions to pay promptly to the Department of Revenue the amounts of said orders when presented and it shall be the duty of such county treasurers to make such payments as instructed by their respective county commissioners Provided That the aforesaid accounts and orders rendered as of the thirty-first day of July one thousand nine hundred twenty-nine shall include all amounts due the Commonwealth from the counties which shall have accrued since the last prior billing of the said counties by the respective boards of Trustees of the several penitentiaries And provided also That all salaries of the wardens or superintendents their deputies and assistants the guards and other officers engaged in managing the said penitentiaries or holding positions of authority over the inmates therein shall be paid by the State and shall not be included in computing the cost of keeping convicts in said penitentiaries

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

BILL OVER IN ORDER

Mr. STIEFEL. Mr. President, I ask unanimous consent that Senate Bill No. 111, (House Bill No. 92), on second reading, entitled:

An Act to prohibit assessments and demands for contributions for political purposes and providing a penalty go over in its order.

The PRESIDENT. Is there objection?

Mr. STIEFEL. Mr. President, I propose to offer amendments to this bill.

Mr. OWLETT. Mr. President, I would like to interrogate the Senator from Philadelphia, Mr. Stiefel.

The PRESIDENT. Will the Senator from Philadelphia, Mr. Stiefel, permit himself to be interrogated?

Mr. STIEFEL. Mr. President, I will.

Mr. OWLETT. I would like to ask the Senator from Philadelphia, Mr. Stiefel, the effect of these amendments, as he conceives them to be.

Mr. STIEFEL. Mr. President, the purpose of this amendment is to restore in Pennsylvania a vote for the people, by the people, and of the people. It simply is not to allow too big contributions. If contributions are to be gathered they are to be gathered from the people of the State and not from the big corporations.

Mr. OWLETT. Mr. President, the amendments have not been submitted to anyone on this side of the Senate, to my knowledge at least, and I therefore suggest that the Senator withdraw his amendments for the time being, and that the bill lay over until Monday.

The PRESIDENT. Will the Senator from Philadelphia withdraw his amendment?

Mr. STIEFEL. Mr. President, I will. Do I understand the bill will lay over until Tuesday?

The PRESIDENT. The Chair understands until Monday.

Mr. SHAPIRO. Mr. President, I have asked a leave of absence for the Senator from Philadelphia on Monday.

Mr. OWLETT. Mr. President, under the circumstances, of course I will agree that the bill should lay over until Tuesday.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 174, entitled:

An Act to amend article twenty-three of the act approved the ninth day of April one thousand nine hundred and twenty-nine (P. L. 177) entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments boards commissions and officers thereof including the boards of trustees of State Normal Schools or Teachers Colleges abolishing creating reorganizing or authorizing the reorganization of certain administrative departments boards and commissions defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments boards commissions and officers fixing the salaries of the Governor Lieutenant Governor and certain other executive and administrative officers providing for the appointment of certain administrative officers and of all deputies and other assistants and employes in certain departments boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments boards and commissions shall be determined" by imposing upon the Department of Welfare the duty to investigate the subject of crime prevention and to stimulate develop and coordinate crime prevention activities in this Commonwealth

The first section of the bill was read as follows:

Section 1 The act approved the ninth day of April one thousand nine hundred twenty-nine (Pamphlet Laws 177) entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments boards commissions and officers thereof including the boards of trustees of State Normal Schools or Teachers Colleges abolishing creating reorganizing or authorizing the reorganization of certain administrative departments boards and commissions defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments boards commissions and officers fixing the salaries of the Governor Lieutenant Governor and certain other executive and administrative officers providing for the appointment of certain administrative officers and of all deputies and other assistants and employes in certain departments boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments boards and commissions shall be determined" is hereby amended by adding to article twenty-three a new section to read as follows

Section 2322 Crime Prevention The Department of Welfare shall have the power and its duty shall be

(a) To investigate the general subject of crime prevention in all of its phases with particular attention of the subject of the economic value to the Commonwealth of crime prevention

(b) To stimulate the various state departments to de-

velop their facilities and methods to control the factors entering into delinquency and crime

(c) To visit study and evaluate conditions in communities throughout the Commonwealth and advise local agencies as to organization and development of needed programs

(d) To collate interpret and publicize statistics and reports relating to the problem of juvenile delinquency and crime

(e) To prepare and sponsor legislation bearing upon the many specific problems incident to crime prevention

(f) To take such other steps as may be deemed advisable to reduce and prevent crime

Mr. RUTH. Mr. President, I move to amend, section 1, page 3, line 25, striking out the following: "deemed ad-" and inserting in lieu thereof the following: "as maybe necessary to procure such information and data as may be deemed helpful"; amend, section 1, page 3, line 26, by striking out the following: "visable to"

Mr. FREY. Mr. President, I second the motion.

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

The title of the bill was read as follows and agreed to:

An Act to amend article twenty-three of the act approved the ninth day of April one thousand nine hundred and twenty-nine (P. L. 177) entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments boards commissions and officers thereof including the boards of trustees of State Normal Schools or Teachers Colleges abolishing creating reorganizing or authorizing the reorganization of certain administrative departments boards and commissions defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments boards commissions and officers fixing the salaries of the Governor Lieutenant Governor and certain other executive and administrative officers providing for the appointment of certain administrative officers and of all deputies and other assistants and employes in certain departments boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments boards and commissions shall be determined" by imposing upon the Department of Welfare the duty to investigate the subject of crime prevention and to stimulate develop and coordinate crime prevention activities in this Commonwealth

And said bill as amended having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order.

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 286, (House Bill No. 400), entitled:

An Act to amend the title and the act approved the nineteenth day of May one thousand eight hundred and eighty-seven (P. L. 132), entitled "An act to give preference of appointment or employment to honorably discharged soldiers sailors and marines who fought for the Union cause in the late war of the rebellion" by extending the same preference to veterans and nurses of any war in which the United States has engaged

And said bill as amended having been read at length the second time:

On the question,

Will the Senate agree to the bill?

Mr. CAVALCANTE. Mr. President, I wish to interrogate the chairman of the Committee on Military Affairs.

The PRESIDENT. Will the Senator from Luzerne, Mr. Miller, permit himself to be interrogated?

Mr. MILLER. Mr. President, I will.

Mr. CAVALCANTE. Mr. President, is there another bill in the committee which deals with the same subject matter as is treated in this bill, which has just been read the second time?

Mr. MILLER. Mr. President, this bill is now in passage and had been referred to the Committee on State Government; it was not in the Committee on Military Affairs.

Mr. CAVALCANTE. Mr. President, I wanted that information and I wonder if there is any objection to placing this bill on the postponed calendar, now that it has been read the second time, so that we might consider in the Committee on Military Affairs Senate Bill No. 117 which deals with the same subject, I would like to get that bill out of committee and get these two bills passed together. I would like to have the bill placed on the postponed calendar, Senate Bill No. 286, until we get some action on Senate Bill No. 117.

Mr. GELDER. Mr. President, I would suggest the Senator ask that the bill be placed on the postponed calendar. I do not think that there will be any objection on this side.

BILL POSTPONED

Mr. CAVALCANTE. Mr. President, I move that the question together with the further consideration of the bill be postponed for the present.

Mr. HALUSKA. Mr. President, I second the motion.

The motion was agreed to.

Agreeably to order.

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 288, (House Bill No. 474), entitled:

An Act to further amend section three of the act approved the twenty-eighth day of June one thousand nine hundred thirty-five (P. L. 452) entitled "An act to promote the welfare of the people of the Commonwealth creating a General State Authority as a body corporate and politic with power to construct improve and operate projects and to lease the same and to fix and collect fees rentals and charges for the use thereof authorizing and regulating the issuance of bonds of said Authority and providing for the payment of such bonds and the rights of the holders thereof and to enter into agreements with Government of the United States or any Federal agency and authorizing the Department of Property and Supplies to grant assign convey or lease to the Authority lands of the Commonwealth and interests therein and to acquire lands therefor granting the right of eminent domain and providing that no debt of the Commonwealth shall be incurred in the exercise of any of the powers granted by this act" fixing terms for the appointed members of the General State Authority and terminating the terms of present members

And said bill as amended having been read at length the second time.

On the question,

Will the Senate agree to the bill?

Mr. STIEFEL. Mr. President, I am constrained to ask that this bill be sent back to committee. I am a member

of the committee which has considered this bill, and I do not believe it would be proper for me to divulge what happened in that committee.

This is a bill of great importance and it should be considered by the entire membership of the committee. The learned Senator from Montgomery, Senator Edmonds, pointed out on several occasions one of the objections of our Governor concerned the many frequent changes in the personnel of some departments.

He pointed out, as an example the Department of Revenue, I fully concur with the Senator about the frequent changes in our government but these changes, transfers, by the administration of any department developed into a parade.

This bill if passed, will permit frequent changes in the administration of the State Authority, and for that reason I believe we should have more mature consideration by the entire committee.

Mr. STIEFEL. Mr. President, I move that Senate Bill No. 288 be sent back to committee for further study and consideration.

Mr. CAVALCANTE. Mr. President, I second the motion.

Mr. TALLMAN. Mr. President, I object to the bill being referred back to committee. The Senator from Philadelphia, Mr. Stiefel, voiced the same objection in committee that he is voicing here, and the matter was fully considered at that time and the bill was reported out.

Will the Senate agree to the motion?

The yeas and nays were required by Mr. TALLMAN, and were as follows, viz:

YEAS—14

Cavalcante,	Haluska,	Mundy,	Ruth,
Coleman,	Jacobs,	Reed,	Shapiro,
Dando,	Kilgallen,	Rice,	Stiefel,
Frey,	McGinnis.		

NAYS—25

Bartlett,	Gelder,	Kunkel,	Snowden,
Chapman,	Geltz,	Letzler,	Stevenson,
Crowe,	Gilson,	Mallery,	Tallman,
Ealy,	Heyburn,	Miller,	Thomas,
Edmonds,	Homsher,	Owlett,	Walker,
Eroe,	James,	Pierson,	Wolfenden,
Farrell,			

So the question was determined in the negative.

SENATE BILL NO. 288 POSTPONED

Mr. STIEFEL. Mr. President, I move that Senate Bill No. 288 be placed on the postponed calendar.

Mr. CAVALCANTE. Mr. President, I second the motion.

Mr. OWLETT. Mr. President, I object. I ask that the Senate vote down this motion.

The yeas and nays were required by Mr. OWLETT and were as follows, viz:

YEAS—14

Cavalcante,	Haluska,	Mundy,	Ruth,
Coleman,	Heyburn,	Reed,	Shapiro,
Dando,	Jacobs,	Rice,	Stiefel,
Frey,	McGinnis.		

NAYS—23

Bartlett,	Farrell,	Kunkel,	Snowden,
Chapman,	Gelder,	Letzler,	Stevenson,
Crowe,	Geltz,	Mallery,	Thomas,
Ealy,	Gilson,	Miller,	Walker,
Edmonds,	Homsher,	Owlett,	Wolfenden,
Eroe,	James,	Pierson,	

So the question was determined in the negative.

And the question recurring,

Will the Senate agree to the bill on second reading?

It was agreed to.

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

HOUSE MESSAGE

HOUSE INSISTS UPON ITS AMENDMENTS NON-CONCURRED IN BY SENATE TO SENATE BILL NO. 79.

The Clerk of the House of Representatives being introduced, informed the Senate that the House insists upon its amendments non-concurred in by the Senate to Senate Bill No. 79, entitled:

An Act permitting the county treasurer, with the consent of the county commissioners or the approval of the court, to adjourn county treasurers' sales of seated and unseated lands for non-payment of taxes in all counties, except counties of the first class, and preserving the lien of all taxes on such lands.

SENATE INSISTS UPON ITS NON-CONCURRENCE IN AMENDMENTS MADE BY HOUSE TO SENATE BILL NO. 79, AND APPOINTS COMMITTEE OF CONFERENCE.

Whereupon,

A motion was made by Mr. OWLETT and Mr. GELDER.

That the Senate insist upon its non-concurrence in amendments to the foregoing bill made by the House of Representatives, and appoint a Committee of Conference to confer with a similar committee of the House of Representatives (if the House should appoint such a committee) to consider the differences existing between the two Houses in relation to said bill.

Which was agreed to.

Ordered, That Messrs. CAVALCANTE, TALLMAN and FARRELL be said committee on the part of the Senate, and that the Clerk inform the House of Representatives accordingly.

MOTION TO READ BILLS THE FIRST TIME

Mr. OWLETT. Mr. President, I move that the Senate do now proceed to the first reading of all bills reported from committees for the first time at today's session.

Mr. HEYBURN. Mr. President, I second the motion

The motion was agreed to.

BILLS ON FIRST READING

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 11, entitled:

A Joint Resolution proposing an amendment to article eight of the Constitution of the Commonwealth of Pennsylvania by adding thereto section eighteen.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 18, entitled:

A Joint Resolution proposing an amendment to article four, section twenty-one of the Constitution of the Commonwealth of Pennsylvania.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 112, (House Bill No. 142), entitled:

An Act to further amend section five of the act, approved the twenty-sixth day of April, one thousand nine hundred thirty-five (P. L. 90), entitled "An act to promote uniformity in the assessment and taxation of properties and persons within the territorial limits of cities of the second class A, by providing that city and school taxes within such territorial limits shall be assessed, levied, and collected upon the basis of the assessments for taxation for county purposes; and requiring the furnishing of tax duplicates by the county taxing authorities to such cities and to school districts coterminous therewith; abolishing the department of assessors in cities of the second class A; consolidating tax statements covering city, school, county, and poor taxes therein, and making uniform the time for levy and collection of said taxes respectively, and regulating the discounts therefrom and penalties thereon." by changing the date of certain tax payments and further regulating the penalties and interest imposed on unpaid taxes.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 147, entitled:

A further supplement to an act approved the twenty-first day of July, one thousand nine hundred and thirteen (P. L. 863), entitled "A supplement to an act approved the eleventh day of June, one thousand eight hundred seventy-nine, entitled "An act to authorize Cities of the first class to levy and fix a tax rate, to fix the time of opening and closing the tax duplicates, to regulate the appropriations and expenditures of said cities, and prescribing penalties for the violation of the provisions of this act," by providing that the same shall not apply to the books of personal property taxes, and to extend the time for the opening of the books, and the payment of personal property taxes.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 168, entitled:

An Act to amend paragraph six of section two, and paragraph four of section five of the act, approved the twenty-ninth day of April, one thousand nine hundred thirty-seven (P. L. 551), entitled "An act prohibiting the employment of miners, as herein defined, in the bituminous coal mines, unless certificated by a miners' examining board; providing for the appointment of such boards, and defining their powers and duties; providing penalties; and making an appropriation," by providing for the suspension of examinations and certifications by the Secretary of Mines and for the issuance of new certificates to replace lost certificates.

And said bill having been read at length the first time Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 169, entitled:

An Act relating to parks, farms, glens, or picnic grounds owned and operated by charitable associations for the use of the public without charge; authorizing the

adoption of rules and regulations pertaining to such property; providing for the appointment of park policemen for their enforcement; imposing penalties for violations thereof; and extending the jurisdiction of alderman and justices of the peace thereto.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 189, (House Bill No. 211), entitled:

An Act to amend section one of the act, approved the twelfth day of June, one thousand nine hundred nineteen (P. L. 450), entitled "An act permitting counties of the Commonwealth of Pennsylvania to appropriate and expend moneys, and to incur indebtedness and issue bonds and other obligations, for the improvement and maintenance of State highways and State-aid highways or any public highway in any county of the Commonwealth, and providing the method for applying for said moneys, and for the approval thereof by the State Highway Department in certain cases," as amended by extending the provisions thereof to include the improvement and maintenance of public highways in towns.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 216, (House Bill No. 115), entitled:

An Act to amend section ten of the act approved the thirty-first day of March one thousand eight hundred and sixty (P. L. 427) entitled "An act to consolidate revise and amend the laws of the Commonwealth relating to penal proceedings and pleadings" by providing further for the administration of oaths and affirmations to witnesses appearing before grand juries.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 264, (House Bill No. 343), entitled:

An Act to amend section one of the act approved the twenty-second day of May one thousand nine hundred and thirty-three (P. L. 851), entitled "An act fixing the pay and mileage of jurors and witnesses" by authorizing the court to direct additional compensation for jurors in certain cases.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

BILL INTRODUCED

Mr. WALKER. Mr. President, I ask unanimous consent to introduce a bill at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. WALKER, by request, read in place and presented to the Chair Senate Bill No. 375, entitled:

An Act authorizing the Commonwealth, political subdivisions and certain institutions to purchase blind-made commodities and services from organizations for the blind without contract or advertisement; providing for the fixing of fair market prices for such commodities and services by a committee composed of heads of certain departments and representatives of institutions where blind-

made commodities are manufactured; and imposing certain duties upon the Department of Property and Supplies and the State Council for the Blind.

Which was committed to the Committee on State Government.

Mr. SHAPIRO. Mr. President, on Thursday of last week there was a hearing of the Committee on Municipal Government on Senate Bill Nos. 1, 2, and 3, dealing with the proposed change in the form of government for the City of Philadelphia, commonly known as the City Charter Bill. In the public hearing on that bill my colleagues of the Republican party raised the question of the contributions of money to the City Charter Committee. Some of my colleagues were confused between the similarity of names and assumed that the literature and the publicity which was being given to that bill and the propaganda being spread with regard to its provisions were being paid for by the City Charter Commission.

I think it is pretty well cleared up now that the City Charter Commission is a commission appointed by the Governor to study and recommend and prepare a charter, and subsequently there was created a City Charter Committee and they have been receiving public funds and contributions for the purpose of printing and publishing and disseminating information concerning the charter.

At that meeting the Senator from Tioga, Mr. Owlett, requested that he be furnished, or that the committee be furnished, with a list of the contributions. I have not seen the list but I am informed that a list has been sent Senator Stevenson, who is chairman of that committee, but I should like to call attention of my colleagues to the fact that the total amount of contributions received by the committee—this City Charter Committee, composed of public spirited citizens of Philadelphia—amounted to \$38,043 over a five month period; that there were 157 contributions from one dollar to a hundred dollars; that there were 15 contributions from one hundred to five hundred dollars; that there were 11 contributions from five hundred to a thousand dollars; that there were 8 contributions of one thousand dollars each; one contribution of fifteen hundred dollars; and 7 contributions of twenty-five hundred dollars; that the committee does not and will not accept contributions in excess of twenty-five hundred dollars.

With respect to the question raised as to the number of bankers in Philadelphia contributing, out of sixty odd banks in Philadelphia there were seven Philadelphia banks who contributed a total of \$8,500.

I would like to say to the Chairman of the Committee on Municipal Government, Mr. Stevenson, that I would appreciate it—and I think the Senate is entitled to know—if he would let the Senate know the names of those contributors; I think it will be of interest to the gentlemen to find that those names will contain a number of their political colleagues of the Republican party, and I make the request of the Senator from Clinton that he submit to the Senate the names of the contributors.

I should also like to add to my remarks that I understand that the committee had a meeting yesterday, which I did not attend, and that the list was then available, but I want to call attention to the committee the fact that some action will have to be taken on this bill, because unless it is passed by May first it will be ineffectual, for this year at least, because under the provisions of the bill

there must be some final action on the bill—the bill must be signed by May the first—in order to comply with the provision relating to nominations and holding of the election.

RECESS

Mr. OWLETT. Mr. President, I move that the Senate do now take a recess until 4:00 o'clock, p. m.

Mr. GELDER. Mr. President, I second the motion.

The motion was agreed to.

AFTER RECESS

The PRESIDENT. The time of recess having elapsed the Senate will be in order.

HOUSE MESSAGE

HOUSE INSISTS UPON ITS AMENDMENTS NON-CONCURRED IN BY THE SENATE TO SENATE BILL NO. 79, AND APPOINTS COMMITTEE OF CONFERENCE

The Clerk of the House of Representatives being introduced, informed the Senate that the House insists upon its amendments non-concurred in by the Senate to Senate Bill No. 79, entitled:

An Act permitting the county treasurer with the consent of the county commissioners or the approval of the court to adjourn county treasurers' sales of seated and unseated lands for non-payment of taxes in all counties except counties of the first class and preserving the lien of all taxes on such lands

and has appointed Messrs. GILLETTE, WILKINSON and ACHTERMAN, as a Committee of Conference to confer with a similar committee of the Senate (already appointed) to consider the differences existing between the two Houses in relation to said bill.

CONFERENCE COMMITTEE REPORT ON SENATE BILL NO. 79

Mr. OWLETT. Mr. President, I move that we do now proceed to the consideration of the report of the Committee of Conference on Senate Bill No. 79, entitled:

An Act permitting the county treasurer with the consent of the county commissioners or the approval of the court to adjourn county treasurers' sales of seated and unseated lands for non-payment of taxes in all counties except counties of the first class and preserving the lien of all taxes on such lands

The report was read as follows:

REPORT OF THE COMMITTEE OF CONFERENCE ON SENATE BILL NO. 79

To the Members of the Senate and House of Representatives:

We the undersigned Committee of Conference on the part of the Senate and House of Representatives for the purpose of considering Senate Bill No. 79, entitled,

An Act requiring the county treasurer to adjourn county treasurers' sales of seated and unseated lands for non-payment of taxes in all counties except counties of the first class and preserving the lien of all taxes on such lands

respectfully submit the following bill as our report

ANTHONY CAVALCANTE,

O. J. TALLMAN,

LOUIS H. FARRELL,

(Committee on the Part of the Senate)

LEO H. ACHTERMAN,
DON WILKINSON,
WILSON D. GILLETTE,

(Committee on the part of the House of Representatives)

An Act requiring the county treasurer to adjourn county treasurers' sales of seated and unseated lands for non-payment of taxes in all counties except counties of the first class and preserving the lien of all taxes on such lands

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The county treasurer of every county except counties of the first class shall adjourn or readjourn to such time or times not later than the first Monday of August one thousand nine hundred and thirty-nine all tax sales on seated and unseated lands for non-payment of taxes. Where any such tax sales are adjourned or readjourned after advertisement an additional advertisement and notice shall be necessary for such adjourned or readjourned sale. No such adjournment or readjournment shall invalidate the lien of any tax due and unpaid or any penalties or interest due thereon but the lien of all such taxes shall remain in full force and effect until such sale shall take place in accordance with this act

Section 2 This act shall have no force or effect upon any tax sale held prior to the approval hereof

Section 3 All acts and parts of acts inconsistent herewith are hereby repealed

Section 4 This act shall become effective immediately upon final enactment

On the question,

Will the Senate agree to Report of Committee of Conference?

Mr. MILLER. Mr. President. As the co-sponsor of this bill, I desire to definitely establish my actions and upon which such action has been motivated. This bill vitally affects my own county, that of Luzerne, and firmly believe, that I voice the sentiments of the majority of residents residing therein.

If the amendments, as submitted by the House, for concurrence, establishing a tax sale date, as of August 1, 1939, thousands of citizens, who in years of prosperity, displayed the American progressive spirit, took the initiative to provide and establish for their family, a modest home. In a great number of cases, these individuals are not, or have not been unemployed. But, due to the economic depression, they have been through circumstances, compelled to take into their household, their aged parents, and akin relatives. This condition has burdened these individuals with additional financial responsibilities, which they have, in numerous cases been willing to assume, at the same time being forced to submit to a reduction in salary.

In the case of the unemployed, that individual, has not in the past few years been able to pay his taxes. I am cognizant of the fact, that there was enacted into law, I believe in 1935, a provision whereby twenty per cent of the taxes in arrears might be paid annually, providing the current year taxes had been met. Many people took advantage of this feature, but unless they took advantage in 1935, they now have no opportunity to attempt to pay their tax arrearage, under this plan, I am fearful to predict, that if these tax sales must be held in August of this year, that it will drive many of my residents in Luzerne County to insane institutions, fearful that they will lose their modest home, for which they sacrificed and struggled to obtain.

I am of the opinion, that people want to pay taxes and assume their full responsibility in maintaining good gov-

ernment. But, by the same token, I believe, that these progressive citizens should be given a breathing spell, until, at least August 1, 1940, in which to endeavor to make necessary preparations for the payment, or at least partial payment of taxes in arrears.

I am, and will consistently, be in favor of relief measures, and I certainly am of the opinion, that the adjourning of these tax sales until August, 1940, is a relief measure.

I trust that this session of the legislature will see fit to enact legislation whereby a graduated scale of sales might be effected.

Mr. EDMONDS. Mr. President, I agree with the Senator from Luzerne in his statement, and I want to ask the Senator from Tioga, Mr. Owlett, if he will not tell us what the plan is on this subject, for future legislation.

Mr. OWLETT. Mr. President, in answer to the inquiry of the Senator from Montgomery, Mr. Edmonds, I wish to explain that this act was introduced by Senator Miller and Senator Coleman, as I understand, originally, to take care of third class counties; it was amended to cover the situation in the entire State.

It appears that the Municipal Government Committee in the House has spent considerable time in developing a definite program with reference to the adjournment of tax sales and the payment of taxes by installment, the fact being that the time has now arrived, where, instead of the present hodge-podge of legislation on this subject, that a definite, concrete program be worked out and passed at this session. We understand that at the present time that legislation has been prepared and is about to be introduced in the House.

In the meantime, the present law requires the treasurers of the various counties to sell on or before April first, and with the thought in mind that those sales should be adjourned temporarily, to enable the legislation now in the course of enactment, to be adopted and the divergent views reconciled, it was thought best to pass this act today, thus enabling the treasurers of various counties to adjourn the sales on April first. This act adjourns them until August first of this year, and before this legislature adjourns it is the plan to adopt a comprehensive program covering this matter.

Mr. EDMONDS. Mr. President, I understand then that the legislation will originate in the House and will be introduced there.

Mr. OWLETT. Mr. President, in answer to the inquiry, the authority for what I have said comes from the Speaker of the House, who advises me that the Committee on Municipal Government has legislation ready. Now, whether it is to be introduced now or whether it will be this week, I cannot say, but I understand it is ready for introduction, so that I think the Senate should understand in voting for this bill today that this is a temporary stop-gap to meet the present urgent situation which requires sales April first.

Mr. SHAPIRO. Mr. President, I am voting for this bill, but for the purpose of keeping my record straight I am only voting because of the statement of the Senator from Tioga that this is merely stop-gap legislation.

Some of the wording of this bill, as it is convinces me that it should be subsequently corrected, and I want to keep my record clear in that respect. I shall vote for the bill on the assurance of the Senator from Tioga that subsequently the matter will be taken up again.

Mr. GELDER. Mr. President, should the House be unable to introduce the legislation because of the deadline they have set for the introduction of bills, there is no reason why the Senate can not put the program in during the present session of the Legislature, so that this matter is not out of our control, but we know that the House intends to prepare such legislation.

Mr. COLEMAN. Mr. President, I desire to interrogate the Senator from Tioga, Mr. Owlett.

The PRESIDENT. Will the Senator from Tioga, Mr. Owlett, permit himself to be interrogated?

Mr. OWLETT. I will.

Mr. COLEMAN. Mr. President, calling attention of the majority floor leader to a statement by the Republican floor leader in the House, with respect to the passage of this bill having to do with the proposition now under discussion, I would like to ask the Republican floor leader here if he can state definitely, exactly what the committee will propose, because I do not know whether or not it is in its final form or not.

I would like to ask the majority floor leader if he has any definite knowledge of a bill in the House which will take care of the situation with respect to adjournment or, rather, sale of property after August first of this year.

Mr. OWLETT. Mr. President, in reply to the inquiry of the Senator from Lackawanna, Mr. Coleman, I may say that I have no knowledge of any definite bill in the House postponing sales beyond August 1, 1939. However, in explanation of his inquiry I understand that there is a divergence of opinion between some of the members of the Senate and the members of this committee in the House, and from what was learned this morning in a discussion of Judiciary General Committee, I think we all came to the conclusion that there are many points to be ironed out between the two bodies, and I think that the answer to the Senator's inquiry could best be stated by suggesting that probably this whole program, when it is enacted and brought in in the way of legislation, will have to be ironed out in a committee between the Senate and the House, when the divergent views will have to be reconciled in some way.

Mr. COLEMAN. Mr. President, May I ask to what conference committee the Senator is referring?

Mr. OWLETT. Mr. President, in answer to the inquiry of the Senator from Lackawanna, I refer to fact that from the divergent views which I heard expressed this morning I am just merely suggesting the probability that before the whole program is enacted there will have to be a conference committee; but that conference committee is not as yet in being.

Mr. COLEMAN. Mr. President, at the request of five thousand property owners in the County of Lackawanna I introduced a bill in collaboration with my colleague from Luzerne, Senator Miller, calling for the adjournment of treasurers' sales to August 1, 1940. We made that bill optional, affecting only third class counties in the Commonwealth, with a view to enhancing its ultimate passage in the legislature.

When the bill was referred to the committee and discussed in the committee, why, everyone of the counties, with the exception of first-class counties, were so tremendously interested in the bill that they had it amended, making it all-embracing, including every county with the exception of Philadelphia.

The bill passed the Senate with only one dissenting vote, was sent over to the House, and the House amended the bill, which in effect, simply recesses or adjourns the treasurers' sales of property in the Commonwealth for a period of three months.

Now, Mr. President, I think that there are times when matters come before the Legislature where politics ought to be subordinated to the interests of the people as a whole, and while we are elected through the instrumentality of political parties, in the final analysis we ought to be responsive to the will of the people of the Commonwealth, and here is a bill in which there is a general agreement as to its necessity.

I am indebted to my good friend, Senator Dent's, breezy publication, the Chronicle, for a poem which I think expresses the spirit, in a proposition of this sort, of, to use the vernacular, passing a bone to the distressed property owners of the Commonwealth, and if the Senate will indulge me I would like to read that poem.

"In savage tribes, where skulls are thick,
And primal passions rage,
They have a system sure and quick,
To cure the blight of age.
For when a native's youth has fled,
And years have sapped his vim,
They simply knock him on the head,
And put an end to him.
BUT WE, in this enlightened age,
Are built of nobler stuff.
And so we look with righteous rage
On deeds so harsh and rough.
For when a man grows old and gray
And weak and short of breath,
We simply take his home away
And let him starve to death."

Mr. President, I believe that the distressed property owners of the Commonwealth are standing in the Hall of Pontius Pilate, their brow crowned with the thorns of worry, their bodies shackled by the manacles of disorganization; and they are supplicating the members of the General Assembly to lift from their backs the heavy burden of life to wrest from their minds the worry of the sale of their properties, and to burn deeply within their very souls the imperishable hope of happiness; and the first opportunity we have had to give them an answer this particular prayer we are turning down by a futile gesture in the form of an amendment inserted by the House.

I am put in the rather unfortunate position, Mr. President, of being forced to have no other alternative than to support this particular measure; but I would like to ask the leadership of the House—both Republican and Democratic leadership—to exert every influence at their command in order that there will be passed eventually in this session a bill that will be designed with a view to give the property owners a real break—a break that they richly deserve—and, accordingly, as I indicated before, I have no other choice, because the Senate will adjourn today and some of the county treasurers may take advantage of the bill—or, rather, the amendment as it now stands—and sell some of the properties before April first. So, I am again appealing to the sense of fairness of the members of the Senate to do everything that is possible to see that any bill that is passed will be passed with the property owners uppermost in their minds.

While I have no authority and no intention to discuss any bill that is not before us, it is my understanding, Mr. President, that there will eventually be passed a bill that will make mandatory the sale of properties that are in arrears over a period of five years; and commissioner John McGuffy, who happens to be the legislative chairman of the county commissioners in the Commonwealth, advises me that that will result in the sale of seventy per cent of the properties involved in this particular legislation.

Again I am asking the members of this Senate to do everything they possibly can to see that any bill that is passed will be passed with the thought in mind of giving the property owners a break, the people who are looking to us to breathe legislative life into the propositions that have for their purpose and motive the giving them a real break and easing the burden in these distressed times.

Mr. GELDER. Mr. President, I think that the Senator from Lackawanna, Mr. Coleman, is becoming unduly concerned in questioning the progress of this bill. If the Legislature has done anything the last six or seven years it has listened and heeded the appeal of these distressed property owners and everybody else in distress in Pennsylvania. Year after year we have passed legislation here which allows a great many people in Pennsylvania to live in their homes without paying taxes.

Ultimately those taxes must be paid or the property pass into other hands. It is becoming a question in the minds of members of this Legislature and of the people of the State, as to whether or not any man who owes five or six or seven years' taxes is going to be able to redeem his property, when he cannot pay a single year of taxes—taxes for a single year. It is also becoming a question in the minds of the members of the Legislature whether the remaining property owners of the State who today are paying taxes are going to be able to pay the increased amount of taxes on their property to maintain the various municipal functions if we are going to relieve a certain portion of them from paying any taxes.

I am very sure, however, that the members of the Legislature are going to approach this subject with the idea that those people who have not paid taxes for the past five years are not going to be able to pay it all in a lump sum.

My own feeling is that if they were asked to pay taxes for the current year and just a portion of the tax of the year farthest in arrears, that may be some solution to the question, because it would be serving notice that ultimately they will have to pay.

When the Senator attempts to inject into this movement today the thought that we should keep politics out of it, I want to assure him that certainly politics has not been injected into this particular picture.

The conference committee report was prepared by the Senator from Fayette, Mr. Cavalcante, and I am sure he will not question the democracy of the Senator who represents that county; nor will he attempt, in my judgment, to impugn his motive, because if there is one Senator who has stood on this floor battling for the underdog it has been the Senator from Fayette. The conference committee report they arranged. We refused to concur in the House amendments because of the Senator from Fayette and the Senator from Washington, both on the minority side of this house; and therefore I want to call to the attention of the members of this body that

there is certainly no politics in this particular piece of legislation. It is, as the Senator from Tioga has well said, a stop-gap, so that the county treasurers would not be forced at this time to sell out the distressed property owners, concerning whom the Senator from Lackawanna is so much concerned.

Mr. CAVALCANTE. Mr. President, we might as well know each others positions on the matters involved in this bill. Ever since 1935 property owners of this State have been just like a prisoner in the death cell, and every session of the Assembly has merely given them a reprieve on the sale of their property. These property owners, young and old, have been sitting at home just worrying and wondering what would happen after the reprieve, the same as the man in the death house.

The bill that is before us now is merely another reprieve and leaves the taxpayers at home still worrying and still in the darkness as to what might be the ultimate result.

Now, I say that we must face the crucial test sooner or later. There are hundreds and thousands of old men and women whose taxes have piled up far beyond their powers to ever redeem themselves to pay these taxes, and the time must come when this reprieving must stop, when we must tackle this problem, come to grips with it fully, and determine once and for all whether we are going to clear the records of these past taxes or whether we are going to insist that the owners of these properties be made to pay their taxes to the last red cent.

Since 1935 my position has been that the taxes imposed upon the real estate of this Commonwealth were unreasonable and unjust, and in 1935 the committee that considered the bill to postpone those tax sales took the same attitude—that the taxes imposed on real estate had been unreasonable and unjust; and at that time I stated that since the committee took that stand and admitted that, then we must also go a step further and admit that we owed to those property owners a duty to correct that injustice, to correct that improper and unreasonable imposition of taxes by going further than merely postponing the sales and trying to blackjack out of them by the postponement the payment of their blood money in installments.

I have always stood for the proposition that we must sooner or later come to the point where we must repose authority in somebody to take each case and compromise at the best possible terms on these properties that are burdened with these taxes in arrears; get the best settlement out of them and give them a clean bill of health. Then we can take a step further. If these taxes have piled up over these past years it has been due to the fact that the local collecting authorities have not pursued the Acts of Assembly, and permitted the taxes to pile up.

On that point I have also taken the position that our laws are at fault, because we have not given to the taxing power—the levying power—also the power to compromise and adjust taxes; and I say that in the solution, the final solution, of this problem we must come to that point. Also, that we cannot confer the power to levy these taxes on the local authorities and then assume the burden ourselves, here in the General Assembly, to say when these taxes shall be adjusted and compromised with the taxpayers. That power to adjust and compromise ought to be reposed in the power that imposes that tax and the

General Assembly ought to wash their hands of that power, because it rightfully belong down below.

I went along with this proposition that is in this bill at this time because it is an emergency measure. We must stop these property sales that would otherwise take place next Saturday; but I also did so because I have confidence in the integrity of the members of this Senate and the members of the House—that they will, before the close of this session, sit down and come to some sensible, some sound and business-like solution of this whole problem. That is why I agreed in the Conference Committee to the report of this bill, because I think that it is the proper thing to do at this time—to peremptorily adjourn the sales and then trust in the integrity of the members of this Senate and the House that we will come to grips with the main problem and settle it once and forever.

Mr. REED. Mr. President, I disagree with the Senator from Fayette in one particular—that the postponement of these sales will not settle this question once and for all. We have got to get deeper into the whole problem. We might as well learn now as later on that our present system of taxation is outworn; it has outlived its period of usefulness; and we have got to start now in order to protect those who come after us in this matter of taxation.

I know that it will cause some degree of suffering, but nevertheless we must meet the problem pointedly and decide now that we must have a different system, whereby we can cut down the huge expenses that are breaking the backs of all of our people, particularly those who own a home or a farm.

In my county I have checked up carefully on the working men during the last year, and they have made less than a thousand dollars. Few have had to pay any income tax, and those who make out income tax reports in my county tell me that the men who used to pay income taxes by the hundreds pay no income tax now because their wage will not warrant the imposition of such a tax.

Now, Mr. President, if a man makes less than a thousand dollars today—and most of them in my district who work in the mines and the mills, make less than a thousand dollars—and they have local taxes on their homes running up close to a hundred dollars, how can they support their families and pay that burdensome tax?

This problem will not be solved by postponing these sales today; this problem will not be solved by postponing these sales until tomorrow or next year; the question runs deeper than that. We must start at the bottom and rebuild the tax system, and in order to do that we must begin now to economize in all of our departments of State; our school system, our road system our county system and our state system are all spending far too much money today, and in many respects the system is outworn, and because of that it takes too much money in order to keep them functioning.

Mr. President, while I am heartedly in favor of protecting the small home-owner and the farmer by giving them this relief today, I repeat that this will not solve the problem; and I sincerely hope that ere long there will be some commission appointed to study a way whereby we can economize in the administration of our form of government, from the bottom clear to the top; and if we do not do that I can see no relief for those particularly who own real estate in Pennsylvania.

And the question recurring,

Will the Senate agree to the report?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—28

Bartlett,	Eroe,	Homsher,	Ruth,
Cavalcante,	Farrell,	Mallery,	Shapiro,
Coleman,	Frey,	McGinnis,	Sipe,
Crowe,	Gelder,	Miller,	Snowden,
Dando,	Geltz,	Owlett,	Stevenson,
Ealy,	Haluska,	Pierson,	Thomas,
Edmonds,	Heyburn,	Reed,	Walker,

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said report to the House of Representatives for concurrence.

HOUSE MESSAGE

The Clerk of the House of Representatives being introduced, presented communication from the House, informing the Senate that the House has adopted the Report of the Committee of Conference on Senate Bill No. 79, entitled:

An Act permitting the county treasurer with the consent of the county commissioners or the approval of the court to adjourn county treasurers' sales of seated and unseated lands for non-payment of taxes in all counties except counties of the first class and preserving the lien of all taxes on such lands

BILLS SIGNED

The PRESIDENT (Lieutenant-Governor Samuel S. Lewis) announced that the Chief Clerk having reported that the following bills had passed both houses of the General Assembly and the same being correct, the titles were publicly read as follows:

House Bill No. 199, entitled:

An Act to confirm and validate past tax levies or assessments made by school districts of the first class and liens filed thereon

Senate Bill No. 79, entitled:

An Act permitting the county treasurer with the consent of the county commissioners or the approval of the court to adjourn county treasurers' sales of seated and unseated lands for non-payment of taxes in all counties except counties of the first class and preserving the lien of all taxes on such lands

Whereupon,

The PRESIDENT (Lieutenant-Governor Samuel S. Lewis) in the presence of the Senate signed the same.

ADJOURNMENT

Mr. OWLETT. Mr. President, I move that the Senate do now adjourn until Monday, April 3, 1939, at 9:00 o'clock, p. m.

Mr. HEYBURN. Mr. President, I second the motion.

The motion was agreed to.

The Senate adjourned at 4:56 o'clock, p. m., until Monday, April 3, 1939, at 9:00 o'clock, p. m.

HOUSE OF REPRESENTATIVES

WEDNESDAY, March 29, 1939

The House met at 1 p. m.

The SPEAKER (Elwood J. Turner) in the Chair.

PRAYER

The Chaplain, Rev. Walter Evans Deibler, offered the following prayer:

On this birthday of John Tyler, tenth President of the United States, the first Vice-President to be advanced to the Presidency; who took the oath of office and declared himself President "By the Constitution, by election and by the hand of God," we thank Thee for the recognition of Thy divine leadership by men in high office. Hitherto Thou hast guided our destinies, O God. We "Praise the Pow'r that has made and preserved us a nation!" For this is our motto "In God is our trust." We pray that every public official and every citizen may take this motto seriously. May Thy blessing so rest upon our state that we may be among those people of faith who shall be leaders, called of God, to direct the affairs of a free people. "And the star spangled banner in triumph shall wave o'er the land of the free and the home of the brave!" Through Jesus Christ Our Lord. Amen.

JOURNAL APPROVED

The SPEAKER. The Clerk will read the Journal of yesterday.

The Clerk proceeded to read the Journal of yesterday, when, on motion of Mr. VAN BELLE, the further reading was dispensed with and the Journal approved.

BILLS INTRODUCED AND REFERRED

By Mr. CURRAN.

HOUSE BILL No. 774.

An Act imposing a State tax, payable by those herein defined as manufacturers and distributors and by others, on soft drinks, carbonated beverages and certain malt or brewed beverages used, sold, transported, or delivered within the Commonwealth; prescribing the method and manner of evidencing the payment and collection of such tax; conferring powers and imposing duties on the Department of Revenue, and those using or engaged in the sale, at retail or wholesale, or in the transportation of such drinks and beverages taxable hereunder; providing penalties, and appropriating the proceeds of said tax for the payment for teachers' salaries and transportation of pupils.

Referred to the Committee on Ways and Means.

By Mr. LLOYD H. WOOD.

HOUSE BILL No. 775.

An Act to further amend clause (a) of section one thousand two hundred two of the act, approved the first day of May, one thousand nine hundred and twenty-nine (P. L. 905), entitled "An act for the protection of the public safety; regulating the use of highways, and the operation of vehicles, tractors, street cars, trackless trolley omnibuses, bicycles, pedestrians, and the riding of animals upon the highways of this Commonwealth; providing for the titling, including liens, encumbrances, and legal claims registration of certain vehicles and licensing the operators thereof, upon payment of prescribed fees; prescribing and limiting the powers of local authorities to deal with the subject matter of this act; conferring powers and imposing duties upon the Department of Revenue, the Department of Highways, peace officers, mayors, burgesses, magistrates, aldermen, justices of the peace, the courts and the clerks thereof, owners of vehicles, and garage keepers; providing that records are admissible as evid-

ence; imposing upon owners, counties, cities, boroughs, incorporated towns, townships within the Commonwealth, liability for damages caused by the negligent operation of their motor vehicles; imposing penalties; imposing certain costs upon counties; providing for the disposition of fines forfeitures, fees, and miscellaneous receipts; making an appropriation and providing for refunds," by requiring notices sent to persons charged with violations of this act to have a fixed time and place of hearing specified therein.

Referred to the Committee on Motor Vehicles.

By Mr. LLOYD H. WOOD. HOUSE BILL No. 776.

An Act providing for the presentation of county flags to veterans' organizations in the counties of the Commonwealth by the county commissioners thereof.

Referred to the Committee on Counties.

By Mr. SOLLENBERGER. HOUSE BILL No. 777.

An Act to reenact and amend the act, approved the fifth day of June, one thousand nine hundred thirty-seven (P. L. 1660), entitled "A supplement to the act, approved the eighteenth day of May, one thousand nine hundred eleven (Pamphlet Laws, three hundred nine), entitled 'An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith,' providing for certain additions to minimum annual salaries for members of the teaching staffs of schools in fourth class school districts; and authorizing the suspension of this supplement in certain cases," by increasing the salaries of fourth class school teachers; and making an appropriation.

Referred to the Committee on Education.

By Mr. JIROLANIO. HOUSE BILL No. 778.

A Joint Resolution proposing an amendment to article fourteen, section five of the Constitution of the Commonwealth of Pennsylvania.

Referred to the Committee on Constitutional Amendments.

By Mr. OMINSKY. HOUSE BILL No. 779.

An Act making an appropriation to the Pennsylvania Working Home for Blind Men, Philadelphia, Pennsylvania.

Referred to the Committee on Appropriations.

By Messrs. STOCKHAM and YEAKEL.
HOUSE BILL No. 780.

An Act authorizing the Secretary of Forests and Waters, with approval of the Governor, to accept and acquire by gift, grant or other lawful means, certain canal properties.

Referred to the Committee on State Government.

By Messrs. STOCKHAM and YEAKEL.
HOUSE BILL No. 781.

An Act authorizing the Secretary of Forests and Waters, with approval of the State Parks Commission, to transfer portions of canal properties acquired by the Department of Forests and Waters, to the Department of Highways for highway purposes.

Referred to the Committee on State Government.

By Messrs. HAMILTON and VAN BELLE.

HOUSE BILL No. 782.

An Act requiring cities of the first class to pay portions of their compensation heretofore withheld to officers and men employed in the police department, fire department and park guards.

Referred to the Committee on Cities—First Class.

By Mr. TIEMANN. HOUSE BILL No. 783.

An Act to amend section thirty-seven of the act, approved the fifteenth day of June, one thousand nine hundred and thirty-seven (P. L. 1743), entitled "An act relating to magistrates and magistrates' courts in the city of Philadelphia; imposing certain duties upon, and prohibiting certain practices by, magistrates; imposing certain duties on the city controller in regard thereto; authorizing the employment by him of additional clerks and fixing their compensation; regulating the practice in magistrates' courts, the entering of bail, and the issuance of discharges in criminal cases in the county of Philadelphia; conferring certain powers over magistrates and magistrates' courts, and imposing certain duties in connection therewith upon the judges of the courts of common pleas of the county of Philadelphia; providing for the appointment and employment of stenographers to report proceedings in certain cases heard by magistrates; fixing salaries of persons employed by authority of this act; providing penalties for violations of the provisions thereof; and repealing certain prior acts," fixing the salary of the chief clerk of the board of magistrates.

Referred to the Committee on Cities—First Class.

By Mr. LLOYD H. WOOD. HOUSE BILL No. 784.

An Act to further amend section one hundred seventy-one of the act, approved the second day of May, one thousand nine hundred and twenty-nine (P. L. 1278), entitled "An act relating to counties of the second, third, fourth, fifth, sixth, seventh and eighth classes; and revising, amending and consolidating the laws relating thereto," fixing the membership of the county board of viewers.

Referred to the Committee on Counties.

By Mr. STOCKHAM. HOUSE BILL No. 785.

An Act to amend Sections three hundred one and four hundred one of the Act approved the twenty-eighth day of May, one thousand nine hundred thirty-seven (P. L. 1053), known and cited as the "Public Utility Law," by further limiting the control and regulation of the Commission in respect to rates, service and extensions by municipal corporations.

Referred to the Committee on Public Utilities.

By Mr. ELLWOOD B. WELSH. HOUSE BILL No. 786.

An Act relating to and regulating the practice of the healing profession of chiropractic, and the licensure and registration of practitioners therein; creating a Chiropractic Board of Examination and Licensure in the Department of Public Instruction, defining its powers and duties and providing penalties.

Referred to the Committee on Professional Licensure.

By Mr. McGARRITY. HOUSE BILL No. 787.

An Act to further amend section two of the act, approved the second day of May, one thousand nine hundred twenty-nine (P. L. 1513), entitled "An act regulating the construction equipment, maintenance, operation and inspection of boilers; granting certain authority to and imposing certain duties upon the Department of Labor and Industry; providing penalties for violations of this act; and repealing all acts or parts of acts inconsistent with this act," by making said act inapplicable to boilers in

municipalities wherein provision is now made by ordinance for their inspection.

Referred to the Committee on State Government.

By Mr. BOYD. HOUSE BILL No. 788.

An Act requiring cities of the first class to furnish free of charge to uniformed officers and men employed in the police department, fire department and park guard, the first uniform or part thereof made necessary by any change made in the prescribed uniform.

Referred to the Committee on Cities—First Class.

By Mr. BOYD. HOUSE BILL No. 789.

An Act requiring cities of the first class to furnish uniforms free of charge, to all uniformed officers and men employed in the police department, fire department and park guard.

Referred to the Committee on Cities—First Class.

By Mr. POWERS. HOUSE BILL No. 790.

An Act to amend section six hundred seven of the act, approved the first day of May, one thousand nine hundred and twenty-nine (P. L. 905), entitled "An act for the protection of the public safety; regulating the use of highways, and the operation of vehicles, tractors, street cars, trackless trolley omnibuses, bicycles, pedestrians, and the riding of animals upon the highways of this Commonwealth; providing for the titling, including liens, encumbrances, and legal claims; registration of certain vehicles and licensing the operators thereof, upon payment of prescribed fees; prescribing and limiting the powers of local authorities to deal with the subject matter of this act; conferring powers and imposing duties upon the Department of Revenue the Department of Highways, peace officers, mayors, burgesses, magistrates, aldermen, justices of the peace, the courts and the clerks thereof, owners of vehicles, and garage keepers; providing that records are admissible as evidence; imposing upon owners, counties, cities, boroughs, incorporated towns, townships, within the Commonwealth, liability for damages caused by the negligent operation of their motor vehicles; imposing penalties; imposing certain costs upon counties; providing for the disposition of fines, forfeitures, fees, and miscellaneous receipts; making an appropriation; and providing for refunds;" providing for the issuing of operators' licenses in different colors according to operating records.

Referred to the Committee on Motor Vehicles.

By Mr. HABBYSYSHAW. HOUSE BILL No. 791.

An Act to further amend section four of the act, approved the twenty-eighth day of June, one thousand nine hundred thirty-five (P. L. 452), entitled "An act to promote the welfare of the people of the Commonwealth; creating a General State Authority as a body corporate and politic with power to construct, improve, and operate projects, and to lease the same, and to fix and collect fees, rentals, and charges for the use thereof; authorizing and regulating the issuance of bonds by said Authority, and providing for the payment of such bonds, and the rights of the holders thereof; and to enter into agreements with the Government of the United States or any Federal agency; and authorizing the Department of Property and Supplies to grant, assign, convey, or lease to the Authority lands of the Commonwealth and interests therein, and to acquire lands therefor; granting the right of eminent domain; and providing that no debt of the Commonwealth shall be incurred in the exercise of any of the powers granted by this act," by reinstating certain restrictions as to projects.

Referred to the Committee on State Government.

By Mr. WEBSTER. HOUSE BILL No. 792.

An Act giving the consent of the Commonwealth of

Pennsylvania to the purchase by the United States of about one hundred and ten and six hundred and ninety-eight thousandths (110.698) acres of land in Caln Township, Chester County, Pennsylvania for use in the care and treatment of discharged, sick and disabled soldiers or for other uses of the United States and ceding jurisdiction over such land, and also providing for the retention of a concurrent jurisdiction by the Commonwealth of Pennsylvania with United States on such land for the service of legal process thereupon.

Referred to the Committee on Appropriations.

By Mr. LLOYD H. WOOD. HOUSE BILL No. 793.

An Act to amend section seven of the act, approved the thirty-first day of March one thousand eight hundred and sixty (P. L. 427), entitled "An act to consolidate, revise and amend the laws of this Commonwealth relating to penal proceedings and pleadings;" providing that in cases where a person is accused of manslaughter by means of a motor vehicle, he may be admitted to bail by the justice, mayor, recorder, magistrate or alderman.

Referred to the Committee on Judiciary Special.

By Mr. SHEARER. HOUSE BILL No. 794.

An Act making an appropriation to the Board of Finance and Revenue for the payment of certain moral claims of the Commonwealth.

Referred to the Committee on Appropriations.

By Mr. HALL. HOUSE BILL No. 795.

An Act to amend section nine of the act, approved the fourteenth day of April, one thousand nine hundred and thirty-seven (P. L. 297), entitled "An act to provide for the leasing of land within the beds of streams, lakes, and other bodies of water, wholly or partly within, or forming part of, the boundary of this Commonwealth, when such land is owned by the Commonwealth; conferring powers and imposing duties upon the Water and Power Resources Board; requiring lessees to establish an amortization fund for improvements placed or erected upon such land; granting certain preference and exemption rights to municipalities of the Commonwealth; and prescribing penalties," by preventing the Commonwealth from charging rent or leasing that portion of the bed of a stream lying outside the low water mark when such land has heretofore been granted or patented and the Commonwealth has not since acquired title.

Referred to the Committee on State Government.

By Mr. HALL. HOUSE BILL No. 796.

An Act to amend sections three and four of the act, approved the eighth day of April, one thousand nine hundred and thirty-seven (P. L. 258), entitled "An act providing for the appropriation of certain waters of the Commonwealth to the Commonwealth for the benefit of the people thereof; declaring void certain condemnations and appropriations of waters by municipalities, corporations copartnerships or persons; providing for ascertainment of the validity and the filing of the records of certain condemnations and appropriations of water by municipalities, corporations, copartnerships or persons, and appeals therefrom; conferring jurisdiction on the court of common pleas of Dauphin County in relation thereto; providing for future condemnations and appropriations of waters by and allocation of waters to municipalities, corporations, copartnerships or persons, and for compensation for waters hereafter to be taken for public water supply purposes; and conferring powers and imposing duties upon the Water and Power Resources Board," by more clearly limiting the purposes of the act to the appropriation of water for use in providing a supply thereof to the public.

Referred to the Committee on State Government.

By Mr. LLOYD H. WOOD.

HOUSE BILL No. 797.

An Act to further amend section five, of the act, approved the twenty-third day of June, one thousand nine hundred and eleven (P. L. 1123), entitled "An act establishing in each county a board of viewers; as viewers, road juries, juries of view, and commissioners to view land; and providing for the charges upon the respective counties in the matter of salaries, costs, and expenses thereof," requiring one member of each board of view to be a registered professional engineer.

Referred to the Committee on Counties.

By Mr. ROSENFELD.

HOUSE BILL No. 798.

An Act to amend article twenty-three of the act approved the ninth day of April, one thousand nine hundred and twenty-nine (P. L. 177), entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments, boards, commissions, and officers thereof, including the boards of trustees of State Normal Schools, or Teachers Colleges; abolishing, creating, reorganizing or authorizing the reorganization of certain administrative departments, boards, and commissions; defining the powers and duties of the Governor and other executive and administrative officers, and of the several administrative departments, boards, commissions, and officers; fixing the salaries of the Governor, Lieutenant Governor, and certain other executive and administrative officers; providing for the appointment of certain administrative officers, and of all deputies and other assistants and employees in certain departments, boards, and commissions; and prescribing the manner in which the number and compensation of the deputies and all other assistants and employees of certain departments, boards and commissions shall be determine," by establishing social service clinics in the Department of Welfare.

Referred to the Committee on Welfare.

By Mr. ROSENFELD.

HOUSE BILL No. 799.

An Act to promote patriotism, by requiring owners, lessees and operators of motion picture theatres to exhibit the American Flag upon the motion picture screen of each such theatre; and to have played the National Anthem at the beginning of each and every performance.

Referred to the Committee on Law and Order.

By Mr. ROSENFELD.

HOUSE BILL No. 800.

An Act providing for the imposition and collection of taxes upon gross income derived from shares of corporate stock, bonds or debentures and mortgages; requiring certain corporations to report payments and to deduct the amount of said tax from any monies due stockholders or bondholders and to pay said tax to the Commonwealth; making it unlawful for any corporation in this Commonwealth or national banking association located therein to pay dividends or interest upon such obligations or to accept transfers of the ownership of same until proof of the payment of the taxes due hereunder; imposing certain duties upon assignees and transferees of such securities; providing for penalties.

Referred to the Committee on Ways and Means.

By Mr. KANE.

HOUSE BILL No. 801.

An Act making an appropriation to the Treasury Department for the purpose of refunding certain amusement taxes improperly paid.

Referred to the Committee on Appropriations.

By Mr. DENMAN.

HOUSE BILL No. 802.

An Act to amend section ten of the act, approved the second day of May, one thousand nine hundred and

twenty-nine (P. L. 1237), entitled "An act affecting marital relations; prescribing grounds and regulating proceedings for divorce and the annulment of bigamous marriages; and amending, revising, and consolidating the law relating thereto," by making false statements as to age in order to procure a marriage, grounds for the annulment thereof.

Referred to the Committee on Judiciary General.

By Mr. FLEMING.

HOUSE BILL No. 803.

An Act to further amend clause V of section two of the act, approved the twenty-seventh day of April, one thousand nine hundred and twenty-seven (P. L. 465), entitled "An act to provide for the safety of persons employed, housed, or assembled in certain buildings and structures not in cities of the first class, second class, and second class A, by requiring certain construction and ways of egress, equipment, and maintenance; providing for the licensing of projectionists; requiring the submission of plans for examination and approval; providing for the promulgation of rules and regulations for the enforcement of this act; providing for the enforcement of this act by the Department of Labor and Industry and in certain cases, by the chiefs of fire departments in cities of the third class; providing penalties for violations of the provisions of this act; and repealing certain acts," by extending the provisions of this act to include the inspection and regulation of observation towers, tanks, exhibition and fair buildings, amusement park equipment, roof gardens and roof structures.

Referred to the Committee on State Government.

By Mr. WILSON.

HOUSE BILL No. 804.

A Supplement to the act approved the first day of May, one thousand nine hundred and twenty-nine (P. L. 1216), entitled "An act to define real estate brokers and real estate salesmen; and providing for the licensing, regulation, and supervision of resident and nonresident real estate brokers and real estate salesmen and their business," by excluding certain persons from the provisions of said act and exempting certain persons from taking an examination.

Referred to the Committee on Professional Licensure.

By Mr. VOORHEES.

HOUSE BILL No. 805.

An Act prohibiting the recording of any broadcast without the permission and consent of the person or persons broadcasting same; and the offering for sale, selling, leasing, licensing or possession of such unlawful recording; and providing penalties therefore.

Referred to the Committee on Judiciary General.

By Mr. O'CONNOR.

HOUSE BILL No. 806.

An Act to amend article one of the act, approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws general, special or local, or any parts thereof, that are or may be inconsistent therewith," by providing for the appointment and election of school auditors in union school districts.

Referred to the Committee on Education.

By Mr. McVAY.

HOUSE BILL No. 807.

An Act to protect the purity of drinking water; providing for annual registration of well drillers; regulating the drilling of wells for drinking water; conferring powers and imposing duties on the Department of Health; and prescribing penalties.

Referred to the Committee on Public Health and Sanitation.

By Mr. SEIF. (By request) HOUSE BILL No. 802.

An Act to amend section four thousand four hundred and two of the act, approved the twenty-third day of June, one thousand nine hundred and thirty-one (P. L. 932), entitled "An act relating to cities of the third class; and amending, revising, and consolidating the law relating thereto," authorizing such cities to establish a civil service system to be applicable to all city officers and employees to which civil service does not now apply.

Referred to the Committee on Cities— Third Class.

By Mr. SEIF. (By request) HOUSE BILL No. 809.

An Act to amend section two hundred twenty-two of the act, approved the ninth day of April, one thousand nine hundred and twenty-nine (P. L. 177), entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments, boards, commissions, and officers thereof, including the boards of trustees of State Normal Schools, or Teachers Colleges; abolishing, creating, reorganizing or authorizing the reorganization of certain administrative departments, boards, and commissions; defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments, boards, commissions, and officers; fixing the salaries of the Governor, Lieutenant Governor, and certain other executive and administrative officers; providing for the appointment of certain administrative officers, and of all deputies and other assistants and employees in certain departments, boards, and commissions; and prescribing the manner in which the number and compensation of the deputies and all other assistants and employees of certain departments, boards and commissions shall be determined," as amended, providing that State employees may accumulate their authorized leaves of absence and take such accumulated leaves at one time.

Referred to the Committee on State Government.

LEAVES OF ABSENCE

Mr. Cordier asked and obtained leave of absence for Mr. KNOBLE for remainder of week on account of illness.

Mr. Lee asked and obtained leave of absence for Mr. BOYD for today's session.

REPORTS FROM COMMITTEES

Mr. KLINE, from the Committee on State Government reported as committed, House Bill No. 484, entitled:

An Act requiring the Department of the Auditor General to examine and audit the dockets and accounts of justices of the peace, aldermen and magistrates; and prohibiting any other department, officer or agency of the State Government from so doing.

Mr. HAINES, from the Committee on Judiciary Special reported as amended, House Bill No. 514, entitled:

An Act abolishing the office of deputy constable; prohibiting the appointment of deputy constables; and terminating the terms of those now serving.

Mr. TAYLOR, from the Committee on Municipal Corporations reported as committed, House Bill No. 598, entitled:

An Act authorizing the compromise of delinquent taxes on real property and the penalties, interest and costs due thereon before a tax sale of such real property, and providing the procedure in such cases.

Mr. McKINNEY, from the Committee on State Government reported as committed, House Bill No. 276, entitled:

An Act to further amend sections four and twenty-two of the act, approved the twenty-seventh day of June, one thousand nine hundred twenty-three (Pamphlet Laws, eight hundred fifty-eight), entitled "An act establishing a State employees' retirement system, and creating a retirement board for the administration thereof; establishing certain funds from contributions by the Commonwealth and contributing State employees, defining the uses and purposes thereof and the manner of payments therefrom, and providing for the guaranty by the Commonwealth of certain of said funds; imposing powers and duties upon the heads of departments in which State employees serve; excepting annuities, allowances, returns, benefits, and rights from taxation and judicial process; and providing penalties", by transferring the State Employees' Retirement Board from the Treasury Department to the Department of State; and transferring certain appropriations.

Mr. McKINNEY, from the Committee on State Government reported as committed, House Bill No. 589, entitled:

An Act to further amend section three of the act, approved the thirty-first day of March, one thousand nine hundred and twenty-seven (P. L. 91), entitled "An act relating to municipal indebtedness; imposing certain powers and duties upon the Department of Internal Affairs, and the officers of counties, cities of the third class, boroughs, towns, townships, school districts of the second, third, and fourth classes and poor districts, in connection with proceedings to incur and increase indebtedness; and the establishing and maintaining of sinking funds; fixing the maximum maturity of refunding bonds; and providing penalties," by providing that the fees imposed by this act shall not be applicable to the issuance of evidences of indebtedness by municipal housing authorities.

Mr. BOOSE, from the Committee on Counties reported as committed, House Bill No. 304, entitled:

An Act to amend the act approved the second day of May, one thousand nine hundred and twenty-nine (P. L. 1278), entitled "An act relating to counties of the second, third, fourth, fifth, sixth, seventh and eighth classes; and revising, amending and consolidating the laws relating thereto," by adding thereto section fifty-seven and one-tenth; requiring county officers in counties of the sixth class to keep separate from their personal accounts all fees, costs and other moneys paid into their office, and to turn such moneys not paid to parties entitled thereto over to their successor.

Mr. FISS, from the Committee on State Government reported as committed, House Bill No. 684, entitled:

An Act to further amend section ten of the act, approved the twenty-seventh day of June, one thousand nine hundred and twenty-three (P. L. 858), entitled "An act establishing a State employees' retirement system, and creating a retirement board for the administration thereof; establishing certain funds from contributions by the Commonwealth and contributing State Employees, defining the uses and purposes thereof and the manner of payments therefrom, and providing for the guaranty by the Commonwealth of certain of said funds; imposing powers and duties upon the heads of departments in which State employees serve; excepting annuities, allowances, returns, benefits, and rights from taxation and judicial process; and providing penalties," by making further provision for credits on account of services rendered prior to the thirty-first day of December, one thousand nine hundred and twenty-three.

Mr. JAMES, from the Committee on Townships reported as amended, House Bill No. 300, entitled:

An Act to amend clause nineteen of section one thousand five hundred two of the act, approved the twenty-fourth day of June, one thousand nine hundred and thirty-one (P. L. 1206), entitled "An act concerning town-

ships of the first class; amending, revising, consolidating, and changing the law relating thereto," by making provision for adoption of standard building codes; and dispensing with the publishing of such codes in full.

Mr. COOPER, from the Committee on Constitutional Amendment reported as committed, House Bill No. 353, entitled:

A Joint Resolution proposing an amendment to article one of the Constitution of the Commonwealth of Pennsylvania by adding thereto section six A.

Mr. BRETHERICK, from the Committee on State Government reported as committed, House Bill No. 498, entitled:

An Act to amend sections two and five of the act, approved the first day of July, one thousand nine hundred nineteen (P. L. 717), entitled "An Act fixing the number, compensation, mileage, and duties of the officers and employees of the General Assembly, and providing for their election or appointment, term of office, and manner of filing vacancies," further regulating the term of office of such officers and employees.

Mr. MONTGOMERY, from the Committee on Cities—Third Class reported as committed, House Bill No. 470, entitled:

An Act to amend sections twenty-seven and twenty-eight of the act, approved the twenty-fifth day of May, one thousand nine hundred and thirty-seven (P. L. 849), entitled "An act to provide for the permanent personal registration of electors in cities of the third class as a condition of their right to vote at elections and primaries, and their enrollment as members of political parties as a further condition of their right to vote at primaries; prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors; and prescribing the powers and duties of citizens, parties, political bodies, registration commissions, commissioners, registrars, inspectors of registration and other appointees of registration commissions, county election boards, election officers, municipal officers, departments and bureaus, police officers, courts, judges, prothonotaries, sheriffs, county commissioners, peace officers, county treasurers, county controllers, registrars of vital statistics, certain public utility corporations, real estate brokers, rental agents, and boards of school directors; imposing penalties; and repealing existing legislation," by providing for the transfer of the registration of electors without personal appearance, upon change of residence from a borough, town or township to a city of the third class in the same county; and authorizing the registration commission to amend the registers for such boroughs, towns, townships and cities accordingly.

Mr. WILKINSON, from the Committee on Municipal Corporations reported as committed, House Bill No. 698, entitled:

An Act to amend the act approved the sixteenth day of May, one thousand nine hundred and twenty-three (P. L. 207), entitled "An act providing when, how, upon what property, and to what extent, liens shall be allowed for taxes and for municipal improvements, for the removal of nuisances, and for water rents or rates, sewer rates, and lighting rates; for the procedure upon claims filed therefor; the methods for preserving such liens and enforcing payment of such claims; the effect of judicial sales of the properties liened; the distribution of the proceeds of such sales, and the redemption of the property therefrom, for the lien and collection of certain taxes heretofore assessed, and of claims for municipal improvements made and nuisances removed, within six months before the passage of this act; and for the procedure on tax and municipal claims filed under other and prior acts

of Assembly," limiting the said act so that it shall not be effective in counties other than counties of the first and second classes as to the future filing of tax claims, removing the right to revive, extend or continue existing liens of tax claims in counties other than counties of the first and second classes, prescribing the time for selling properties for the non-payment of such claims and in certain cases extending existing liens.

Mr. WILKINSON, from the Committee on Municipal Corporations reported as committed, House Bill No. 533, entitled:

An Act authorizing political subdivisions of counties of the seventh class to defray the costs of the premiums upon bonds to be filed by tax collectors.

Mr. SLOAN, from the Committee on Counties reported as amended, House Bill No. 182, entitled:

An Act to amend section four hundred twenty-six of the act, approved the second day of May, one thousand nine hundred twenty-nine (P. L. 1278), entitled "An act relating to counties of the second, third, fourth, fifth, sixth, seventh and eighth classes; and revising, amending and consolidating the laws relating thereto," as amended, by extending the provisions as to headstones, markers or concrete bases for graves of service men to deceased Pennsylvania War Veterans in certain cases.

Mr. THOMPSON, from the Committee on Elections reported as committed, House Bill No. 254, entitled:

An Act to amend section one thousand two hundred seven of the act, approved the third day of June, one thousand nine hundred and thirty-seven (P. L. 1333), entitled "An act concerning elections, including general, municipal, special and primary elections, the nomination of candidates, primary and election expenses and election contests; creating and defining membership of county boards of elections; imposing duties upon the Secretary of the Commonwealth, courts, county boards of elections, county commissioners; imposing penalties for violation of the act, and codifying, revising and consolidating the laws relating thereto; and repealing certain acts and parts of acts relating to elections," by providing for compensation for services rendered by constables and their deputies.

Mr. VOORHEES from the Committee on Elections reported as committed, House Bill No. 256, entitled:

An Act to amend clause four of subsection (b) of section nine hundred thirteen of the act, approved the third day of June, one thousand nine hundred and thirty-seven (P. L. 1333), entitled "An Act concerning elections, including general, municipal, special and primary elections, the nomination of candidates, primary and election expenses and election contests; creating and defining membership of county boards of elections; imposing duties upon the Secretary of the Commonwealth, courts, county boards of elections, county commissioners; imposing penalties for violation of the act, and codifying, revising and consolidating the laws relating thereto; and repealing certain acts and parts of acts relating to elections," by changing the filing fee for certain nomination petitions.

Mr. CORDIER from the Committee on Cities—Second Class reported as amended, House Bill No. 632, entitled:

An Act to amend section ten of the act, approved the thirteenth day of May, one thousand nine hundred and twenty-seven (P. L. 1011), entitled "A supplement to an act entitled 'An act for the government of cities of the second class,' approved the seventh day of March, Anno Domini one thousand nine hundred and one, creating a department of city planning; providing for its organization and powers; regulating the platting of ground; prohibiting the recording of plans and sales of lots therein before their approval, under penalties; making it a misdemeanor for the recorder of deeds to record an un-

approved plan; restricting accepting, laying out, opening and improving private streets; prohibiting the erection of buildings on land not abutting on public streets or streets not shown on the official master plan or an approved plat; transferring to the department of city planning powers conferred by other statutes over plats or subdivisions of land, the reservation of locations of mapped streets for future use and authorizing the assessment of damages for same, the preparation and compilation of an official street map; providing penalties for the violation of this act; and repealing certain statutes," further defining the powers of the planning commission in cities of the second class.

Mr. ACHTERMAN from the Committee on State Government reported as committed, House Bill No. 624, entitled:

An Act to amend section nine of the act, approved the first day of July, one thousand nine hundred and nineteen (P. L. 717), entitled "An act fixing the number, compensation, mileage, and duties of the officers and employees of the General Assembly, and providing for their election or appointment, term of office, and manner of filling vacancies," by providing that compensation payable under this act shall be paid semi-monthly.

Mr. MARR, from the Committee on Cities—Second Class reported as committed, House Bill No. 394, entitled:

An Act to further amend section one of the act, approved the seventh day of June, one thousand nine hundred and one (P. L. 493), entitled "An act providing for the examination, licensure, and registration of persons, firms or corporations engaged or engaging in the business or work of plumbing or house drainage, and prescribing certain rules, regulations, and requirements for the construction of plumbing, house drainage, and cesspools in cities of the second class; and imposing fines, penalties, and forfeitures for violation thereof," by extending the provisions of said act to cities of the second class A.

Mr. CALVIN, from the Committee on State Government reported as committed, House Bill No. 436, entitled:

An Act relating to, and providing for, the promotion and development of business, industry and commerce in the Commonwealth; conferring powers and duties upon the Department of Commerce and other agencies of the Commonwealth; abolishing the Pennsylvania State Publicity Commission, terminating the terms of its members and conferring its powers upon, and transferring and appropriating the balance of its current appropriation to, the Department of Commerce; and repealing certain laws.

Mr. ALLEN, from the Committee on Forestry reported as committed, House Bill No. 273, entitled:

An Act to repeal the act, approved the twenty-fifth day of June, one thousand nine hundred and thirty-seven (P. L. 2116), entitled "An act declaring certain rights, grants, and privileges in the beds of navigable waters, within and on the boundaries of this Commonwealth, void; vesting power in the Department of Forests and Waters, the Water and Power Resources Board, and the Pennsylvania State Park and Harbor Commission to revoke and declare void such rights, grants, and privileges, and providing the procedure in such cases."

Mr. HOMER S. BROWN, from the Committee on State Government, reported as committed, House Bill No. 573, entitled:

An Act to amend section four hundred and forty-six of the act, approved the ninth day of April, one thousand nine hundred and twenty-nine (P. L. 177) entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments, boards, commissions, and officers thereof, including the boards of trustees of State Normal

Schools, or Teachers Colleges; abolishing, creating, reorganizing or authorizing the reorganization of certain administrative departments, boards, and commissions; defining the powers and duties of the Governor and other executive and administrative officers, and of the several administrative departments, boards, commissions, and officers; fixing the salaries of the Governor, Lieutenant Governor, and certain other executive and administrative officers; providing for the appointment of certain administrative officers, and of all deputies and other assistants and employees in certain departments, boards, and commissions; and prescribing the manner in which the number and compensation of the deputies and all other assistants and employees of certain departments, boards, and commissions shall be determined," authorizing the members of the Board of Commissioners of Public Grounds and Buildings to act on said board through deputies.

Mr. EDWIN F. THOMPSON, from the Committee on Public Health and Sanitation, reported as committed, House Bill No. 681, entitled:

An Act providing for the licensing and regulation of tourist camps both privately and municipally owned, by the Department of Health, and prescribing its powers and duties; fixing fees for such licenses, giving the owners of such camps liens in certain cases upon the property of his guests; and providing penalties.

Mr. McNALLY, from the Committee on Education, reported as amended, House Bill No. 268, entitled:

An Act to add section six hundred and two and one-tenth to article six of the act approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith," further regulating the sale of unused and unnecessary land and buildings by boards of school directors.

Mr. DENMAN, from the Committee on Public Health and Sanitation, reported as committed, House Bill No. 668 (Senate Bill No. 13), entitled:

An Act regulating the issuance of marriage licenses prohibiting the issuance thereof to persons infected with syphilis in certain stages requiring each applicant to produce certain evidence of freedom from such disease imposing duties upon the Department of Health and the clerk of the orphans' court of the various counties and imposing penalties.

Mr. MARR, from the Committee on Public Health and Sanitation, reported as committed, House Bill No. 667 (Senate Bill No. 12), entitled:

An Act for the prevention of congenital syphilis providing for and regulating the taking of serological tests of women pregnant with child and requiring notation thereof on the birth and still-birth certificates of their children imposing duties upon the Department of Health and upon physicians and other persons attending women pregnant with child.

The SPEAKER. The Chair requests the gentleman from Philadelphia, Mr. Hamilton, to preside.

MR. HAMILTON IN THE CHAIR

BILLS ON FIRST READING

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 554, entitled:

An Act validating municipal claims of cities and boroughs or incorporated towns and incorporated towns where not filed within the time specified by law.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 375, entitled:

An Act to amend paragraph (c) of section fifty-eight of the act, approved the seventh day of June, one thousand nine hundred seventeen (P. L. 447), entitled as amended "An act relating to the administration and distribution of the estates of decedents and of minors, and of trust estates; including the appointment, bonds, rights, powers, duties, liabilities, accounts, discharge and removal of executors, administrators, guardians, and trustees, herein designated as fiduciaries; the administration and distribution of the estates of presumed decedents; widow's and children's exemptions; debts of decedents rents of real estate as assets for payment thereof, the lien thereof, sales and mortgages of real estate for the payment thereof, judgments and executions therefor, and the discharge of real estate from the lien thereof; contracts of decedents for the sale or purchase of real estate; legacies, including legacies charged on land; the discharge of residuary estates and of real estate from the lien of legacies and other charges; the appraisal of real estate devised at a valuation; the ascertainment of the curtilage of dwelling houses or other buildings devised; the abatement and survival of actions, and the substitution of executors and administrators therein; the survival of causes of action and suits thereupon by or against fiduciaries; investments by fiduciaries; the organization of corporations to carry on the business of decedents; the audit and review of accounts of fiduciaries; refunding bonds; transcripts to the court of common pleas of balances due by fiduciaries; the rights, powers, and liabilities of nonresident and foreign fiduciaries; the appointment, bonds, rights, powers, duties and liabilities of trustees durante absentia; the recording and registration of decrees, reports and other proceedings, and the fees therefor; appeals in certain cases; and, also, generally dealing with the jurisdiction, powers, and procedure of the orphans' court in all matters relating to fiduciaries concerned with the estates of decedents," as amended by permitting foreign fiduciaries representing the estates of decedents, minors and legal incompetents, to foreclose on mortgages, to enter judgment on mortgage bonds, to sell the property bound thereby, to take title to property so sold, and to resell such property.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 250, entitled:

An Act to amend clause one of section three of the act, approved the eighteenth day of July, one thousand nine hundred and seventeen (P. L. 1043), entitled "An act establishing a public school employees' retirement system, and creating a retirement board for the administration thereof; establishing certain funds from contributions by the Commonwealth and contributing employees, defining the uses and purposes thereof and the manner of payments therefrom, and providing for the guaranty by the Commonwealth of certain of said funds; imposing powers and duties upon boards having the employment of public school employees; exempting annuities, allowances, returns, benefits, and rights from taxation and judicial process; and providing penalties," as amended, by further extending the

time for present employes as defined in the act, to elect to be covered by the retirement system.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 386, entitled:

An Act to amend section four hundred and ten of the act, approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith," as amended, providing that boards of school directors may become members of the State School Directors Association, and bear a proportionate part of the expenses of such association.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 10, entitled:

An Act providing for the conducting of and legalizing lotteries by the State creating a State Lottery Commission and making appropriations

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

THE SPEAKER (Ellwood J. Turner) IN THE CHAIR

The SPEAKER. The Chair thanks the gentleman from Philadelphia, Mr. Hamilton, regretting that the first reading was not longer.

BILL ON SECOND READING

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 48, entitled:

An Act to reenact the act approved the second day of June one thousand nine hundred and thirty-seven (Pamphlet Laws 1182) entitled "An act authorizing courts of common pleas to stay writs of execution against and tax sales of certain real property in certain cases providing for the continuance of return days of writs of execution and authorizing sales thereon without issuance of further writs and exempting mortgages issued under the National Housing Act"

The first section was read as follows:

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The act approved the second day of June one thousand nine hundred and thirty-seven (Pamphlet Laws 1182) entitled "An act authorizing courts of common pleas to stay writs of execution against and tax sales of certain real property in certain cases providing for the continuance of return days of writs of execution and authorizing sales thereon without issuance of further writs and exempting mortgages issued under the National Housing Act" as hereby reenacted to read as follows

Section 1 Definitions That when used in this act the following words and phrases shall have the meanings respectively ascribed to them by this section unless the context clearly requires a different meaning

"Writ of execution" shall mean any writ of fieri facias venditioni exponas levare facias or any other writ or form

of execution for the sale of any dwelling and the land appurtenant thereto or any farm where such dwelling or farm shall be occupied by an owner thereof as his or her residence or any proceeding for the sale of real property as herein defined for failure to pay taxes

"Real Property" shall mean any dwelling together with the land appurtenant thereto and any farm occupied by an owner of such dwelling or farm as a residence

On the question,

Will the House agree to the section?

BILL POSTPONED

Mr. LONG. Mr. Speaker, I move that this bill be placed on the postponed calendar.

The motion was agreed to.

BILLS ON SECOND READING

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 558, (Senate Bill No. 166), entitled:

An Act to authorize cities boroughs incorporated towns townships and school districts to file suggestions of non-payment and averments of default or to sue out writs of scire facias on certain tax or municipal claims and to revive judgments where the lien of such claims or the judgments thereon have been lost and providing for the reinstatement of the liens of such claims and judgments.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 562, as follows:

An Act providing for the organization under certain conditions of one colored battalion of infantry and making an appropriation therefor

The first section was read as follows:

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Within six months after this act becomes effective the Adjutant General of the Commonwealth if authorized and empowered by the proper department or agency of the Federal Government shall organize and equip one colored battalion of infantry in the Commonwealth Such battalion when organized and equipped shall become a part of the National Guard of the Commonwealth

The officers of such battalion shall be commissioned by the Governor in the same manner as provided by law for the commissioning of officers of other units of the National Guard of the Commonwealth

The Armory Board of the Department of Military Affairs shall provide quarters for such regiment or the different units thereof as may be necessary

On the question,

Will the House agree to the section?

BILL RECOMMITTED

Mr. EDWIN F. THOMPSON. Mr. Speaker, I move that this bill be recommitted to the Committee on Military Affairs for the purpose of amendment.

The motion was agreed to.

ANNOUNCEMENT

The SPEAKER. The Chair is about to declare a recess. If Committee Chairman desire to hold meetings of their committees, the Chair would request that a memorandum be sent to the desk immediately.

COMMITTEE MEETING

There will be meetings of the Committees on Rules immediately in the Speaker's office.

State Government immediately after this session in the House Caucus Room.

Appropriations immediately in Room 326B.

Education immediately in Room 323.

RECESS

The SPEAKER. If there are no objections the Chair is about to declare a recess until 2:30 p. m. Are there objections? The Chair hears none and declares a recess until 2:30 p. m.

AFTER RECESS

The House reconvened at 2:30 p. m.

The SPEAKER (Ellwood J. Turner) in the Chair.

BILL INTRODUCED AND REFERRED

By Messrs. WATKINS and SOLLENBERGER.

HOUSE BILL No. 856.

An Act making a deficiency and emergency appropriation to aid certain school districts.

Referred to the Committee on Appropriations.

SENATE MESSAGE

SENATE BILLS FOR CONCURRENCE

The Clerk of the Senate being introduced, presented for concurrence bills numbered and entitled as follows:

SENATE BILL No. 94. (HOUSE BILL No. 810).

An Act abating certain unpaid penalties and interest imposed on counties cities boroughs townships school districts and incorporated districts for the nonpayment of state taxes on scrip bonds certificates and evidences of indebtedness and authorizing the Board of Finance and revenue to compromise the Commonwealth's claims against such political subdivisions for such unpaid taxes.

Referred to the Committee on Ways and Means.

SENATE BILL No. 170. (HOUSE BILL No. 811).

A Joint Resolution proposing an amendment to article nine section eight of the Constitution of the Commonwealth of Pennsylvania.

Referred to the Committee on Constitutional Amendments.

SENATE BILL No. 186. (HOUSE BILL No. 812).

An Act to amend subsection twelve of section seven hundred and two of the act approved the first day of May one thousand nine hundred and thirty-three (Pamphlet Laws 103) entitled "An act concerning townships of the second class and amending revising consolidating and changing the law relating thereto" by empowering townships of the second class to prohibit the storage of abandoned and junked automobiles.

Referred to the Committee on Townships.

SENATE BILL No. 199. (HOUSE BILL No. 813).

An Act authorizing the courts of common pleas to make orders relative to the payment of costs in road cases.

Referred to the Committee on Highways.

SENATE BILL No. 241. (HOUSE BILL No. 814).

An Act authorizing counties of the second class to make appropriations to the State World's Fair Commission.

Referred to the Committee on Cities—Second Class.

RESOLUTIONS INTRODUCED AND REFERRED

By Mr. DENMAN. Concurrent RESOLUTION No. 57.

In the House of Representatives, March 28, 1939.

Whereas, A bill is pending in the Congress of the United States, providing for the construction of the "Lake Erie to the Ohio River Barge" Canal; and

Whereas, The construction of such a canal would seriously affect transportation on and over the railroads operating in that section of the Nation, of goods and material now transported thereon; and

Whereas, Such curtailment of transportation on and over such railroads would cause gradual disintegration of such railroads, deprive them of the larger portion of their income, and necessitate the dismissal of thousands of employees; and

Whereas, The loss to the railroad industry would likewise affect the coal operators and coal miners, and would mean the dismissal of thousands of miners now gainfully occupied, thereby adding greatly to unemployment; and

Whereas, The injury to the railroads would be reflected in the business of the small steel mills which rely upon the prosperity of railroads for their existence; and

Whereas, In addition to this destruction that would be wrought by reason of the construction and operation of such canal, it is morally and financially unsound to build, by expenditure of public money, such an enterprise when a great part of that money is being contributed by the railroads, mine operators and the steel manufacturers, whose existence it threatens; and

Whereas, A public hearing is to be held on this bill at the National Capitol on March 28, 1939; therefore be it

Resolved, (If the Senate concur), That the General Assembly memorialize the Congress of the United States to oppose the passage of this bill and to refuse to make any appropriation of public moneys for the construction of the proposed canal; and be it further

Resolved, That a copy of this resolution be forwarded by the Chief Clerk of the House of Representatives to the presiding officer of the Senate and Speaker of the House of Representatives of the United States.

Referred to the Committee on Rules.

By Mr. ATKINS. RESOLUTION No. 58.

In the House of Representatives, March 28, 1939.

Whereas, There is grave danger of certain groups, both at home and abroad, entangling this great country of ours in European and Asiatic affairs; and

Whereas, These same groups are now flooding the United States with propaganda along the same lines as plunged us into the great "World War" twenty-two years ago; and

Whereas, A number of Senators and Congressmen, perceiving the designs of these propaganda groups, have expressed themselves as favoring a policy of American Isolation from European and Asiatic affairs; Therefore, Be it

Resolved, That the House of Representatives of the Commonwealth of Pennsylvania commend these Senators and Congressmen for their efforts and activities in "fighting" these groups, and in "furthering" the policy of isolation at this critical time in our history; And Be It Further

Resolved, That copies of this Resolution be forwarded to the Speaker of the House of Representatives, the Vice-President of the United States and the President of the United States.

Referred to the Committee on Federal Relations.

By Mr. HARKINS. RESOLUTION No. 59.

In the House of Representatives, March 28, 1939.

Whereas, The Pennsylvania Interscholastic Athletic Association conducts each year sectional and regional elimi-

nation tournaments in order to determine the Pennsylvania State Championship High School basket ball team, and

Whereas, The basket ball team of Homestead High School of Homestead, Allegheny County, Pennsylvania, was the winner of District VII of the Western Pennsylvania Interscholastic Athletic Association and later became the W. P. I. A. A. champion and subsequently by its victories over Conemaugh Boswell and Erie Academy fought its way to the final game with Lower Merion High School, and

Whereas, on Saturday evening, March 25, 1939, the Homestead High School coached by Paul Birch, assisted by Walter Miller, met the Lower Merion Township quintet at the Palestra in Philadelphia, where Homestead through its fine team work and great offensive playing won the Pennsylvania State I. A. A. championship title by the score of 29-24, and

Whereas, In forging to the front when the championship seemed lost because its opponent was ahead by a substantial score, the players on the Homestead Team, not only displayed hearts of courage, but also bodies with the strength of steel for which Homestead is famous, and

Whereas, Such interscholastic rivalry and competition is an integral part of our American system of education tending to break down sectionalism and promoting those ideals of fair play, clean, decent sportsmanship, of unflinching courage, loyalty and devotion to community, school, state and nation, all of which are basic attributes of Americanism, and which train the youth of our high schools in this State for the high type of citizenship demanded of them by the problems confronting them today, and

Whereas, the House of Representatives of the Commonwealth of Pennsylvania, recognizing the value of such interscholastic competition and being aware of the high honor which has come to the Homestead Community, by reason of the success of the Homestead High School in winning the 1939 P. I. A. A. tournament, and being desirous of congratulating and complimenting the said High School team; Now, therefore, be it

Resolved, That the Members of the House of Representatives do hereby express their congratulations to the Board of Education of the School District of Homestead to Head Coach, Paul Birch, and Assistant Coach Walter Miller, to Pat Logan, Bill Vojtko, Jim Furnival, Bill Coggin, Joe Penzelik, Jim Borgen, Steve Mock, Ed Spartz, Jim Feeney, John Huber, Bernard Rousher, and Andrew Kita, members of the Championship Team, to Port Eckles, Superintendent of Schools, D. H. Conner and William V. Campbell, Principals, and Robert C. Schenk, faculty manager, John Urban and Edward Mattis, student managers, and to Homestead High School student body and its cheerleaders upon the occasion of the winning of the P. I. A. A. championship by Homestead High; and be it further

Resolved, That the House of Representatives urge the members of the Championship Homestead basket ball team, as well as the Homestead High student body, to keep alive forever the spirit of Americanism and of love of Pennsylvania which such championship tournaments inspire; and which the said Homestead High basket ball team, its loyal student body its cheerleaders and its fans have shown throughout this tournament; and be it further

Resolved, That a copy of this Resolution be sent by the Chief Clerk to each member of the championship team, to Coaches Paul Birch and Walter Miller, and that a copy engrossed on parchment be sent by the Chief Clerk to the Secretary of the Homestead School Board, such copy to be suitable for framing and for hanging in the trophy room.

Referred to the Committee on Rules.

BILL ON FINAL PASSAGE

Agreeably to order,

The House proceeded to the consideration on final passage of House Bill No. 74, as follows:

An Act to amend section two hundred and seventy-eight

and to repeal section two hundred and eighty of the act approved the second day of May one thousand nine hundred and twenty-nine (Pamphlet Laws 1278) entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto" as amended providing for the appointment the term and compensation of county detectives in counties of the fifth and sixth class

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section two hundred and seventy-eight of the act approved the second day of May one thousand nine hundred and twenty-nine (Pamphlet Laws 1278) entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto" as last amended by section one of the act approved the twenty-eighth day of May one thousand nine hundred and thirty-seven (Pamphlet Laws 941) is hereby further amended to read as follows

Section 278 In Counties of the Fifth and Sixth Class—[In Counties of the fifth class the district attorney with the approval of the court of quarter sessions may appoint a detective whose duties it shall be to assist in obtaining such evidence as shall be directed by the district attorney for the Commonwealth in all criminal cases and perform such other duties as the district attorney may direct The detective shall receive such monthly or annual salary payable by the county as the salary board of the county may fix Such detective shall be a general police officer and shall have all the powers that are now conferred on constables by the existing laws so far as they relate to crimes or criminal procedure] In counties of the fifth and sixth class the district attorney with the approval of the court of quarter sessions may appoint one chief county detective and one assistant county detective

The court of quarter sessions shall fix the compensation of the county detectives and shall direct the clerk of said court to certify the same to the county commissioners who shall draw their warrants on the treasurer in favor of said detectives for the amount so certified

Such county detectives shall hold their positions during the term of the district attorney appointing them and shall be removable at his discretion They shall have possess and exercise all the rights and powers conferred by law upon constables in so far as such law or laws relate to crimes and criminal procedure and shall when requested by the district attorney make an investigation and endeavor to obtain such evidence as may be required in any criminal case They shall also perform such other duties as the district attorney may direct Such county detectives shall be allowed their expenses actually and necessarily incurred in the performance of their duties

Section 2 Section two hundred and eighty of said act and its amendments are hereby repealed

Section 3 This act shall become effective immediately upon final enactment

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—122

Ackermann,	Ewing,	Lyons,	Snyder,
Alspach,	Fisher,	Madden,	Sollenberger,
Andrews,	Flas,	Marr,	Stambaugh,
Atkins,	Fleming,	Matthews,	Stewart,
Auker,	Foor,	McClester,	Stockham,
Ballet,	Freed,	McGarrity,	Sweeney,
Bardes,	Fullerton,	McKinney,	Tahl,
Bennett,	Gates,	McNally,	Taylor,
Boney,	Gillan,	McVay,	Terry,
Booree,	Gillette,	Montgomery,	Thistle,
Boose,	Goll,	Moran,	Thompson, G. R.,
Bower,	Habbyshaw,	Moser, F. S.,	Tiemann,
Bretherick,	Haines,	Moser, J. L.,	Trout,
Bronson,	Hall,	Muir,	VanAlsbury,

Brown, H. S.,	Hamilton,	O'Dare,	Van Belle,
Brown, S. W.,	Harbeson,	Peacock,	Voorhees,
Brunner,	Henry,	Peale,	Wagner,
Calvin,	Hewitt,	Reagan,	Watkins,
Carpenter,	Hocke,	Reese, D. P.,	Webster,
Christler,	Hoffman, J. N.,	Riley,	Welas,
Clark,	Johnston,	Robertson,	Westrick,
Clearwater,	Jones,	Rose,	Wilkinson,
Cordier,	Huntley,	Roseberry,	Winner,
Cortese,	James,	Royer,	Wood, H. M.,
Curran,	Kline,	Sarge,	Wood, L. H.,
Dalrymple,	Kowalski,	Schrock,	Wood, N.,
Denman,	Krise,	Seif,	Woodside,
Dick,	Lee,	Serrill,	Yeakel,
Donahue,	Lelsey,	Shearer,	Turner,
Eckels,	Leydic,	Simons,	Speaker,
Ely,	Lichtenwalter,	Sloan,	

NAYS—44

Achterman,	DeNote,	McLane,	Rosenfeld,
Allen,	Dix,	Melchiorre,	Rothenberger,
Allmond,	Donohoe,	Moran,	Sarra,
Baker,	Flanagan,	Munley,	Schrope,
Balthaser,	Gorski,	O'Brien,	Stank,
Bohn,	Hess,	O'Connor,	Tarr,
Brancato,	Hindman,	Powers,	Thompson, E. F.,
Burris,	Jirolanio,	Preston,	Tronzo,
Chervenak,	Keenan,	Readinger,	Welsh, M. J.,
Cohen, R. E.,	Long,	Rider,	Williams,
Cooper,	Malone,	Rooney,	Wilson,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

BILL ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 176, entitled:

An Act to amend the act approved the seventeenth day of June one thousand nine hundred and thirteen (P. L. 507) entitled "An act to provide revenue for State and county purposes and in cities coextensive with counties for city and county purposes imposing taxes upon certain classes of personal property providing for the assessment and collection of the same providing for the duties and compensation of prothonotaries and recorders in connection therewith and modifying existing legislation which provided for raising revenue for State purposes" as amended by imposing the tax upon the value of certain equitable interests by excluding from the provisions of said act shares of stock of corporations liable to pay a franchise tax personal property held or possessed by certain executors administrators and fiduciaries and by employees thrift or savings associations personal property held by trustees for religious charitable scientific literary and educational organizations personal property held for non-residents and foreign corporations under certain circumstances and loans issued by first class or non-profit corporations and by making further provision for the return and payment of the tax by executors administrators trustees agents and attorneys-in-fact

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—204

Achterman,	Eckels,	Lichtenwalter,	Sarra,
Ackermann,	Ely,	Long,	Scanlon,
Allen,	Ewing,	Lovett,	Schrock,
Allmond,	Falkenstein,	Muns,	Schrope,
Alspach,	Fauset,	Madden,	Schwab,
Andrews,	Fisher,	Malloy,	Self,

Atkins,	Fias,	Malone,	Serrill,
Auker,	Flanagan,	Marr,	Shaw,
Baker,	Fleming,	Matthews,	Shearer,
Ballet,	Foor,	McClester,	Simons,
Balthaser,	Freed,	McGarrity,	Skale,
Bardes,	Fullerton,	McKinney,	Sloan,
Bennett,	Purman,	McLane,	Snyder,
Bohn,	Gates,	McNally,	Sollenberger,
Boles,	Gillan,	McVay,	Stambaugh,
Boney,	Gillette,	Meichlorre,	Stank,
Boorse,	Goll,	Mihm,	Stewart,
Boose,	Gorski,	Montgomery,	Stockham,
Bower,	Habbyshaw,	Mooney,	Sweeney,
Brancato,	Haines,	Moran,	Tahl,
Bretherick,	Hall,	Moser, F. S.,	Tarr,
Broad,	Hamilton,	Moser, J. L.,	Taylor,
Bronson,	Harbeson,	Muir,	Terry,
Brown, H. S.,	Harkins,	Munley,	Thistle,
Brown, S. W.,	Haudenshield,	O'Brien,	Thompson, E. F.,
Brunner,	Henry,	O'Connor,	Thompson, G. R.,
Burns,	Hess,	O'Dare,	Tiemann,
Burris,	Hewitt,	O'Keefe,	Tronzo,
Cadwalader,	Hindman,	Ominsky,	Trout,
Calvin,	Hocke,	O'Neill,	Van Allsburg,
Carpenter,	Hoffman, J. N.,	Peacock,	Van Belle,
Check,	Hoffman, S. K.,	Peale,	Voorhees,
Chervenak,	Holland,	Powers,	Wagner,
Christler,	Hoyle,	Preston,	Walsh,
Clark,	Huntley,	Readinger,	Watkins,
Clearwater,	James,	Reagan,	Webster,
Cohen, H. B.,	Jirolanio,	Reese, D. P.,	Weiss,
Cohen, R. E.,	Johnston,	Reese, R. E.,	Welsh, E. B.,
Cook,	Jones,	Regan,	Welsh, M. J.,
Cooper,	Kane,	Reynolds,	Westrick,
Cordier,	Keenan,	Rhodes,	Wilkinson,
Corrigan,	Kenahan,	Rider,	Williams,
Cortese,	Kilroy,	Riley,	Willson,
Curran,	Kline,	Robertson,	Winnier,
Dalrymple,	Levy,	Rooney,	Wood, H. M.,
Denman,	Kowalski,	Rose,	Wood, L. H.,
DeNote,	Krise,	Roseberry,	Wood, N.,
Dick,	Lee,	Rosenfeld,	Woodside,
Dix,	Lelsey,	Rothenberger,	Yeakel,
Donahue,	Levy,	Royer,	Turner,
Donohoe,	Leydic,	Sarge,	Speaker.
Downey,			

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

SENATE MESSAGE

AMENDED SENATE BILL NONCONCURRED IN BY SENATE

The Clerk of the Senate being introduced, informed that the Senate has nonconcurred in the amendments made by the House of Representatives to Senate Bill numbered and entitled as follows:

SENATE BILL No. 79.

An Act permitting the county treasurer with the consent of the county commissioners or the approval of the court to adjourn county treasurers' sales of seated and unseated lands for nonpayment of taxes in all counties except counties of the first class and preserving the lien of all taxes on such lands.

Mr. WOODSIDE. Mr. Speaker, I move that the House insist upon its amendments nonconcurred in by the Senate and that a Committee on Conference be appointed. The motion was agreed to.

CONFERENCE COMMITTEE APPOINTED

The SPEAKER. The Chair appoints as a Committee of

Conference on the part of the House Messrs. Gillette, Wilkinson and Achterman.

Ordered, That the Clerk inform the Senate accordingly.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 410, entitled:

An Act relating to the practice of the occupation or business of opticians and providing for the licensing and registration of opticians and optical technicians and the registration of optician's apprentices and for the revocation and suspension of such licenses and registrations subject to appeal and for their reinstatement defining the powers and duties of the State Board of Examiners of Opticians and the Department of Public Instruction and providing penalties

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

Mr. HERBERT B. COHEN. Mr. Speaker, I desire to interrogate the sponsor of this bill.

The SPEAKER. Will the gentleman from Philadelphia permit himself to be interrogated?

Mr. SWEENEY. I will, Mr. Speaker.

Mr. HERBERT B. COHEN. Mr. Speaker, I wish to inquire of the gentleman whether or not this bill will set up a new bureau or board in the Department of Public Instruction.

Mr. SWEENEY. I believe it will, Mr. Speaker.

Mr. HERBERT B. COHEN. Mr. Speaker, speaking for myself, I wish to more or less make a declaration of policy. I notice that the calendar already includes the establishment of this opticians board, or examining board or what not, and there are various other professional occupational or business licensing boards that are to be considered by the membership of this House. I feel that the extension of the field of licensure into non-professional activities is establishing a guild system that was discarded a number of years ago. I can't see by reading the bill and from my knowledge of the occupation of an optician wherein the welfare of the Commonwealth is going to be promoted by any such licensing. My personal feeling is that it is just an attempt on the part of the opticians, the same as it was on the part of the beauticians, to surround themselves with a permit whereby they can to a far greater extent take advantage of the consumers of the Commonwealth.

I personally feel that this is bad legislation and that it should not be extended into any field except the professional field, and I solicit the membership of the House to vote "no" on this bill.

Mr. SWEENEY. Mr. Speaker and ladies and gentlemen of the House, in part I agree with Mr. Cohen and I do not believe that every business should be licensed, but after all anyone who knows anything about this optician's bill will release the necessity for licensing these individuals. In the first place, an optician is a man who gets a prescription from a medical doctor, an eye doctor, and that prescription he has to fill. In other words, he is in practically the same position as a druggist. When you go to a medical doctor, you get a prescription for medicines, and you go to the drugstore to have it filled. When you go to an eye doctor and have your eyes examined, the doctor

makes up the prescription and gives it to you, which you take to the optician. Now, it certainly isn't fair to allow anyone at all to go into that business. The way the business is operated now a shoemaker, a barber or anyone who has enough money to set himself up as an optician can go out and open up a place and fill prescriptions, and there is no protection to the public. I think that this is certainly a very necessary health measure, because all of you gentlemen who have trouble with your eyes realize how valuable they are to you. I therefore ask the members of this House to vote "aye" on this bill.

Mr. HERBERT B. COHEN. Mr. Speaker and members of the House, the analogy that the gentleman from Philadelphia uses is incorrect. If a doctor writes a prescription and you take it to a pharmacist, the pharmacist delivers the prescription to the individual. If an oculist or optometrist gives a prescription to a lens grinder—and that is what the optician is sought to be licensed for by this bill—before the lens is given to the patient it is returned to the oculist or the optometrist, the measurements are taken by the prescriber to determine whether the lens has been ground properly. It is purely a mechanical device, the grinding of lenses. Machines are set up and any person who has a machine, with two months training can perform that work. In each instance, before the prescribed lenses are delivered to the patient, they are returned to the prescriber to see whether or not they do conform to the prescription. It is not any different than any mechanical device utilized in any number of occupations.

I personally feel that the extension of our protective cloak of licensure to this particular business or occupation—and the act itself does not call it a profession, the act itself if you read the title, clearly relates to the practice of an occupation or business—and if we start to extend our protective cloak to the licensing of this business, then we are invoking the same governmental regulations as to businesses about which so many of us have complained.

Mr. SWEENEY. Mr. Speaker and members of the House, just so there will be no mistake on the part of the members of the House in reference to this bill, the bill does not refer in any way to optometrists; they are specially excluded from this bill. This bill only refers to opticians. The difference between an optician and an optometrist is this: when you go to a medical doctor and he gives you a prescription, you take it to an optician to have it filled, but if you go to an optometrist he refracts your eyes, makes the lenses and gives them to you. That is the difference. There isn't any use of talking about optometry, because it is excluded from this bill.

Mr. LOVETT. Mr. Speaker, I would like to interrogate the sponsor of the bill.

The SPEAKER. Will the gentleman from Philadelphia, Mr. Sweeney, permit himself to be interrogated?

Mr. SWEENEY. I will, Mr. Speaker.

Mr. LOVETT. Mr. Speaker, I wish to inquire from the gentleman from Philadelphia, if this bill gives this Department the right to make rules and regulations.

Mr. SWEENEY. Mr. Speaker, I believe it would.

MOTION TO RECOMMIT

Mr. LOVETT. Mr. Speaker, I move that this bill be re-committed to the Committee on Professional Licensure for the purpose of amendment.

On the question,

Will the House agree to the motion?

Mr. SWEENEY. Mr. Speaker and members of the House, I will have to oppose this motion as the bill has been on the calendar for third reading for two days. It has been in the Committee for a considerable time; the Committee considered it thoroughly, and it is now before the House for its consideration.

On the question recurring,

Will the House agree to the motion?

It was not agreed to.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—110

Ackermann,	DeNote,	Lichtenwalter,	Rosenfeld,
Allen,	Dick,	Long,	Sarra,
Atkins,	Dix,	Lyons,	Schrope,
Auker,	Donahue,	Marr,	Schwab,
Balliet,	Donohoe,	Matthews,	Seif,
Boney,	Eckels,	McClester,	Serrill,
Boorse,	Ely,	McGarrity,	Shearer,
Boose,	Falkenstein,	McKinney,	Simons,
Bower,	Fauset,	McNally,	Stambaugh,
Brancato,	Fiss,	McVay,	Sweeney,
Brown, H. S.,	Fleming,	Melchiorre,	Tahl,
Brown, S. W.,	Foor,	Moser, F. S.,	Terry,
Brunner,	Freed,	Moser, J. L.,	Thistle,
Burns,	Fullerton,	Muir,	Thompson, E. F.,
Burris,	Gates,	O'Brien,	Thompson, G. R.,
Cadwalader,	Gillan,	O'Dare,	Tiemann,
Calvin,	Goll,	Ominsky,	Van Allsburg,
Carpenter,	Hamilton,	Peacock,	Van Belle,
Check,	Harbeson,	Peale,	Voorhees,
Clark,	Haudenshield,	Preston,	Walsh,
Clearwater,	Hess,	Readinger,	Webster,
Cohen, R. E.,	Hindman,	Reagan,	Wells,
Cook,	Hoyt,	Reynolds,	Welsh, E. B.,
Cordier,	Huntley,	Rhodes,	Wilkinson,
Cortese,	Kane,	Rider,	Williams,
Curran,	Kilroy,	Riley,	Wilson,
Dalrymple,	Lee,	Robertson,	Wood, H. M.,
Denman,	Leydic,	Rooney,	Turner,
			Speaker,

NAYS—65

Achterman,	Fisher,	Kowalski,	Shaw,
Allmond,	Flanagan,	Krise,	Skale,
Alspach,	Furman,	Levy,	Sloan,
Andrews,	Gillette,	Lovett,	Snyder,
Baker,	Gorski,	Malone,	Stewart,
Balthaser,	Habbyshaw,	McLane,	Stockham,
Bardes,	Haines,	Montgomery,	Tarr,
Bennett,	Hall,	Moran,	Taylor,
Bohn,	Hewitt,	O'Connor,	Tronzo,
Bretherick,	Hocke,	Powers,	Trout,
Broad,	Holland,	Reese, D. P.,	Wagner,
Bronson,	James,	Roseberry,	Westrick,
Chervenak,	Jirolanio,	Rothenberger,	Wood, L. H.,
Cohen, H. B.,	Jones,	Royer,	Wood, N.,
Cooper,	Keenan,	Sarge,	Woodside,
Corrigan,	Kline,	Schrock,	Yeakel,
Ewing,			

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 495, entitled:

An Act relating to the seizure of gambling machines or devices requiring inventory of all moneys and articles seized and imposing penalty

On the question,
Will the House agree to the bill on third reading?
It was agreed to.
On the question,
Shall the bill pass finally?

Mr. MORAN. Mr. Speaker, I would request the sponsor of the bill to explain the bill.

Mr. SCHROPE. Mr. Speaker, does the gentleman from Allegheny, Mr. Moran, desire to interrogate me on this bill?

Mr. MORAN. Mr. Speaker, I desire that the sponsor of the bill explain the bill, but I do not at this time choose to interrogate him. I will interrogate him after he explains it.

The SPEAKER. The gentleman from Allegheny has asked the gentleman from Schuylkill to explain the bill.

Mr. SCHROPE. Mr. Speaker and members of the House, this bill is very plain in itself. The only thing this bill does, if a police officer of the Commonwealth should seize a gambling device, slot machine or any device of that nature, under this bill he is required, in the establishment where he seizes the machine, to open it, count the contents or the money in it in the presence of the owner of the establishment or his agent, and give the owner or his agent or agents a statement or receipt for the amount taken, make a duplicate statement, send one to the Department of Revenue, Motor Police Division, and give one to the owner.

Mr. MORAN. Mr. Speaker, I wish to thank the gentleman for his statement.

On the question recurring,
Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—179.

Achterman,	Gillan,	McKinney,	Seif,
Allmond,	Gillette,	McLane,	Serrill,
Andrews,	Goll,	McNally,	Shaw,
Atkins,	Gorski,	McVay,	Shearer,
Baker,	Habbyshaw,	Melchiorre,	Simons,
Balliet,	Haines,	Mihm,	Skale,
Balthaser,	Hall,	Montgomery,	Sloan,
Bardes,	Hamilton,	Mooney,	Snyder,
Bennett,	Harbeson,	Moran,	Sollenberger,
Bohn,	Harkins,	Moser, F. S.,	Stambaugh,
Boles,	Haudenshield,	Moser, J. L.,	Stank,
Boney,	Henry,	Muir,	Stewart,
Bower,	Hess,	Munley,	Stockham,
Brancato,	Hindman,	O'Brien,	Sweeney,
Broad,	Hocke,	O'Connor,	Tahl,
Brunner,	Hoffman, J. N.,	O'Dare,	Tarr,
Burns,	Hoffman, S. K.,	O'Keefe,	Taylor,
Burris,	Holland,	Ominsky,	Terry,
Cadwalader,	Hoyt,	O'Neill,	Thistle,
Check,	Huntley,	Peacock,	Thompson, E. F.,
Chervenak,	James,	Peale,	Thompson, G. R.,
Christler,	Jirolanio,	Powers,	Tiemann,
Clark,	Johnston,	Preston,	Tronzo,
Clearwater,	Jones,	Readinger,	VanAllsburg,
Cohen, H. B.,	Kane,	Reagan,	Van Belle,
Cohen, R. E.,	Keenan,	Reese, D. P.,	Voorhees,
Cooper,	Keneshan,	Reese, R. E.,	Wagner,
Corrigan,	Kilroy,	Regan,	Walsh,
Cortese,	Kline,	Reynolds,	Watkins,
Curran,	Kowalski,	Rhodes,	Webster,
Dalrymple,	Krise,	Rider,	Weiss,
DeNote,	Lee,	Riley,	Welsh, E. B.,
Donahue,	Levy,	Robertson,	Welsh, M. J.,
Donohoe,	Leydic,	Rooney,	Westrick,
Downey,	Lichtenwalter,	Rose,	Wilkinson,
Ewing,	Long,	Roseberry,	Williams,
Falkenstein,	Lovett,	Rosenfeld,	Willson,
Faust,	Lyons,	Rothenberger,	Winnier,
Fisher,	Madden,	Royer,	Wood, H. M.,

Flanagan,
Fleming,
Foor,
Freed,
Fullerton,
Furman,

Malloy,
Malone,
Marr,
Matthews,
McClester,
McGarrity,

Sarge,
Sarraf,
Scanlon,
Schrock,
Schrope,
Schwab,

Wood, L. H.,
Wood, N.,
Woodside,
Yeakel,
Turner,
Speaker.

NAYS—13.

Ackermann,
Alspach,
Auker,
Boorse,

Boose,
Bretherick,
Bronson,

Cook,
Denman,
Dick,

Hewitt,
Lelsey,
Trout,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 453, entitled:

An Act to further amend section eight of the act approved the tenth day of June one thousand nine hundred and thirty-one (P. L. 485) entitled "An act to provide for the better protection of life and health of the citizens of this Commonwealth by requiring and regulating the examination licensure and registration of persons and registration of corporations engaging in the care preparation and disposition of the bodies of deceased persons and providing penalties" by providing for additional grounds for refusing suspending or revoking licenses

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

BILL RECOMMITTED

Mr. WOODSIDE. Mr. Speaker, I move that this bill be recommitted to the Committee on Professional Licensure for further study.

On the question,

Will the House agree to the motion?

Mr. TERRY. Mr. Speaker, I desire to interrogate the gentleman from Dauphin.

The SPEAKER. Will the gentleman from Dauphin permit himself to be interrogated?

Mr. WOODSIDE. Mr. Speaker, I shall.

Mr. TERRY. Mr. Speaker, will the gentleman from Dauphin explain why he wishes to return the bill to the Committee on Professional Licensure.

Mr. WOODSIDE. For the purpose of additional study, Mr. Speaker.

Mr. TERRY. Mr. Speaker, as simple a bill as this, the gentleman from Dauphin wants to return it for further study?

Mr. WOODSIDE. Mr. Speaker, the most simple bills sometimes have the most complicated theories of government back of them and connected with them.

Mr. TERRY. Mr. Speaker, will the gentleman from Dauphin tell us what influence if any was brought to bear by which this bill is to be returned to the committee.

The SPEAKER. The Chair feels that a question of that nature is hardly proper and is out of order.

Mr. TERRY. Mr. Speaker, I withdraw the question. I do not wish to embarrass anybody.

Mr. Speaker and members of the House, I shall not speak on this motion at length; it is a pretty hard thing

to talk on a motion. I just want to say this, that if I want to shoot a man, I won't shoot him from ambush. Therefore, I am opposing this motion.

On the question recurring,

Will the House agree to the motion?

The yeas and nays were required by Mr. Terry and Mr. Reynolds and were as follows:

YEAS—111.

Ackermann,	Dick,	Kowalski,	Serrill,
Andrews,	Donahue,	Krise,	Shearer,
Atkins,	Eckels,	Lee,	Simons,
Auker,	Ely,	Lelsey,	Sloan,
Baker,	Ewing,	Leydic,	Snyder,
Balliet,	Fisher,	Lichtenwalter,	Sollenberger,
Bardes,	Fiss,	Long,	Stambaugh,
Boorse,	Flanagan,	Lyons,	Stewart,
Brancato,	Fleming,	Marr,	Stockham,
Bretherick,	Foor,	McClester,	Taylor,
Broad,	Freed,	McKinney,	Thistle,
Bronson,	Gillan,	McVay,	Thompson, G. R.,
Brown, S. W.,	Habbyshaw,	Moser, J. L.,	Trout,
Brunner,	Haines,	O'Dare,	Van Allsburg,
Cadwalader,	Hamilton,	Peacock,	Voorhees,
Calvin,	Harbeson,	Peale,	Wagner,
Carpenter,	Harkins,	Readinger,	Watkins,
Christler,	Haudenschild,	Reagan,	Webster,
Clark,	Henry,	Reese, D. P.,	Wilkinson,
Clearwater,	Hewitt,	Riley,	Wilson,
Cook,	Hindman,	Robertson,	Winnor,
Cooper,	Hocke,	Rooney,	Wood, H. M.,
Cordier,	Hoffman, J. N.,	Rose,	Wood, L. H.,
Cortese,	James,	Roseberry,	Wood, N.,
Curran,	Jirolanio,	Rosenfeld,	Woodside,
Dalrymple,	Johnston,	Royer,	Yeakel,
Denman,	Jones,	Sarge,	Turner,
	Kline,	Schrock,	Speaker,

NAYS—53.

Allmond,	Fauset,	Moran,	Schwab,
Alspach,	Hall,	Moser, F. S.,	Seif,
Balthaser,	Hess,	Munley,	Sweeney,
Bohn,	Holland,	O'Brien,	Tarr,
Boney,	Hoyt,	O'Connor,	Terry,
Boose,	Huntley,	O'Neill,	Thompson, E. F.,
Brown, H. S.,	Keenan,	Powers,	Tiemann,
Burns,	Kenehan,	Reynolds,	Van Belle,
Check,	Lovett,	Rhodes,	Welss,
Chervenak,	Malone,	Rider,	Welsh, E. B.,
Cohen, R. E.,	McGarrity,	Rothenberger,	Welsh, M. J.,
Corrigan,	McLane,	Sarraf,	Westrick,
Donohoe,	McNally,	Schrope,	Williams,
Falkenstein,			

So the question was determined in the affirmative and the motion was agreed to.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 574, entitled:

A Supplement of the act approved the second day of July one thousand nine hundred thirty-seven (Appropriation Acts page seventy-four) entitled "An act to provide for the ordinary expenses of the Executive Legislative and Judicial Departments of the Commonwealth interest on the public debt and the support of the public schools for two years beginning June first one thousand nine hundred and thirty-seven and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending May thirty-first one thousand nine hundred and thirty-seven" providing for deficiencies in certain appropriations for fiscal biennium ending May thirty-first one thousand nine hundred thirty-nine and providing for the payment of certain of the deficiency appropriations out of revenues of the fiscal biennial period beginning June first one thousand nine hundred thirty-nine

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—203

Achterman,	Downey,	Lichtenwalter,	Sarraf,
Ackermann,	Eckels,	Long,	Scanlon,
Allen,	Ely,	Lovett,	Schrock,
Allmond,	Ewing,	Lyons,	Schrope,
Alspach,	Falkenstein,	Madden,	Schwab,
Andrews,	Fauset,	Malloy,	Seif,
Atkins,	Fisher,	Malone,	Serrill,
Auker,	Fiss,	Marr,	Shaw,
Baker,	Flanagan,	Matthews,	Shearer,
Balliet,	Fleming,	McClester,	Simons,
Balthaser,	Foor,	McGarrity,	Skale,
Bardes,	Freed,	McKinney,	Sloan,
Bennett,	Fullerton,	McLane,	Snyder,
Bohn,	Furman,	McNally,	Sollenberger,
Bols,	Gates,	McVay,	Stambaugh,
Boney,	Gillan,	Melchiorre,	Stank,
Boorse,	Gillette,	Mihm,	Stewart,
Boose,	Goll,	Montgomery,	Stockham,
Bower,	Gorski,	Mooney,	Sweeney,
Brancato,	Habbyshaw,	Moran,	Tahl,
Bretherick,	Haines,	Moser, F. S.,	Tarr,
Broad,	Hall,	Moser, J. L.,	Taylor,
Bronson,	Hamilton,	Muhr,	Terry,
Brown, H. S.,	Harbeson,	Munley,	Thistle,
Brown, S. W.,	Harkins,	O'Brien,	Thompson, E. F.,
Brunner,	Haudenschild,	O'Connor,	Thompson, G. R.,
Burns,	Henry,	O'Dare,	Tiemann,
Burris,	Hess,	O'Keefe,	Tronzo,
Cadwalader,	Hewitt,	Omlinsky,	Trout,
Calvin,	Hindman,	O'Neill,	VanAllsburg,
Carpenter,	Hocke,	Peacock,	Van Belle,
Check,	Hoffman, J. N.,	Peale,	Voorhees,
Chervenak,	Hoffman, S. K.,	Powers,	Wagner,
Christler,	Holland,	Preston,	Walsh,
Clark,	Hoyt,	Readinger,	Watkins,
Clearwater,	Huntley,	Reagan,	Webster,
Cohen, H. B.,	James,	Reese, D. P.,	Welss,
Cohen, R. E.,	Jirolanio,	Reese, R. E.,	Welsh, E. B.,
Cook,	Johnston,	Regan,	Welsh, M. J.,
Cooper,	Jones,	Reynolds,	Westrick,
Cordier,	Kane,	Rhodes,	Wilkinson,
Corrigan,	Keenan,	Rider,	Williams,
Cortese,	Kenehan,	Riley,	Wilson,
Curran,	Kilroy,	Robertson,	Winnor,
Dalrymple,	Kline,	Rooney,	Wood, H. M.,
Denman,	Kowalski,	Rose,	Wood, L. H.,
DeNote,	Krise,	Roseberry,	Wood, N.,
Dick,	Lee,	Rosenfeld,	Woodside,
Dix,	Lelsey,	Rothenberger,	Yeakel,
Donahue,	Levy,	Royer,	Turner,
Donohoe,	Leydic,	Sarge,	Speaker,

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 371, entitled:

An Act to provide for contribution among tortfeasors.

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

Mr. JIROLANIO. Mr. Speaker, I would like to interrogate the sponsor of the bill, Mr. Alspach, from Lancaster.

The SPEAKER. Will the gentleman from Lancaster permit himself to be interrogated?

Mr. ALSPACH. I will, Mr. Speaker.

Mr. JIORLANIO. Mr. Speaker, will the gentleman from Lancaster be kind enough to explain how this bill changes the existing laws in regard to tortfeasors?

Mr. ALSPACH. Mr. Speaker, at the present time the law is somewhat in conflict concerning the right of contributions between tortfeasors. I might explain for the benefit of the members of this House, that the law at present is that all persons who contribute—may I suppose this little illustration it might be a better explanation: If two persons contribute in an act of negligence, are jointly negligent, the plaintiff may sue either of them, get a judgment against either and effectively collect from either. At the present time the law provides for contributions among tortfeasors where the act is an act of negligence, but does not provide for contributions where the act is a local tort. For instance, two people get together to defraud a plaintiff. The plaintiff brings action against one plaintiff and recovers a judgment against him. Under the present status of the law, the defendant who has paid judgment in full or satisfied the plaintiff, cannot get a contribution from the other tortfeasor, because of the analogy of the doctrine of clean hands. A person to come into court must come with clean hands. In other words, the court will not allow one defendant who is jointly liable to suit to compel the other one to contribute, because the court will say to the other defendant, "Well, after all, you are guilty of this act of fraud."

The act which I propose does not change the law in respect to negligence; the plaintiff can still bring his action against any defendant he wants to. It merely increases the right among defendants to require others who are jointly liable to contribute to make up the loss. If this were not the case, the defendant who had the most money would be the one who would be stung in full for the judgment. It has been suggested that this is purely explanatory or indicative of the present law, as the Supreme Court of Pennsylvania in the case of Goldman vs. Mitchell-Fletcher, 292 Pennsylvania, has taken cognizance of the fact that there is a question on this point in the law of Pennsylvania, and it explains the fact that there is a question because of a misapprehension of the parties who are sued. In other words, in Goldman vs. Mitchell-Fletcher, the court said, "The question is whether the plaintiff is suing the third party or whether one defendant is trying to force contributions among the others." This act merely clarifies the law as it exists today, or as it should exist. It takes no rights whatsoever from the plaintiff, it simply adds to the defendant's case, giving the additional right, where he has committed a tort to require the other defendant to dig down in his pockets and help pay the judgment.

Mr. JIROLANIO. Thank you.

Mr. ALSPACH. I might add, Mr. Speaker, that this bill has been sponsored by the Pennsylvania Bar Association and is one of the acts which they have advocated to clear up a discrepancy in the law and in order to clarify a situation which exists today. It is definitely a non-partisan measure.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—203

Achterman.	Downey,	Lichtenwalter,	Sarra,
Ackermann.	Eckels,	Long,	Scanlon,
Allen.	Ely,	Lovett,	Schrock,
Allmond.	Ewing,	Lyons,	Schrope,
Alspach.	Falkenstein.	Madden,	Schwab,
Andrews.	Fauset,	Malloy,	Self,
Atkins.	Fisher,	Malone,	Serrill,
Auker.	Fiss,	Marr,	Shaw,
Baker.	Flanagan.	Matthews,	Shearer,
Balliet.	Fleming.	McClester,	Simons,
Balthaser.	Foor,	McGarrity,	Skale,
Bardes.	Freed,	McKinney,	Sloan,
Bennett.	Fullerton.	McLane,	Snyder,
Bohn.	Furman.	McNally,	Sollenberger.
Boies.	Gates.	McVay,	Stambaugh,
Boney.	Gillan.	Melchiorre,	Stank,
Boorse.	Gillette.	Mihm,	Stewart,
Boose.	Goll.	Montgomery,	Stockham,
Bower.	Gorskl.	Mooney,	Sweeney,
Brancato.	Habbyshaw.	Moran,	Tahl,
Bretherick.	Haines.	Moser, F. S.,	Tarr,
Broad.	Hall.	Moser, J. L.,	Taylor,
Bronson.	Hamilton.	Muir.	Terry,
Brown, H. S.,	Harbeson.	Munley.	Thistle,
Brown, S. W.,	Harkins.	O'Brien,	Thompson, E. F.,
Brunner.	Haudenschild.	O'Connor,	Thompson, G. R.,
Burns.	Henry.	O'Dare,	Tiemann,
Burris.	Hess.	O'Keefe,	Tronzo,
Cadwalader.	Hewitt.	Ominsky,	Trout,
Calvin.	Hindman.	O'Neill,	VanAllsburg,
Carpenter.	Hocke.	Peacock,	Van Belle,
Check.	Hoffman, J. N.,	Peale,	Voorhees,
Chervenak.	Hoffman, S. K.,	Powers,	Wagner,
Christler.	Holland.	Preston,	Walsh,
Clark.	Hoyt.	Readinger,	Watkins,
Clearwater.	Huntley.	Reagan,	Webster,
Cohen, H. B.,	James.	Reese, D. P.,	Weiss,
Cohen, R. E.,	Jirolanio,	Reese, R. E.,	Welsh, E. B.,
Cook.	Johnston,	Regan,	Welsh, M. J.,
Cooper.	Jones.	Reynolds,	Westrick,
Cordier.	Kane.	Rhodes,	Wilkinson,
Corrigan.	Keenan.	Rider,	Williams,
Cortese.	Kenahan.	Riley,	Wilson,
Curran.	Kilroy.	Robertson,	Winner,
Dalrymple.	Kline.	Rooney,	Wood, H. M.,
Denman.	Kowalski.	Rose.	Wood, L. H.,
DeNote.	Krise.	Roseberry.	Wood, N.,
Dick.	Lee.	Rosenfeld.	Woodside,
Dix.	Lelsey.	Rothenberger.	Yeakel,
Donahue.	Levy.	Royer,	Turner,
Donohoe.	Leydic.	Sarge,	Speaker.

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 104, entitled:

An Act validating certain tax liens in counties having a controller when the claims whereupon the liens were filed were not signed by, and did not have stamped thereon a facsimile signature of the controller of the county as required by law.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—203

Achterman.	Downey.	Lichtenwalter,	Sarra,
Ackermann.	Eckels,	Long,	Scanlon,
Allen.	Ely,	Lovett,	Schrock,

Almond,	Ewing,	Lyons,	Schrope,
Alspach,	Falkenstein,	Madden,	Schwab,
Andrews,	Fauset,	Malloy,	Seif,
Atkins,	Fisher,	Malone,	Serrill,
Baker,	Floss,	Marr,	Shaw,
Balliet,	Flanagan,	Matthews,	Shearer,
Balthaser,	Fleming,	McClester,	Simons,
Bardas,	Foor,	McGarrity,	Skale,
Bennett,	Freed,	McKinney,	Sloan,
Bohn,	Fullerton,	McLane,	Snyder,
Boles,	Furman,	McNally,	Sollenberger,
Boney,	Gates,	McVay,	Stambaugh,
Boorse,	Gillan,	Melchiorre,	Stank,
Boose,	Gillette,	Mihm,	Stewart,
Bower,	Goll,	Montgomery,	Stockham,
Brancato,	Gorski,	Mooney,	Sweeney,
Bretherick,	Habbyshaw,	Moran,	Tahl,
Broad,	Haines,	Moser, F. S.,	Tarr,
Bronson,	Hall,	Moser, J. L.,	Taylor,
Brown, H. S.,	Hamilton,	Muir,	Terry,
Brown, S. W.,	Harbeson,	Munley,	Thistle,
Brunner,	Harkins,	O'Brien,	Thompson, E. F.,
Burns,	Haudenshield,	O'Connor,	Thompson, G. R.,
Burriss,	Henry,	O'Dare,	Tiemann,
Cadwalader,	Hess,	O'Keefe,	Tronzo,
Calvin,	Hewitt,	Omlinsky,	Trout,
Carpenter,	Hindman,	O'Neill,	Van Allsburg,
Check,	Hocke,	Peacock,	Van Belle,
Chervenak,	Hoffman, J. N.,	Peale,	Voorhees,
Christler,	Hoffman, S. K.,	Powers,	Wagner,
Clark,	Holland,	Preston,	Walsh,
Cleaverwater,	Hoyt,	Readinger,	Watkins,
Cohen, H. B.,	Huntley,	Reagan,	Webster,
Cohen, R. E.,	James,	Reese, D. P.,	Welss,
Cook,	Jirolanio,	Reese, R. E.,	Welsh, E. B.,
Cooper,	Johnston,	Regan,	Welsh, M. J.,
Cordier,	Jones,	Reynolds,	Westrick,
Corrigan,	Kane,	Rhodes,	Wilkinson,
Cortese,	Keenan,	Rider,	Williams,
Curran,	Kenahan,	Riley,	Wilson,
Dalrymple,	Kilroy,	Robertson,	Winner,
Denman,	Kline,	Rooney,	Wood, H. M.,
DeNote,	Kowalski,	Rose,	Wood, L. H.,
Dick,	Krise,	Roseberry,	Wood, N.,
Dix,	Lee,	Rosenfeld,	Woodside,
Donahue,	Lelsey,	Rothenberger,	Yeakel,
Donohoe,	Levy,	Royer,	Turner,
	Leydic,	Sarge,	Speaker.

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 209, entitled:

An Act to amend section two thousand eight hundred forty-two of the act, approved the twenty-third day of June, one thousand nine hundred thirty-one (P. L. 932), entitled "An act relating to cities of the third class; and amending, revising, and consolidating the law relating thereto," by authorizing the city to appeal from reports of viewers, and demand a trial by jury, and making such provisions retroactive so as to apply to cases now pending.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—203

Achterman,	Downey,	Lichtenwalter,	Sarra,
Ackermann,	Eckels,	Long,	Scanlon,
Allen,	Ely,	Lovett,	Schrock,
Allmond,	Ewing,	Lyons,	Schrope,
Alspach,	Falkenstein,	Madden,	Schwab,

Andrews,	Fauset,	Malloy,	Seif,
Atkins,	Fisher,	Malone,	Serrill,
Auker,	Floss,	Marr,	Shaw,
Baker,	Flanagan,	Matthews,	Shearer,
Balliet,	Fleming,	McClester,	Simons,
Balthaser,	Foor,	McGarrity,	Skale,
Bardas,	Freed,	McKinney,	Sloan,
Bennett,	Fullerton,	McLane,	Snyder,
Bohn,	Furman,	McNally,	Sollenberger,
Boles,	Gates,	McVay,	Stambaugh,
Boney,	Gillan,	Melchiorre,	Stank,
Boorse,	Gillette,	Mihm,	Stewart,
Boose,	Goll,	Montgomery,	Stockham,
Bower,	Gorski,	Mooney,	Sweeney,
Brancato,	Habbyshaw,	Moran,	Tahl,
Bretherick,	Haines,	Moser, F. S.,	Tarr,
Broad,	Hall,	Moser, J. L.,	Taylor,
Bronson,	Hamilton,	Muir,	Terry,
Brown, J. S.,	Harbeson,	Munley,	Thistle,
Brown, S. W.,	Harkins,	O'Brien,	Thompson, E. F.,
Brunner,	Haudenshield,	O'Connor,	Thompson, G. R.,
Burns,	Henry,	O'Dare,	Tiemann,
Burriss,	Hess,	O'Keefe,	Tronzo,
Cadwalader,	Hewitt,	Omlinsky,	Trout,
Calvin,	Hindman,	O'Neill,	Van Allsburg,
Carpenter,	Hocke,	Peacock,	Van Belle,
Check,	Hoffman, J. N.,	Peale,	Voorhees,
Chervenak,	Hoffman, S. K.,	Powers,	Wagner,
Christler,	Holland,	Preston,	Walsh,
Clark,	Hoyt,	Readinger,	Watkins,
Cleaverwater,	Huntley,	Reagan,	Webster,
Cohen, H. B.,	James,	Reese, D. P.,	Welss,
Cohen, R. E.,	Jirolanio,	Reese, R. E.,	Welsh, E. B.,
Cook,	Johnston,	Regan,	Welsh, M. J.,
Cooper,	Jones,	Reynolds,	Westrick,
Cordier,	Kane,	Rhodes,	Wilkinson,
Corrigan,	Keenan,	Rider,	Williams,
Cortese,	Kenahan,	Riley,	Wilson,
Curran,	Kilroy,	Robertson,	Winner,
Dalrymple,	Kline,	Rooney,	Wood, H. M.,
Denman,	Kowalski,	Rose,	Wood, L. H.,
DeNote,	Krise,	Roseberry,	Wood, N.,
Dick,	Lee,	Rosenfeld,	Woodside,
Dix,	Lelsey,	Rothenberger,	Yeakel,
Donahue,	Levy,	Royer,	Turner,
Donohoe,	Leydic,	Sarge,	Speaker.

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 349, entitled:

An Act to further amend section two hundred fifty-six of the act, approved the second day of May, one thousand nine hundred and twenty-nine (P. L. 1278), entitled "An act relating to counties of the second, third, fourth, fifth, sixth, seventh and eighth classes; and revising, amending, and consolidating the laws relating thereto," by providing for the appointment and compensation of assistant district attorneys in counties of the sixth class where there are two or more judges of the court of common pleas.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—203

Achterman,	Downey,	Lichtenwalter,	Sarra,
Ackermann,	Eckels,	Long,	Scanlon,
Allen,	Ely,	Lovett,	Schrock,
Allmond,	Ewing,	Lyons,	Schrope,
Alspach,	Falkenstein,	Madden,	Schwab,
Andrews,	Fauset,	Malloy,	Self,
Atkins,	Fisher,	Malone,	Serrill,

Auker,	Floss,	Marr,	Shaw,
Baker,	Flanagan,	Matthews,	Shearer,
Balliet,	Fleming,	McClester,	Simons,
Balthaser,	Foor,	McGarrity,	Skale,
Bardes,	Freed,	McKinney,	Sloan,
Bennett,	Fullerton,	McLane,	Snyder,
Bohn,	Furman,	McNally,	Sollenberger,
Boles,	Gates,	McVay,	Stambaugh,
Boney,	Gillan,	Melchiorre,	Stank,
Boorse,	Gillette,	Mihm,	Stewart,
Boose,	Goll,	Montgomery,	Stockham,
Bower,	Gorski,	Mooney,	Sweeney,
Brancato,	Habbyshaw,	Moran,	Tahl,
Bretherick,	Haines,	Moser, F. S.,	Tarr,
Broad,	Hall,	Moser, J. L.,	Taylor,
Bronson,	Hamilton,	Muir,	Terry,
Brown, H. S.,	Harbeson,	Munley,	Thistle,
Brown, S. W.,	Harkins,	O'Brien,	Thompson, E. F.,
Brunner,	Haudenschild,	O'Connor,	Thompson, G. R.,
Burns,	Henry,	O'Dare,	Tiemann,
Burris,	Hess,	O'Keefe,	Tronzo,
Cadwalader,	Hewitt,	Ominsky,	Trout,
Calvin,	Hindman,	O'Neill,	VanAllsburg,
Carpenter,	Hocke,	Peacock,	Van Belle,
Check,	Hoffman, J. N.,	Peale,	Voorhees,
Chervenak,	Hoffman, S. K.,	Powers,	Wagner,
Christler,	Holland,	Preston,	Walsh,
Clark,	Hoyt,	Readinger,	Watkins,
Clearwater,	Huntley,	Reagan,	Webster,
Cohen, H. B.,	James,	Reese, D. P.,	Welss,
Cohen, R. E.,	Jirolanio,	Reese, R. E.,	Welsh, E. B.,
Cook,	Johnston,	Regan,	Welsh, M. J.,
Cooper,	Jones,	Reynolds,	Westrick,
Cordier,	Kane,	Rhodes,	Wilkinson,
Corrigan,	Keenan,	Rider,	Williams,
Cortese,	Kenehan,	Riley,	Wilson,
Curran,	Kilroy,	Robertson,	Winner,
Dalrymple,	Kline,	Rooney,	Wood, H. M.,
Denman,	Kowalski,	Rose,	Wood, L. H.,
DeNote,	Krise,	R. S. berry,	Wood, N.,
Dick,	Lee,	Rosenfeld,	Woodside,
Dix,	Lelsey,	Rothenberger,	Yeakel,
Donahue,	Levy,	Royer,	Turner,
Donohoe,	Leydic,	Sarge,	Speaker.

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 345, entitled:

An Act to validate and quiet the title of real estate in this Commonwealth held by a foreign corporation unauthorized to hold the same, and heretofore conveyed to a citizen of the United States or a corporation authorized to hold such real estate.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—203

Achterman,	Downey,	Lichtenwalter,	Sarraff,
Ackermann,	Eckels,	Long,	Scanlon,
Allen,	Ely,	Lovett,	Schrock,
Allmond,	Ewing,	Lyons,	Schrope,
Alspach,	Falkenstein,	Madden,	Schwab,
Andrews,	Fauset,	Malloy,	Self,
Atkins,	Fisher,	Malone,	Serrill,
Auker,	Floss,	Marr,	Shaw,
Baker,	Flanagan,	Matthews,	Shearer,
Balliet,	Fleming,	McClester,	Simons,
Balthaser,	Foor,	McGarrity,	Skale,
Bardes,	Freed,	McKinney,	Sloan,
Bennett,	Fullerton,	McLane,	Snyder,

Bohn,	Furman,	McNally,	Sollenberger,
Boles,	Gates,	McVay,	Stambaugh,
Boney,	Gillan,	Melchiorre,	Stank,
Boorse,	Gillette,	Mihm,	Stewart,
Boose,	Goll,	Montgomery,	Stockham,
Bower,	Gorski,	Mooney,	Sweeney,
Brancato,	Habbyshaw,	Moran,	Tahl,
Bretherick,	Haines,	Moser, F. S.,	Tarr,
Broad,	Hall,	Moser, J. L.,	Taylor,
Bronson,	Hamilton,	Muir,	Terry,
Brown, H. S.,	Harbeson,	Munley,	Thistle,
Brown, S. W.,	Harkins,	O'Brien,	Thompson, E. F.,
Brunner,	Haudenschild,	O'Connor,	Thompson, G. R.,
Burns,	Henry,	O'Dare,	Tiemann,
Burris,	Hess,	O'Keefe,	Tronzo,
Cadwalader,	Hewitt,	Ominsky,	Trout,
Calvin,	Hindman,	O'Neill,	VanAllsburg,
Carpenter,	Hocke,	Peacock,	Van Belle,
Check,	Hoffman, J. N.,	Peale,	Voorhees,
Chervenak,	Hoffman, S. K.,	Powers,	Wagner,
Christler,	Holland,	Preston,	Walsh,
Clark,	Hoyt,	Readinger,	Watkins,
Clearwater,	Huntley,	Reagan,	Webster,
Cohen, H. B.,	James,	Reese, D. P.,	Welss,
Cohen, R. E.,	Jirolanio,	Reese, R. E.,	Welsh, E. B.,
Cook,	Johnston,	Regan,	Welsh, M. J.,
Cooper,	Jones,	Reynolds,	Westrick,
Cordier,	Kane,	Rhodes,	Wilkinson,
Corrigan,	Keenan,	Rider,	Williams,
Cortese,	Kenehan,	Riley,	Wilson,
Curran,	Kilroy,	Robertson,	Winner,
Dalrymple,	Kline,	Rooney,	Wood, H. M.,
Denman,	Kowalski,	Rose,	Wood, L. H.,
DeNote,	Krise,	Rosenfeld,	Wood, N.,
Dick,	Lee,	Rothenberger,	Woodside,
Dix,	Lelsey,	Royer,	Yeakel,
Donahue,	Levy,	Sarge,	Turner,
Donohoe,	Leydic,		Speaker.

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 346, entitled:

An Act to validate mortgages on real estate in this Commonwealth given by a foreign corporation unauthorized to hold title to the said real estate, said real estate having been heretofore conveyed to a citizen of the United States or a corporation authorized to hold such real estate.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—203

Achterman,	Downey,	Lichtenwalter,	Sarraff,
Ackermann,	Eckels,	Long,	Scanlon,
Allen,	Ely,	Lovett,	Schrock,
Allmond,	Ewing,	Lyons,	Schrope,
Alspach,	Falkenstein,	Madden,	Schwab,
Andrews,	Fauset,	Malloy,	Self,
Atkins,	Fisher,	Malone,	Serrill,
Auker,	Floss,	Marr,	Shaw,
Baker,	Flanagan,	Matthews,	Shearer,
Balliet,	Fleming,	McClester,	Simons,
Balthaser,	Foor,	McGarrity,	Skale,
Bardes,	Freed,	McKinney,	Sloan,
Bennett,	Fullerton,	McLane,	Snyder,
Bohn,	Furman,	McNally,	Sollenberger,
Boles,	Gates,	McVay,	Stambaugh,
Boney,	Gillan,	Melchiorre,	Stank,
Boorse,	Gillette,	Mihm,	Stewart,
Boose,	Goll,	Montgomery,	Stockham,

Bower,	Gorski,	Mooney,	Sweeney,
Brancato,	Habbyshaw,	Moran,	Tahl,
Bretherick,	Haines,	Moser, F. S.,	Tarr,
Broad,	Hall,	Moser, J. L.,	Taylor,
Bronson,	Hamilton,	Muir,	Terry,
Brown, H. S.,	Harbeson,	Munley,	Thistle,
Brown, S. W.,	Harkins,	O'Brien,	Thompson, E. F.,
Brunner,	Haudenschild,	O'Connor,	Thompson, G. R.,
Burns,	Henry,	O'Dare,	Tiemann,
Burris,	Hess,	O'Keefe,	Tronzo,
Cadwalader,	Hewitt,	Ominsky,	Trout,
Calvin,	Hindman,	O'Neill,	VanAllsburg,
Carpenter,	Hocke,	Peacock,	Van Belle,
Check,	Hoffman, J. N.,	Peale,	Voorhees,
Chervenak,	Hoffman, S. K.,	Powers,	Wagner,
Christler,	Holland,	Preston,	Walsh,
Clark,	Hoyt,	Readinger,	Watkins,
Clearwater,	Huntley,	Reagan,	Webster,
Cohen, H. B.,	James,	Reese, D. P.,	Weiss,
Cohen, R. E.,	Jirolanio,	Reese, R. E.,	Welsh, E. B.,
Cook,	Johnston,	Regan,	Welsh, M. J.,
Cooper,	Jones,	Reynolds,	Westrick,
Cordier,	Kane,	Rhodes,	Wilkinson,
Corrigan,	Keenan,	Rider,	Williams,
Cortese,	Kenahan,	Riley,	Wilson,
Curran,	Kilroy,	Robertson,	Winnor,
Dalrymple,	Kline,	Rooney,	Wood, H. M.,
Denman,	Kowalski,	Rose,	Wood, L. H.,
DeNote,	Krise,	Roseberry,	Wood, N.,
Dick,	Lee,	Rosenfeld,	Woodside,
Dix,	Lelsey,	Rothenberger,	Yeakel,
Donahue,	Levy,	Royer,	Turner,
Donohoe,	Leydic,	Sarge,	Speaker.

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 378, entitled:

An Act to amend paragraph (d) of section twenty-eight of the act, approved the seventh day of June, one thousand nine hundred seventeen (P. L. 447), entitled as amended "An act relating to the administration and distribution of the estates of decedents and of minors, and of trust estates; including the appointment, bonds, rights, powers, duties, liabilities, accounts, discharge and removal of executors, administrators, guardians, and trustees, herein designated as fiduciaries; the administration and distribution of the estates of presumed decedents; widow's and children's exemptions; debts of decedents, rents of real estate as assets for payment thereof, the lien thereof, sales and mortgages of real estate for the payment thereof, judgments and executions therefor, and the discharge of real estate from the lien thereof; contracts of decedents for the sale or purchase of real estate; legacies, including legacies charged on land; the discharge of residuary estates and of real estate from the lien of legacies and other charges; the appraisal of real estate devised at a valuation; the ascertainment of the curtilage of dwelling houses or other buildings devised; the abatement and survival of actions, and the substitution of executors and administrators therein; the survival of causes of action and suits thereupon by or against fiduciaries; investments by fiduciaries; the organization of corporations to carry on the business of decedents; the audit and review of accounts of fiduciaries; refunding bonds; transcripts to the court of common pleas of balances due by fiduciaries; the rights, powers, and liabilities of nonresident and foreign fiduciaries; the appointment, bonds, rights, powers, duties, and liabilities of trustees durante absentia; the recording and registration of decrees, reports and other proceedings, and the fees therefor; appeals in certain cases; and, also, generally dealing with the jurisdiction, powers, and procedure of the orphans' court in all matters relating to fiduciaries concerned with the estates of decedents," authorizing surviving, acting or remaining testamentary trustees to act in respect to real estate left

to them to be sold or which they are authorized or directed to sell.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—203

Achterman,	Downey,	Lichtenwalter,	Sarra,
Ackermann,	Eckels,	Long,	Scanlon,
Allen,	Ely,	Lovett,	Schrock,
Allmond,	Ewing,	Lyons,	Schrope,
Alspach,	Falkenstein,	Madden,	Schwab,
Andrews,	Fauset,	Malloy,	Seif,
Atkins,	Fisher,	Malone,	Serrill,
Auker,	Fliss,	Marr,	Shaw,
Baker,	Flanagan,	Matthews,	Shearer,
Balliet,	Fleming,	McClister,	Simons,
Balthaser,	Foor,	McGarrity,	Skale,
Bardes,	Freed,	McKinney,	Sloan,
Bennett,	Fullerton,	McLane,	Snyder,
Bohn,	Furman,	McNally,	Sollenberger,
Botes,	Gates,	McVay,	Stambaugh,
Boney,	Gillan,	Melchiorre,	Stank,
Boone,	Gillette,	Mihm,	Stewart,
Boose,	Goll,	Montgomery,	Stockham,
Bower,	Gorski,	Mooney,	Sweeney,
Brancato,	Habbyshaw,	Moran,	Tahl,
Bretherick,	Haines,	Moser, F. S.,	Tarr,
Broad,	Hall,	Moser, J. L.,	Taylor,
Bronson,	Hamilton,	Muir,	Terry,
Brown, H. S.,	Harbeson,	Munley,	Thistle,
Brown, S. W.,	Harkins,	O'Brien,	Thompson, E. F.,
Brunner,	Haudenschild,	O'Connor,	Thompson, G. R.,
Burns,	Henry,	O'Dare,	Tiemann,
Burtis,	Hess,	O'Keefe,	Tronzo,
Cadwalader,	Hewitt,	Ominsky,	Trout,
Calvin,	Hindman,	O'Neill,	VanAllsburg,
Carpenter,	Hocke,	Peacock,	Van Belle,
Check,	Hoffman, J. N.,	Peale,	Voorhees,
Chervenak,	Hoffman, S. K.,	Powers,	Wagner,
Christler,	Holland,	Preston,	Walsh,
Clark,	Hoyt,	Readinger,	Watkins,
Clearwater,	Huntley,	Reagan,	Webster,
Cohen, H. B.,	James,	Reese, D. P.,	Weiss,
Cohen, R. E.,	Jirolanio,	Reese, R. E.,	Welsh, E. B.,
Cook,	Johnston,	Regan,	Welsh, M. J.,
Cooper,	Jones,	Reynolds,	Westrick,
Cordier,	Kane,	Rhodes,	Wilkinson,
Corrigan,	Keenan,	Rider,	Williams,
Cortese,	Kenahan,	Riley,	Wilson,
Curran,	Kilroy,	Robertson,	Winnor,
Dalrymple,	Kline,	Rooney,	Wood, H. M.,
Denman,	Kowalski,	Rose,	Wood, L. H.,
DeNote,	Krise,	Roseberry,	Wood, N.,
Dick,	Lee,	Rosenfeld,	Woodside,
Dix,	Lelsey,	Rothenberger,	Yeakel,
Donahue,	Levy,	Royer,	Turner,
Donohoe,	Leydic,	Sarge,	Speaker.

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

SENATE MESSAGES

APPOINTMENT OF CONFERENCE COMMITTEE ON SENATE BILL NO. 79

The Clerk of the Senate being introduced, informed that the Senate insists on its concurrence in the amendments made and insisted upon by the House of Representatives to Senate Bill No. 79, entitled:

An Act permitting the county treasurer with the consent of the county commissioners or the approval of the

court to adjourn county treasurers' sales of seated and unseated lands for non-payment of taxes in all counties except counties of the first class and preserving the lien of all taxes on such lands

And has appointed Messrs. Cavalcante, Tallman and Farrell a committee of conference to confer with a similar committee of the House of Representatives (already appointed) on the subject of the differences existing between the two Houses in relation to said bill.

HOUSE BILL CONCURRED IN BY SENATE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 199.

An Act to confirm and validate past tax levies or assessments made by school districts of the first class and liens filed thereon

With the information that the Senate has passed the same without amendment.

BILL SIGNED BY SPEAKER

Bill numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the title was publicly read as follows:

HOUSE BILL No. 199.

An Act to confirm and validate past tax levies or assessments made by school districts of the first class and liens filed thereon

Whereupon,

The SPEAKER, in the presence of the House, signed the same.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 379, entitled:

An Act to further amend section nine of the act, approved the eighteenth day of April, one thousand eight hundred fifty-three (P. L. 503), entitled "An act relating to the sale and conveyance of real estate," directing accumulations for minors to be added to the principal or corpus of the estate, unless otherwise directed.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—203

Achterman,	Downey,	Lichtenwalter,	Sarraf,
Ackermann,	Eckels,	Long,	Scanlon,
Allen,	Ely,	Lovett,	Schrock,
Allmond,	Ewing,	Lyons,	Schrope,
Alsbach,	Falkenstein,	Madden,	Schwab,
Andrews,	Fauset,	Malloy,	Seif,
Atkins,	Fisher,	Malone,	Serrill,
Auker,	Fiss,	Marr,	Shaw,
Baker,	Flanagan,	Matthews,	Shearer,
Balliet,	Fleming,	McClester,	Simons,
Balthaser,	Foor,	McGarrity,	Skale,
Bardes,	Freed,	McKinney,	Sloan,
Bennett,	Fullerton,	McLane,	Snyder,
Bohn,	Furman,	McNally,	Sollenberger,
Boles,	Gates,	McVay,	Stambaugh,
Boney,	Gillan,	Melchiorre,	Stank,

Boorse,	Gillette,	Mihm,	Stewart,
Boose,	Goll,	Montgomery,	Stockham,
Bower,	Gorski,	Mooney,	Sweeney,
Brancato,	Habbyshaw,	Moran,	Tahl,
Bretherick,	Haines,	Moser, F. S.,	Tarr,
Broad,	Hall,	Moser, J. L.,	Taylor,
Bronson,	Hamilton,	Muir,	Terry,
Brown, H. S.,	Harbeson,	Munley,	Thistle,
Brown, S. W.,	Harkins,	O'Brien,	Thompson, E. F.,
Brunner,	Haudenshield,	O'Connor,	Thompson, G. R.,
Burns,	Henry,	O'Dare,	Tiemann,
Burriss,	Hess,	O'Keefe,	Tronzo,
Cadwalader,	Hewitt,	Omlinsky,	Trout,
Calvin,	Hindman,	O'Neill,	VanAlsbury,
Carpenter,	Hocke,	Peacock,	Van Belle,
Check,	Hoffman, J. N.,	Peale,	Voorhees,
Chervenak,	Hoffman, S. K.,	Powers,	Wagner,
Christler,	Holland,	Preston,	Walsh,
Clark,	Hoyt,	Readinger,	Watkins,
Clearwater,	Huntley,	Reagan,	Webster,
Cohen, H. B.,	James,	Reese, D. P.,	Weiss,
Cohen, R. E.,	Jirolanio,	Reese, R. E.,	Welsh, E. B.,
Cook,	Johnston,	Regan,	Welsh, M. J.,
Cooper,	Jones,	Reynolds,	Westrick,
Cordier,	Kane,	Rhodes,	Wilkinson,
Corrigan,	Keenan,	Rider,	Williams,
Cortese,	Kenehan,	Riley,	Wilson,
Curran,	Kilroy,	Robertson,	Winnier,
Dalrymple,	Kline,	Rooney,	Wood, H. M.,
Denman,	Kowalski,	Rose,	Wood, L. H.,
DeNote,	Krise,	Roseberry,	Wood, N.,
Dick,	Lee,	Rosenfeld,	Woodside,
Dix,	Lelsey,	Rothenberger,	Yeakel,
Donahue,	Levy,	Royer,	Turner,
Donohoe,	Leydic,	Sarge,	Speaker,

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 331, as follows:

An Act defining and prohibiting unfair sales providing remedies for violations thereof and establishing penalties therefor

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Whereas The practice of selling certain items of merchandise at cost or less than cost in order to attract patronage is generally a form of deceptive advertising and an unfair method of competition in commerce and

Whereas Such practice causes commercial dislocations misleads the consumer works back against the farmer directly burdens and obstructs commerce and diverts business from dealers who maintain a fair price policy and

Whereas Bankruptcies among merchants who fail because of the competition of those who use such methods result in unemployment disruption of leases and non-payment of taxes and loans and contribute to the inevitable train of undesirable consequences including economic depression now therefore

Section 1 This act shall be known and designated and may be cited as the "Unfair Sales Act"

Section 2 (a) When used in this act the term "cost to the retailer" shall mean the invoice cost of the merchandise to the retailer or the replacement cost of the merchandise to the retailer with thirty (30) days prior to the date of sale in the quantity last purchased whichever is lower less all trade discounts except customary discounts for cash advertising allowances promotional allowances display allowances and any other allowances for services rendered to which shall be added (1) freight charges not otherwise included in the cost of the merchandise (2) a mark-up to cover in part the cost of doing business which mark-up in the absence of proof of a lesser cost shall be not less than six per cent of the total cost at retail outlet

(b) When used in this act the term "cost to the wholesaler" shall mean the invoice cost of the merchandise to the wholesaler or the replacement cost of the merchandise to the wholesaler within thirty (30) days prior to date of sale in the quantity last purchased whichever is lower less all trade discounts except customary discounts for cash advertising allowances promotional allowances display allowances and any other allowances for services rendered to which shall be added (1) freight charges not otherwise included in the cost of the merchandise and (2) a mark-up to cover in part the cost of doing business which mark-up in the absence of proof of a lesser cost shall be not less than two per cent of the total cost at the wholesale establishment

(c) Where two or more items are advertised offered for sale or sold at a combined price the price of each item named shall be governed by the provisions of paragraph (a) or (b) of section two respectively

(d) The terms "cost to the retailer" and "cost to the wholesaler" as defined in paragraphs (a) and (b) shall mean bona fide costs and sales to consumers retailers and wholesalers at prices which cannot be justified by existing market conditions within this State shall not be used as a basis for computing costs with respect to sales by retailers and wholesalers

(e) The terms "sell at retail" "sales at retail" and "retail sale" shall mean and include any transfer for a valuable consideration made in the ordinary course of trade or in the usual prosecution of the seller's business of title to tangible personal property to the purchaser for consumption or use other than resale or further processing or manufacturing The above terms shall include any transfer of such property where title is retained by the seller as security for the payment of such purchase price

(f) The terms "sell at wholesale" "sale at wholesale" and "wholesale sales" shall mean and include any transfer for a valuable consideration made in the ordinary course of trade or the usual prosecution of the seller's business of title to tangible personal property to the purchaser for purposes of resale or further processing or manufacturing The above terms shall include any such transfer of property where title is retained by the seller as security for the payment of the purchase price

(g) The term "retailer" shall mean and include every person copartnership corporation or association engaged in the business of making sales at retail or performing the retail function within this State provided that in the case of a person partnership corporation or association engaged in the business of making sales both at retail and at wholesale such terms shall be applied only to the retail portion of such business

(h) The term "wholesaler" shall mean and include every person partnership corporation or association engaged in the business of making sales at wholesale or performing the wholesale function within this State Provided That in the case of a person partnership corporation or association engaged in the business of making sales both at wholesale and retail such terms shall be applied only to the wholesale portion of such business

(i) Every person partnership corporation or association engaged in the business of making sales at retail as defined in this act within this State which in addition to such business shall purchase merchandise and commodities for sale at retail from manufacturers packers processors growers or producers thereof without resort to a wholesaler as much shall be taken deemed and construed for the purpose of this act to be engaged in business both as a wholesaler and retailer as defined in this act and as such shall be subject to both the retail and wholesale mark-up provisions of this act

Section 3 It is hereby declared that advertisement offer to sell or sale of any merchandise either by retailers or wholesalers at less than cost as defined in this act with the intent effect or result of unfairly diverting trade from or otherwise injuring a competitor or with the result of deceiving any purchaser or prospective purchaser substantially lessening competition unreasonably restraining trade or tending to create a monopoly in any line of commerce is an unfair method of competition contrary to

public policy and in contravention of the policy of this act

Section 4 Any retailer who shall in contravention of the policy of this act advertise offer to sell or sell at retail any item of merchandise at less than cost to the retailer as defined in this act or any wholesaler who shall in contravention of the policy of this act advertise offer to sell or sell at wholesale any item of merchandise at less than cost to the wholesaler as defined in this act or any person partnership corporation or association engaged in business both as a wholesaler and retailer as defined in this act who shall in contravention of the policy of this act advertise offer to sell or sell any item of merchandise at less than cost subject to both the retail and wholesale mark-ups provided by this act shall upon summary conviction before a magistrate be sentenced to pay a fine of not less than fifty dollars (\$50.00) nor more than two hundred dollars (\$200.00) and costs of prosecution and in default thereof shall undergo imprisonment for not more than ten (10) days Proof of any such advertisement offer to sell or sale by any retailer or wholesaler in contravention of the policy of this act shall be prima facie evidence of a violation of this act

Section 5 In addition to the penalties provided in this act the courts of this State are hereby invested with jurisdiction to prevent and restrain violations of this act and it shall be the duty of the several State's attorneys in their respective districts to institute proceeding in equity to prevent and restrain violations Any person shall be entitled to sue for and have injunctive relief in any court of competent jurisdiction against any threatened loss or injury by reason of a violation of this act

Section 6 The provisions of this act shall not apply to sales at retail or sales at wholesale (a) where merchandise is sold in bona fide clearance sales if advertised marked and sold as such (b) where perishable merchandise must be sold promptly in order to forestall loss (c) where merchandise is imperfect or damaged or is being discontinued and is advertised marked and sold as such (d) where merchandise is sold upon the final liquidation of any business (e) where merchandise is sold for charitable purposes or to relief agencies (f) where merchandise is sold on contract to departments of the government of governmental institutions (g) where the price of merchandise is made in good faith to meet legal competition (h) where merchandise is sold by any officer acting under the order or direction of any court

Section 7 If any section sentence clause or provision of this act shall for any reason be held invalid or unconstitutional the validity of the remaining parts hereof shall not be affected thereby

Section 8 The provisions of this act shall become effective sixty (60) days after final enactment

On the question,

Will the House agree to the bill on third reading?

BILL POSTPONED

Mr. MARR. Mr. Speaker, I move that this bill be placed upon the postponed calendar.

The motion was agreed to.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 284, entitled:

An Act to amend clause (d) of section two of the act approved the seventh day of June one thousand nine hundred and seventeen (P. L. 447) entitled as amended "An act relating to the administration and distribution of the estates of decedents and of minors and of trust estates including the appointment bonds rights powers duties liabilities accounts discharge and removal of executors administrators guardians and trustees herein designated

as fiduciaries the administration and distribution of the estates of presumed decedents widow's and children's exemptions debts of decedents rents of real estate as assets for payment thereof the lien thereof sales and mortgages of real estate for the payment thereof judgments and executions therefor and the discharge of real estate from the lien thereof contracts of decedents for the sale or purchase of real estate legacies including legacies charged on land the discharge of residuary estates and of real estate from the lien of legacies and other charges the appraisalment of real estate devised at a valuation the ascertainment of the curtilage of dwelling houses or other buildings devised the abatement and survival of actions and the substitution of executors and administrators therein the survival of causes of action and suits thereupon by or against fiduciaries investments by fiduciaries the organization of corporations to carry on the business of decedents the audit and review of accounts of fiduciaries refunding bonds transcripts to the court of common pleas of balances due by fiduciaries the rights power and liabilities of nonresident and foreign fiduciaries the appointment bonds rights powers duties and liabilities of trustees durante absentia the recording and registration of decrees reports and other proceedings and the fees therefor appeals in certain cases and also generally dealing with the jurisdiction powers and procedure of the orphans court in all matters relating to fiduciaries concerned with the estates of decedents" as amended providing that where a resident of this Commonwealth petitions the register of wills of a county other than the one in which he resides for the issuance of letters testamentary the affidavit and oath of affirmation required by this act before the issuance of such letters may be taken before and administered by the register of wills of the county in which the applicant resides and letters testamentary may be issued by the register of wills of the proper county without a personal appearance of the applicant.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—203

Achterman,	Downey,	Lichtenwalter,
Ackermann,	Eckels,	Long,
Allen,	Ely,	Lovett,
Allmond,	Ewing,	Lyons,
Alspach,	Falkenstein,	Madden,
Andrews,	Fauset,	Malloy,
Atkins,	Fisher,	Malone,
Auker,	Fliss,	Marr,
Baker,	Flanagan,	Matthews,
Balliet,	Fleming,	McClester,
Balthaser,	Foor,	McGarrity,
Bardes,	Freed,	McKinney,
Bennett,	Fullerton,	McLane,
Bohn,	Furman,	McNally,
Boles,	Gates,	McVay,
Boney,	Gillan,	Melchiorre,
Boorse,	Gillette,	Mihm,
Borse,	Goll,	Montgomery,
Bower,	Gorski,	Mooney,
Brancato,	Habbyshaw,	Moran,
Bretherick,	Haines,	Moser, F. S.,
Broad,	Hall,	Moser, J. L.
Bronson,	Hamilton,	Muir,
Brown, H. S.,	Harbeson,	Munley,
Brown, S. W.,	Harkins,	O'Brien,
Brunner,	Haudenschild,	O'Connor,
Burns,	Henry,	O'Dare,
Burris,	Hess,	O'Keefe,
Cadwalader,	Hewitt,	Ominsky,
Calvin,	Hindman,	O'Neill,
Carpenter,	Hocke,	Peacock,
Check,	Hoffman, J. N.,	Peale,
Chervenak,	Hoffman, S. K.,	Powers,
Christler,	Holland,	Preston,
Clark,	Hoyt,	Readinger,
Clearwater,	Huntley,	Reagan,

Cohen, H. B.,	James,	Reese, D. P.,	Weiss,
Cohen, R. E.,	Jirolania,	Reese, R. E.	Welsh, E. B.,
Cook,	Johnston,	Regan,	Welsh, M. J.,
Cooper,	Jones,	Reynolds,	Westrick,
Cordier,	Kane,	Rhodes,	Wilkinson,
Corrigan,	Keenan,	Rlder,	Williams,
Cortese,	Kenehan,	Riley,	Wilson,
Curran,	Kilroy,	Robertson,	Winner,
Dairymple,	Kilne,	Rooney,	Wood, H. M.,
Denman,	Kowalski,	Rose,	Wood, L. H.,
DeNote,	Krise,	Roseberry,	Wood, N.,
Dick,	Lee,	Rosenfeld,	Woodside,
Dix,	Lelsey,	Rothenberger,	Yeakel,
Donahue,	Levy,	Royer,	Turner,
Donohoe,	Leydic,	Sarge,	Speaker.

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 404, entitled:

An Act to amend sections three and five of the act, approved the thirteenth day of May, one thousand nine hundred and twenty-five (P. L. 644), entitled "An act relating to and regulating the solicitation of moneys and property for charitable, religious, benevolent, humane, and patriotic purposes," as amended, by requiring the corporations, copartnerships and associations affected by the provisions of this act to publish certain facts relative to the organization once a year, and to file proof of such publication with the Department of Welfare.

On the question,

Will the House agree to the bill on third reading?

BILL POSTPONED

Mr. READINGER. Mr. Speaker, I move that this bill be placed upon the postponed calendar.

The motion was agreed to.

BILL ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 496, entitled:

As Act to amend section four of the act, approved the twenty-fifth day of July, one thousand nine hundred thirteen (Pamphlet Laws, one thousand twenty-four), entitled "An act to protect the public health and welfare, by regulating the employment of females in certain establishments with respect to their hours of labor and the conditions their employment; by establishing certain sanitary regulations in the establishments in which they work; by requiring certain abstracts and notices to be posted; by providing for the enforcement of this act by the Commission of Labor and Industry and others; by prescribing penalties for violations thereof; by defining the procedure in prosecutions; and by repealing all acts and parts of acts inconsistent with the provisions thereof," by extending the restrictions on employment in manufacturing establishments in certain cases.

On the question,

Will the House agree to the bill on third reading?

BILL POSTPONED

Mr. WILLIAMS. Mr. Speaker, I move that this bill be placed upon the postponed calendar.

The motion was agreed to.

BILL ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 263, entitled:

An Act to amend section two thousand one of the act approved the twenty-third day of June one thousand nine hundred and thirty-one (Pamphlet Laws 932) entitled "An act relating to cities of the third class and amending revising and consolidating the law relating thereto" by fixing the minimum compensation for patrolmen in such cities.

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

Mr. DIX. Mr. Speaker, I desire to interrogate the gentleman from Dauphin.

The SPEAKER. Will the gentleman from Dauphin permit himself to be interrogated?

Mr. DAVID P. REESE. I will, Mr. Speaker.

Mr. DIX. Mr. Speaker, will the gentleman from Dauphin please state in brief the purpose of this bill and the salaries proposed for policemen?

Mr. DAVID P. REESE. Mr. Speaker, the purpose of this bill is to establish a minimum salary starting at one thousand six hundred dollars for the first year and increasing each year for a period of six years, at eighty dollars in each increment, bringing it up to two thousand eighty dollars as the maximum.

Mr. DIX. Mr. Speaker, I desire to inquire of the gentleman whether it is not true that one thousand dollars is the starting salary for teachers in Harrisburg and other third class cities.

Mr. DAVID P. REESE. Mr. Speaker, I do not know what the salaries for teachers are. I believe the question is entirely irrelevant.

Mr. DIX. Mr. Speaker, I wish to make a comparison in order that the members of the House may see the injustice of paying policemen from sixteen hundred to two thousand dollars a year when school teachers in the rural districts and also in the cities are getting about half that amount of money.

Is it not true that this bill starts a police officer on the taxpayers' payroll at six hundred dollars greater pay per year than the school teachers who have been from four to six years getting a professional education at a cost of several thousand dollars?

Mr. DAVID P. REESE. Mr. Speaker, I advised the gentleman before that I do know anything specially about the salaries of school teachers to be able to quote figures.

Mr. DIX. Mr. Speaker, I am sorry that he does not. Can the gentleman tell me what the salaries of twenty thousand fourth class school teachers are?

Mr. DAVID P. REESE. Mr. Speaker, my answer to all of these questions is that I do not know.

Mr. DIX. Mr. Speaker, the salary of twenty thousand fourth class school teachers is eight hundred to nine hundred dollars, which is half the amount the gentleman is asking for policemen.

Can he tell me how the bankrupt or nearly bankrupt cities, who cannot pay school teachers are going to be able to pay the extra salaries to policemen?

Mr. DAVID P. REESE. Mr. Speaker, would the gentleman be kind enough to restate the question?

Mr. DIX. Mr. Speaker, can he tell me how bankrupt or nearly bankrupt third class cities, who cannot pay their school teachers, are going to be able to pay extra salaries to policemen?

Mr. DAVID P. REESE. Mr. Speaker, it is entirely separate—

Mr. DIX. Mr. Speaker, I think it is very relevant.

Mr. DAVID P. REESE. Mr. Speaker, will the gentleman be kind enough to permit me to continue. It will come out of entirely different funds, and in reply to the gentleman, I am not acquainted with the status of bankrupt cities of the third class.

Mr. DIX. Mr. Speaker, for instance, Pottsville is going to discontinue paying school teachers and is asking for all teachers to be dismissed, I understand, on April 15, as well as other cities.

Mr. DAVID P. REESE. Mr. Speaker, I understand that they have been paid.

Mr. DIX. Mr. Speaker, does the gentleman from Dauphin County believe in home rule?

Mr. DAVID P. REESE. I certainly do, Mr. Speaker.

Mr. DIX. Mr. Speaker, is the taking of power away from mayors and councilmen of third class cities in our Commonwealth and setting the salaries of policemen in these forty-four cities by a Legislative enactment, a home rule measure?

Mr. DAVID P. REESE. Mr. Speaker, may I request that the gentleman keep in line and talk on the merits of this particular bill and not talk about the salaries of school teachers.

The SPEAKER. The Chair is unable to protect the gentleman in that respect. The gentleman can protect himself by refusing to answer questions that are not relevant or pertinent.

Mr. DIX. Mr. Speaker and members of the House, in view of the present state of the nation, and of Pennsylvania, and the critical financial condition of most of the cities of the third class, I am opposed to any legislative salary grab for any group of citizens, be they police officers or other public servants now better paid than the nearly twenty thousand public school teachers. And when countless thousands of clerical workers, skilled workmen in our factories and farmers in our agricultural sections of the state, must struggle along with half the cash income that this bill proposes, I think it is high time we should attend to our own affairs and let the duly elected officials of the cities set the salaries they desire to pay and can afford to pay.

I wonder if the gentleman from Dauphin, for whom I have the highest personal regard,—I wonder if he knows that this proposed salary grab will amount to over twice as much as is now paid to nearly twenty thousand of our fourth class school teachers who are working for from eight to nine hundred dollars per year, and this, mind you, is the maximum salary they can get, while the maximum proposed by this bill is over two thousand dollars, nearly three times as much as thousands of our well-educated school teachers receive. Many of these teachers spent from four to six years, after they leave high school, in college and extension courses, at a cost of many thousands of dollars, in order to prepare themselves to properly teach our children, while a police officer can in some cities be made and unmade at the beck and call of the person or persons who control the patronage of his city.

Mr. Speaker and members of the House, I am against

any salary grab for any public official, policeman or otherwise, at least until this state-wide and country-wide depression is over, until the low-income teachers are better paid, until clerical workers receive better wages, and until farmers and dairymen can, by the sweat of their brow, earn a decent profit. And these things cannot be accomplished until we have better business, and we cannot have better business by raising the salaries of public officials, thereby increasing taxes and adding to the burdens of the business man, the home owner, and the taxpayers of our Commonwealth.

I submit that many of these Third Class cities are bankrupt or nearly bankrupt, located where there are already distressed school districts,—cities that already are stretching out their hands for subsidies from the state, cities that are either unwilling or unable to collect their taxes to pay their public bills. I do not believe the public officials in many of these cities, and the taxpayers in all of them, want this legislative salary grab. If they do, where are the representatives of these cities?

Mr. ANDREWS. Mr. Speaker, will the gentleman yield for a question?

The SPEAKER. Will the gentleman from Wayne permit himself to be interrogated?

Mr. DIX. I will, Mr. Speaker.

Mr. ANDREWS. Mr. Speaker, I would like to ask the gentleman from Wayne how many third-class cities he has in his legislative district.

Mr. DIX. Mr. Speaker, I have none, but just as soon as this salary grab is past, my city, which is a borough, will be asking for an increase for her policemen this year or probably two years from now, and I think we should stop it right now.

The SPEAKER. It would appear to the chair that the philosophy of government of both the gentlemen is the same.

Mr. DIX. Thank you, Mr. Speaker. I do not see any representatives of any of these cities or taxpayers stand up.

Mr. ANDREWS. Mr. Speaker, the gentleman can count me as one.

Mr. DIX. Then, not daring to face at home the wrath of an enraged public already overburdened with taxes, some representative of a special group has had this bill introduced to raise salaries far beyond what countless thousands of other public employees receive, and they want us to do by legislative enactment what they dare not do at home. This is not only class legislation by remote control, but if passed will lead the way for other special groups to do likewise.

To the gentleman from Dauphin, I wish to say that I am not familiar with the financial condition of Harrisburg, and if this legislation was confined to Harrisburg, it might be reasonable, but it is not confined to Harrisburg. It affects forty-four cities, some with only a few thousand inhabitants, and if this bill is passed within a few years all borough policemen may be asking a similar salary. Personally I do not care if the city of Harrisburg sets the minimum salary for policemen at two thousand dollars per year, provided the council and mayor is agreed upon that sum, but the city of Harrisburg and no other city has any business coming into the Hall of this House, and asking us to wash their linen for them. Why not pass a bill to raise everybody's salary to one thousand six hundred dollars a year, with an increase every year for six years of eighty dollars, or a total of over two thousand

dollars, as this bill requires? It would be a fine thing every public official here at the Capitol and elsewhere could have this bill apply to them, but the state could afford it, and neither can the semi-bankrupt cities. The one thousand six hundred dollars starting salary for policemen of Harrisburg and other cities is eight hundred dollars more than the starting salary for school teachers. This is unfair to our teachers.

Mr. Speaker, I submit again, that when Governor Jaeger is making a desperate effort to balance the state budget when we all campaigned on a platform of home rule, strict economy and a reduction in taxes, it would be foolish to pass this salary grab at this time; it would be a slap in the face of every taxpayer in these forty-four cities, and also a slap in the face of these twenty thousand rural school teachers, who are working for less than half what this bill proposes, and it would be an insult to every day laborer in Pennsylvania, all of whom have had their incomes cut around twenty-five per cent within the last few weeks. For my part, I cannot and will not vote to legislate salaries that should be set by the duly elected public officials who haven't the courage to regulate their own affairs, who want us to pull their hot chestnuts out of their own political fire. I hope every member of this House will uphold the principle of home rule and vote against this legislative salary grab.

Mr. VAN BELLE. Mr. Speaker and members of this House, I do not have any third class cities in my district, but I am a taxpayer and I am in favor of this bill. I have already gone on record as being in favor of giving more thorough and rightful consideration to the policemen and firemen in the district from which I come, and also favor the passage of this bill. I don't know whether it is fair to make a comparison between school teachers and policemen, but one thing I do know, and that is, aside from the actual performance of their ordinary duties policemen and firemen risk their lives for the protection and the teachers do not. I exhort the support of the members of this House for this bill.

Mr. TARR. Mr. Speaker and members of the House, it seems strange that I should rise and try to defend the cops, because the only thing they have ever done for me was to trail me all over the city streets with gas tags. However, yesterday we were treated with gas, and today a gentleman compares the police with the school teachers. Since I am a school teacher and a taxpayer, notwithstanding the fact that the gentleman from Philadelphia, Mr. McNally, said I am not, I do want to defend this bill on the ground that it is not unfair. The gentleman stated that the starting salaries for teachers in the city of Harrisburg in one thousand dollars. I am not sure of that, but perhaps he knows. Being from a suburban community school district and being a teacher, I know that my starting salary was twelve hundred dollars with four increments, for nine months work.

Now, I am right here to say that the teachers are underpaid and we are going to try to get their salaries raised in the near future. The city policemen in my county, we do have three third class cities, who pound the pavement have it pretty easy until someone draws a gun on them. In my school room no one has yet drawn a gun on me, nor do I have to risk my life and limb. The amount of one thousand six hundred dollars, the starting salary for a policeman in a third class city is not too much, as I know in my third class city, the man who goes out

collects garbage about four hours a day is making more money than that. In the interest of good business, if the members on the other side of the House want to bring back business prosperity, we should pass this bill. I might add too that if these policemen receive a little more money perhaps they will leave the fruit stands on the corner alone.

Just in closing, as a teacher I want to say that the teachers of the Commonwealth and the teachers in the House with whom I have spoken all agree with me that this bill is fair and should go through. Thank you.

Mr. GATES. Mr. Speaker, I enjoyed the remarks of the gentleman from Fayette but he just should have said, "Scratch my back and I will scratch yours."

Mr. JIROLANIO. Mr. Speaker and members of the House, I rise to support this bill for more reasons than one, but before I go into those reasons I would like to paint a picture for the members of the House of Representatives as to exactly the conditions that exist when a man becomes a policeman.

I want to say to the members of the House of Representatives that policemen are the only group of employees, if you want to use that word, who must go out and buy their own tools and pay for them out of their own pocket. Let me give you a picture of what happens in a third class city.

When one is selected from the civil service list, and let us bear in mind that the civil service list is the list of persons who have taken examinations in order to qualify, and then the one with the highest average from that particular list is selected and he is told, "Now you can become a policeman in our city." Immediately thereafter the policeman must go out and spend sufficient money to buy himself a uniform; he must go out and buy himself a revolver; he must go out and buy himself particular shirts and particular clothes that are only good for that particular purpose, and he must go out and buy his own shells. Just to give you this particular example, suppose a policeman should be called into a certain street where there is a mad dog running around, the policeman goes along and kills that dog with a bullet shot from his own gun. He has to pay for the cost of that act, although he is exercising his duty as a public citizen.

Let me tell you something else. Today a policeman in a third class city is not only protecting the interests of that particular city, but because of the use of automobiles third class cities have been brought closer to each other, and policing in a third class city actually means policing for the entire state. For example when a criminal escapes in one part of the state, teletype messages are sent all over the state and the policemen in third class cities must be alert and must attempt to catch the criminal who has committed the crime, not in his own vicinity, but in a vicinity which does not belong to him, so that you can see that the problem of exercising his duty is not only in the interests of his particular municipality but in the interest of the entire state. You want a man as your policeman who can live in a decent manner, who can become an upright citizen whose mind cannot be swayed by cheap bribery.

You heard the gentleman from one of the counties express before that certainly you want men of intelligence, you want men who are a credit to the community, and the only way that you can have a decent police system is by paying those members a salary sufficient to enable them to

be straight citizens, law abiding and at the same time capable of carrying out their duties. Therefore, I say to the members of the House that this bill is not an excessive one. There is no one here to oppose this bill. Two years ago this very bill passed this House and at that time the sole objection raised by the Fathers of third class cities was that they weren't in position to pay the increase. Since that time two years have elapsed, and I can say to you now that third class cities are in good financial condition regardless of the fact that one of the gentlemen from a county that does not have a third class city wishes to say otherwise.

I think it would be unfair to compare a man, whose life is in danger every day, with one who teaches your children every day.

Mr. WATKINS. Mr. Speaker and members of the House, it is not my purpose to make an extended argument on this bill. I am absolutely for it. I do not think policemen are receiving enough compensation at present, regardless of the argument wherein the plight of the school teachers and school districts has been brought up on the floor of the House. I believe that is entirely out of order. Some of the members stated that they get eight hundred dollars, and some stated they get twelve hundred dollars. I represent the Schuylkill County districts and they don't get any compensation as school teachers and have not gotten anything for the last eight or nine months. Nevertheless, I am wholeheartedly in favor of this bill.

Mr. CHARLES E. DONAHUE. Mr. Speaker and members of the House, I think that the gentleman from Fayette who just bragged about being a school teacher got in the wrong profession, he should have been a cop, since they start them in at sixteen hundred dollars a year.

The gentleman from Cambria and some of the other gentlemen might question me as to whether I have a third class city in my district. Let me say that I have. It is not listed in the ten thousand group. Its population is nine thousand nine hundred and seventy-two. I know the population of my city. There is another city in the state of Pennsylvania I understand, Corry, that has even a smaller population than the city that I represent. There are forty-six third class cities in the state of Pennsylvania and the range, as I understand, is from one hundred and fifteen thousand, which is Erie, ninety-two thousand, which is Allentown, eighty-thousand, which is Harrisburg, on down the line to about eight thousand for Corry, and yet we are trying to legislate at the present time the same provisions for the city of Erie with a population of one hundred and fifteen thousand, as would apply to the city of Lock Haven with a population of nine thousand nine hundred and seventy-two.

I say to you, ladies and gentlemen of the House, it is about time that we as legislators stop legislating for the people in the communities from which we come. I believe that it is fair to allow the mayor and city council, whether from Erie, Harrisburg, Lock Haven or any other city in this Commonwealth to have the right to determine what they shall pay their policemen. When you take that right out of their hands by legislation here in Harrisburg you are destroying the very principles upon which the great and true foundation of the city or community from which you come, the third class cities especially, bases its strength, and that is in the police force. If you legislate their salary as you have in civil service, they will soon tell the mayor and the city council where to go, and

I suppose they will have to go there. It will break down the police force in the district. There isn't any question about that because they will have no control over them. It will either mean in my city that we will have to place a certain millage upon the people of Lock Haven, or we will have to drop some of the policemen. We pay in Lock Haven at the present time, one hundred and twenty-five dollars a month for the policemen, and we have on the waiting list many applicants. If the people of Harrisburg, Erie, Allentown or other places would like to have some good policemen, I will send you twenty-five college graduates who are athletes, who are on the waiting list and they will work for you for one hundred and twenty-five dollars a month, and be mighty glad to get it.

There are no requirements for a policeman. He can step in at a salary of sixteen hundred dollars minimum, and go to two thousand eighty dollars, and in a few years you will be coming back and asking that that be increased. I know you will. You have done it in everything that you have purposed of this kind. You will go on down the line and say, "We got this bill through for first class cities, for second class cities and for third class cities, now we want a bill passed for the boroughs and townships of our state." Finally, you will have a tenure, like you have on your hands at the present time.

I am against the bill because it takes out of the hands of the local authorities the very thing that they should have to control the policemen of their cities and their districts.

Mr. COOPER. Mr. Speaker and members of the House, it seems to me that some of us are under a misunderstanding as to what is provided for in this bill. In my opinion it is not a question of whether the school teachers or the policeman should get the most money: I understand that this bill provides that the minimum salary for a policeman shall be one thousand six hundred dollars. We already have given city council the right to appoint policemen and to fix their compensation. Why should we tell them now what the minimum salary of those policemen shall be? Perhaps in some municipalities salaries should be one thousand six hundred dollars, perhaps in other municipalities it should be less.

I think we are driving against the principle of home rule, and I am opposed to this bill for that reason. I ask the other members to support me in this contention.

Mr. KANE. Mr. Speaker and members of the House, I don't wish to take up the time of the House very long. I shall not endeavor to match the eloquence of the gentleman who preceded me, the gentleman from Lock Haven.

I do want to say to the members of this House, however, that it happens that the police force of these third class cities are necessary for the protection of the rest of us whether we live there or not. Whether they are fools or imbeciles or whether they are men of intelligence makes no difference. It is a good thing for us in Harrisburg, for example, that the policemen are pretty good men sometimes. I want to say to you, Mr. Speaker, that the question of whether they pay their policemen a decent wage has a whole lot to do with whether or not they get good men. I think we should even go farther than that, Mr. Speaker. I think, the police of the Commonwealth should all be under one central head. The head of the State Police does not have power to remove some of the incompetents and drones that are on the police force of many of our cities. I say to you, Mr. Speaker, that on these men who go out

and risk their lives we do not carry insurance, nor do we carry insurance on State Police but we expect them to protect us and the other citizens of the Commonwealth. It is only right and reasonable that these people should perform their functions over the whole state, it is in the interest of the whole state, and they should be properly compensated. I should like to see the members vote on this bill.

Mr. HOYT. Mr. Speaker and ladies and gentlemen of the House, I do live in a third class city, and I am so to have to oppose this bill because of my fine feeling for the fine gentleman from Dauphin, Mr. Reese. I believe he takes us in diametrically the opposite direction from where we ought to be going. I mean by that, bringing the cost of civil government down within the ability of the taxpayer to pay. Furthermore, I was elected on the home rule program. What does this bill do? It says to the people back home, "We are handing you our babies, you are the ones to take this baby, you are to feed it, clothe it, and we are unwilling to finance this obligation." That is what I object to. I don't object to the policemen getting good pay. I don't object to that feature as much as I do to one other feature. If we are going to put on the Commonwealth an additional financial obligation, why don't we provide right here and now to pay that obligation? What is more, a lot of these cities are on the verge of collapse. We have heard many of the members of this House tell us that the teachers are unpaid. How are these people going to be paid when they get the wages that we have voted for a minimum salary of sixteen hundred dollars to begin with for policemen, when the same municipalities are not able to pay the teachers and other officials who are already working there?

What I think this bill will do is this: It is going to compel some municipalities to do away with some policemen; it is going to add to the unemployment situation, and I am hopeful that that thing does not happen.

I am in favor of sufficient pay for State Police and local police too, but I believe this; if we are to give them additional pay, if we are going to give them insurance, if we are going to give them protection against injury, I believe that the state itself should do it. That is the place from which we ought to start and not send the word back home: "We are saying to you, we are ordering you to do the thing we tell you to do; you bear the burden; you pay the bill." Thank you.

Mr. DIX. Mr. Speaker and members of the House, one of the gentlemen of the House intimated that reference to school teachers was out of order, but as I understand it, the Speaker did not so rule.

At this time I would like to speak in regard to school teachers. I hold in my hand an editorial from one of the leading newspapers of Pennsylvania in the anthracite valley—

PARLIAMENTARY INQUIRY

Mr. JIROLANIO. Mr. Speaker, I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state his parliamentary inquiry.

Mr. JIROLANIO. Mr. Speaker, I would like to know what is before the House at the present time.

The SPEAKER. The Chair would state that it is H. B. No. 263, Printer's No. 146.

Mr. JIROLANIO. Mr. Speaker, then I believe the

tleman is out of order when he is discussing school teachers.

The SPEAKER. The gentleman from Wayne will confine himself to discussing the bill before the House.

Mr. DIX. Mr. Speaker, would it not be proper to discuss the condition of the citizens of the third class districts and other districts in reference to this bill?

The SPEAKER. The Chair feels that it would be a proper discussion to show the analogy between their salaries.

Mr. DIX. Mr. Speaker, that is my idea. Many of these cities cannot afford to pay, Mr. Speaker. This editorial reads as follows:

"Two thousand teachers in five anthracite counties, including Lackawanna and Luzerne, and three soft coal counties, we are told, have not received any pay for periods ranging from one to ten months. That's not only serious but utterly disgraceful."

Mr. JIROLANIO. Mr. Speaker, I don't think the gentleman is discussing the bill at all.

Mr. SPEAKER. The Chair feels that the gentleman from Northampton is captious in his argument. The gentleman from Wayne certainly has the right to discuss a matter pertaining to a minimum wage, or expenses to be incurred by municipalities, compared to the expenses incurred in paying the school teachers.

Mr. DIX. Mr. Speaker, I believe the gentleman has just discussed the policeman's clothes, the bullets and things of that nature. Now I wish to say in regards to bullets that only five per cent of the policemen, to my knowledge, have ever fired one, so they certainly would not be obliged to expend very much money for bullets. I consider myself a friend of policemen, but the attitude I am taking is this, that we have no right to legislate salaries to be paid by municipalities. They ought to do their own salary setting.

Mr. ANDREWS. Mr. Speaker, will the gentleman yield for a question?

The SPEAKER. Will the gentleman from Wayne permit himself to be interrogated?

Mr. DIX. I will, Mr. Speaker.

Mr. ANDREWS. Mr. Speaker, does the gentleman from Wayne have in his possession a pink copy of House Bill 856?

Mr. DIX. I haven't a copy here, Mr. Speaker.

Mr. ANDREWS. Will the gentleman look on his desk to see if he has a copy of that bill, and will the gentleman from Wayne please inform the House what that bill provides?

Mr. DIX. Mr. Speaker, it appears to provide one million dollars for financially handicapped and distressed school districts.

Mr. ANDREWS. Mr. Speaker, will the gentleman inform me whether that one million dollars will go to the teachers of the state.

Mr. DIX. Mr. Speaker, I think the gentleman from Cambria can answer that.

Mr. ANDREWS. I think I can. Mr. Speaker—

The SPEAKER. Does the gentleman from Cambria desire to be recognized?

Mr. ANDREWS. Mr. Speaker, the gentleman from Wayne has recognized me.

The SPEAKER. The Chair doesn't recognize the gentleman from Wayne for such recognition. The gentleman from Wayne will proceed.

Mr. DIX. Mr. Speaker, this editorial reads as follows:

"Of course, the state is not responsible entirely for this situation. In many districts it is due in a large measure to extravagance, waste and even worse than that. Then there is the fact that property owners and industrialists are finding it difficult, if not impossible, because of economic conditions, to pay their taxes".

I say that raising the policemen's salaries in the present state of our counties and cities is a salary grab.

I have another news item which says:

"Several hundred unpaid teachers of Schuylkill and Northumberland counties have decided to ask their school boards to notify the Department of Public Instruction schools will have to be closed April 15 if financial assistance is not received by that time.

"The teachers will ask their school directors to set the April 15 'deadline' as a means of calling attention of the assembly and the entire state to their desperate financial straits".

I say, Mr. Speaker, that in view of the distressed condition of many of our third class cities this bill should not be passed at the present time.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—126.

Achterman,	Eckels,	Lichtenwalter,	Sarge,
Ackermann,	Ely,	Lovett,	Sarra,
Allen,	Ewing,	Lyons,	Schrock,
Alspach,	Falkenstein,	Malloy,	Schrope,
Andrews,	Fauset,	Marr,	Schwab,
Atkins,	Flanagan,	McGarrity,	Serrill,
Baker,	Freed,	McKinney,	Simons,
Bardes,	Furman,	McLane,	Sweeney,
Bohn,	Gillan,	McNally,	Tahl,
Boles,	Gillette,	Melchiorre,	Tarr,
Boney,	Gorski,	Moran,	Taylor,
Boorse,	Habbyshaw,	Moser, F. S.,	Thistle,
Boose,	Hall,	Moser, J. L.,	Tiemann,
Bower,	Hamilton,	Muir,	Tronzo,
Brancato,	Harkins,	Munley,	Trout,
Bronson,	Henry,	O'Brien,	Van Belle,
Burns,	Hess,	O'Connor,	Voorhees,
Burriss,	Hewitt,	O'Dare,	Wagner,
Cadwalader,	Hindman,	O'Neill,	Walsh,
Check,	Hocke,	Peale,	Watkins,
Chervenak,	Hoffman, S. K.,	Preston,	Welss,
Clearwater,	Holland,	Readinger,	Welsh, E. B.,
Cohen, H. B.,	James,	Reese, D. P.,	Welsh, M. J.,
Cook,	Jirolanio,	Regan,	Westrick,
Cordier,	Kane,	Rider,	Williams,
Corrigan,	Keenan,	Robertson,	Winner,
Cortese,	Kenehan,	Rooney,	Wood, H. M.,
Curran,	Kilroy,	Rose,	Wood, N.,
Dalrymple,	Kline,	Roseberry,	Woodside,
DeNote,	Kowalski,	Rosenfeld,	Yeakel,
Donohoe,	Lee,	Rothenberg,	Turner,
Downey,	Leydic,	Royer,	Speaker.

NAYS—36.

Auker,	Fiss,	Jones,	Riley,
Balliet,	Fleming,	Krise,	Shearer,
Bennett,	Foor,	Lelsey,	Snyder,
Brunner,	Haines,	Long,	Stewart,
Clark,	Harbeson,	McClester,	Thompson, G. R.,
Cooper,	Haudenschild,	McVay,	VanAllsburg,
Dix,	Hoyt,	Montgomery,	Wilkinson,
Donahue,	Huntley,	Reagan,	Wilson,
Fisher,	Johnston,	Rhodes,	Wood, L. H.,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

REASONS FOR VOTE

Mr. CHECK filed the following reasons for his vote:

I am voting aye for House Bill No. 263 for the following reasons:

1. I believe that if the policemen were paid a decent living wage there would apt to be less chance of a policeman accepting graft.

2. I believe that the policeman's salary should be increased because of the risk involved.

3. I believe that the policeman's salary should be increased because he has to buy his own equipment, such as clothes, gun and bullets.

4. I believe that the policeman's salary should be increased because it would encourage a better class of men to become policemen.

Mr. ROSENFELD filed the following reason for his vote:

I vote in favor of House Bill No. 263 because it is my feeling policemen who by their very duties subject themselves to loss of life are entitled to every consideration in a question concerning their salary.

It is good policy to allow the state to fix minimum compensation for patrolmen in the end that they shall not be underpaid.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 291, entitled:

An Act to amend section one of the act approved the first day of July one thousand nine hundred and thirty-seven (Pamphlet Laws 2681) entitled "An act relating to and regulating the manufacture storing and possession of explosives requiring permits for magazines and prescribing permit fees and providing penalties" by excluding from the provisions of said act explosives used in clay mining or in rock or stone quarries

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

Mr. HERBERT B. COHEN. Mr. Speaker, I desire to interrogate either of the sponsors of this bill.

The SPEAKER. Will either of the gentlemen from Clearfield permit himself to be interrogated?

Mr. KRISE. I will, Mr. Speaker.

Mr. HERBERT B. COHEN. Mr. Speaker, I desire to inquire of the gentleman if this bill does not exclude from the provisions of the act of 1937 relative to the storage of explosives, clay mining, slate, rock, or stone quarry operations.

Mr. KRISE. Mr. Speaker, that is still of the law of 1937.

Mr. HERBERT B. COHEN. Mr. Speaker, I desire to inquire of the gentleman what operations would be left under the protective cloak of this act.

Mr. KRISE. Mr. Speaker, practically all of the wholesale traffic in explosives. The bill was primarily designed to curtail, not exactly curtail but to regulate the traffic in explosives, particularly of a re-sale nature. That was the original intent of the bill.

Mr. HERBERT B. COHEN. Mr. Speaker, do I understand that with the passage of this bill the protective features relative to the storage of explosives will be obviated as far as all industrial operations are concerned?

Mr. KRISE. No, Mr. Speaker, because clay mining as

well as coal mining has another provision that does regulate the storage and sale of explosives. By the passage of this bill it is primarily intended to give to the clay mining the same protection that is now given to the coal mining with this thought primarily in mind; at the present moment, in order to sell explosives it is necessary to sign a book of regulations and that takes an hour or an hour and a half, because only one day's supply of explosives which can be handed out to the miners.

Mr. HERBERT B. COHEN. Mr. Speaker, what protective features relative to the storage of explosives will there be left for rock and stone quarries?

Mr. KRISE. Mr. Speaker, the same protection as the coal mines have.

Mr. HERBERT B. COHEN. And what are they, Mr. Speaker?

Mr. KRISE. Mr. Speaker, their magazines have to comply with regulations.

Mr. HERBERT B. COHEN. Mr. Speaker and members of the House, I think there is a difference of opinion. I well remember the passage of this act in 1937. I remember the events that led up to its passage. Those of us who live in Southeastern Pennsylvania possibly remember the explosion that occurred in the lower end of York County in the pump holes in one of the quarries that resulted in the death of some seven or eight employees, due to the faulty method in which explosives had been stored in that stone quarry.

I come from a locality that has any number of stone quarries, and I know that the limestone quarries are very numerous in counties from which a lot of the other members come. On the other hand I have not had any complaint whatsoever from the operators of stone quarries in my locality relative to the protection that the state insisted should surround the storage of explosives. I feel that stone quarries or rock quarries do not have the same protective features that surround the bituminous and anthracite coal mines, which have been exempted from the provisions of this act. I also know that the operators and employees of stone quarries do not have the experience that individuals in coal mine operations have, relative to the handling of explosives.

The use of explosives in stone quarries occurs only at infrequent intervals, while in the operation of coal mining it is a regular daily occurrence, which means that stone quarries do not have men trained in the handling of explosives. To take away from the employees of the stone quarries the protective features of the act of 1937 is to expose them to situations with which they are not able to cope.

I feel that it is a mistake for the Legislature to remove the protective features that have surrounded those men and it is a mistake for the operators because they all have heard considerable about the high cost of compensation and the rates of compensation are based to a very great extent upon the experience that the particular industry has had relative to the accident ratio.

I would suggest that this bill be defeated for the reason that we are dealing here with the safety of employees. In the first instance, and in the second instance, you will find that it is going to cost the operators of these quarries more money as a result of the failure of proper safety methods being utilized in the storage of explosives. I would ask the membership of this House not to support this bill.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—113.

Ackermann,	Ewing,	Matthews,	Stewart,
Allmond,	Fisher,	McClester,	Stockham,
Alspach,	Fiss,	McGarrity,	Sweeney,
Auker,	Fleming,	McKinney,	Tahl,
Balliet,	Foor,	McVay,	Tarr,
Bardes,	Freed,	Moser, F. S.,	Taylor,
Bennett,	Fullerton,	Moser, J. L.,	Terry,
Boorse,	Gillan,	Muir,	Thistle,
Boose,	Haines,	O'Dare,	Thompson, G. R.,
Bronson,	Hall,	Peacock,	Tiemann,
Brown, S. W.,	Hamilton,	Peale,	Trout,
Brunner,	Harbeson,	Reagan,	VanAllsburg,
Calvin,	Haudenshield,	Reese, D. P.,	Van Belle,
Carpenter,	Henry,	Rhodes,	Voorhees,
Check,	Hewitt,	Riley,	Wagner,
Christler,	Hocke,	Rose,	Watkins,
Clark,	Hoffman, J. N.,	Roseberry,	Webster,
Clearwater,	Hoyt,	Royer,	Weiss,
Cook,	Huntley,	Sarge,	Wilkinson,
Cooper,	James,	Schrock,	Wilson,
Cordier,	Jones,	Self,	Winner,
Curran,	Kilroy,	Serrill,	Wood, H. M.,
Dalrymple,	Kline,	Shearer,	Wood, L. H.,
Dick,	Kowalski,	Simons,	Wood, N.,
Dix,	Krise,	Sloan,	Woodside,
Donahue,	Lee,	Snyder,	Yeakel,
Eckels,	Lelsey,	Sollenberger,	Turner,
Ely,	Marr,	Stambaugh,	Speaker.

NAYS—28.

Achterman,	Burris,	Lovett,	Sarra,
Andrews,	Chervenak,	Moran,	Schrope,
Baker,	Cohen, H. B.,	O'Connor,	Tronzo,
Balthaser,	Cortese,	Preston,	Welsh, E. B.,
Boney,	Harkins,	Readinger,	Welsh, M. J.,
Broad,	Hess,	Rider,	Westrick,
Burns,	Keenan,	Rothenberger,	Williams,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 567, as follows:

An Act to amend section one of the act approved the nineteenth day of May one thousand nine hundred and twenty-three (Pamphlet Laws 275) entitled "An act fixing the salary of sheriffs in counties of the eighth class providing for the payment for the care and maintenance of prisoners where the sheriff is the keeper or warden of the jail requiring all fees and mileage earned by sheriffs in such counties to be paid into the county treasury for the use of the county and prescribing penalties" increasing the salary of sheriffs in such counties and providing for the payment of mileage thereto by the counties

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section one of the act approved the nineteenth day of May one thousand nine hundred and twenty-three (Pamphlet Laws 275) entitled "An act fixing the salary of sheriffs in counties of the eighth class providing for the payment for the care and maintenance of prisoners where the sheriff is the keeper or warden of the jail requiring all fees and mileage earned by sheriffs in such counties to be paid into the county treasury for the use of the county and prescribing penalties" is hereby amended to read as follows

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the sheriff in each county of the eighth class shall receive an annual salary of [twelve

hundred dollars \$1,200] sixteen hundred dollars (\$1,600) Such salary in addition to any expenses which may be incurred by such sheriff in the performance of his duties shall be paid by the county from moneys in the county treasury Such expenses shall include an allowance of reasonable mileage by the county to the sheriff on the various writs copies of pleadings official notices execution processes or court orders and other documents or copies thereof which he or his clerks or deputies may be required to serve or execute

The sheriff in said counties shall not be entitled to any additional fees or compensation for the care and maintenance of prisoners but the actual expense for such care and maintenance of prisoners shall be paid by the county from the county treasury upon itemized bills rendered from time to time

Section 2 This act shall become effective on the first day of July one thousand nine hundred and thirty-nine

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—199.

Achterman,	Downey,	Long,	Scanlon,
Ackermann,	Eckels,	Lovett,	Schrock,
Allen,	Ely,	Lyons,	Schrope,
Allmond,	Ewing,	Madden,	Schwab,
Alspach,	Falkenstein,	Malloy,	Self,
Andrews,	Fauset,	Malone,	Serrill,
Atkins,	Fisher,	Marr,	Shaw,
Auker,	Flanagan,	Matthews,	Shearer,
Baker,	Fleming,	McClester,	Simons,
Balliet,	Foor,	McGarrity,	Skale,
Balthaser,	Freed,	McKinney,	Sloan,
Bardes,	Fullerton,	McLane,	Snyder,
Bennett,	Furman,	McNally,	Sollenberger,
Bohn,	Gates,	McVay,	Stambaugh,
Boles,	Gillan,	Melchiorre,	Stank,
Boney,	Gillette,	Mihm,	Stewart,
Boorse,	Goll,	Montgomery,	Stockham,
Boose,	Gorski,	Mooney,	Sweeney,
Bower,	Habbyshaw,	Moran,	Tahl,
Brancato,	Haines,	Moser, F. S.,	Tarr,
Bretherick,	Hall,	Moser, J. L.,	Taylor,
Broad,	Hamilton,	Muir,	Terry,
Bronson,	Harbeson,	Munley,	Thistle,
Brown, H. S.,	Harkins,	O'Brien,	Thompson, E. F.,
Brown, S. W.,	Haudenshield,	O'Connor,	Thompson, G. R.,
Brunner,	Henry,	O'Dare,	Tiemann,
Burns,	Hess,	O'Keefe,	Tronzo,
Burris,	Hewitt,	Ominsky,	Trout,
Cadwalader,	Hindman,	O'Neill,	VanAllsburg,
Calvin,	Hocke,	Peacock,	Van Belle,
Carpenter,	Hoffman, J. N.,	Peale,	Voorhees,
Check,	Hoffman, S. K.,	Powers,	Wagner,
Chervenak,	Holland,	Preston,	Walsh,
Christler,	Hoyt,	Readinger,	Watkins,
Clark,	Huntley,	Reese, D. P.,	Webster,
Clearwater,	James,	Reese, R. E.,	Weiss,
Cohen, H. B.,	Jirolanio,	Regan,	Welsh, E. B.,
Cook,	Johnston,	Reynolds,	Welsh, M. J.,
Cooper,	Jones,	Rhodes,	Westrick,
Cordier,	Kane,	Rider,	Wilkinson,
Corrigan,	Keenan,	Riley,	Williams,
Cortese,	Kenehan,	Robertson,	Wilson,
Curran,	Kline,	Rooney,	Winner,
Dalrymple,	Kowalski,	Rose,	Wood, H. M.,
Denman,	Krise,	Roseberry,	Wood, L. H.,
DeNote,	Lee,	Rosenfeld,	Wood, N.,
Dick,	Lelsey,	Rothenberger,	Woodside,
Dix,	Levy,	Royer,	Yeakel,
Donahue,	Leydic,	Sarge,	Turner,
Donohoe,	Lichtenwalter,	Sarra,	Speaker.

NAYS—1.

Reagan,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

SENATE MESSAGE

SENATE ADOPTS CONFERENCE COMMITTEE REPORT ON SENATE BILL No. 79

The Clerk of the Senate being introduced, informed that the Senate has adopted the report of the Committee of Conference on the subject of the difference existing between the two Houses on Senate Bill numbered and entitled as follows:

SENATE BILL No. 79.

An Act requiring the county treasurer to adjourn county treasurers' sales of seated and unseated lands for non-payment of taxes in all counties except counties of the first class and preserving the lien of all taxes on such lands

REPORT OF THE COMMITTEE OF CONFERENCE ON SENATE BILL NO. 79

Mr. WILKINSON. Mr. Speaker, I desire to call up the report of the Committee of Conference on Senate Bill No. 79, House Bill No. 556, Printer's No. 37.

The report was read by the Clerk as follows:

To the Members of the Senate and House of Representatives:

We the undersigned Committee of Conference on the part of the Senate and House of Representatives for the purpose of considering Senate Bill No. 79 entitled

An Act requiring the county treasurer to adjourn county treasurers' sales of seated and unseated lands for non-payment of taxes in all counties except counties of the first class and preserving the lien of all taxes on such lands

respectfully submit the following bill as our report

ANTHONY CAVALCANTE
O. J. TALLMAN
LOUIS H. FARRELL
(Committee on the Part of the Senate)
LEO H. ACHTERMAN
DON WILKINSON
WILSON D. GILLETTE
(Committee on the Part of the House of Representatives)

An Act requiring the county treasurer to adjourn county treasurers' sales of seated and unseated lands for non-payment of taxes in all counties except counties of the first class and preserving the lien of all taxes on such lands

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The county treasurer of every county except counties of the first class shall adjourn or readjourn to such time or times not later than the first Monday of August one thousand nine hundred and thirty-nine all tax sales on seated and unseated lands for non-payment of taxes Where any such tax sales are adjourned or readjourned after advertisement an additional advertisement and notice shall be necessary for such adjourned or readjourned sale No such adjournment or readjournment shall invalidate the lien of any tax due and unpaid or any penalties or interest due thereon but the lien of all such taxes shall remain in full force and effect until such sale shall take place in accordance with this act

Section 2 This act shall have no force or effect upon any tax sale held prior to the approval hereof

Section 3 All acts and parts of acts inconsistent herewith are hereby repealed

Section 4 This act shall become effective immediately upon final enactment

On the question,

Will the House adopt the report of the Committee of Conference?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—196

Achterman,	Donohoe,	Lelsey,	Sarge,
Ackermann,	Downey,	Levy,	Sarra,
Allen,	Eckels,	Leydie,	Scanlon,
Allmond,	Ely,	Lichtenwalter,	Schrock,
Alspach,	Ewing,	Long,	Schrope,
Andrews,	Falkenstein,	Lovett,	Schwab,
Atkins,	Fauset,	Lyons,	Self,
Auker,	Fisher,	Madden,	Serrill,
Baker,	Fiss,	Malloy,	Shaw,
Balliet,	Flanagan,	Malone,	Shearer,
Balthaser,	Fleming,	Marr,	Simons,
Bardes,	Foor,	Matthews,	Sloan,
Bennett,	Freed,	McClester,	Snyder,
Bohn,	Fullerton,	McGarrity,	Sollenberger,
Boies,	Furman,	McKinney,	Stambaugh,
Boney,	Gates,	McLane,	Stank,
Boorse,	Gillan,	McNally,	Stewart,
Boose,	Gillette,	McVay,	Stockham,
Bower,	Goll,	Meichlorre,	Sweeney,
Brancato,	Gorski,	Mihm,	Tahl,
Bretherick,	Habbyshaw,	Montgomery,	Tarr,
Broad,	Haines,	Mooney,	Taylor,
Bronson,	Hall,	Moran,	Terry,
Brown, H. S.,	Hamilton,	Moser, F. S.,	Thistle,
Brown, S. W.,	Harbeson,	Moser, J. L.,	Thompson, G. R.
Brunner,	Harkins,	Muir,	Tiemann,
Burns,	Haudenschild,	Munley,	Tronzo,
Burris,	Henry,	O'Connor,	Trout,
Cadwalader,	Hess,	O'Dare,	Vanallsburg,
Calvin,	Hewitt,	O'Keefe,	Van Belle,
Carpenter,	Hindman,	O'Neill,	Voorhees,
Check,	Hocke,	Peacock,	Wagner,
Chervenak,	Hoffman, J. N.,	Peale,	Walsh,
Christler,	Hoffman, S. K.,	Powers,	Watkins,
Clark,	Holland,	Readinger,	Webster,
Clearwater,	Hoyt,	Reagan,	Weiss,
Cohen, H. B.,	Huntley,	Reese, D. P.,	Welsh, E. B.,
Cook,	James,	Regan,	Welsh, M. J.,
Cooper,	Jirolanio,	Reynolds,	Westrick,
Cordier,	Johnston,	Rhodes,	Wilkinson,
Corrigan,	Jones,	Rider,	Wilson,
Cortese,	Kane,	Riley,	Winnor,
Curran,	Keenan,	Robertson,	Wood, H. M.,
Dalrymple,	Kenahan,	Rooney,	Wood, L. H.,
Denman,	Kilroy,	Rose,	Wood, N.,
DeNote,	Kline,	Roseberry,	Woodside,
Dick,	Kowalski,	Rosenfeld,	Yeakel,
Dix,	Krise,	Rothenberger,	Turner,
Donahue,	Lee,	Royer,	Speaker.

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the report of the Committee of Conference was adopted.

Ordered, That the Clerk inform the Senate accordingly

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 586, entitled:

An Act authorizing the abatement of certain portions of the interest charges expenses or debt of claims imposed or assessed for improvements or for the abatement of nuisances by any city county borough incorporated town township school district or institution district

And said bill having been read at length the third time considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—196

Achterman.	Eckels,	Leydic,	Sarra,
Ackermann.	Ely,	Lichtenwalter,	Scanlon,
Allmond,	Ewing,	Long,	Schrock,
Alspach,	Falkenstein,	Lovett,	Schrope,
Andrews,	Fauset,	Lyons,	Schwab,
Atkins,	Fisher,	Madden,	Self,
Auker,	Fiss,	Malloy,	Serrill,
Baker,	Flanagan,	Malone,	Shaw,
Balliet,	Fleming,	Marr,	Shearer,
Balthaser,	Foor,	Matthews,	Simons,
Bardes,	Freed,	McClester,	Sloan,
Bennett,	Fullerton,	McGarrity,	Snyder,
Bohn,	Furman,	McKinney,	Sollenberger,
Boies,	Gates,	McLane,	Stambaugh,
Boney,	Gillan,	McNally,	Stank,
Boorse,	Gillette,	McVay,	Stewart,
Boose,	Goll,	Melchiorre,	Stockham,
Bower,	Gorski,	Mihm,	Sweeney,
Brancato,	Habbyshaw,	Montgomery,	Tahl,
Bretherick,	Haines,	Mooney,	Tarr,
Broad,	Henry,	Moran,	Taylor,
Bronson,	Hamilton,	Moser, F. S.,	Terry,
Brown, H. S.,	Harbeson,	Moser, J. L.,	Thistle,
Brown, S. W.,	Harkins,	Muir,	Thompson, E. F.,
Brunner,	Haudenschild,	Munley,	Thompson, G. R.,
Burris,	Henry,	O'Brien,	Tiemann,
Cadwalader,	Hess,	O'Connor,	Tronzo,
Calvin,	Hewitt,	O'Dare,	Trout,
Carpenter,	Hindman,	O'Keefe,	VanAllsburg,
Check,	Hocke,	O'Neill,	Van Belle,
Chervenak,	Hoffman, J. N.,	Peacock,	Voorhees,
Christler,	Hoffman, S. K.,	Peale,	Wagner,
Clark,	Holland,	Powers,	Walsh,
Clearwater,	Hoyt,	Preston,	Watkins,
Cohen, H. B.,	Huntley,	Readinger,	Webster,
Cohen, R. E.,	James,	Reagan,	Weiss,
Cook,	Jirolanio,	Reese, D. P.,	Welsh, E. B.,
Cooper,	Johnston,	Regan,	Welsh, M. J.,
Cordier,	Jones,	Rhodes,	Westrick,
Corrigan,	Kane,	Rider,	Wilkinson,
Cortese,	Keenan,	Riley,	Williams,
Curran,	Kenehan,	Robertson,	Wilson,
Dalrymple,	Kilroy,	Rooney,	Winner,
Denman,	Kline,	Rose,	Wood, H. M.,
DeNote,	Kowalski,	Roseberry,	Wood, L. H.,
Dick,	Krise,	Rosenfeld,	Wood, N.,
Dix,	Lee,	Rothenberger,	Woodside,
Donahue,	Lelsey,	Royer,	Yeakel,
Downey,	Levy,	Sarge,	Turner,

Speaker.

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 579, entitled:

An Act to amend section sixteen of the act, approved the twenty-ninth day of May, one thousand nine hundred thirty-one (P. L. 280), entitled "An act relating to delinquent taxes on seated lands, and prescribing interest charges on non-payment thereof; requiring the receivers and collectors of county, city, borough, town, township, school district and poor district taxes to make a return to the county commissioners of such unpaid taxes, and providing for the lien thereof; authorizing the county treasurers to collect such taxes, and to sell seated lands at public sale for taxes heretofore or hereafter returned as unpaid; and authorizing the county commissioners to purchase such lands and resell the same under certain circumstances," as amended by giving county commissioners the right to recover possession of real property purchased at tax sales, and to rent such lands; and providing for the disposition of moneys received from such rentals.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—195

Achterman,	Donohoe,	Levy,	Schrock,
Ackermann,	Downey,	Leydic,	Schrope,
Allen,	Eckels,	Lichtenwalter,	Schwab,
Allmond,	Ely,	Long,	Self,
Alspach,	Ewing,	Lovett,	Serrill,
Andrews,	Falkenstein,	Lyons,	Shaw,
Atkins,	Fauset,	Madden,	Shearer,
Auker,	Fisher,	Malloy,	Simons,
Baker,	Fiss,	Malone,	Sloan,
Balliet,	Flanagan,	Marr,	Snyder,
Balthaser,	Fleming,	Matthews,	Sollenberger,
Bardes,	Foor,	McClester,	Stambaugh,
Bennett,	Freed,	McGarrity,	Stank,
Bohn,	Fullerton,	McKinney,	Stewart,
Boney,	Furman,	McLane,	Stockham,
Boorse,	Gillan,	McNally,	Sweeney,
Boose,	Gillette,	McVay,	Tahl,
Bower,	Goll,	Melchiorre,	Tarr,
Brancato,	Gorski,	Montgomery,	Taylor,
Bretherick,	Habbyshaw,	Moran,	Terry,
Broad,	Haines,	Moser, F. S.,	Thistle,
Bronson,	Hall,	Moser, J. L.,	Thompson, E. F.,
Brown, H. S.,	Hamilton,	Muir,	Thompson, G. R.,
Brown, S. W.,	Harbeson,	Munley,	Tiemann,
Brunner,	Harkins,	O'Brien,	Tronzo,
Burns,	Haudenschild,	O'Connor,	Trout,
Burris,	Henry,	O'Dare,	VanAllsburg,
Cadwalader,	Hess,	O'Neill,	Van Belle,
Calvin,	Hewitt,	Peacock,	Voorhees,
Carpenter,	Hindman,	Peale,	Wagner,
Check,	Hocke,	Powers,	Walsh,
Chervenak,	Hoffman, J. N.,	Preston,	Watkins,
Christler,	Hoffman, S. K.,	Readinger,	Webster,
Clark,	Holland,	Reagan,	Weiss,
Clearwater,	Hoyt,	Reese, D. P.,	Welsh, E. B.,
Cohen, H. B.,	Huntley,	Regan,	Welsh, M. J.,
Cohen, R. E.,	James,	Rhodes,	Westrick,
Cook,	Jirolanio,	Rider,	Wilkinson,
Cooper,	Johnston,	Riley,	Williams,
Cordier,	Jones,	Robertson,	Wilson,
Corrigan,	Kane,	Rooney,	Winner,
Cortese,	Keenan,	Rose,	Wood, H. M.,
Curran,	Kenehan,	Roseberry,	Wood, L. H.,
Dalrymple,	Kilroy,	Rosenfeld,	Wood, N.,
Denman,	Kline,	Rothenberger,	Woodside,
DeNote,	Kowalski,	Royer,	Yeakel,
Dick,	Krise,	Sarge,	Turner,
Dix,	Lee,	Sarra,	Speaker.
Donahue,	Lelsey,	Scanlon,	

NAYS—1

Gates,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 497, entitled:

An Act enabling city, county, poor, institution district, ward, school, borough, and township tax collectors, their executors and administrators if they are deceased, or either surety or sureties, to collect taxes for the payment of which they have become personally liable, without having collected the same by the expiration of the authority of their respective warrants, or by the expiration of their terms of office; extending the time for the collection of the same for a period of two years from the passage of this act; and validating collections and proceedings for collections made or commenced without previous authority.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—196

Achterman,	Downey,	Leydic,	Sarra,
Ackermann,	Eckels,	Lichtenwalter,	Scanlon,
Allen,	Ely,	Long,	Schrock,
Allmond,	Ewing,	Lovett,	Schrope,
Alspach,	Falkenstein,	Lyons,	Schwab,
Andrews,	Fauset,	Madden,	Self,
Atkins,	Fisher,	Malloy,	Serrill,
Auker,	Fiss,	Malone,	Shaw,
Baker,	Flanagan,	Marr,	Shearer,
Balliet,	Fleming,	Matthews,	Simons,
Bardes,	Foor,	McClester,	Sloan,
Bennett,	Freed,	McGarrity,	Snyder,
Bohn,	Fullerton,	McKinney,	Sollenberger,
Boles,	Furman,	McLane,	Stambaugh,
Boney,	Gates,	McNally,	Stank,
Booree,	Gillan,	McVay,	Stewart,
Boose,	Gillette,	Melchiorre,	Stockham,
Bower,	Goll,	Mihm,	Sweeney,
Brancato,	Gorski,	Montgomery,	Tahl,
Bretherick,	Habbyshaw,	Mooney,	Tarr,
Broad,	Halmes,	Moran,	Taylor,
Bronson,	Hall,	Moser, F. S.,	Terry,
Brown, H. S.,	Hamilton,	Moser, J. L.,	Thistle,
Brown, S. W.,	Harbeson,	Muir,	Thompson, E. F.,
Brunner,	Harkins,	Munley,	Thompson, G. R.,
Burns,	Haudenschild,	O'Connor,	Tiemann,
Cadwalader,	Henry,	O'Dare,	Tronzo,
Calvin,	Hess,	O'Keefe,	Trout,
Carpenter,	Hewitt,	O'Neill,	VanAllsburg,
Check,	Hindman,	Peacock,	Van Belle,
Chervenak,	Hocke,	Peale,	Voorhees,
Christler,	Hoffman, J. N.,	Powers,	Wagner,
Clark,	Hoffman, S. K.,	Preston,	Watkins,
Clearwater,	Holland,	Readinger,	Webster,
Cohen, H. B.,	Hoyt,	Reagan,	Welss,
Cohen, R. E.,	Huntley,	Reese, D. P.,	Welsh, E. B.,
Cook,	James,	Regan,	Welsh, M. J.,
Cooper,	Jirolanio,	Reynolds,	Westrick,
Cordier,	Johnston,	Rhodes,	Wilkinson,
Corrigan,	Jones,	Rider,	Williams,
Cortese,	Kane,	Riley,	Wilson,
Curran,	Keenan,	Robertson,	Winner,
Dalrymple,	Kenehan,	Rooney,	Wood, H. M.,
Denman,	Kilroy,	Rose,	Wood, L. H.,
DeNote,	Kline,	Roseberry,	Wood, N.,
Dick,	Kowalski,	Rosenfeld,	Woodside,
Dix,	Krise,	Rothenberger,	Yeakel,
Donahue,	Lee,	Royer,	Turner,
Donohoe,	Lelsey,	Sarge,	Speaker.

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 286, entitled:

An Act providing that officials charged with the duty of assessing real estate for taxation, except in cities of the first class, may at any time split or separate the assessment on any tract of real estate which has been or is to be divided in order to permit the payment of taxes due on a portion of such tract; requiring tax collectors to accept payment of such taxes and validating all such split or separated assessments heretofore made.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—196

Achterman,	Downey,	Levy,	Sarra,
Ackermann,	Eckels,	Leydic,	Scanlon,
Allen,	Ely,	Lichtenwalter,	Schrock,
Allmond,	Ewing,	Long,	Schrope,
Alspach,	Falkenstein,	Lovett,	Schwab,
Andrews,	Fauset,	Lyons,	Self,
Atkins,	Fisher,	Madden,	Serrill,
Auker,	Fiss,	Malloy,	Shaw,
Baker,	Flanagan,	Malone,	Shearer,
Balliet,	Fleming,	Marr,	Simons,
Balthaser,	Foor,	Matthews,	Sloan,
Bardes,	Freed,	McClester,	Snyder,
Bennett,	Fullerton,	McGarrity,	Sollenberger,
Boles,	Furman,	McKinney,	Stambaugh,
Boney,	Gates,	McLane,	Stank,
Booree,	Gillan,	McNally,	Stewart,
Boose,	Gillette,	McVay,	Stockham,
Bower,	Goll,	Melchiorre,	Sweeney,
Brancato,	Gorski,	Mihm,	Tahl,
Bretherick,	Habbyshaw,	Montgomery,	Tarr,
Broad,	Halmes,	Mooney,	Taylor,
Bronson,	Hall,	Moran,	Terry,
Brown, H. S.,	Hamilton,	Moser, F. S.,	Thistle,
Brown, S. W.,	Harbeson,	Moser, J. L.,	Thompson, E. F.,
Brunner,	Harkins,	Muir,	Thompson, G. R.,
Burns,	Haudenschild,	Munley,	Tiemann,
Burris,	Henry,	O'Connor,	Tronzo,
Cadwalader,	Hess,	O'Dare,	Trout,
Calvin,	Hewitt,	O'Keefe,	VanAllsburg,
Carpenter,	Hindman,	O'Neill,	Van Belle,
Check,	Hocke,	Peacock,	Voorhees,
Chervenak,	Hoffman, J. N.,	Peale,	Wagner,
Christler,	Hoffman, S. K.,	Powers,	Watkins,
Clark,	Holland,	Preston,	Webster,
Clearwater,	Hoyt,	Readinger,	Welss,
Cohen, H. B.,	Huntley,	Reagan,	Welsh, E. B.,
Cohen, R. E.,	James,	Reese, D. P.,	Welsh, M. J.,
Cook,	Jirolanio,	Regan,	Westrick,
Cooper,	Johnston,	Rhodes,	Wilkinson,
Cordier,	Jones,	Rider,	Williams,
Corrigan,	Kane,	Riley,	Wilson,
Cortese,	Keenan,	Robertson,	Winner,
Curran,	Kenehan,	Rooney,	Wood, H. M.,
Dalrymple,	Kilroy,	Rose,	Wood, L. H.,
Denman,	Kline,	Roseberry,	Wood, N.,
DeNote,	Kowalski,	Rosenfeld,	Woodside,
Dick,	Krise,	Rothenberger,	Yeakel,
Dix,	Lee,	Royer,	Turner,
Donahue,	Lelsey,	Sarge,	Speaker.

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 298, as follows:

An Act to amend section one of the act approved the fourteenth day of April one thousand nine hundred and thirty-seven (Pamphlet Laws 313) entitled "An act to enable cities of the first second and second class A incorporated towns boroughs and townships of the second class to govern and regulate by ordinance the construction alteration repairs occupation maintenance sanitation lighting ventilation water supply toilet facilities drainage use and inspection of all buildings and land appurtenant thereto providing for the enforcement of such ordinances and repealing existing laws" by making provisions for adoption of standard building codes and dispensing with the publishing of such codes in full

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section one of the act approved the fourteenth

day of April one thousand nine hundred and thirty-seven (Pamphlet Laws 313) entitled "An act to enable cities of the first second and second class A incorporated towns boroughs and townships of the second class to govern and regulate by ordinance the construction alteration repairs occupation maintenance sanitation lighting ventilation water supply toilet facilities drainage use and inspection of all buildings and land appurtenant thereto providing for the enforcement of such ordinances and repealing existing laws" is hereby amended to read as follows

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That in addition to other remedies provided by law and in order to promote the public health safety morals and the general welfare all cities of the first second and second class A incorporated towns boroughs and townships of the second class in this Commonwealth are hereby authorized and empowered to enact and enforce suitable ordinances to govern and regulate the construction alteration repairs occupation maintenance sanitation lighting ventilation water supply toilet facilities drainage use and inspection of all buildings and to the sanitation and inspection of land appurtenant thereto and the said ordinances may provide proper penalties not exceeding five hundred dollars (\$500) for the violation of their provisions

Such ordinances may adopt any standard building code published and printed in book form covering any or all of the above items without incorporating such building code in the ordinance or any such city borough town or township may enact any such building code as its ordinance authorized under the provisions of this act In either event such building code shall not be published or advertised in full as required by law in the case of the adoption of ordinances Provided That a notice of the adoption of such standard building code as the building ordinance of the city borough town or township together with a brief summary thereof setting forth the principal provisions of said ordinance in such reasonable detail as will give adequate notice of its contents pursuant to a uniform form which shall be prepared or approved by the Department of Internal Affairs and a reference to the place or places within the municipality or township where copies of the building code adopted are deposited and may be examined shall be published in the manner provided by law for the publication of ordinances Not less than three such copies shall be made available to public inspection and use during business hours for a period of not less than three months after the adoption of such building code

Section 2 The provisions of this act shall become effective immediately upon its final enactment

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—196

Achterman,	Downey,	Leydic,	Sarra,
Ackermann,	Eckels,	Lichtenwalter,	Scanlon,
Allen,	Ely,	Long,	Schrock,
Allmond,	Ewing,	Lovett,	Schrope,
Alspach,	Falkenstein,	Lyons,	Schwab,
Andrews,	Fauset,	Madden,	Self,
Atkins,	Fisher,	Malloy,	Serrill,
Auker,	Fiss,	Malone,	Shaw,
Baker,	Flanagan,	Marr,	Shearer,
Balliet,	Fleming,	Matthews,	Simons,
Balthaser,	Foor,	McClester,	Sloan,
Bardes,	Freed,	McGarrity,	Snyder,
Bennett,	Fullerton,	McKinney,	Sollenberger,
Bohn,	Furman,	McLane,	Stambaugh,
Boles,	Gates,	McNally,	Stank,
Boney,	Gillan,	McVay,	Stewart,
Boorse,	Gillette,	Melchiorre,	Stockham,
Boose,	Goll,	Mihm,	Sweeney,
Bower,	Gorski,	Montgomery,	Tahl,
Brancato,	Habbyshaw,	Mooney,	Tarr,

Bretherick,	Haines,	Moran,	Taylor,
Broad,	Hall,	Moser, F. S.,	Terry,
Bronson,	Hamilton,	Moser, J. L.,	Thistle,
Brown, H. S.,	Harbeson,	Muir,	Thompson, E. F.,
Brown, S. W.,	Harkins,	Munley,	Thompson, G. R.,
Brunner,	Haudenschild,	O'Connor,	Tiemann,
Burns,	Henry,	O'Dare,	Tronzo,
Burris,	Hess,	O'Keefe,	Trout,
Cadwalader,	Hewitt,	O'Neill,	VanAllsburg,
Calvin,	Hindman,	Peacock,	Van Belle,
Carpenter,	Hocke,	Peale,	Voorhees,
Check,	Hoffman, J. N.,	Powers,	Wagner,
Chervenak,	Hoffman, S. K.,	Preston,	Watkins,
Christler,	Holland,	Readinger,	Webster,
Clark,	Hoyt,	Reagan,	Weiss,
Clearwater,	Huntley,	Reese, D. P.,	Welsh, E. B.,
Cohen, H. B.,	James,	Regan,	Welsh, M. J.,
Cohen, R. E.,	Jirolanto,	Reynolds,	Westrick,
Cook,	Johnston,	Rhodes,	Wilkinson,
Cooper,	Jones,	Rider,	Williams,
Cordier,	Kane,	Riley,	Wilson,
Corrigan,	Keenan,	Robertson,	Winner,
Cortese,	Kenehan,	Rooney,	Wood, H. M.,
Curran,	Kline,	Rose,	Wood, L. H.,
Dalrymple,	Kowalski,	Roseberry,	Wood, N.,
Denman,	Krise,	Rosenfeld,	Woodside,
DeNote,	Lee,	Rothenberger,	Yeakel,
Dick,	Lelsey,	Royer,	Turner,
Dix,	Levy,	Sarge,	Speaker,
Donahue,			

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 363, entitled:

An Act to amend section six of the act approved the twelfth day of May, one thousand nine hundred and twenty-five, (P. L. 603), entitled "An act concerning conditional sales and to make uniform the law relating thereto," by providing that all such contracts heretofore or hereafter filed shall be judicial records and subject to the control of the court.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—196

Achterman,	Eckels,	Leydic,	Sarra,
Ackermann,	Ely,	Lichtenwalter,	Scanlon,
Allmond,	Ewing,	Long,	Schrock,
Alspach,	Falkenstein,	Lovett,	Schrope,
Andrews,	Fauset,	Lyons,	Schwab,
Atkins,	Fisher,	Madden,	Self,
Auker,	Fiss,	Malloy,	Serrill,
Baker,	Flanagan,	Malone,	Shaw,
Balliet,	Fleming,	Marr,	Shearer,
Balthaser,	Foor,	Matthews,	Simons,
Bardes,	Freed,	McClester,	Sloan,
Bennett,	Fullerton,	McGarrity,	Snyder,
Bohn,	Furman,	McKinney,	Sollenberger,
Boles,	Gates,	McLane,	Stambaugh,
Boney,	Gillan,	McNally,	Stank,
Boorse,	Gillette,	McVay,	Stewart,
Boose,	Goll,	Melchiorre,	Stockham,
Bower,	Gorski,	Mihm,	Sweeney,
Brancato,	Habbyshaw,	Montgomery,	Tahl,
	Haines,	Mooney,	Tarr,
	Hall,	Moran,	Taylor,
	Hamilton,	Moser, F. S.,	Terry,
	Harbeson,	Moser, J. L.,	Thistle,
	Harkins,	Muir,	Thompson, E. F.,
	Haudenschild,	Munley,	Thompson, G. R.,

Burns,	Henry,	O'Connor,	Tiemann,
Cadwalader,	Hess,	O'Dare,	Tronzo,
Calvin,	Hewitt,	O'Keefe,	Trout,
Carpenter,	Hindman,	O'Neill,	VanAllsburg,
Check,	Hocke,	Peacock,	Van Belle,
Chervenak,	Hoffman, J. N.,	Peale,	Voorhees,
Christler,	Hoffman, S. K.,	Powers,	Wagner,
Clark,	Holland,	Preston,	Walsh,
Clearwater,	Hoyt,	Readinger,	Watkins,
Cohen, H. B.,	Huntley,	Reagan,	Webster,
Cohen, R. E.,	James,	Reese, D. P.,	Weiss,
Cook,	Jirolanio,	Regan,	Welsh, E. B.,
Cooper,	Johnston,	Reynolds,	Welsh, M. J.,
Cordier,	Jones,	Rhodes,	Wilkinson,
Corrigan,	Kane,	Rider,	Williams,
Cortese,	Keenan,	Riley,	Wilson,
Curran,	Kenehan,	Robertson,	Winnor,
Dalrymple,	Kilroy,	Rooney,	Wood, H. M.,
Denman,	Kline,	Rose,	Wood, L. H.,
DeNote,	Kowalski,	Roseberry,	Wood, N.,
Dick,	Krise,	Rosenfeld,	Woodside,
Dix,	Lee,	Rothernberger,	Yeakel,
Donahue,	Lelsey,	Royer,	Turner,
Downey,	Levy,	Sarge,	Speaker.

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 557, (Senate Bill No. 132), entitled:

An Act to amend sections one two and four of the act approved the sixteenth day of May one thousand nine hundred nineteen (Pamphlet Laws 180) entitled "An act providing a method of establishing title to land acquired at a sale for unpaid taxes or municipal claims" extending the provisions of said act to include land acquired at county treasurer's sales for unpaid taxes

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—196

Achterman,	Downey,	Leydic,	Sarrafi,
Ackermann,	Eckels,	Lichtenwalter,	Scanlon,
Allmond,	Ely,	Long,	Schrock,
Alspach,	Ewing,	Lovett,	Schrope,
Andrews,	Falkenstein,	Lyons,	Schwab,
Atkins,	Fauset,	Madden,	Self,
Auker,	Fisher,	Malloy,	Serrill,
Baker,	Fiss,	Malone,	Shaw,
Balliet,	Flanagan,	Marr,	Shearer,
Balthaser,	Fleming,	Matthews,	Simons,
Bardes,	Foor,	McClester,	Skale,
Bennett,	Freed,	McGarrity,	Sloan,
Bohn,	Fullerton,	McKinney,	Snyder,
Boies,	Furman,	McLane,	Sollenberger,
Boney,	Gates,	McNally,	Stambaugh,
Boorse,	Gillan,	McVay,	Stank,
Boose,	Gillette,	Melchiorre,	Stewart,
Bower,	Goll,	Mihm,	Stockham,
Brancato,	Gorski,	Montgomery,	Sweeney,
Bretherick,	Habbyshaw,	Mooney,	Tahl,
Broad,	Haines,	Moran,	Tarr,
Bronson,	Hall,	Moser, F. S.,	Taylor,
Brown, H. S.,	Hamilton,	Moser, J. L.,	Terry,
Brown, S. W.,	Harbeson,	Muir,	Thistle,
Brunner,	Harkins,	Munley,	Thompson, E. F.,
Burns,	Haudenschild,	O'Connor,	Thompson, G. R.,
Burriss,	Henry,	O'Dare,	Tiemann,
Cadwalader,	Hess,	O'Keefe,	Tronzo,
Calvin,	Hewitt,	O'Neill,	Trout,
Carpenter,	Hindman,	Peacock,	VanAllsburg,
Check,	Hocke,	Peale,	Van Belle,

Chervenak,	Hoffman, J. N.,	Powers,	Voorhees,
Christler,	Hoffman, S. K.,	Preston,	Wagner,
Clark,	Holland,	Readinger,	Watkins,
Clearwater,	Hoyt,	Reagan,	Webster,
Cohen, H. B.,	Huntley,	Reese, D. P.,	Weiss,
Cohen, R. E.,	James,	Regan,	Welsh, E. B.,
Cook,	Jirolanio,	Reynolds,	Welsh, M. J.,
Cooper,	Johnston,	Rhodes,	Westrick,
Cordier,	Jones,	Rider,	Wilkinson,
Corrigan,	Kane,	Riley,	Williams,
Cortese,	Keenan,	Robertson,	Wilson,
Curran,	Kenehan,	Rooney,	Winnor,
Dalrymple,	Kline,	Rose,	Wood, H. M.,
Denman,	Kowalski,	Roseberry,	Wood, L. H.,
DeNote,	Krise,	Rosenfeld,	Wood, N.,
Dick,	Lee,	Rothernberger,	Woodside,
Dix,	Lelsey,	Royer,	Yeakel,
Donahue,	Levy,	Sarge,	Turner,

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed it without amendment.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 546, entitled:

An Act to further amend section six of the act, approved the seventeenth day of May, one thousand nine hundred and twenty-one (P. L. 869), entitled "An act providing for the organization, government, discipline, maintenance, and regulation of the armed land forces of this Commonwealth," by eliminating certain provisions relating to retirement age of a major general in command of the National Guard.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—196

Achterman,	Eckels,	Leydic,	Scanlon,
Ackermann,	Ely,	Lichtenwalter,	Schrock,
Allmond,	Ewing,	Long,	Schrope,
Alspach,	Falkenstein,	Lovett,	Schwab,
Andrews,	Fauset,	Lyons,	Self,
Atkins,	Fisher,	Madden,	Serrill,
Auker,	Fiss,	Malloy,	Shaw,
Baker,	Flanagan,	Malone,	Shearer,
Balliet,	Fleming,	Marr,	Simons,
Balthaser,	Foor,	Matthews,	Skale,
Bardes,	Freed,	McClester,	Sloan,
Bennett,	Fullerton,	McGarrity,	Snyder,
Bohn,	Furman,	McKinney,	Sollenberger,
Boies,	Gates,	McLane,	Stambaugh,
Boney,	Gillan,	McNally,	Stank,
Boorse,	Gillette,	McVay,	Stewart,
Bower,	Goll,	Melchiorre,	Stockham,
Brancato,	Gorski,	Mihm,	Sweeney,
Bretherick,	Habbyshaw,	Montgomery,	Tahl,
Broad,	Haines,	Mooney,	Tarr,
Bronson,	Hall,	Moran,	Taylor,
Brown, H. S.,	Hamilton,	Moser, F. S.,	Terry,
Brown, S. W.,	Harbeson,	Moser, J. L.,	Thistle,
Brunner,	Harkins,	Muir,	Thompson, E. F.,
Burns,	Haudenschild,	Munley,	Thompson, G. R.,
Burriss,	Henry,	O'Connor,	Tiemann,
Cadwalader,	Hess,	O'Dare,	Tronzo,
Calvin,	Hewitt,	O'Keefe,	Trout,
Carpenter,	Hindman,	O'Neill,	VanAllsburg,
Check,	Hocke,	Peacock,	Van Belle,
Chervenak,	Hoffman, J. N.,	Peale,	Voorhees,
Christler,	Hoffman, S. K.,	Powers,	Walsh,
Clark,	Holland,	Readinger,	Watkins,
Clearwater,	Hoyt,	Reagan,	Webster,
	Huntley,	Reese, D. P.,	Weiss,

Cohen, H. B.,	James,	Regan,	Welsh, E. B.,
Cohen, R. E.,	Jirolanio,	Reynolds,	Welsh, M. J.,
Cook,	Johnston,	Rhodes,	Westrick,
Cooper,	Jones,	Rider,	Wilkinson,
Cordier,	Kane,	Riley,	Williams,
Corrigan,	Keenan,	Robertson,	Wilson,
Cortese,	Kenehan,	Rooney,	Winner,
Curran,	Kilroy,	Rose,	Wood, H. M.,
Dalrymple,	Kline,	Roseberry,	Wood, L. H.,
Denman,	Kowalski,	Rosenfeld,	Wood, N.,
DeNote,	Krise,	Rothenberger,	Woodside,
Dick,	Lee,	Royer,	Yeakel,
Dix,	Lelsey,	Sarge,	Turner,
Donahue,	Levy,	Sarraff,	Speaker.
Downey,			

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 639, entitled:

An Act to repeal certain obsolete acts relating to military history records and historical works

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—196

Achterman,	Ely,	Lichtenwalter,	Scanlon,
Ackermann,	Ewing,	Long,	Schrock,
Allmond,	Falkenstein,	Lovett,	Schrope,
Alsapach,	Fauset,	Lyons,	Schwab,
Andrews,	Fisher,	Madden,	Self,
Atkins,	Fiss,	Malloy,	Serrill,
Auker,	Flanagan,	Malone,	Shaw,
Baker,	Fleming,	Marr,	Shearer,
Baillet,	Foor,	Matthews,	Simons,
Balthaser,	Freed,	McClester,	Skale,
Bardes,	Fullerton,	McGarrity,	Sloan,
Bennett,	Furman,	McKinney,	Snyder,
Bohn,	Gates,	McLane,	Sollenberger,
Boles,	Gillan,	McNally,	Stambaugh,
Boney,	Gillette,	McVay,	Stank,
Boorse,	Goll,	Meichlorre,	Stewart,
Boose,	Gorski,	Mihm,	Stockham,
Bower,	Habbyshaw,	Montgomery,	Sweeney,
Brancato,	Haines,	Mooney,	Tahl,
Bretherick,	Hall,	Moran,	Tarr,
Broad,	Hamilton,	Moser, F. S.,	Taylor,
Bronson,	Harbeson,	Moser, J. L.,	Terry,
Brown, H. S.,	Harkins,	Muir,	Thistle,
Brown, S. W.,	Haudenschild,	Munley,	Thompson, E. F.,
Brunner,	Henry,	O'Connor,	Thompson, G. R.,
Burris,	Hess,	O'Dare,	Tiemann,
Cadwalader,	Hewitt,	O'Keefe,	Tronzo,
Calvin,	Hindman,	O'Neill,	Trout,
Carpenter,	Hocke,	Peacock,	VanAillsburg,
Check,	Hoffman, J. N.,	Peale,	Van Belle,
Chervenak,	Hoffman, S. K.,	Powers,	Voorhees,
Christler,	Holland,	Preston,	Wagner,
Clark,	Hoyt,	Readinger,	Walsh,
Clearwater,	Huntley,	Reagan,	Watkins,
Cohen, H. B.,	James,	Reese, D. P.,	Webster,
Cohen, R. E.,	Jirolanio,	Regan,	Welsh,
Cook,	Johnston,	Reynolds,	Welsh, E. B.,
Cooper,	Jones,	Rhodes,	Welsh, M. J.,
Cordier,	Kane,	Rider,	Westrick,
Corrigan,	Keenan,	Robertson,	Wilkinson,
Cortese,	Kenehan,	Riley,	Williams,
Curran,	Kilroy,	Rooney,	Wilson,
Dalrymple,	Kline,	Rose,	Winner,
Denman,	Kowalski,	Roseberry,	Wood, H. M.,
DeNote,	Krise,	Rosenfeld,	Wood, L. H.,
			Wood, N.,

Dick,	Lee,	Rothenberger,	Woodside,
Dix,	Lelsey,	Royer,	Yeakel,
Donahue,	Levy,	Sarge,	Turner,
Downey,	Leydic,	Sarraff,	Speaker.
Eckels,			

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 576, entitled:

An Act to further amend section seven of the act, approved the fifth day of January, one thousand nine hundred and thirty-three (P. L. 223, 1933-34), entitled "An act providing compensation to certain persons who served in the military or naval forces of the United States during the World War, the war between the United States and Spain, the China Relief Expedition, or in the Philippines or Guam; providing the method of making payment to representatives of persons who, because of death or incapacity, cannot personally receive compensation; imposing certain duties on the Adjutant General; making an appropriation; and repealing inconsistent legislation; and providing penalties." as amended, extending the time during which application may be filed for veterans' compensation.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—203

Achterman,	Eckels,	Long,	Scanlon,
Ackermann,	Ely,	Lovett,	Schrock,
Allen,	Ewing,	Lyons,	Schrope,
Allmond,	Falkenstein,	Madden,	Schwab,
Alsapach,	Fauset,	Malloy,	Self,
Andrews,	Fisher,	Malone,	Serrill,
Atkins,	Fiss,	Marr,	Shaw,
Auker,	Flanagan,	Matthews,	Shearer,
Baker,	Fleming,	McClester,	Simons,
Baillet,	Foor,	McGarrity,	Skale,
Balthaser,	Freed,	McKinney,	Sloan,
Bardes,	Fullerton,	McLane,	Snyder,
Bennett,	Furman,	McNally,	Sollenberger,
Bohn,	Gates,	McVay,	Stambaugh,
Boles,	Gillan,	Meichlorre,	Stank,
Boney,	Gillette,	Mihm,	Stewart,
Boorse,	Goll,	Montgomery,	Stockham,
Boose,	Gorski,	Mooney,	Sweeney,
Bower,	Habbyshaw,	Moran,	Tahl,
Brancato,	Haines,	Moser, F. S.,	Tarr,
Bretherick,	Hall,	Moser, J. L.,	Taylor,
Broad,	Hamilton,	Muir,	Terry,
Bronson,	Harbeson,	Munley,	Thistle,
Brown, H. S.,	Harkins,	O'Brien,	Thompson, E. F.,
Brown, S. W.,	Haudenschild,	O'Connor,	Thompson, G. R.,
Brunner,	Henry,	O'Dare,	Tiemann,
Burris,	Hess,	O'Keefe,	Tronzo,
Cadwalader,	Hewitt,	O'Neill,	Trout,
Calvin,	Hindman,	Peacock,	Van Aillsburg,
Carpenter,	Hocke,	Peale,	Van Belle,
Check,	Hoffman, J. N.,	Powers,	Voorhees,
Chervenak,	Hoffman, S. K.,	Preston,	Wagner,
Christler,	Holland,	Readinger,	Walsh,
Clark,	Hoyt,	Reagan,	Watkins,
Clearwater,	Huntley,	Reese, D. P.,	Webster,
Cohen, H. B.,	James,	Reese, R. E.,	Welsh,
Cohen, R. E.,	Jirolanio,	Regan,	Welsh, E. B.,
Cook,	Johnston,	Reynolds,	Welsh, M. J.,
Cooper,	Jones,	Rhodes,	Westrick,
Cordier,	Kane,	Rider,	Wilkinson,
Corrigan,	Keenan,	Riley,	Williams,
Cortese,	Kenehan,	Rooney,	Wilson,

Curran,	Kilroy,	Robertson,	Winner,
Dalrymple,	Kilne,	Rooney,	Wood, H. M.,
Denman,	Kowalski,	Rose,	Wood, L. H.,
DeNote,	Krise,	Roseberry,	Wood, N.,
Dick,	Lee,	Rosenfeld,	Woodside,
Dix,	Lelsey,	Rothemberger,	Yeakel,
Donahue,	Levy,	Royer,	Turner,
Donohoe,	Leydic,	Sarge,	Speaker.
Downey,	Lichtenwalter,	Sarra,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 536, entitled:

An Act providing for the regulation, supervision and control of unofficial military organizations; requiring certificates; conferring powers and imposing duties upon the adjutant general; and authorizing the adoption and enforcement of rules and regulations.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—195

Achterman,	Ely,	Lovett,	Schrock,
Ackermann,	Ewing,	Lyons,	Schrope,
Allmond,	Falkenstein,	Madden,	Schwab,
Alspach,	Fauset,	Malloy,	Seif,
Andrews,	Fisher,	Malone,	Serrill,
Atkins,	Fiss,	Marr,	Shaw,
Auker,	Flanagan,	Matthews,	Shearer,
Baker,	Fleming,	McClester,	Simons,
Balliet,	Foor,	McGarrity,	Skale,
Balthaser,	Freed,	McKinney,	Sloan,
Bardes,	Fullerton,	McLane,	Snyder,
Bennett,	Furman,	McNally,	Sollenberger,
Bohn,	Gillan,	McVay,	Stambaugh,
Boles,	Gillette,	Melchiorre,	Stank,
Boorse,	Goll,	Mihm,	Stewart,
Boose,	Gorski,	Montgomery,	Stockham,
Bower,	Habbyshaw,	Mooney,	Sweeney,
Brancato,	Haines,	Moran,	Tahl,
Bretherick,	Hall,	Moser, F. S.,	Tarr,
Broad,	Hamilton,	Moser, J. L.,	Taylor,
Bronson,	Harbeson,	Muir,	Terry,
Brown, H. S.,	Harkins,	Munley,	Thistle,
Brown, S. W.,	Haudenschild,	O'Connor,	Thompson, E. F.,
Brunner,	Henry,	O'Dare,	Thompson, G. R.,
Burris,	Hess,	O'Keefe,	Tiemann,
Cadwalader,	Hewitt,	O'Neill,	Tronzo,
Calvin,	Hindman,	Peacock,	Trout,
Carpenter,	Hocke,	Peale,	VanAllsburg,
Check,	Hoffman, J. N.,	Powers,	Van Belle,
Chervanek,	Hoffman, S. K.,	Preston,	Voorhees,
Christler,	Holland,	Readinger,	Wagner,
Clark,	Hoyt,	Reagan,	Walsh,
Clearwater,	Huntley,	Reese, D. P.,	Watkins,
Cohen, H. B.,	James,	Regan,	Webster,
Cohen, R. E.,	Jirolanio,	Reynolds,	Weiss,
Cook,	Johnston,	Rhodes,	Welsh, E. B.,
Cooper,	Jones,	Rider,	Welsh, M. J.,
Cordier,	Kane,	Riley,	Westrick,
Corrigan,	Kenehan,	Robertson,	Wilkinson,
Certese,	Kilroy,	Rooney,	Williams,
Curran,	Kilne,	Rose,	Wilson,
Dalrymple,	Kowalski,	Roseberry,	Winner,
Denman,	Krise,	Rosenfeld,	Wood, H. M.,
DeNote,	Lee,	Rothemberger,	Wood, L. H.,
Dick,	Lelsey,	Royer,	Wood, N.,
Dix,	Leydic,	Sarge,	Woodside,
Donahue,	Lichtenwalter,	Sarra,	Yeakel,
Downey,	Long,	Scanlon,	Turner,
Eckels,			Speaker.

NAYS—1

Gates,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

ADDRESS BY MR. KANE

Mr. KANE asked and obtained unanimous consent to address the House.

Mr. Speaker and members of the House I won't keep you very long, but it is quite important that we have a meeting of the Committee on Mines and Mining immediately after the session in Room A.

The purpose of this meeting I would like to state to the House, it this: It has recently been an amazing occurrence that one of the members of the Public Utility Commission has challenged the right of the Attorney General to intervene on behalf of the coal interests of Pennsylvania in securing lower freight rates and opposing an unjust attempt to increase anthracite freight rates at this time.

The purpose of the committee meeting is to consider immediately a bill directing the Attorney General to take such action and also to appropriate the necessary money for that purpose; also to inquire of the gentleman on the Public Utility Commission what he had in mind in challenging the right of the Attorney General to intervene.

I would like to have all the members present from both parties.

Mr. HERBERT B. COHEN. Mr. Speaker, I would like to interrogate the gentleman from McKean.

The SPEAKER. Only for the limited purpose of interrogating him with reference to the statement made by him.

Mr. HERBERT B. COHEN. Mr. Speaker, I ask unanimous consent of the House to indulge in a slight interrogation.

The SPEAKER. Will the House give its unanimous consent for the interrogation? Is there objection? The Chair hears none and consent is granted.

Will the gentleman from McKean permit himself to be interrogated?

Mr. KANE. Mr. Speaker, I will be glad to answer the gentleman from York, but first I want to state to the House that the meeting is to be held in Room A directly back of the House caucus room, immediately after the session.

Mr. HERBERT B. COHEN. Mr. Speaker, I desire to inquire whether that was an official act of the Public Utility Commission to which the gentleman referred, or the act of an individual member.

Mr. KANE. Mr. Speaker, I do not wish to cast any aspersions on the Commission as a whole; it was the act, as I understand it, of a single member of the Commission of which the other members did not approve.

Mr. HERBERT B. COHEN. Mr. Speaker, may I inquire of the gentleman which member of the Commission he is referring to?

Mr. KANE. Mr. Speaker, I am not in a position to verify this because I was not present, however, I was told by a person who was present that the member of the Commission was Mr. Thomas Buchanan of Beaver County.

Mr. HERBERT B. COHEN. Mr. Speaker, I would like to inquire of the gentleman from McKean from what source

he secured the information that was contained in the remarks made by him.

Mr. KANE. Mr. Speaker, I really believe that this is a matter that should be considered in Committee. I have not the desire to drag the name of the official before the House. I think this has gone beyond a slight interrogation. However, if the gentleman cares to attend the meeting of the committee, it is an important problem, and I would like to have him attend, and I will then if the committee approves, inform the House as fully as he desires.

Mr. HERBERT B. COHEN. Mr. Speaker, I desire to inquire of the gentleman the name or the source from which he obtained the information that formed a part of the public statement that he made before this House.

Mr. KANE. Mr. Speaker, I obtained that information by reason of the fact that I heard a rumor to that effect, and I asked the Attorney-General if it were true, and he said it was.

Mr. HERBERT B. COHEN. Mr. Speaker, do I understand that this information came from the Attorney-General of the Commonwealth?

Mr. KANE. Mr. Speaker, the Attorney-General volunteered no information. I submit further, Mr. Speaker, that I think this has gone past a slight interrogation, and I do not wish to go into the matter in detail.

ADDRESS BY HERBERT B. COHEN

Mr. HERBERT B. COHEN asked and obtained unanimous consent to address the House.

Mr. Speaker and members of the House, the information that I have is quite to the contrary. I understand that the Public Utility Commission has been concerning itself relative to intervention before the Interstate Commerce Commission for the purpose of securing lower freight rates on shipments of anthracite and bituminous coal out of Pennsylvania. I further understand that the Public Utility Commission, through some of its members, had an interview with the Governor relative to securing the Commonwealth's intervention through the Attorney General, and I understand that various counsel have been consulted, and that one of the outstanding members of the Pennsylvania Bar has been consulted relative to such intervention.

The necessity for this particular haste I cannot see. My information, as I have indicated, is directly opposite to what has been presented on this floor by the gentleman from McKean.

I understand that the Commission has exerted itself to secure such intervention. Beyond that I have heard no rumors that would substantiate the statements that have been made by the gentleman from McKean. However, apparently those statements were made as the result of information that he had, that possibly did not come to my attention.

ADDRESS BY MR. KANE

Mr. KANE asked and obtained unanimous consent to address the House.

Mr. Speaker and members of the House, I wish to state that I think perhaps the gentleman has my statement mixed up. Possibly I did not make myself clear.

What I intended to convey to the House was, and it is a well known fact, that some members of the Commission, and perhaps the whole Commission, have tried to

resist the present attempt to increase anthracite freight rates. The Attorney General intended to assist in the matter and one of the Commissioners challenged his right to do so.

I have no desire to cast any reflections upon the action of the entire Commission which I approve. I think they have the right to resist this increase.

BILL SIGNED BY SPEAKER

Bill numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the title was publicly read as follows:

SENATE BILL No. 79.

An Act requiring the county treasurer to adjourn county treasurers' sales of seated and unseated lands for non-payment of taxes in all counties except counties of the first class and preserving the lien of all taxes on such lands

Whereupon,

The SPEAKER, in the presence of the House, signed the same.

REPORTS FROM COMMITTEES

Mr. BRUNNER from the Committee on Boroughs reported as amended, House Bill No. 605, entitled:

An Act to amend sections 904, 905, 1006, 1125, 1202, LIII, 1309 and 1314 of the Act approved the fourth day of May, one thousand nine hundred twenty-seven (P. L. 519), entitled "An act concerning boroughs," as amended, by further regulating the affairs of boroughs and revising, amending, and changing the law relating thereto.

Mr. TROUT from the Committee on State Government reported as amended, House Bill No. 437, entitled:

An Act to amend the act, approved the ninth day of April, one thousand nine hundred twenty-nine (Pamphlet Laws, one hundred seventy-seven) entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments, boards, commissions, and officers thereof, including the boards of trustees of State Normal Schools, or Teachers Colleges; abolishing, creating, reorganizing or authorizing the reorganization of certain administrative departments, boards, and commissions; defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments, boards, commissions, and officers; fixing the salaries of the Governor, Lieutenant Governor, and certain other executive and administrative officers; providing for the appointment of certain administrative officers, and of all deputies and other assistants and employees in certain departments, boards, and commissions; and prescribing the manner in which the number and compensation of the deputies and all other assistants and employees of certain departments, boards and commissions shall be determined," as amended, by establishing a Department of Commerce and defining its powers and duties; placing the State Planning Board within the department as a departmental administrative board, making certain changes in its membership and defining its powers and duties; making available to the department for the use of the board and the current appropriation to the board; and repealing inconsistent acts or parts of acts.

Mr. WESTRICK from the Committee on Townships reported as committed, House Bill No. 217, entitled:

An Act to amend section five hundred and twelve of the act approved the first day of May one thousand nine hundred and thirty-three (Pamphlet Laws 103) entitled "An act concerning townships of the second class and

amending, revising, consolidating, and changing the laws relating thereto," by providing that township supervisors shall meet upon the call of the chairman.

Mr. NORMAN WOOD from the Committee on Appropriations reported as committed, House Bill No. 856, entitled:

An Act making a deficiency and emergency appropriation to aid certain school districts.

BILL ON FIRST READING

Mr. NORMAN WOOD asked and obtained unanimous consent to have the following bill read for the first time. Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 856, entitled:

An Act making a deficiency and emergency appropriation to aid certain school districts.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

RESOLUTION

SYMPATHY EXTENDED

Mr. DIX offered a resolution and asked and obtained unanimous consent for its immediate consideration.

The resolution was twice read, considered and unanimously adopted as follows:

In the House of Representatives, March 29, 1939.

Again this House has been shocked by the sorrowful news of the death of one dear to a fellow member.

The mother of the Honorable Gaylord Carpenter of Pike County died yesterday at her home in Bushkill.

The tie that so closely binds a son to his mother has been severed and that wonderful and constant mother's

love that was such a help to him throughout life is forever gone; therefore be it

Resolved, by this House of Representatives of the General Assembly of the Commonwealth that, realizing the great grief and deep sorrow that is his, we sincerely extend our deepest sympathy, and direct the Chief Clerk of this House to transmit a copy of this Resolution to him, the said Honorable Gaylord Carpenter.

COMMITTEE MEETINGS

There will be meetings of the Committees on:

Agriculture, Thursday, March 30, 1939, at 9:30 a. m., in Room 325.

Education, immediately after adjournment, in Room 323.

Mines and Mining, immediately after adjournment, in Room A.

PUBLIC HEARINGS

There will be a public reading before the Committee on Municipal Corporations on House Bill No. 189 on Tuesday, April 4, 1939 at 10 a. m. in the House Caucus Room.

There will be a public hearing before the Committee on Professional Licensure on House Bill No. 475 on Tuesday, April 10, 1939 at 11 a. m. in the House Caucus Room.

There will be a public hearing before the Committee on Cities—Second Class on House Bill No. 473 on Tuesday, April 4, 1939 at 11 a. m. in Room A.

ADJOURNMENT

Mr. SLOAN. Mr. Speaker, I move that this House do now adjourn until Monday, April 3, 1939, at 8 p. m.

The motion was agreed to, and (at 5:17 p. m.) the House adjourned until Monday, April 3, 1939, at 8 p. m.

Legislative Journal.

Session 1939.

133d of the General Assembly.

Vol. 23

HARRISBURG, PA., MONDAY, APRIL 3, 1939.

No. 32.

SENATE

MONDAY, April 3, 1939.

The Senate met at 9:00 o'clock, p. m.

The PRESIDENT (Lieutenant-Governor Samuel S. Lewis) in the Chair.

PRAYER

In the absence of the Chaplain, prayer was offered by the Senator from Berks, Rev. FRANK W. RUTH, D.D., as follows:

Almighty God, our Heavenly Father, at the beginning of Holy Week we come into Thy presence in deep humility, feeling our sense of unworthiness of the great sacrifice which Thou didst make for our sake; and we pray Thee that Thou wilt help us to understand the depth of Thy love, which prompted Thee to come into this world and assume unto Thyself the debt of humanity and pay the price in full for our sins.

We pray that this spirit may be spread and accepted throughout the world and that strife, prejudice and hatred may be wiped off the face of the earth.

Guide us in our individual sphere in the work to which Thou hast assigned us, that we may reciprocate Thy love, that we may give the best that we have for Thee, for Thy kingdom and for our fellow man. We ask in the Master's Holy Name. Amen.

JOURNAL APPROVED

The PRESIDENT. A quorum of the Senate being present the Clerk will read the Journal of the preceding session.

The Clerk proceeded to read the Journal of the preceding session, when, on motion of Mr. OWLETT and Mr. HEYBURN, the further reading was dispensed with, and the Journal was approved.

LEAVES OF ABSENCE

Mr. EROE asked and obtained leave of absence for the Senator from Schuylkill, Mr. DANDO, on account of the death of his brother.

Mr. RICE asked and obtained leave of absence for the Senator from Dauphin, Mr. KUNKEL.

ANNOUNCEMENT BY THE SECRETARY

The Clerk read the following announcement:

SUBPOENA, YUKES TAKE'EM

Pennsylvania Legislation Correspondents Assn., SS-Boo Hoo, Pfui, Hi, Ho, Silver and a Hey Nonny Na. Biennial Dinner of 1939:

To all Legislators, Politicians, Democrats, Lobbyists, Reliefers, Accusers, Accused, Lame Ducks, Candidates for Presidents, Candidates for Governor, Administration Advisors, Job-Holdovers, and Job-Hunters, GREETINGS:

We command you, and each of you, that you, and all of you, everyone of you, together and separately, be and appear in your proper or improper person before the GRAND INQUEST OF 1939, self-appointed to hear, decide and kid all matters in variance between the parties, Republican and Democratic, wherein the Legislative Correspondents are plaintive plaintiffs and All Others are denying defendants; at the Penn-Harris Hotel, in Harrisburg on the Twenty-sixth Day of April, A. D. 1939, at 6:30 P. M., then and there to give evidence of your ability to take it.

Hereof fail not, under penalty which may ensue.

(Witness and deposit \$5) (for each ticket) in the hand of any legislative correspondent the third day of April, A. D. 1939, or any day thereafter until the twenty-sixth of April, A. D. 1939, and omit not to bring this singular ticket with you, under penalty of not eating, drinking or laughing.

COMMUNICATION FROM THE GOVERNOR

The Secretary to the Governor being introduced, presented communication in writing from His Excellency, the Governor of the Commonwealth, which was read as follows:

APPROVAL OF SENATE BILL No. 16

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, March 30, 1939.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed Senate Bill No. 16, Printer's No. 25, entitled "An Act to amend section one as amended of the act approved the third day of June one thousand nine hundred and nineteen (Pamphlet Laws three hundred seventy) entitled 'An act to fix the number and salaries of assistant district attorneys in counties of this Commonwealth having over one million five hundred thousand inhabitants, and prescribing the powers and duties of said assistant district attorneys' by increasing the number and fixing the salaries of the assistant district attorneys thereof."

ARTHUR H. JAMES.

APPROVAL OF SENATE BILL No. 79

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, March 31, 1939.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed Senate Bill No. 79, Printer's No. 37, entitled "An Act requiring the county treasurer to adjourn county treasurers' sales of seated and unseated lands for non-payment of taxes in all counties except counties of the first class and preserving the lien of all taxes on such lands."

ARTHUR H. JAMES.

NOMINATIONS BY THE GOVERNOR

NOTARIES PUBLIC

He also presented in writing from His Excellency, the Governor of the Commonwealth, nominations for appointment as Notaries Public which were laid on the table.

HOUSE MESSAGES

HOUSE BILL FOR CONCURRENCE

The Clerk of the House of Representatives being introduced presented for concurrence bills of the House, as follows:

House Bill No. 74, (Senate Bill No. 376), entitled:

An Act to amend section two hundred and seventy-eight of the act approved the second day of May one thousand nine hundred and twenty-nine (Pamphlet Laws 1278) entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto" as amended providing for the appointment the term and compensation of county detectives in counties of the fifth and sixth class.

Which was committed to the Committee on County Government.

House Bill No. 176, (Senate Bill No. 377), entitled:

An Act to amend the act approved the seventeenth day of June one thousand nine hundred and thirteen (Pamphlet Laws 507) entitled "An act to provide revenue for State and county purposes and in cities coextensive with counties for city and county purposes imposing taxes upon certain classes of personal property providing for the assessment and collection of the same providing for the duties and compensation of prothonotaries and recorders in connection therewith and modifying existing legislation which provided for raising revenue for State purposes" as amended by imposing the tax upon the value of certain equitable interests by excluding from the provisions of said act shares of stock of corporations liable to pay a franchise tax personal property held or possessed by certain executors administrators and fiduciaries and by employees thrift or savings associations personal property held by trustees for religious charitable scientific literary and educational organizations personal property held for non residents and foreign corporations under certain circumstances and loans issued by first class or non-profit corporations and by making further provision for the return and payment of the tax by executors administrators trustees agents and attorneys-in-fact.

Which was committed to the Committee on Finance.

House Bill No. 410, (Senate Bill No. 378), entitled:

An Act relating to the practice of the occupation or business of opticians and providing for the licensing and registration of opticians and optical technicians, and the registration of optician's apprentices, and for the revocation and suspension of such licenses and registrations, subject to appeal, and for their reinstatement; defining the powers and duties of the State Board of Examiners of Opticians and the Department of Public Instruction; and providing penalties.

Which was committed to the Committee on Public Health.

House Bill No. 104, (Senate Bill No. 379), entitled:

An Act validating certain tax liens in counties having a controller when the claims whereupon the liens were filed were not signed by and did not have stamped thereon a facsimile signature of the controller of the county as required by law.

Which was committed to the Committee on County Government.

House Bill No. 209, (Senate Bill No. 380), entitled:

An Act to amend section two thousand eight hundred forty-two of the act approved the twenty-third day of June one thousand nine hundred thirty-one (P. L. 932) entitled "An act relating to cities of the third class and amending revising and consolidating the law relating thereto" by authorizing the city to appeal from reports of viewers. and demand a trial by jury and making such provisions retroactive so as to apply to cases now pending.

Which was committed to the Committee on Municipal Government.

House Bill No. 284, (Senate Bill No. 381), entitled:

An Act to amend clause (d) of section two of the act approved the seventh day of June one thousand nine hundred and seventeen (P. L. 447) entitled as amended "An act relating to the administration and distribution of the estates of decedents and of minors and of trust estates including the appointment bonds rights powers duties liabilities accounts discharge and removal of executors administrators guardians and trustees herein designated as fiduciaries the administration and distribution of the estates of presumed decedents widow's and children's exemptions debts of decedents rents of real estate as assets for payment thereof the lien thereof sales and mortgages of real estate for the payment thereof judgments and executions therefor and the discharge of real estate from the lien thereof contracts of decedents for the sale or purchase of real estate legacies including legacies charged on land the discharge of residuary estates and of real estate from the lien of legacies and other charges the appraisal of real estate devised at a valuation the ascertainment of the curtilage of dwelling houses or other buildings devised the abatement and survival of actions and the substitution of executors and administrators therein the survival of causes of action and suits thereupon by or against fiduciaries investments by fiduciaries the organization of corporations to carry on the business of decedents the audit and review of accounts of fiduciaries refunding bonds transcripts to the court of common pleas of balances due by fiduciaries the rights power and liabilities of nonresident and foreign fiduciaries the appointment bonds rights powers duties and liabilities of trustees durante absentia the recording and registration of decrees reports and other proceedings and the fees therefor appeals in certain cases and also generally dealing with the jurisdiction powers and procedure of the orphans court in all matters relating to fiduciaries concerned with the estates of decedents" as amended providing that where a resident of this Commonwealth petitions the register of wills of a county other than the one in which he resides for the issuance of letters testamentary the affidavit and oath of affirmation required by this act before the issuance of such letters may be taken before and administered by the register of wills of the county in which the applicant resides and letters testamentary may be issued by the register of wills of the proper county without a personal appearance of the applicant.

Which was committed to the Committee on Judiciary General.

House Bill No. 345, (Senate Bill No. 382), entitled:

An Act to validate and quiet the title to real estate in this Commonwealth held by a foreign corporation unauthorized to hold the same and heretofore conveyed to a citizen of the United States or a corporation authorized to hold such real estate.

Which was committed to the Committee on Corporations.

House Bill No. 346, (Senate Bill No. 383), entitled:

An Act to validate mortgages on real estate in this Commonwealth given by a foreign corporation unauthorized to hold title to the said real estate said real estate having been heretofore conveyed to a citizen of the United States or a corporation authorized to hold such real estate.

Which was committed to the Committee on Corporations.

House Bill No. 349, (Senate Bill No. 384), entitled:

An Act to further amend section two hundred fifty-six of the act approved the second day of May one thousand nine hundred and twenty-nine (P. L. 1278) entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto" by providing for the appointment and compensation of assistant district attorneys in counties of the sixth class where there are two or more judges of the court of common pleas.

Which was committed to the Committee on County Government.

House Bill No. 371, (Senate Bill No. 385), entitled:

An Act to provide for contribution among tortfeasors.

Which was committed to the Committee on Judiciary General.

House Bill No. 378, (Senate Bill No. 386), entitled:

An Act to amend paragraph (d) of section twenty-eight of the act approved the seventh day of June one thousand nine hundred seventeen (P. L. 447), entitled as amended "An act relating to the administration and distribution of the estates of decedents and of minors and of trust estates including the appointment bonds rights powers duties liabilities accounts discharge and removal of executors administrators guardians and trustees herein designated as fiduciaries the administration and distribution of the estates of presumed decedents widow's and children's exemptions debts of decedents rents of real estate as assets for payment thereof the lien thereof sales and mortgages of real estate for the payment thereof judgments and executions therefor and the discharge of real estate from the lien thereof contracts of decedents for the sale or purchase of real estate legacies including legacies charged on land the discharge of residuary estates and of real estate from the lien of legacies and other charges the appraisalment of real estate devised at a valuation the ascertainment of the curtilage of dwelling houses or other buildings devised the abatement and survival of actions and the substitution of executors and administrators therein the survival of causes of action and suits thereupon by or against fiduciaries investments by fiduciaries the organization of corporations to carry on the business of decedents the audit and review of accounts of fiduciaries refunding bonds transcripts to the court of common pleas of balances due by fiduciaries the rights powers and liabilities of nonresident and foreign fiduciaries the appointment bonds rights powers duties and liabilities of trustees durante absentia the recording and registration of decrees reports and other proceedings and the fees therefor appeals in certain cases and also generally dealing with the jurisdiction powers and procedure of the orphans' courts in all matters relating to fiduciaries concerned with the estates of decedents" authorizing surviving acting or remaining testamentary trustees to act in respect to real estate left to them to be sold or which they are authorized or directed to sell.

Which was committed to the Committee on Judiciary General.

House Bill No. 379, (Senate Bill No. 387), entitled:

An Act to further amend section nine of the act approved the eighteenth day of April one thousand eight hundred fifty-three (P. L. 503) entitled "An act relating

to the sale and conveyance of real estate" directing accumulations for minors to be added to the principal or corpus of the estate, unless otherwise directed.

Which was committed to the Committee on Judiciary General.

House Bill No. 495, (Senate Bill No. 388), entitled:

An Act relating to the seizure of gambling machines or devices requiring inventory of all moneys and articles seized and imposing penalty.

Which was committed to the Committee on Judiciary Special.

House Bill No. 574, (Senate Bill No. 389), entitled:

A Supplement to the act, approved the second day of July, one thousand nine hundred thirty-seven, (Appropriation Acts, page seventy-four), entitled "An act to provide for the ordinary expenses of the Executive, Legislative, and Judicial Departments of the Commonwealth, interest on the public debt, and the support of the public schools for two years beginning June first, one thousand nine hundred and thirty-seven; and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending May thirty-first, one thousand nine hundred and thirty-seven," providing for deficiencies in certain appropriations for fiscal biennium ending May thirty-first, one thousand nine hundred thirty-nine and providing for the payment of certain of the deficiency appropriations out of revenues of the fiscal biennial period beginning June first, one thousand nine hundred thirty-nine.

Which was committed to the Committee on Appropriations.

House Bill No. 263, (Senate Bill No. 390), entitled:

An Act to amend section two thousand one of the act, approved the twenty-third day of June, one thousand nine hundred and thirty-one (P. L. 932), entitled "An act relating to cities of the third class and amending, revising and consolidating the law relating thereto," by fixing the minimum compensation for patrolmen in such cities.

Which was committed to the Committee on Municipal Government.

House Bill No. 286, (Senate Bill No. 391), entitled:

An Act providing that officials charged with the duty of assessing real estate for taxation except in cities of the first class may at any time split or separate the assessment on any tract of real estate which has been or is to be divided in order to permit the payment of taxes due on a portion of such tract requiring tax collectors to accept payment of such taxes and validating all such split or separated assessments heretofore made

Which was committed to the Committee on Municipal Government.

House Bill No. 291, (Senate Bill No. 392), entitled:

An Act to amend section one of the act approved the first day of July one thousand nine hundred and thirty-seven (P. L. 2681) entitled "An act relating to and regulating the manufacture storing and possession of explosives requiring permits for magazines and prescribing permit fees and providing penalties" by excluding from the provisions of said act explosives used in clay mining or in rock or stone quarries.

Which was committed to the Committee on Judiciary Special.

House Bill No. 298, (Senate Bill No. 393), entitled:

An Act to amend section one of the act approved the fourteenth day of April one thousand nine hundred and thirty-seven (P. L. 313) entitled "An act to enable cities of the first second and second class A incorporated towns boroughs and townships of the second class to govern and regulate by ordinance the construction alteration repairs occupation maintenance sanitation lighting ventilation water supply toilet facilities drainage use and inspection of all buildings and land appurtenant thereto providing for the enforcement of such ordinances and repealing existing laws" by making provision for adoption of standard building codes and dispensing with the publishing of such codes in full

Which was committed to the Committee on Municipal Government.

House Bill No. 363, (Senate Bill No. 394), entitled:

An Act to amend section six of the act approved the twelfth day of May one thousand nine hundred and twenty-five (P. L. 603) entitled "An act concerning conditional sales and to make uniform the law relating thereto" by providing that all such contracts heretofore or hereafter filed shall be judicial records and subject to the control of the court

Which was committed to the Committee on Judiciary General.

House Bill No. 497, (Senate Bill No. 395), entitled:

An Act enabling city county poor institution district ward school borough and township tax collectors their executors and administrators if they are deceased or either surety or sureties to collect taxes for the payment of which they have become personally liable without having collected the same by the expiration of the authority of their respective warrants or by the expiration of their terms of office extending the time for the collection of the same for a period of two years from the passage of this act and validating collections and proceedings for collections made or commenced without previous authority

Which was committed to the Committee on Municipal Government.

House Bill No. 536, (Senate Bill No. 396), entitled:

An Act providing for the regulation supervision and control of unofficial military organizations requiring certificates conferring powers and imposing duties upon the adjutant general and authorizing the adoption and enforcement of rules and regulations

Which was committed to the Committee on Military Affairs.

House Bill No. 546, (Senate Bill No. 397), entitled:

An Act to further amend section six of the act, approved the seventeenth day of May, one thousand nine hundred and twenty-one (P. L. 869), entitled "An act providing for the organization, government, discipline, maintenance, and regulation of the armed land forces of this Commonwealth," by eliminating certain provisions relating to retirement age of a major general in command of the National Guard.

Which was committed to the Committee on Military Affairs.

House Bill No. 567, (Senate Bill No. 398), entitled:

An Act to amend section one of the act approved the nineteenth day of May one thousand nine hundred and twenty-three (P. L. 275) entitled "An act fixing the salary of sheriffs in counties of the eighth class providing

for the payment for the care and maintenance of prisoners where the sheriff is the keeper or warden of the jail requiring all fees and mileage earned by sheriffs in such counties to be paid into the county treasury for the use of the county and prescribing penalties" increasing the salary of sheriffs in such counties and providing for the payment of mileage thereto by the counties

Which was committed to the Committee on County Government.

House Bill No. 576, (Senate Bill No. 399), entitled:

An Act to further amend section seven of the act, approved the fifth day of January, one thousand nine hundred and thirty-three (P. L. 223, 1933-34), entitled "An act providing compensation to certain persons who served in the military or naval forces of the United States during the World War, the war between the United States and Spain, the China Relief Expedition, or in the Philippines or Guam; providing the method of making payment to representatives of persons who, because of death or incapacity cannot personally receive compensation; imposing certain duties on the Adjutant General; making an appropriation; and repealing inconsistent legislation; and providing penalties," as amended, extending the time during which application may be filed for veterans' compensation.

Which was committed to the Committee on Military Affairs.

House Bill No. 579, (Senate Bill No. 400), entitled:

An Act to amend section sixteen of the act, approved the twenty-ninth day of May, one thousand nine hundred and thirty-one (P. L. 280), entitled "An act relating to delinquent taxes on seated lands, and prescribing interest charges on nonpayment thereof; requiring the receiver and collectors of county, city, borough, town, township school district and poor district taxes to make a return to the county commissioners of such unpaid taxes and providing for the lien thereof; authorizing the county treasurers to collect such taxes, and to sell seated lands at public sale for taxes heretofore or hereafter returned as unpaid; and authorizing the county commissioners to purchase such lands and resell the same under certain circumstances," as amended by giving county commissioners the right to recover possession of real property purchased at tax sales, and to rent such lands; and providing for the disposition of moneys received from such rentals.

Which was committed to the Committee on County Government.

House Bill No. 586, (Senate Bill No. 401), entitled:

An Act authorizing the abatement of certain portions of the interest charges, expenses or debt of claims imposed or assessed for improvements or for the abatement of nuisances, by any city, county, borough, incorporated town, township, school district or institution district.

Which was committed to the Committee on Municipal Government.

House Bill No. 639, (Senate Bill No. 402), entitled:

An Act to repeal certain obsolete acts relating to military history records and historical works.

Which was committed to the Committee on Military Affairs.

HOUSE CONCURS IN SENATE BILL No. 132

He also returned to the Senate, Senate Bill No. 132 entitled:

An Act to amend sections one, two and four of the act, approved the sixteenth day of May, one thousand nine hundred nineteen (P. L. 180), entitled "An act providing a method of establishing title to land acquired at a sale for unpaid taxes or municipal claims," extending the provisions of said act to include land acquired at county treasurer's sales for unpaid taxes.

with the information that the House has passed the same without amendments.

BILL SIGNED

The PRESIDENT (Lieutenant-Governor Samuel S. Lewis) announced that the Chief Clerk having reported that the following bills had passed both houses of the General Assembly and the same being correct, the titles were publicly read as follows:

Senate Bill No. 132, entitled:

An Act to amend sections one two and four of the act approved the sixteenth day of May one thousand nine hundred nineteen (Pamphlet Laws 180) entitled "An act providing a method of establishing title to land acquired at a sale for unpaid taxes or municipal claims" extending the provisions of said act to include land acquired at county treasurer's sales for unpaid taxes.

Whereupon,

The PRESIDENT (Lieutenant-Governor Samuel S. Lewis) in the presence of the Senate signed the same.

HOUSE MESSAGE

JOINT LEGISLATIVE COMMITTEE TO STUDY REGULATIONS OF MILK CONTROL

The Clerk of the House of Representatives being introduced, returned to the Senate, Senate Resolution No. 3, entitled:

Whereas, Milk Control has been the subject of much controversy, and

Whereas, The production and distribution of milk is a subject of such vital importance to the citizens of the Commonwealth; therefore be it

Resolved (if the House of Representatives concur), That the President Pro Tempore shall appoint three members of the Senate, one of whom shall be designated as Chairman, and the Speaker of the House of Representatives shall appoint four Members of the House, who, together shall constitute a joint legislative committee and whose duty it shall be to investigate and study, (a) all regulations records and activities of the several departments and boards engaged in any manner in the administration of laws regulating the production and distribution of milk and to take the testimony of such witnesses as may be deemed necessary to ascertain full facts which will be useful and helpful in formulating future remedial and regulatory legislation

Resolved, That said committee shall have power to issue subpoenas under the hand and seal of its Chairman, requiring and commanding any person to appear before it and answer such questions touching matters properly being inquired into by the committee, and to produce such books, papers, records and documents as the committee may deem necessary. Such subpoenas may be served upon any person and shall have the same force and effect as subpoenas issued out of the courts of this Commonwealth. Each member of the committee shall have power to administer oaths and affirmations to witnesses appearing before it. Any person who shall wilfully neglect or refuse to appear and testify for said committee, or to produce any books, papers, records and documents shall be subject to the penalties provided by the laws of this Commonwealth in such cases.

with the information that the House has passed the same with amendments, in which the concurrence of the Senate is requested.

SENATE RESOLUTION NO. 3 LAID ON THE TABLE

Mr. HEYBURN. Mr. President, in view of the fact that the House had made certain amendments to this resolution which neither I nor any other member of the Senate has had a chance to read, I move that the resolution be laid on the table.

Mr. MALLERY. I second the motion.

BILLS INTRODUCED

Mr. DENT. Mr. President, I rise in my place and offer the following bills, about which I wish to make a short statement. On account of the action last week by the Supreme Court relative to compensation, I believe it is necessary that a new bill covering compensation be introduced, and I am therefore introducing a bill tonight which will cover the Supreme Court decision relative to this other Act, which they have discovered to be unconstitutional.

Mr. DENT read in his place and presented to the Chair Senate Bill No. 403, entitled:

An Act to reenact and amend the act, approved the second day of June, one thousand nine hundred fifteen (P. L. 736), entitled, as amended, "An act defining the liability of an employer to pay damages for injuries received by an employee in the course of employment; establishing an elective schedule of compensation; providing procedure for the determination of liability and compensation thereunder, and prescribing penalties," by eliminating from said act unconstitutional provisions.

Which was committed to the Committee on Labor and Industry.

Mr. CROWE read in his place and presented to the Chair Senate Bill No. 404, entitled:

An Act providing for a uniform commission to fire insurance agents; prohibiting additional compensation or excess commissions in any form; providing for the enforcement of the provisions of this act by the Insurance Commissioner; and imposing penalties.

Which was committed to the Committee on Insurance.

Mr. MILLER read in his place and presented to the Chair Senate Bill No. 405, entitled:

An Act to amend the act approved the first day of May, one thousand nine hundred and twenty-nine (P. L. 905), entitled "An act for the protection of the public safety; regulating the use of highways, and the operation of vehicles, tractors, street cars, trackless trolley omnibuses, bicycles, pedestrians, and the riding of animals upon the highways of this Commonwealth; providing for the titling, including liens, encumbrances, and legal claims; registration of certain vehicles and licensing the operators thereof, upon payment of prescribed fees; prescribing and limiting the powers of local authorities to deal with the subject matter of this act; conferring powers and imposing duties upon the Department of Revenue, the Department of Highways, peace officers, mayors, burgesses, magistrates, aldermen, justices of the peace, the courts and the clerks thereof, owners of vehicles, and garage keepers; providing that records are admissible as evidence; imposing upon owners, counties, cities, boroughs, incorporated towns, townships, within the Commonwealth, liability for damages caused by the negligent operation of their motor vehicles; imposing penalties; imposing certain costs upon counties; providing for the disposition of fines, forfeitures,

fees, and miscellaneous receipts; making an appropriation and providing for funds," by limiting the hours of service of operators of commercial motor vehicles, motor omnibuses, motor buses, and truck tractors; requiring such operators to keep certain records; and imposing penalties.

Which was committed to the Committee on Highways.

Mr. COLEMAN read in his place and presented to the Chair Senate Bill No. 406, entitled:

A Supplement to the act approved the first day of June, one thousand nine hundred and thirty-three (P. L. 1172), entitled "An act establishing certain streets in boroughs and incorporated towns as State highways, and providing for their construction and maintenance at the expense of the Commonwealth," establishing an additional route in the Borough of Minooka, Lackawanna Township, Lackawanna County.

Which was committed to the Committee on Highways.

He also read in his place and presented to the Chair Senate Bill No. 407, entitled:

An Act to amend section five hundred and thirty-six of the act, approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; an repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith," by allowing a change of the fiscal year of school districts of the second class.

Which was committed to the Committee on Education.

Mr. WOLFENDEN, read in his place and presented to the Chair Senate Bill No. 408, entitled:

An Act to authorize insurance companies to include in any general, blanket or group policy covering accidental bodily injuries or sickness, a provision for payment of certain expenses incurred by the insured for dependents.

Which was committed to the Committee on Insurance.

He also, by request, read in his place and presented to the Chair Senate Bill No. 409, entitled:

An Act to amend clauses six and nineteen and to eliminate clause seven of section twelve hundred ten of the act approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith," fixing the minimum annual salary and increments of members of the teaching and supervisory staff in school districts of the fourth class; increasing the percentage of state-aid for all districts; and providing additional state-aid through an equalization fund created by this act to be maintained from state appropriations.

Which was committed to the Committee on Education.

Mr. GELTZ read in his place and presented to the Chair Senate Bill No. 410, entitled:

An Act regulating and improving the civil service of the Commonwealth, vesting the Pennsylvania Civil Service Commission and Pennsylvania Civil Service Administrator with certain powers and duties; providing for

classification of positions, adoption of compensation schedules and certification of payrolls; imposing duties upon certain officers and employes of the Commonwealth; authorizing cooperation with counties, cities, boroughs, and towns and townships in matters relating to civil service; defining certain crimes and misdemeanors; imposing penalties and repealing certain acts and parts thereof.

Which was committed to the Committee on State Government.

He also read in his place and presented to the Chair Senate Bill No. 411, entitled:

An Act to amend sections two hundred one, two hundred ten, two hundred eleven, two hundred thirteen, two hundred fourteen, two hundred twenty-one, two hundred twenty-two and seven hundred nine, and to add sections three hundred four, and two thousand eight hundred fifty-one to the act approved the ninth day of April, one thousand nine hundred twenty-nine (P. L. 177), entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments, boards, commissions and officers thereof, including the boards of trustees of State Normal Schools or Teachers Colleges; abolishing, creating, reorganizing or authorizing the reorganization of certain administrative departments, boards and commissions; defining the powers and duties of the Governor and other executive and administrative officers, and of the several administrative departments, boards, commissions and officers; fixing the salaries of the Governor, Lieutenant Governor, and certain other executive and administrative officers; providing for the appointment of certain administrative officers and of all deputies and other assistants and employes in certain departments, boards, and commissions; and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments, boards, and commissions shall be determined," as amended, by creating the Pennsylvania Civil Service Commission; prescribing its powers and duties, and the compensation of its members; and relating to the appointment, compensation, and work of certain persons in the employ of the Commonwealth.

Which was committed to the Committee on State Government.

TIME OF NEXT MEETING

Mr. CHAPMAN offered the following resolution which was twice read, considered, and agreed to:

In the Senate, April 3, 1939.

Resolved (if the House of Representatives concur), That when the Senate adjourns this week it reconvene on Monday evening, April 10, 1939, at nine o'clock; and when the House of Representatives adjourns this week it reconvene on Monday evening, April 10, 1939, at eight o'clock.

Ordered, That the Clerk present the same to the House of Representatives for concurrence.

RESOLUTION PROPOSING MONUMENT TO MARIO IZZO

Mr. CAVALCANTE. Mr. President, this morning I found in The Patriot, a newspaper printed here in Harrisburg, the following article on the editorial page:

A MONUMENT TO CITIZENSHIP

With every propriety, the borough of Aliquippa is raising funds to erect a monument to the late Mario Izzo. Izzo is the Italian immigrant who, forced on relief by lack of employment, swept the streets of his neighborhood as a return for a government's kindness to him.

This is a movement in which many citizens of the United States could participate. The monument, when erected, might well become a shrine for those who believe with Mario Izzo that American citizenship means support of rather than support by the Government.

There was never a better time in this Nation's history to emphasize this idea which Mario Izzo personified than now when the Country reeks with men and women who think that Government owes them a living instead of an opportunity to work.

"My bread tastes sweet and I feel like a man because I work" are the memorable words of Mario Izzo as he looked up from his sweeping before death struck him down. Such words befit any monument.

RESOLUTIONS

Mr. CAVALCANTE. Mr. President, I ask unanimous consent to offer a resolution at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. CAVALCANTE offered the following resolution which was twice read, considered and agreed to:

In the Senate, April 3, 1939.

Whereas, In the borough of Aliquippa in this Commonwealth, a certain Mario Izzo an Italian immigrant who, forced on relief by lack of employment, voluntarily swept the streets of his neighborhood as a return for the relief granted him by this Commonwealth; and

Whereas, This conduct on the part of Mario Izzo was highly exemplary of the gratitude that ought to prevail in the hearts of all men for the blessings conferred by American Citizenship; and

Whereas, The borough of Aliquippa is raising funds to erect a monument to the memory of the said Mario Izzo who was recently struck by death:

Therefore Be It Resolved (if the House of Representatives concur) That it is the wish of this General Assembly that the Department of Public Assistance, the Department of Property and Supplies, the Department of Highways and the Department of Public Instructions do render their cooperation to the borough of Aliquippa with material and advisory assistance to the end that a modest and fitting monument may be erected to the memory of the said Mario Izzo; and

Be It Further Resolved (if the House of Representatives concur) That copies of this resolution be sent to the Secretaries of the Departments therein mentioned and also to the borough council of Aliquippa and the family of the said Mario Izzo.

Ordered, That the Clerk present the same to the House of Representatives for concurrence.

RESOLUTION MEMORIALIZING CONGRESS TO VOTE FOR HOUSE BILL NO. 2 KNOWN AS THE TOWNSEND PLAN

Mr. DENT offered the following resolution which was twice read as follows:

In the Senate, April 3, 1939.

Whereas, Demand for Old Age Pensions is one of the foremost social security issues of the day, and

Whereas, In the past, the cost of caring for the aged has been borne almost entirely by relatives and friends of the aged persons in need. Because of the great number of aged persons included in the lists of the unemployed this burden has exhausted the savings of the working people and has depressed their living standards and is rapidly demoralizing their social standards, and

Whereas, Because of these reasons and many others, a great deal of pressure is put upon the Representatives of the people to pass legislation designed to relieve the situation, and

Whereas, There are thousands of worthy Pennsylvania citizens who have given their full support to candidates for office who have promised them that action would be taken on such pension systems as are presented in Congress and in our State Legislature, particularly, one system known to all as the Townsend Plan of Old Age Pensions, and

Whereas, There has been introduced in the Congress of the United States House Bill No. 2, embodying the features of the Townsend Plan, and

Whereas, Many persons have petitioned their Representatives that action be taken on House Bill No. 2, and

Whereas, This issue is vital and all important if recovery is to become a reality in our Commonwealth and Nation and aside from political beliefs and affiliations this subject is deserving of immediate and sincere consideration from all persons who represent the people of this State and Nation, and

Whereas, Therefore Be It Resolved and It is Resolved, (if the House of Representatives concur), that this General Assembly does hereby memorialize the Representatives in Congress to vote for immediate consideration of House Bill No. 2, known as the Townsend Plan, and

Be It Further Resolved, That copies of this resolution be sent, the Speaker of the House of Representatives of Washington, the Chairman of the House Ways and Means Committee and the President Pro Tempore of the United States Senate and a copy be forwarded to the President of the United States.

Mr. DENT. Mr. President, I ask unanimous consent that Rule 39, which requires resolutions be referred to an appropriate committee, be dispensed with and the Senate proceed to the consideration of the foregoing resolution.

The PRESIDENT. Is there objection?

Mr. OWLETT. Mr. President, I object.

The PRESIDENT. The resolution is referred to the Committee on Welfare, Public Assistance and Pensions.

JOINT LEGISLATIVE COMMITTEE TO MAKE A THOROUGH INVESTIGATION OF THE OPERATIONS AND EXPENDITURES OF BUREAU OF AERONAUTICS

Mr. BARTLETT. Mr. President, I move that the Senate do now resume the consideration of House Resolution No. 24, laid on the table.

Mr. WOLFENDEN. Mr. President, I second the motion. The motion was agreed to.

The Resolution was twice read:

In the House of Representatives, March 7, 1939.

Whereas, The publicity recently given to the amount of money appropriated to the Bureau of Aeronautics for use during the present biennium has occasioned much public comment and

Whereas, An investigation should be made of the activities and expenditures and also the plans of the Bureau in order to determine upon its future operations and future appropriations therefore be it

Resolved (if the Senate concur) That a joint Legislative Committee is hereby created consisting of four members of the House of Representatives one of whom shall be a member of the minority party to be appointed by the Speaker of the House and three members of the Senate one of whom shall be a member of the minority party to be appointed by the President Pro Tempore of the Senate whose duty it shall be

(a) To organize immediately after its appointment by the election from its membership of a chairman vice-chairman and a secretary

(b) To immediately begin a thorough investigation of the operations of and the expenditures made by the Bureau of Aeronautics since its creation with the end in view of suggesting what policy should be adopted in order to make its work more effective and less expensive

(c) To decide how far the Bureau should proceed as

a separate organization and whether cooperation with the Federal Government or other states would be practicable

(d) To investigate safety devices and make recommendations in regard to the use thereof

(e) To inquire into possible abuses of the powers of the Bureau heretofore practiced and to make suggestions for the correction thereof

The committee hereby created shall have power to issue subpoenas under the hand and seal of its chairman requesting and commanding any person or persons to appear before them and to answer such questions touching matters properly being inquired into by the committee and to produce such books papers records and documents as the committee may deem necessary. Such subpoenas may be served upon any person and shall have the force and effect of subpoenas issued out of the courts of this Commonwealth. Each member of said committee shall have power to administer oaths and affirmations to witnesses appearing before the committee. Any person who shall wilfully neglect or refuse to testify before said committee or to produce any books papers records or documents shall be subject to the penalties provided by laws of the Commonwealth in such cases.

The said committee shall report to this General Assembly as soon as possible after its investigation is completed the results thereof accompanied by such suggestions of legislation to be enacted as to the committee seems necessary.

Mr. BARTLETT. Mr. President, I ask unanimous consent that Rule 39, which requires resolutions be referred to an appropriate committee, be suspended and the Senate do now proceed to the consideration of the resolution just read.

The PRESIDENT. Is there objection?

The Chair hears none.

On the question,

Will the Senate agree to the resolution?

QUESTION OF PARLIAMENTARY INQUIRY

Mr. DENT. Mr. President, I rise to a question of parliamentary information.

The PRESIDENT. The Senator from Westmoreland, Mr. Dent, will state his question of parliamentary inquiry.

Mr. DENT. Mr. President, I should like to inquire whether this is a House resolution.

Mr. BARTLETT. Mr. President, it is a House resolution, serial No. 48 in the House history.

Mr. DENT. Mr. President, I was not sure I heard correctly when the resolution was being read. If you will give me half a minute, I would like to make sure this is not an inquisition rather than an investigation.

The PRESIDENT. The time the Senator requests will be granted.

Mr. DENT. Mr. President, the half minute having elapsed, I am convinced that this proposes to be an inquisition and not an investigation, and I would therefore like to speak, for a few minutes on this matter.

I happen to know one of the men that introduced the resolution, and, having spent about a thousand hours in the air myself, I kind of doubt whether he knows much about aeronautics; but I do know there has been some propaganda spread concerning the aeronautics division of our State government, simply because we had a Governor that flew an airplane—I am not saying how well he flew it, but he flew it.

It seems to have been put out very thoroughly in my particular county that much money was spent by the Earle administration in gallivanting around the country,

and into Mexico. I do not like the tone of this resolution, simply because my party and all of its members have had to stand quite a bit of abuse from certain people who cannot win political campaigns on the issues of the day and try to create issues which are not to the best interests of the people.

I do not believe it is fair to say here tonight we should pass this resolution that gives to a committee of five Republicans, which it definitely consists of, and two Democrats—we used to have committees composed of four Democrats and two Republicans, but now the odds are not great enough so the Republicans make it five to two.

It seems to me that this resolution empowers the committee to issue subpoenas upon the former Governor of this State, hold him up in a committee meeting and ask him questions which I do not think will amount to anything; but they hope to gather political thunder to be used in the coming election.

I do not think that we have to do that. Let's go on with the affairs of the State of Pennsylvania that are necessary. Let's do the job here that we are supposed to. We are trying to get somewhere. You always hear referred to by editorials of the Republican papers that we Democrats are subtle and are stalling and do not give the Republicans opportunity to put forth their program. Is this part of your program? Are we going to be investigating in every branch of governmental activity, simply because somebody says we spent too much money?

I know it is perfectly all right for a party to go in and criticize the actions of the party that preceded it in power, but there must be a limit sometime; we must go to work sometime. We cannot just go on with these inquisitions, as I would term them, forever. This is just another piece of foolish legislation. If you want to name a committee, you are going to have somebody come up here and say that Governor Earle cracked a plane up taking it off, that will be spread all over the papers, that he was wasting taxpayers' money. I remember when the Senator from Tioga, Mr. Owlett, got up on the floor of the Senate and read a telegram and spoke about the trip Governor Earle made to Mexico, and I told him then that was what hurt him the most—he made a safe landing.

I am going to ask my Democratic colleagues to vote against this investigation, or inquisition, and I am going to ask the decent Republicans to do the same thing.

Mr. SIPE. Mr. President, I wish to say a few words also. I had a letter a few weeks ago from former Governor Earle—which I cannot get my hands on just at present—but in this letter he said that while he had an accident or two in airplanes, he thought it was only fair that the people of Pennsylvania should know that he saved the State expense by using his own automobile instead of using an automobile at the State's expense; furnishing fuel for it; and also that Mrs. Earle paid the salary of her secretary, an item that he says had been charged to the State formerly. Altogether, he said that he had paid out of his own pocket for expenses that could well be charged against the State over six thousand dollars.

I am inclined to agree with my friend from Westmoreland that this is simply propaganda and a semi-inquisitorial resolution.

I believe it would be just as proper to introduce resolutions here to investigate the gentleman who tried to win me over to the Republican side by offering, as he alleged, as an agent of the Republican State Chairman, a mighty good job under the Earle administration, if I would have been foolish enough to accept it.

I see no good reason at all for a resolution like this being adopted, and if it is adopted I am sure the Governor can assuage his sorrow, if he has any, in the fact that the James administration is going to pull out of the bonfire the Earle tax bills and pass them, and so his sorrow will have some surcease, even if this resolution is passed.

The bonfire has not been started, but they are going to pull out the various Earle measures and pass them in this session.

Mr. BARTLETT. Mr. President, no inquisition and no persecution is involved in this resolution. The Senator from Westmoreland, Mr. Dent, thinks we should do the necessary things. This is one of those necessary things, because here the Commonwealth of Pennsylvania has spent money unnecessarily and this is one place where we can save it.

Mr. DiSILVESTRO. Mr. President and gentlemen of the Senate, I fail to know why my good friends placed me on the Aeronautics Committee when I first came to this Senate. I find myself embarrassed at this moment, but, knowing that I directed that committee with honesty and integrity I am going to vote for the resolution, because I feel I have nothing to cover as chairman of the Aeronautics Committee.

The PRESIDENT. Will the Senate agree to the resolution as amended.

It was agreed to.

Ordered. That the Clerk inform the House of Representatives accordingly.

HOUSE CONCURS IN SENATE BILL No. 166

The Clerk of the House of Representatives being introduced, returned to the Senate, Senate Bill No. 166, entitled:

An Act to authorize cities, boroughs, incorporated towns, townships, and school districts to file suggestions of nonpayment and averments of default, or to sue out writs of scire facias on certain tax or municipal claims, and to revive judgments where the lien of such claims or the judgments thereon have been lost; and providing for the reinstatement of the liens of such claims and judgments.

with the information that the House has passed the same without amendments.

BILL SIGNED

The PRESIDENT (Lieutenant-Governor Samuel S. Lewis) announced that the Chief Clerk having reported that the following bills had passed both houses of the General Assembly and the same being correct, the titles were publicly read as follows:

An Act to authorize cities, boroughs, incorporated towns, townships, and school districts to file suggestions of nonpayment and averments of default, or to sue out writs of scire facias on certain tax or municipal claims, and to revive judgments where the lien of such claims or the judgments thereon have been lost; and providing for the reinstatement of the liens of such claims and judgments.

Whereupon,

The PRESIDENT (Lieutenant-Governor Samuel S. Lewis) in the presence of the Senate signed the same.

BILLS ON THIRD READING

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 83, entitled:

An Act to amend section one of the act, approved the twenty-fifth day of April, one thousand nine hundred twenty-nine (P. L. 694), entitled "An act providing for the payment monthly by the counties to the Department of Revenue of the expenses of keeping convicts in State penitentiaries," by imposing upon the State the keeping of certain convicts.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—42

Cavalcante,	Frey,	Lanius,	Rice,
Chapman,	Gelder,	Letzler,	Ruth,
Coleman,	Geltz,	Mallery,	Scarlett,
Crowe,	Gilson,	McCreesh,	Sipe,
Detrick,	Haluska,	McGinnis,	Snowden,
Dent,	Heyburn,	Miller,	Stevenson,
DiSilestro,	Homsher,	Mundy,	Tallman,
Ealy,	Jacobs,	Owlett,	Thomas,
Edmonds,	James,	Pierson,	Walker,
Eroe,	Kilgallen,	Reed,	Wolfenden,
Farrell,			Woodward,

NAYS—1

Bartlett,

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

BILL POSTPONED

Mr. HOMSHER. Mr. President, I move that further consideration of Senate Bill No. 138 on third reading be postponed.

An Act authorizing counties cities boroughs townships of the first and second class and school districts to issue and sell bonds for certain purposes and for a certain period of time providing for a trust fund and a sinking fund for the payment thereof and defining the duties of the officers and governing bodies of the said municipalities or quasi municipalities in relation to said funds and fixing a penalty for the violation thereof.

be postponed for the present.

Mr. HEYBURN. Mr. President, I second the motion.

The motion was agreed to.

BILL ON THIRD READING AND FINAL PASSAGE

Mr. MALLERY. Mr. President, I move that the Senate do now resume consideration of Senate Bill No. 108, (House Bill No. 26), on third reading postponed.

Mr. OWLETT. Mr. President, I second the motion.

The motion was agreed to.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 108, (House Bill No. 26), entitled:

An Act to amend section three of the act approved the twenty-seventh day of April one thousand nine hundred and twenty-seven (Pamphlet Laws four hundred sixty-five) entitled "An act to provide for the safety of persons

employed housed or assembled in certain buildings and structures not in cities of the first class second class and second class A by requiring certain construction and ways of egress equipment and maintenance providing for the licensing of projectionists requiring the submission of plans for examination and approval providing for the promulgation of rules and regulations for the enforcement of this act providing for the enforcement of this act by the Department of Labor and Industry and in certain cases by the chiefs of fire departments in cities of the third class providing penalties for violations of the provisions of this act and repealing acts as amended eliminating the requirement that certain buildings shall be equipped with certain equipment in connection with gas meters to prevent or retard the escape of gas.

And said bill having been read at length the third time,
On the question,

Will the Senate agree to the bill?

Mr. MALLERY. Mr. President, I feel that Messrs. Rose and Andrews, the members of the House of Representatives who introduced this bill, should be commended and congratulated upon preparing this bill. If there is any one vote which I pride myself in making it was when I voted against the bill which this bill seeks to amend.

We are all interested, or at least we say we are, in the home owner. Just last week we passed a bill in the hope that we might be able to save thousands of homes to the home owners of Pennsylvania. The bill that was passed in 1937, which this bill amends, provided that in every home other than a single dwelling house, all over Pennsylvania except in cities of the first class, second class, and second class A, there must be affixed what we all know as a gas gadget. That gas gadget, we are informed, costs from one hundred to one hundred and fifty dollars to install.

I am told that this bill would cost the home owners in Allegheny County alone the astounding sum of five million dollars to comply with the terms of that bill. I know that when word of the passage or the enactment of this bill reached Altoona the papers denounced the enactment of this bill in the most scathing terms that ever followed the enactment of any bill since I have been a member of this Senate.

If it is a safety measure and costs only a reasonable sum—and I am told that in the State of Massachusetts such a gadget costs about thirty cents—if it is really a safety measure, it should be made to apply to cities of the first class, second class, and second class A, and not merely to third class cities and boroughs; and I ask that the members of this Senate vote for this bill.

Mr. REED. Mr. President, I desire to interrogate the Senator from Blair, Mr. Mallery.

The PRESIDENT. Will the Senator from Blair, Mr. Mallery, permit himself to be interrogated.

Mr. MALLERY. Mr. President, I will.

Mr. REED. Mr. President, from the remarks of the Senator from Blair, am I to understand that his only objection to this bill is on the sole ground that the gadget costs too much?

Mr. MALLERY. Mr. President, that is my only objection.

Mr. EROE. Mr. President, if what the Senator from Blair says is true, I believe that it would be possible to introduce another bill or change this bill.

MOTION TO RECOMMIT

I therefore move that this bill be recommitted to the Committee on Labor and Industry for the purpose of amendment.

Mr. CAVALCANTE. Mr. President, I second the motion.
On the question,

Will the Senate agree to the motion?

Mr. MALLERY. Mr. President, I object to that. I think we would better wait until someone can invent a gadget that can be installed at a more reasonable price.

Mr. REED. Mr. President, I understood the Senator from Blair, in his preliminary remarks, to say that there is such a gadget in Massachusetts that only costs thirty cents; is that true or is it not true?

Mr. MALLERY. Mr. President, that is what I read in a newspaper article; I do not know it of my own knowledge.

Mr. REED. Mr. President, I opposed the passage of this bill last week simply because it repeals the entire Act of last year, amending it out of law.

The fact is, Mr. President, I have a price list in my hand here from the Keystone Gas Valve Company which quotes a price on a one-inch valve of thirty-five dollars, completely installed; a one-and-one-quarter inch valve, thirty-nine dollars; a one-and-one-half inch valve, forty-three dollars; on a two-inch valve, forty-eight dollars; and on a two-and-one-half inch valve, fifty-four dollars.

Then I have a statement that in the Empire State Building in New York City they installed one of these valves and were given a rebate of one per cent on their fire insurance premium, which amounted to six hundred dollars a year. I was told that the valve installed on that building cost \$225, and that it saved \$600 a year on their fire insurance premium.

I have a statement here that the New York Telephone Company is the owner of premises known as 24 Walker Street and that they had installed a valve there which reduced their insurance \$92.40 a year.

We believe this is a safety measure, and now I want to go into history once more. Two years ago this bill was passed, and it was one of those pieces of legislation of which we have passed entirely too many, where we set up a skeleton and let some two-by-four clerk put on the meat and skin, and that is what happened here. The Legislature passed a bill and somebody put on the outside matter and made it in such a way that it was hardly workable, and then the utilities, in the form of the gas companies began to find objections and the only real objection they could find at a court hearing of three days was that it would tend to have some of their customers stop using gas if they had to put this gadget on that cost from thirty-five to fifty-four dollars. You must understand it would require quite a large building to put on a two-and-one-half inch valve costing fifty-four dollars.

The constitutionality of the bill was argued for three days. The Court has not handed down a decision to this time. As I said last week, there is a fear the Court might find in favor of it and they propose to run this bill through to repeal it before the Court should decide.

I feel that we should lay this bill aside until the Court has had opportunity to act, and if the Court finds favorably, then put an amendment in the bill as we think best, but I do hold that this is a safety measure.

I just received a clipping from a Pittsburgh paper today where a house was blown up last Saturday in Pittsburgh—I believe that—it was published in last Saturday's paper—and a dozen people were injured; and again I am pleading for the safety of our firemen, who assume the responsibility of saving your property and your life, and most of them get nothing out of it but the personal satisfaction that they

have rendered a service to humanity. For the sake of thirty-five or fifty dollars I think we ought to try to get at least that degree of safety for our firemen, and I feel that we ought to lay this bill aside until the Court has had time to act and render a decision, and then amend it so that it is workable.

Mr. HALUSKA. Mr. President, I desire to interrogate the Senator from Berks, Mr. Ruth.

The PRESIDENT. Will the Senator from Berks, Mr. Ruth, permit himself to be interrogated?

Mr. RUTH. I will, Mr. President.

Mr. HALUSKA. Mr. President, I should like to inquire whether the prices just quoted by the Senator from Berks are recent prices.

Mr. RUTH. Mr. President, they are contained in a letter dated March 29, 1939.

Mr. HALUSKA. Mr. President, does the Senator from Berks know of anyone in the State who has purchased valves at those prices?

Mr. RUTH. Mr. President, they were not put in, there was an injunction; the court issued an injunction against them and that stopped it until the court had a chance to decide.

Mr. HALUSKA. Mr. President, does the Senator from Berks know whether or not the gadget would be effective in case a fire broke out in an apartment.

Mr. RUTH. Mr. President, certainly it would be effective.

Mr. HALUSKA. Mr. President, I should like to inquire just how it would be effective.

Mr. RUTH. Mr. President, as soon as the firemen arrive they could go to this valve and shut the gas off before entering the building. At the present time you have a shut-off valve that is buried in the pavement or under ground, and they have trouble in turning such a valve off; sometimes in winter these valves are covered with ice and snow, and in summer they are covered with dirt, and the firemen have to dig that out in order to shut off the gas. Under this plan it would be attached three to five feet above the ground, on the side of the building, and one man could go and turn off the gas. Then they could all enter the building with safety. That is the purpose of it.

Mr. HALUSKA. Mr. President, I have here prices quoted by four major companies, the Reliance Automatic Sprinkler Company of New York, the Ideal Valve Company of New York City, the Toro Company of New Jersey, and the Star Company of Brooklyn. The prices quoted, according to their literature, are as follows. The Toro Company quotes the one-and-one-quarter inch valve at a price of ninety-eight dollars; the two-inch valve at the price of one hundred fifteen dollars; the three-inch valve at one hundred thirty dollars; and the four-inch valve at a price of one hundred forty-five dollars. These have been the prices up until the bill was introduced into the House of Representatives. Now they have quoted new prices.

In the City of Johnstown I have talked to a number of firemen who told me that in case of fire they have access to a valve at the curb and can shut the valve off immediately; and in case a fire breaks out in some apartment, as the Senator from Berks said, unless the valve was shut off or turned off—it does not go off automatically—they must go through the same process in shutting the valve off as they would in shutting the valve off at the curb; so I can see no use in having the home owners, as my colleague

from Blair said, spending that amount of money, and certainly I am going to vote for the passage of this bill.

Mr. OWLETT. Mr. President, I hope the Senate will vote down this motion to recommit this bill. It has been considered by the committee already and reported favorably to this Senate. I read, Mr. President, from the Pittsburgh Press of August 21, 1938, in reference to the statements made by Senator Ruth.

"Automatic gas shut-off valves previously have been required by ordinance in New York, Chicago and Kansas City. The Chicago and Kansas City ordinances have been repealed and the New York law was held unconstitutional."

Mr. GILSON. Mr. President, I should like to interrogate the Senator from Blair, Mr. Mallery.

The PRESIDENT. Will the Senator from Blair, Mr. Mallery, permit himself to be interrogated?

Mr. MALLERY. Mr. President, I will.

Mr. GILSON. Mr. President, I would like to ask the Senator from Blair whether the testimony presented in this injunction proceeding was before the Dauphin County Court and argument heard.

Mr. MALLERY. Mr. President, I do not know.

Mr. GILSON. Mr. President, I have been so informed. It seems to me that if that is the case the Dauphin County Court will dispose of the matter one way or the other as to the constitutionality of this Act and any other Act that may be introduced for the same purpose. If this Act is repealed, why, the Act under consideration tonight will then become a moot question in the Dauphin County Court and no decision can be expected.

Now, I think there is a legal question involved as to the constitutionality of this kind of legislation, and we are entitled to the benefit of it. I stated, when this matter was discussed before, that the administration of this act had apparently left the door open for a price of this kind of appliance which was way beyond reason, and I have a large file—and I intended to bring it with me, but it was too substantial for that—which would substantiate that view, and I think we ought to stand against anything of this kind.

However, I think we will lose a very material advantage if we do not avail ourselves of the opinion that the court will be bound to give in this matter. If we are going to repeal this Act and make it a moot question, we will not have this matter finally disposed of, and it can crop up from time to time at every succeeding session of the Legislature. We cannot do very much harm in letting this ride until we get the opinion of the Dauphin County Court.

Mr. CAVALCANTE. Mr. President, I desire to interrogate the Senator from Cambria, Mr. Haluska.

The PRESIDENT. Will the Senator from Cambria, Mr. Haluska, permit himself to be interrogated?

Mr. HALUSKA. Mr. President, I will.

Mr. CAVALCANTE. Mr. President, does the Senator from Cambria know whether or not any of these safety valves have been installed in the county of Cambria; and, if so, where?

Mr. HALUSKA. Mr. President, I do not know whether any of those valves have been installed or not; they have been withholding installation awaiting decision by the Court.

Mr. CAVALCANTE. Mr. President, am I correct in assuming that the Senator from Cambria does not know

of any place in his county where one of these safety valves has been installed up to this time?

Mr. HALUSKA. Mr. President, I do not.

Mr. CAVALCANTE. Mr. President, I desire to interrogate the Senator from Blair, Mr. Mallery.

The PRESIDENT. Will the Senator from Blair, Mr. Mallery, permit himself to be interrogated?

Mr. MALLERY. Mr. President, I will.

Mr. CAVALCANTE. Mr. President, does the Senator from Blair know anywhere in the Commonwealth where one of these safety valves has been installed up until this present time.

Mr. MALLERY. Mr. President, in answer to the inquiry of the Senator from Fayette, Mr. Cavalcante, I would say that there was such a protest went up all over the entire State that the matter was immediately taken into court; and the Secretary of Labor and Industry, I believe, was enjoined from enforcing the act.

Mr. CAVALCANTE. Mr. President, I also desire to interrogate the Senator from Tioga, Mr. Owlett.

The PRESIDENT. Will the Senator from Tioga, Mr. Owlett, permit himself to be interrogated.

Mr. OWLETT. Mr. President, I will.

Mr. CAVALCANTE. Does the Senator from Tioga know anywhere in the Commonwealth of Pennsylvania where one of these valves has been installed since the passage of the Act which this bill will repeal.

Mr. OWLETT. Mr. President, I do not.

Mr. CAVALCANTE. Mr. President and gentlemen of the Senate, you can now see the subtle and fraudulent aspect of this bill we are called upon to pass at this moment. Nowhere in this Commonwealth have any of these safety valves been installed; so how can anyone on the floor of this Senate talk with any assurance or advise us with any assurance as to what the cost of installation might be?

As you must readily appreciate, up to this time—if you be reasonable men—the only argument in defense of this repealing bill is that the cost of installing these valves is so exorbitant and so high that it is prohibitive for property owners to install such a safety valve.

Now, you may see the purpose of my questioning. I think that that questioning should illustrate to reasonable men that an attempt is being made to put this piece of legislation through this General Assembly in a very subtle and fraudulent manner.

Now, this safety gadget—everybody familiar with the argument in favor and against it know—is a safety measure, is a safety gadget to protect the lives of not only the firemen who respond to these fires, but we have many incidents here in the Commonwealth of Pennsylvania where fires have occurred and, because the gas was not shut off and could not be shut off, the pipes that were in the fire broke loose and made the fire more frightful and caused explosions.

Now, the fault here, with the administration of the bill that is on the statute books, should rest entirely upon the Department of Labor and Industry. If I understand the bill correctly and I wish to correct the impression created here by some of the arguments—this bill does not apply to private homes, but applies only to structures or buildings used for a public purpose or buildings that have a public characteristic to them—apartments, halls, theaters, and buildings and structures of that

character; that it does not apply, it was not intended to apply, to private homes—a one-story home or a double-story home; and the fault has brought about this wave of protest—as stated by the Senator from Blair—has been due to the fact that a few clerks in the Department of Labor and Industry promulgated rules and regulations that extend the application of this Act to every little shack, to every little two and three story building or structure in this Commonwealth of Pennsylvania; and I sincerely believe that we can correct the Act that is on the statute books without trying fraudulently or subtly repeal the Act of this flimsy argument that it is too expensive to install the safety gadget.

Mr. REED. Mr. President, I desire again to interrogate the Senator from Blair, Mr. Mallery.

The PRESIDENT. Will the Senator from Blair, Mr. Mallery, permit himself to be interrogated further?

Mr. MALLERY. Mr. President, I will.

Mr. REED. Mr. President, will the Senator from Blair state who instituted the proceedings in the Dauphin County Court that resulted in this injunction.

Mr. MALLERY. Mr. President, I do not know; I cannot answer that question.

Mr. REED. Mr. President, does the Senator from Blair know whether it was instituted by a property-owner or by the gas company?

Mr. MALLERY. Mr. President, I do not know, but in answer to that question I might state that I am not representing any gas company; but members of my family do happen to own six little double houses, such as the Senator referred to, and it would cost, I am told, \$900 to equip those six double houses with this gas gadget.

With the difficulty people are having these days to pay taxes to operate the government it seems to me to be unnecessary and an undue hardship upon these people who are endeavoring to pay their taxes.

This bill does apply to any dwelling house consisting of more than a single dwelling; it applies to double houses or a duplex; it does not apply to cities of the first class or second class or second class A, and it seems to me there must have been something subtle when it was wished on to the remaining part of the State.

Mr. REED. Mr. President, I understand from the fine discussion given this issue by Senator Ruth last week that a kindred bill has been in affect in the State of New York since 1921. Now, it must be a good issue, that is true. I hold in my hand, Mr. President, a pamphlet full of information given out by the Firemen's Association of Pennsylvania. I will not attempt to read everything that is in the treatise, but the last two or three paragraphs seem to be very pertinent to the discussion that is taking place here at the present time;

"Surely protection to life and property rises above the possible (for it is no more than that) loss of a few dollars which the gas companies may lose. Do you want to be charged with responsibility for injury or death to firemen and occupants of buildings equipped with gas?"

For myself, Mr. President, I will answer that and say "No"; I believe that the preservation of human life comes first at all times.

I continue to read:

"Do you want to bear the responsibility for unnecessary property damage resulting from a fire fed by escaping gas?"

I will answer that, myself, and again say "No," because that is the second right under our law—property rights.

Now, Mr. President, if these firemen who have made an exhaustive study of this question are convinced that these gadgets are necessary, first, for the protection of life; and, second, for the protection of property, then, if it does cost a few dollars, I am for the same things that they are for; preservation, first, of human life and, second, preservation of property. I intend to vote against the repeal of this measure.

Mr. HALUSKA. Mr. President, I would like to clarify some of the remarks made on this bill. I would like to answer the Senator from Fayette, Mr. Cavalcante, who said this bill does not apply to any private homes or dwellings. The Department of Labor and Industry issued a statement setting forth the following buildings the gadget applied to, provided they use gas, namely, factories, power plants, mercantile buildings, hotels, office buildings, hospitals, asylums, public and private institutions, schools and colleges, dormitories, warehouses, garages, theatres, moving picture theatres, public halls, dance halls, banquet halls, lodge halls, churches, skating rinks, armory halls, or any other auditorium, tenement houses, apartment houses, apartment hotels, lodging houses, and rooming houses.

Mr. President, under this act if you have a maid working in your home or a boarder that is termed as an apartment house—I would like to read into the record an article that appeared in the Johnstown Democrat of August 24th, stating:

MANY AFFECTED HERE

At approximately \$100 each, Johnstown's bill for "gas gadgets" between now and December 5 will be an enormous one, if the State goes through with its intention of enforcing the law. Practically all downtown buildings come within the category of structures listed in the act. If the "single-family dwellings" feature is interpreted by law to cover only single houses, the number of double houses in residential areas will further swell Johnstown's "gas gadget" bill.

One way to circumvent the "gadget" law would be to go back to kerosene lamps and tallow candles. Another would be to make a one-family dwelling out of a double house. Still another would be to remove the "rooming house" classification by having the daughter of the house marry the boarder.

Or the owner of a double house could keep his structure intact, keep the gas service and keep the daughter unmarried. However, in this case it would be necessary to move the house to Philadelphia, Pittsburgh or Scranton, where the law does not apply.

Mr. EROE. Mr. President, on Saturday a member of the school board of the city of New Castle talked to me about this bill. They are not satisfied with the present act. Neither am I. I think that they have made a racket of it; but he reliably informed me that in their opinion the school buildings of New Castle should be equipped with safety equipment; but that they found they could equip them with apparatus that would serve the purpose just as well for approximately fifteen dollars a school, while under this Act, as interpreted by the Department of Labor, it would cost them ninety dollars a school. For that reason I would like to see this bill recommitted to the Com-

mittee on Labor so that the bill could protect the lives of the people of the State and would not be nearly as broad as the interpretation now being given the Act; but I am fearful that if this bill is passed we will never get the safety measure.

Mr. CAVALCANTE. Mr. President, will the Senator from Blair, Mr. Mallery, permit himself to be interrogated?

The PRESIDENT. Will the Senator from Blair, Mr. Mallery, permit himself to be interrogated?

Mr. MALLERY. I will, Mr. President.

Mr. CAVALCANTE. Mr. President, is the Senator from Blair satisfied that the Act of Assembly that is on the books now—statute books—does not define what buildings shall be equipped with the safety gadgets?

Mr. MALLERY. Mr. President, my understanding is that all buildings other than single dwellings shall be so equipped.

Mr. CAVALCANTE. Mr. President, is it not true in the Senator from Blair's opinion that the thing that has brought about this protest is the construction placed upon the Act by the Department of Labor and Industry and also the rules promulgated by the Department of Labor and Industry.

Mr. MALLERY. Mr. President, I think there was something very subtle in the introduction of this act—if it is a safety measure and a good bill it ought to have been made to apply to every house served by gas and also apply especially to cities of the first class, second class, and second class A. If it is a good proposition why do we want to keep it out of Philadelphia; why do we want to keep it out of Pittsburgh; and why do we want to keep it out of Scranton that is the subtleness in his bill.

Mr. CAVALCANTE. Mr. President, I want to understand the Senator from Blair well. As I understand it the Senator from Blair would have no objection if this Act was State-wide and applied to all buildings and to all municipalities?

Mr. MALLERY. Mr. President, I am not in favor of the enactment of any law that is going to permit certain manufacturers of New York State to make a racket out of this Act and impose on the householders or home owners of Pennsylvania.

Mr. CAVALCANTE. Then the Senator from Blair, as I understand it, Mr. President, is opposed to any safety gadget of any kind?

Mr. MALLERY. Mr. President, I am opposed to any kind of a racket.

Mr. CAVALCANTE. Mr. President, how about a safety gadget that would eliminate the racket?

Mr. MALLERY. Mr. President, I never in my life heard of any fireman—and I am just as much interested in the firemen as any Senator in this hall—and I have never known of any explosion in Altoona or any fireman injured by exploding gas, because, as soon as there is a fire, the gas is turned off by the gas company—they shut off the gas without any cost to anyone.

Mr. CAVALCANTE. Mr. President, are we just in assuming that the Senator from Blair is opposed to any safety gadget of this character?

Mr. MALLERY. Mr. President, any kind of a gadget?

Mr. CAVALCANTE. Mr. President, I want to correct the Senator from Blair in one inference that he has left here. He seems to think it is subtle because the Legislature has excluded from the Act first class, second class, and second class A cities. For the information the Senator

from Blair, I wish to state that under the laws of this Commonwealth cities of those classes have their own safety department and City Councils have the power, by ordinance, to provide for those safety gadgets; and it is because of that that they were excluded from the Act.

Mr. MALLERY. Mr. President, cities of the third class have the same power.

Mr. RUTH. Mr. President, I just want to clear up some points in answer to the questions of the Senator from Washington, Mr. Reed.

It was not a property owner but was the Harrisburg Gas Company that instituted the suit in the Dauphin County Court. There was no complaint from the property owners. It was from the gas company that the complaint came from. The Act as passed in 1937 does not specify any building. It says in accordance with regulation arranged by the Department of Labor and Industry; and that is what I complained about in the first place, and will always complain, that we pass too much skeleton legislation, delegating too much of our authority to other people.

Then again, I want to say just this: gas explosions, as any other accident or catastrophe, do not mean much to us unless they hit home. I am quite sure if we would have lived near or within the school district of New London, Texas, where they buried four hundred and seventy school children and teachers from just one gas explosion, perhaps we would think a little differently. That was out in Texas and we are in Pennsylvania, and that happened too far away to affect us. The same thing is true of highway accidents. We read about them every day. We read every day of death and maiming on the highway and do not pay much attention unless it is one of our family, a neighbor or a close friend; and then we hold up our hands in horror. I do not believe we have to parade all the explosions that happened in the world. We can use our imaginations to some extent.

I am not pleading to defeat this bill; I am only asking to amend it so that it will give us the safety measure.

I am as much against rackets as any man in Pennsylvania. I do not approve of any racket. I would be willing to do anything to abolish the racket feature of this bill, but I do not want to see the safety end of it destroyed just because the gas companies are afraid they will lose a half dozen customers—and that is what is back of the whole thing.

Mr. GILSON. Mr. President, I understand one of the basis of the attack on this bill is that it is unconstitutional because of improper classification; that is, classification of cities cannot be used to apply to this kind of a safety measure; also that an injunction has been granted.

Now, immediate action on this bill, in view of the fact that its enforcement is enjoined is not going to affect the act one way or another.

In view of the legislation that is becoming more and more frequent involving the question of how far the legislature can use the doctrine of classification in relation to acts of safety, welfare and so forth, I believe that it is almost the duty, or it is actually the duty of this legislature, to get that question judicially settled. Now, we are not going to gain anything by putting this amendment through immediately, because the act is enjoined. It seems to me that the request of the Senator from Berks is reasonable: the act could be called up before adjournment if the court has not acted and the majority still have

the same opportunity to pass this amendment as they have tonight; and in the meantime nobody is going to be compelled to pay anything for these appliances.

It seems to me that is a very distinct advantage that we can get and we ought to take advantage of it.

QUESTION OF PARLIAMENTARY INQUIRY

Mr. OWLETT. Mr. President, I rise to a question of parliamentary inquiry.

The PRESIDENT. The Senator from Tioga will state his question of parliamentary inquiry.

Mr. OWLETT. Mr. President, I ask the Chair to state the question now before the Senate.

Mr. PRESIDENT. The question is whether the Senate will agree to the bill on third reading?

Mr. CAVALCANTE. No, Mr. President, the question is on the motion to recommit.

The PRESIDENT. There was no second to that motion.

Mr. CAVALCANTE. Yes, Mr. President, I seconded the motion as loud as I thought was necessary.

The PRESIDENT. The question then is on the motion to recommit.

The yeas and nays were required by Mr. Cavalcante.

YEAS—17

Cavalcante,	Frey,	Kilgallen,	Reed,
Coleman,	Geltz,	Lanius,	Rice,
Crowe,	Gilson,	McGinnis,	Ruth,
DiSilvestro,	Jacobs,	Mundy,	Sipe,
Eroe,			

NAYS—26

Bartlett,	Gelder,	McCreesh,	Stevenson,
Chapman,	Haluska,	Miller,	Tallman,
Detrick,	Heyburn,	Owlett,	Thomas,
Dent,	Homsher,	Pierson,	Walker,
Ealy,	James,	Scarlett,	Wolfenden,
Edmonds,	Letzler,	Snowden,	Woodward,
Farrell,	Mallery,		

So the question was determined in the negative.

And the question recurring,

Will the Senate agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—34

Chapman,	Gelder,	Letzler,	Sipe,
Coleman,	Geltz,	Mallery,	Snowden,
Crowe,	Gilson,	McCreesh,	Stevenson,
Detrick,	Haluska,	McGinnis,	Tallman,
Dent,	Heyburn,	Miller,	Thomas,
DiSilvestro,	Homsher,	Owlett,	Walker,
Ealy,	Jacobs,	Pierson,	Wolfenden,
Edmonds,	James,	Scarlett,	Woodward,
Farrell,	Kilgallen,		

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Bartlett,	Frey,	Mundy,	Rice,
Cavalcante,	Lanius,	Reed,	Ruth,
Eroe,			

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

BILL RECOMMITTED

Mr. TALLMAN. Mr. President, I move that Senate Bill No. 174, on third reading, entitled:

An Act to amend article twenty-three of the act, approved the ninth day of April, one thousand nine hundred and twenty-nine (P. L. 177), entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments, boards, commissions, and officers thereof, including the boards of trustees of State Normal Schools, or Teachers Colleges; abolishing, creating, reorganizing or authorizing the reorganizing of certain administrative departments, boards, and commissions; defining the powers and duties of the Governor and other executive and administrative officers, and of the several administrative departments, boards, commissions, and officers; fixing the salaries of the Governor, Lieutenant Governor, and certain other executives and administrative officers; providing for the appointment of certain administrative officers, and of all deputies and other assistants and employes in certain departments, boards, and commissions; and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments, boards, and commissions shall be determined," by imposing upon the Department of Welfare, the duty to investigate the subject of crime prevention and to stimulate, develop and co-ordinate crime prevention activities in this Commonwealth.

be recommitted to the Committee on State Government for the purpose of further study and consideration.

Mr. OWLETT. Mr. President, I second the motion.

The motion was agreed to.

BILL OVER IN ORDER

Mr. RICE. Mr. President, I ask unanimous consent that Senate Bill No. 288, (House Bill No. 474), on third reading entitled:

An Act to further amend section three of the act, approved the twenty-eighth day of June, one thousand nine hundred thirty-five (P. L. 452), entitled "An act to promote the welfare of the people of the Commonwealth; creating a General State Authority as a body corporate and politic with power to construct, improve, and operate projects, and to lease the same, and to fix and collect fees, rentals, and charges for the use thereof; authorizing and regulating the issuance of bonds by said Authority, and providing for the payment of such bonds, and the rights of the holders thereof; and to enter into agreements with the Government of the United States or any Federal agency; and authorizing the Department of Property and Supplies to grant, assign, convey, or lease to the Authority lands of the Commonwealth and interests therein, and to acquire lands therefor; granting the right of eminent domain; and providing that no debt of the Commonwealth shall be incurred in the exercise of any of the powers granted by this act," fixing the terms for the appointed members of the General State Authority, and terminating the terms of present members.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 11, as follows:

A Joint Resolution proposing an amendment to article eight of the Constitution of the Commonwealth of Pennsylvania by adding thereto section eighteen

Section 1 Be it resolved by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met That the following amendment to the Constitution of Pennsylvania be and the same is hereby proposed in accordance with the provisions of the eighteenth article thereof

That article eight be amended by adding thereto the following section

Section 18 The Legislature may by general law provide a manner in which and the time and place at which qualified voters who may on the occurrence of any election be unavoidably absent from the State or county of their residence because their duties occupation or business require them to be elsewhere within the United States or who on the occurrence of any election are unable to attend at their proper polling places because of illness or physical disability may vote and for the return and canvass of their votes in the election district in which they respectively reside

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 18, as follows:

A Joint Resolution proposing an amendment to article four section twenty-one of the Constitution of the Commonwealth of Pennsylvania

Section 1 Be it resolved by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met That the following amendment to the Constitution of the Commonwealth of Pennsylvania be and the same is hereby proposed in accordance with the eighteenth article thereof

That article four section twenty-one of the Constitution of Pennsylvania is hereby amended to read as follows

Section 21 The terms of the Secretary of Internal Affairs the Auditor General the Attorney General and the State Treasurer shall each be four years and they shall be chosen by qualified electors of the State at general elections [but a State Treasurer elected in the year one thousand nine hundred and nine shall serve for three years and his successor shall be elected at the general election in the year one thousand nine hundred and twelve and in every fourth year thereafter] The Attorney General shall be elected at the general election in the year one thousand nine hundred and forty-two and every fourth year thereafter No person elected to the office of Auditor General or State Treasurer shall be capable of holding the same office for two consecutive terms

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILL OVER IN ORDER

Mr. RICE. Mr. President, I ask unanimous consent that Senate Bill No. 111, (House Bill No. 92) on second reading, entitled:

An Act to prohibit assessments and demands for contributions for political purposes and providing a penalty

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 112 (House Bill No. 142), entitled:

An Act to further amend section five of the act approved the twenty-sixth day of April one thousand nine hundred thirty-five (Pamphlet Laws 90) entitled "An act to promote uniformity in the assessment and taxation of properties and persons within the territorial limits of cities of the second class A providing that city and school taxes within such territorial limits shall be assessed levied and collected upon the basis of the assessment for taxation for county purposes and requiring the furnishing of tax duplicates by the county taxing authorities to such cities and to school districts coterminous therewith abolishing the department of assessors in cities of the second class A consolidating tax statements covering city school county and poor taxes therein and making uniform the time for levy and collection of said taxes respectively and regulating the discounts therefrom and penalties thereon" by changing the date of certain tax payments and further regulating the penalties and interest imposed on unpaid taxes

The first section of the bill was read as follows:

Section 1 Section five of the act approved the twenty-sixth day of April one thousand nine hundred thirty-five (Pamphlet Laws 90) entitled "An act to promote uniformity in the assessment and taxation of properties and persons within the territorial limits of cities of the second class A by providing that city and school taxes within such territorial limits shall be assessed levied and collected upon the basis of the assessments for taxation for county purposes and requiring the furnishing of tax duplicates by the county taxing authorities to such cities and to school districts coterminous therewith abolishing the department of assessors in cities of the second class A consolidating tax statements covering city school county and poor taxes therein and making uniform the time for levy and collection of said taxes respectively and regulating the discounts therefrom and penalties thereon" which was amended by section five of the act approved the second day of July one thousand nine hundred thirty-seven (Pamphlet Laws 2791) is hereby further amended to read as follows

Section 5 It shall be the duty of the collector of taxes in the issuing of tax statements to include all city school county and poor taxes against the same properties or persons upon one statement for each year and said tax statement shall be mailed to the taxpayer by the tax collector not later than the first day of April of each calendar year Taxables shall have the option to elect to pay the total amount of their city county school and poor taxes in four equal quarterly payments as follows viz

The first quarterly payment during the months of April May and June the second quarterly payment during the month of July the third quarterly payment during the month of October and the fourth quarterly payment during the month of December The first quarterly payment shall become delinquent if not paid on or before the thirtieth day of June the second quarterly payment shall become delinquent if not paid on or before the thirty-first day of July the third quarterly payment shall become delinquent if not paid on or before the thirty-first day of October the fourth quarterly payment shall become delinquent if not paid on or before the thirty-first day of December

The discount as provided under section four shall be allowed to the taxable on his first quarterly payment only provided the same shall be paid on or before the thirtieth day of April Upon default in the payment of any quarterly installment only the amount of such installment shall be considered delinquent and shall thereupon become due and owing by the taxable and said unpaid installment shall bear the penalty of two (2) per centum and interest at the rate of one-half of one per centum for each and every month or part thereof from the date the said installment shall become delinquent

On the question,

Will the Senate agree to the section?

Mr. GELDER. Mr. President, I move to

Amend sec. 1 (Sec. 5), page 3, lines 28 and 29, by striking out with light-faced brackets, the following: S "the entire unpaid balance"; amend sec. 1 (Sec. 5), page 4, line 3, by striking out with light-faced brackets, the word S "balance"

Mr. MALLERY. Mr. President, I second the motion.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

The second section of the bill was read as follows and agreed to:

Section 2 This act shall be in force and effect immediately upon its passage and approval by the Governor

The title of the bill was read as follows and agreed to:

An Act to further amend section five of the act approved the twenty-sixth day of April one thousand nine hundred and thirty-five (P. L. 90) entitled "An act to promote uniformity in the assessment and taxation of properties and persons within the territorial limits of cities of the second class A by providing that city and school taxes within such territorial limits shall be assessed levied and collected upon the basis of the assessments for taxation for county purposes and requiring the furnishing of tax duplicates by the county taxing authorities to such cities and to school districts coterminous therewith abolishing the department of assessors in cities of the second class A consolidating tax statements covering city school county and poor taxes therein and making uniform the time for levy and collection of said taxes respectively and regulating the discounts therefrom and penalties thereon" by changing the date of certain tax payments and further regulating the penalties and interest imposed on unpaid taxes

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 147, entitled:

A Further Supplement to an act approved the twenty-first day of July one thousand nine hundred and thirteen Pamphlet Laws 863 entitled "A supplement to an act approved the eleventh day of June one thousand eight hundred seventy-nine entitled 'An act to authorize Cities of the first class to levy and fix a tax rate to fix the time of opening and closing the tax duplicates to regulate the appropriations and expenditures of said cities and prescribing penalties for the violation of the provisions of this act'" by providing that the same shall not apply to the books of personal property taxes and to extend the time for the opening of the books and the payment of personal property taxes

The first section of the bill was read as follows:

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section 1 of an act approved the twenty-first day of July one thousand nine hundred thirteen Pamphlet Laws 863 entitled "A supplement to an act approved the eleventh day of June one thousand eight hundred seventy-nine entitled "An act to authorize cities of the first class to levy and fix a tax

rate to fix the time of opening and closing the tax duplicates to regulate the appropriations and expenditures of said cities and prescribing penalties for the violation of the provisions of this act" which reads as follows

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the books of the receiver of taxes shall be opened annually on the twenty-fifth day of January and the payment of taxes shall commence at that time

The receiver of taxes shall close the books of the preceding year annually on the thirty-first day of December Public notice thereof shall be given fifteen days prior thereto Immediately after the books are closed the receiver of taxes shall proceed to register all delinquent taxes and shall annually on the twenty-fifth day of January place the said register in the hands of the collector of delinquent taxes be and the same is hereby amended to read as follows

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the books of the receiver of taxes shall be opened annually on the twenty-fifth day of January and the payment of taxes shall commence at that time The receiver of taxes shall close the books of the preceding year annually on the thirty-first day of December Public notice thereof shall be given fifteen days prior thereto Immediately after the books are closed the receiver of taxes shall proceed to register all delinquent taxes and shall annually on the twenty-fifth day of January place the said register in the hands of the collector of delinquent taxes

Provided however that the same shall not apply to current personal property tax books nor to the payment of current personal property taxes which said books shall be opened annually on the fifteenth day of March of each year and the payment of such current personal property taxes shall commence at that time

On the question,

Will the Senate agree to the section?

Mr. FARRELL. Mr. President, I move to amend Bill, page 1, by inserting between the title and Section 1 the following enacting clause: The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows: amend Section 1, page 1, lines 1 to 3, by striking out: the words "Be it enacted by the Senate and House of Repre" in line 1, and all of lines 2 and 3; amend Section 1, page 2, line 1, by striking out: the word "section" and inserting in lieu thereof: Section; amend Section 1, page 2, lines 10 and 24, by striking out: all of lines 10 and 23, both inclusive, and the words "liquent taxes be and the same" in line 24.

Mr. OWLETT. Mr. President, I second the motion.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

The second section of the bill was read as follows and agreed to:

Section 2 All acts or parts of acts inconsistent herewith are hereby repealed

The third section of the bill was read as follows:

Section 3 This act shall become effective immediately upon the signing hereof

On the question,

Will the Senate agree to the section?

Mr. FARRELL. Mr. President, I move to amend Section 3, page 3, line 20, by striking out the words "the signing hereof" and inserting in lieu thereof: its final enactment.

Mr. OWLETT. Mr. President, I second the motion.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

The title of the bill was read as follows:

A further Supplement to an act approved the twenty-first day of July, one thousand nine hundred and thirteen, (P. L. 863), entitled "A supplement to an act approved the eleventh day of June, one thousand eight hundred seventy-nine, entitled 'An act to authorize Cities of the first class to levy and fix a tax rate, to fix the time of opening and closing the tax duplicates, to regulate the appropriations and expenditures of said cities, and prescribing penalties for the violation of the provisions of this act,' by providing that the same shall not apply to the books of personal property taxes, and to extend the time for the opening of the books, and the payment of personal property taxes.

Mr. FARRELL. Mr. President, I move to amend Heading of Bill, page 1, by striking out S "A FURTHER SUPPLEMENT" and inserting in lieu thereof: AN ACT; amend Title, page 1, line 1 of title, by inserting after the word "To" the following: S amend.

Mr. OWLETT. Mr. President, I second the motion.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the title and the heading as amended?

It was agreed to.

And said bill as amended having been read at length the second time,

Ordered, To be transcribed for a third reading.

BILL OVER IN ORDER

Mr. CAVALCANTE. Mr. President, I ask unanimous consent that Senate Bill No. 168, on second reading, entitled:

An Act to amend paragraph six of section two, and paragraph four of section five of the act, approved the twenty-ninth day of April, one thousand nine hundred thirty-seven (P. L. 551), entitled "An act prohibiting the employment of miners, as herein defined, in the bituminous coal mines, unless certificated by a miners' examining board; providing for the appointment of such boards, and defining their powers and duties; providing penalties; and making an appropriation," by providing for the suspension of examinations and certifications by the Secretary of Mines and for the issuance of new certificates to replace lost certificates.

go over in its order.

The PRESIDENT. Is there objection?

Mr. CAVALCANTE. Mr. President, I want to call attention of the sponsor of this bill to the fact that, although I am in favor of the idea that the sponsor has and is trying to put into this bill, I disagree that the amendment will bring about the desired results. Previous sections of the act of the assembly, as amended, provide for the appointment of examining boards and the members of them and the number of members that each board shall

contain. This amendment merely provides, when in the opinion of the Secretary of Mines a sufficient number of miners have been certificated to amply supply the demand of the bituminous mines of this Commonwealth, he shall suspend entirely the activities of the Miner's Examining Board.

That, Mr. President, delegates to the Secretary of Mines the legislative power to abolish a number of boards that have been created by Act of Assembly.

The act also gives the Secretary of Mines a discretionary option as to what number of miners are amply sufficient to conduct the bituminous mining industry of the Commonwealth of Pennsylvania. That power surely is not a ministerial power but is a legislative power and how can we confer upon the Secretary of Mines that power? This amendment also confers upon the Secretary of Mines the power to make rules and regulations which will supplant the statutory qualifications for the certification of miners.

That, too, is exclusively a legislative power, and I would like to see this Senate come to the conclusion, sooner or later, not to confer all these powers on these departments and State Bureaus—powers that ought to belong to the legislative body. If the sponsor of this bill understands just what I have in mind here—and I assure him that I have no desire to kill the bill or to defeat it—I wish that he would agree to allow it to go back to committee for study and further discussion on the points that I have raised, and to determine whether we can amend the Miners' Certificate Bill in such a way that it will not confer all these legislative powers upon the Secretary of Mines.

Mr. OWLETT. Mr. President, would the Senator from Fayette, Mr. Cavalcante, agree to allow the bill to go over in its order?

BILL OVER IN ORDER

Mr. CAVALCANTE. Mr. President, I ask unanimous consent that Senate bill No. 168, go over in its order.

The PRESIDENT. Is there objections? The Chair hears none.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceed to the second reading and consideration of Senate Bill No. 169, as follows:

An Act relating to parks farms glens or picnic grounds owned and operated by charitable associations for the use of the public without charge authorizing the adoption of rules and regulations pertaining to such property providing for the appointment of park policemen for their enforcement imposing penalties for violations thereof and extending the jurisdiction of aldermen and justices of the peace thereto

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Any charitable association owning and operating parks farms glens or picnic grounds where the public may have a permissive right to assemble without charge for the purpose of camp meetings religious devotion recreation enjoyment or pleasure shall have power and authority to adopt ordain and promulgate such rules and regulations consistent with the laws and constitution of this Commonwealth as may be needful to maintain the peace quiet and order of the association and its premises to regulate the use and enjoyment of its premises and

the facilities thereof to protect and conserve the improvements or any other property situated thereon and to control and regulate the use and operation of any manual or motor propelled vehicle or contrivance of any kind on the premises

Section 2 Such rules and regulations with respect to any cartways drives lanes or parking lots on the premises may include therein by reference any laws of this Commonwealth relating to the use ownership or operation of motor vehicles

Section 3 Such rules and regulations shall not be effective until they have been published over the name of the association at least once in a newspaper of general circulation published nearest the premises and at least one copy thereof shall be posted continuously in a conspicuous place on the premises

Section 4 Any judge of any court of common pleas of any county within which the premises of any such association is situated upon the sworn written petition of any such association disclosing sound reasons therefor may appoint by order duly entered upon the records of such court such person or persons as he may deem proper to act as policemen for such association and any appointment so made may be revoked by said court at any time

Section 5 Each policeman so appointed before entering upon the duties of his office shall take and subscribe to the oath required by the seventh article of the Constitution before the prothonotary of the county wherein such premises are situated which oath shall be filed by the prothonotary with the aforesaid petition and order of appointment

Section 6 All policemen so appointed when on duty shall severally possess and exercise all the powers of constables in this Commonwealth in and upon and in the vicinity of the premises of the association for which they shall be authorized to act and shall have power and authority to enforce obedience on such premises to all rules and regulations adopted ordained and promulgated as herein provided and to detain offenders for a period of time not exceeding twelve hours exclusive of Sundays or holidays until they can be carried before an alderman or justice of the peace having jurisdiction thereof there to be charged fined bailed committed or discharged as the magistrate hearing the case may determine

Section 7 The keepers of all jails lock-ups station-houses or places of detention of the county within which the premises of the association is located shall receive all persons arrested by such policemen for the commission of any offense against the laws of this Commonwealth or for the violation of any rules or regulations of such association in upon or in the vicinity of the premises of such association and hold and detain such persons to be dealt with according to law

Section 8 Such policemen shall be known as park police and when on duty on the association's premises shall severally wear in plain view a metallic shield upon which shall clearly appear the words "Park Police" and the name of the association for which they are appointed

Section 9 The compensation of such policemen shall be paid solely by the association for which they are appointed and such policemen shall not be entitled to receive any costs fees or mileage for service of warrants subpoenas commitments attendance at hearings or for any other matters related to the performance of their duties

Section 10 Any alderman or justice of the peace of the township borough or city within which the premises of such association are situated or to which such premises are adjacent shall have jurisdiction

(a) To receive and docket sworn written complaints particularly charging any person or persons with violation within five days from date thereof of any of the rules or regulations of such association which shall be expressly set forth therein verbatim together with the time and place of the alleged violation

(b) To issue warrants to any sheriff constable or park police of such association for the arrest of any person or persons so charged in such complaint

(c) To fix and determine the amount of bail of any

accused person for appearance at any trial set to hear said complaint or adjournment thereof to so approve receive and file any bail so furnished and also to fix approve and receive any bail filed upon any appeal from his decision. In no case shall the bail exceed twice the maximum fine and costs.

(d) To conduct a trial in conformity with summary conviction proceedings of any person or persons so charged within twenty-four hours after the arrest of the accused in accordance with the laws of evidence and with all the legal rights of the accused and thereupon determine and adjudge in a summary manner the guilt or innocence of the accused with respect to the matters expressly charged except where the offense involved is one which is within his jurisdiction as a committing magistrate or otherwise.

(e) To issue subpoenas for the appearance of any person at any hearing to testify to the matters in hearing.

(f) To sentence the accused upon conviction and after all proceedings are noted upon his docket to pay a fine of not less than two dollars (\$2.00) nor more than ten dollars (\$10.00) together with costs of prosecution which shall not exceed two dollars and fifty cents (\$2.50) except that such sentence shall not be so imposed where the offense involved is one for which the fine or punishment is otherwise provided by law.

(g) In default of the payment of the fine and costs so imposed the accused shall be committed to the jail of the county within which the association's premises are situated for one day for each dollar of fine and costs in default. All fines collected hereunder by any justice of the peace or alderman shall be paid promptly to the treasurer of the county within which the association's premises are situated for use by said county for general county purposes.

Section 11 Any person convicted and sentenced under this act may appeal therefrom to the court of quarter sessions of the county within which the association is located but the bond upon such appeal shall not exceed twice the amount of the fine and costs.

Section 12 Any rules or regulations heretofore adopted ordained published and posted under existing laws by any charitable association agreeable to the provisions hereof shall be valid continuing and effective for enforcement in accordance with the powers and provisions herein contained.

Section 13 "Charitable Association" as used herein shall be and mean any unincorporated board or group of trustees or other persons associated together for the administration of a charitable enterprise for free public use benefit and enjoyment.

Section 14 All acts or parts of acts inconsistent herewith are hereby repealed.

Section 15 This act shall become effective immediately upon final enactment.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 189, (House Bill No. 211), entitled:

An Act to amend section one of the act, approved the twelfth day of June, one thousand nine hundred nineteen (P. L. 450), entitled "An act permitting counties of the Commonwealth of Pennsylvania to appropriate and expend moneys, and to incur indebtedness and issue bonds and other obligations, for the improvement and maintenance of State highways and State-aid highways or any public highway in any county of the Commonwealth, and providing the method for applying for said moneys, and for the approval thereof by the State Highway Department in certain cases," as amended by extending the pro-

visions thereof to include the improvement and maintenance of public highways in towns.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILLS OVER IN ORDER

Mr. EALY. Mr. President, I ask unanimous consent that Senate Bill No. 216, (House Bill No. 115), on second reading, entitled:

An Act to amend section ten of the act approved the thirty-first day of March, one thousand eight hundred and sixty (P. L. 427), entitled "An act to consolidate, revise and amend the laws of the Commonwealth relating to penal proceedings and pleadings" by providing further for the administration of oaths and affirmations to witnesses appearing before grand juries.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. WOLFENDEN. Mr. President, I ask unanimous consent that Senate Bill No. 264, (House Bill No. 343), on second reading, entitled:

An Act to amend section one of the act approved the twenty-second day of May one thousand nine hundred and thirty-three (P. L. 851) entitled "An act fixing the pay and mileage of jurors and witnesses" by authorizing the court to direct additional compensation for jurors in certain cases.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

QUESTION OF PERSONAL PRIVILEGE

Mr. DENT. Mr. President, I rise to a question of personal privilege.

The PRESIDENT. Will the Senator from Westmoreland, Mr. Dent, state his question of personal privilege?

Mr. DENT. Mr. President, I would like to call the attention of the Senators to an announcement by Senator Snowden, Chairman of the Highway Committee, that at one o'clock tomorrow afternoon in the Senate Caucus room, there will be a demonstration of the relative qualities of safety glass. Some of my constituents will be here tomorrow to demonstrate the various types of glass, and I wish all the Senators would try to be there at that time to witness that demonstration.

RECESS

Mr. OWLETT. Mr. President, I move that the Senate do now take a recess for ten minutes.

Mr. FREY. Mr. President, I second the motion. The motion was agreed to.

AFTER RECESS

The PRESIDENT. The time of recess having elapsed the Senate will be in order.

REPORT FROM COMMITTEE

Mr. JAMES. Mr. President I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. JAMES from the Committee on Judiciary General reported as committed, Senate Bill No. 290, (House Bill No. 344), entitled:

An Act to amend section seventy-seven of the act, approved the thirty-first day of March, one thousand eight hundred and sixty (P. L. 427), entitled "An act to consolidate, revise and amend the laws of this Commonwealth relating to penal proceedings and pleadings," by permitting indictments against public officers and employees and their accomplices and confederates to be brought, or exhibited, within two years after such officer or employee shall have ceased to occupy such office or employment.

MOTION TO READ BILL THE FIRST TIME

Mr. OWLETT. Mr. President, I move that the Senate do now proceed to the first reading of all bills reported from committees for the first time at today's session.

Mr. FREY. Mr. President, I second the motion.

The motion was agreed to.

BILL ON FIRST READING

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 290, (House Bill No. 344), entitled:

An Act to amend section seventy-seven of the act approved the thirty-first day of March one thousand eight hundred and sixty (P. L. 427) entitled "An act to consolidate revise and amend the laws of this Commonwealth relating to penal proceedings and pleadings" by permitting indictments against public officers and employees and their accomplices and confederates to be brought or exhibited within two years after such officer or employee shall have ceased to occupy such office or employment.

And said bill having been read at length the first time.
Ordered, To be laid aside for second reading.

QUESTION OF PERSONAL PRIVILEGE

Mr. CAVALCANTE. Mr. President. I would like to rise to a question of personal privilege?

The PRESIDENT. The Senator from Fayette will state his question of personal privilege.

Mr. CAVALCANTE. Mr. President, I would like to ask whether Senate Resolution, Serial No. 25, found on page 101 of the History of Resolutions in the Senate, has been considered by the committee as yet.

Mr. TALLMAN. May I inquire what the resolution concerns?

Mr. CAVALCANTE. The resolution, Mr. President, is relative to recalling the confirmation of William J. Hamilton, Jr., as Secretary of Revenue.

Mr. TALLMAN. Mr. President, that resolution was just received by me this evening and the committee has not yet met.

BILL RECOMMITTED

Mr. MALLERY. Mr. President, I move that Senate Bill No. 403, introduced by Senator Dent, this evening, entitled:

An Act to reenact and amend the act, approved the second day of June, one thousand nine hundred fifteen (P. L. 736), entitled, as amended, "An act defining the liability of an employer to pay damages for injuries received by an employe in the course of employment; establishing an elective schedule of compensation; providing procedure for the determination of liability and compen-

sation thereunder, and prescribing penalties," by eliminating from said act unconstitutional provisions.

be recommitted to the Committee on Labor and Industry.

Mr. HEYBURN. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

Mr. REED. Mr. President, for what purpose?

Mr. DENT. Mr. President, because the Committee on Labor and Industry had previously considered the legislation, and I, as a former Chairman of the Committee on Labor and Industry, am better prepared to discuss the bill in committee.

And the question recurring,

Will the Senate agree to the motion?

It was agreed to.

QUESTION OF PERSONAL PRIVILEGE

Mr. SIPE. Mr. President, I rise to a question of personal privilege.

The PRESIDENT. The Senator from Armstrong, Mr. Sipe, will state his question of personal privilege.

Mr. SIPE. Mr. President, I wish to read into the record the following resolution of the Butler Chamber of Commerce on the opening of the Western Pennsylvania Tuberculosis Sanatorium in Butler.

RESOLUTION ON THE OPENING OF THE WESTERN PENNSYLVANIA SANATORIUM AT BUTLER, PENNSYLVANIA.

Butler, Pennsylvania, March 27, 1939.

At a special meeting of the Butler Chamber of Commerce, March 27, 1939, the following resolution was unanimously adopted:

Whereas, Pennsylvania is in need today of approximately 3,800 additional hospital beds for tuberculosis sufferers in order to reach the standard of two beds per death, and

Whereas, The new Sanatorium in Butler County was planned for 550 beds, and new accommodations at Mont Alto and Hamburg are to provide 738 additional sanatorium beds, or a total of 1,288 beds, which represents only one-third of the 3,800 additional beds Pennsylvania needs, and

Whereas, There are approximately 44,000 cases of tuberculosis in Pennsylvania at the present time, and at a conservative estimate, at least 12,000 of these are in need of hospital treatment, and

Whereas, There is a true need for provision for additional hospital beds for tuberculosis victims, and

Whereas, The Western Pennsylvania Tuberculosis Sanatorium at Butler, costing taxpayers of this Commonwealth in excess of \$2,500,000, is now nearing completion, and

Whereas, The Governor recently recommended to the Legislature in his budget message that the Sanatorium be not opened for two years,

Therefore, Be It Hereby Resolved, That this organization respectfully petition Governor Arthur H. James and his Secretary of Health to reconsider the needs of the state's tuberculosis victims and that a sufficient amount be included in the budget for the opening and operation of the Western Pennsylvania Sanatorium, the only institution of its kinds in this section of the Commonwealth.

And Be It Further Resolved, That copies of this resolution be sent the Governor, the Secretary of Health of the Commonwealth of Pennsylvania and to members of the State Legislature from the Butler District and to State and County Tuberculosis Associations of Pennsylvania.

ARTHUR O. BLACK,
President
GEO. N. BURCKHALTER,
Secretary

Mr. SIPE. Mr. President, I have here another resolution from my other county—I have two counties in my district. I do not wish to neglect one county, so I shall read into the record copy of a letter sent to the Governor from the Ford City Local No. 14 of the Federation of Flat Glass Workers of America, a local that has two thousand members.

March 22, 1939.

Honorable Arthur H. James
Governor of the Commonwealth of Pennsylvania
Harrisburg, Pennsylvania.

Dear Governor James:

At the last regular meeting of the Ford City Local No. 14, Federation of Flat Glass Workers of America, held on March 14th, this Local numbering 2000 members, has studied your budget message submitted to our Senators and Legislators of our Commonwealth, and after analyzing its contents very carefully, the Local went on record protesting against the false economy that will keep the Butler Tuberculosis Sanatorium closed for the next two years.

We as part of this Commonwealth urge you to take judicial notice of the fact that the present tuberculosis sanatoria are crowded and have long waiting lists. We feel that it is the only State tuberculosis sanatorium in this part of Pennsylvania west of the Allegheny Mountains, a region in which there is a vast number of citizens being deprived of the use of this institution in helping tuberculosis sufferers.

We cannot make this protest too strong and we do hope and anticipate that you reconsider this part of the proposed budget which we think is not a democratic form of government within our Commonwealth in depriving tuberculosis suffering citizens needing this institution for the proper medical attention.

Yours faithfully,

Ford City Local No. 14.
HARRY HAPONSKY, Secretary

HOUSE MESSAGE

TIME OF NEXT MEETING

The Clerk of the House of Representatives being introduced informed the Senate that the House has concurred in Resolution from the Senate as follows:

In the Senate, April 3, 1939.

Resolved (if the House of Representatives concur) That when the Senate adjourns this week it reconvene on Monday evening, April 10, 1939 at nine o'clock; and when the House of Representatives adjourns this week it reconvene on Monday evening, April 10, 1939, at eight o'clock.

ADJOURNMENT

Mr. OWLETT. Mr. President, I move that the Senate do now adjourn until Tuesday, April 4, 1939 at 2:00 o'clock, p. m.

Mr. HEYBURN. Mr. President, I second the motion.
The motion was agreed to.

The Senate adjourned at 11:59 o'clock, p. m. until Tuesday, April 4, 1939, at 2:00 o'clock, p. m.

HOUSE OF REPRESENTATIVES

MONDAY, April 3, 1939

The House met at 8 p. m.

The SPEAKER (Ellwood J. Turner) in the Chair.

The SPEAKER. The Chair desires to advise the House that prayer this evening will be offered by the Reverend Thomas George Baxter of Wyalusing, Bradford County.

PRAYER

The Chaplain, Rev. Thomas George Baxter offered the following prayer:

Heavenly Father, unto whom all hearts are open and all ambitions known, touch our hearts that we may be deeply sensible of Thy presence and conscious of our responsibilities to both God and man.

Touch, especially, the heart of Thy servant as he assumes this solemnly sacred office—the Chaplaincy of this House.

O Lord, Thou hast helped us hitherto, so regard us now that our minds may be awake to Thy holy desires and our wills fraught with purpose good and true.

Inspire each of us with the conviction that our work is essential and our task is altogether sacred. Thy hand, O Lord, hath guided and shaped our Republic in the past; continue Thou as the Helmsman in the Pilot's cabin of the Ship of State; and so endow us with patriotic zeal, that we will be glad to lay the best gifts we have upon the altar of our country.

O Lord, we pray Thee especially at this season of the year and at this festive day to look down with mercy upon Thy persecuted people. Bring them as Thou didst of old across the depths of the Red Sea into the Promised Land by Thy love and Thy forbearance. Deliver them from the hand that would slaughter them and deprive them of their God-given right to an existence in this fair world of ours.

We pray thee, our heavenly Father, to grant us the liberties, the opportunities, and the blessings of democratic government, bequeathed to us by our God-fearing forefathers, safely guarded by the best and sanest service on our part so that the genius of free government may continue to bless all our people. Amen.

JOURNAL APPROVED

The SPEAKER. The Clerk will read the Journal of Wednesday, March 29, 1939.

The Clerk proceeded to read the Journal of Wednesday, March 29, 1939, when, on motion of Mr. CORDIER the further reading was dispensed with and the Journal approved.

BILLS INTRODUCED AND REFERRED

(Referred March 29, 1939)

By Messrs. LLOYD H. WOOD and MALLOY. (By Request)
HOUSE BILL No. 815.

An Act to further amend Sections 2, 202, 402, 403, 404, 409, 410, 411, 501, 502 and 503 of the act, approved the twenty-ninth day of November, one thousand nine hundred and thirty-three (P. L. 15, 1933-34), entitled, as amended, "An act to regulate and restrain the sale manufacture, possession, transportation, importation, traffic in, and use of alcohol, and alcoholic and malt or brewed beverages; conferring powers and imposing duties upon the Pennsylvania Liquor Control Board and its agents, the

Department of Public Instruction, other officers of the State government, courts, and district attorneys; authorizing the establishment and operation of State stores for the sale of such beverages not for consumption on the premises, and the granting of licenses, subject to local option, to sell such beverages for consumption on and off the premises; forbidding importation or bringing of such beverages into the State except as herein provided; prohibiting certain sales or practices in, connection with, and transactions in such beverages by licenses and others; providing for the forfeiture of certain property; making disposition of the receipts from State stores and of fees; and imposing penalties;" by enlarging the definition of "club;" enlarging powers of board to make regulations; further regulating club licenses and new licenses, license hearings, appeals, renewals, suspension and revocation of licenses, temporary licenses, extending club licenses to picnic and outing grounds, and removing club licensees from provisions prohibiting sale of liquor in dry territory.

Referred to the Committee on Liquor Control.

By Mr. BOHN. HOUSE BILL No. 816.

An Act fixing the salaries of county commissioners of counties of the third class.

Referred to the Committee on Counties.

By Mr. BOHN. HOUSE BILL No. 817.

An Act to amend section three hundred three of the act, approved the twenty-fourth day of June, one thousand nine hundred thirty-seven (P. L. 1206), entitled "An act creating in each county (except of the first class) as a separate corporation, and in each city of the first and second class as a part of the city government, an institution district for the care and maintenance of certain indigent persons and children; prescribing the powers and duties of county commissioners, county treasurers, city departments of public welfare, the State Department of Welfare and the State Department of Public Assistance in respect thereto; abolishing certain poor districts and terminating the terms of directors, overseers, guardians and managers of the poor and poor district auditors, and providing for the temporary employment of certain of them; providing for the transfer, vesting, sale and disposition of the property of poor districts and the payment of their obligations; imposing certain existing obligations on institution districts and on the Commonwealth; regulating the affairs of poor districts until abolished; revising, amending, changing and consolidating the law relating to the care of the poor; and repealing existing laws," fixing the salaries of commissioners of counties of the third class for acting as officers of institution districts.

Referred to the Committee on Counties.

By Mr. POWERS. HOUSE BILL No. 818.

An Act providing for the care and maintenance of carriers of typhoid fever germs, and making an appropriation.

Referred to the Committee on Public Health and Sanitation.

By Mr. HAINES. HOUSE BILL No. 819.

An Act to amend the act approved the sixth day of May one thousand nine hundred twenty-seven (P. L. 843) entitled, "An act authorizing the Department of Highways, with the approval of the Governor, to build, rebuild, construct, and maintain roads wholly upon the lands of State institutions and State parks, and providing for the payment of the cost thereof," and extending the provisions of said act to roads on lands of the Land Grant College.

Referred to the Committee on Highways.

By Mr. REGAN.

HOUSE BILL No. 820.

An Act to amend section three of the act, approved the tenth day of June, one thousand nine hundred and thirty-one (P. L. 485), entitled "An act to provide for the better protection of life and health of the citizens of this Commonwealth by requiring and regulating the examination, licensure, and registration of persons, and registration of corporations, engaging in the care, preparation, of the bodies of deceased persons; and providing penalties," providing for the qualification of additional persons as undertakers.

Referred to the Committee on Professional Licensure.

By Mr. BRETHERICK. HOUSE BILL No. 821.

An Act to amend section seven hundred three of the act, approved the twenty-fourth day of June one thousand nine hundred and thirty-one (P. L. 1206) entitled "An act concerning townships of the first class; amending, revising, consolidating and changing the law relating thereto," by providing for the compensation paid to township commissioners.

Referred to the Committee on Townships.

By Mr. BRETHERICK. HOUSE BILL No. 822.

An Act to amend section two thousand twelve of the act approved the twenty-fourth day of June one thousand nine hundred and thirty-one (P. L. 1206) entitled "An act concerning townships of the first class amending revising consolidating and changing the law relating thereto," by permitting public roads to be less than thirty-three feet in width.

Referred to the Committee on Townships.

By Mr. CADWALADER. HOUSE BILL No. 823.

An Act to further amend section eight hundred one of the act, approved the twenty-fourth day of June, one thousand nine hundred and thirty-one (P. L. 1206), entitled "An act concerning townships of the first class; amending, revising, consolidating, and changing the law relating thereto," by further regulating bonds of township treasurers.

Referred to the Committee on Townships.

By Mr. THISTLE. HOUSE BILL No. 824.

An Act to further amend section one of the act approved the seventeenth day of July, one thousand nine hundred and nineteen, (P. L. 1025), entitled "A supplement to an act approved the second day of May, one thousand eight hundred and twenty-nine, (Pamphlet Laws, one hundred and eighty-four), entitled 'An act to provide revenue by imposing a mercantile license tax on vendors of or dealers in goods, wares and merchandise, and providing for the collection of said tax,' by changing the method and mode of appointment of mercantile appraisers and the terms thereof, in cities of the first class; authorizing the appointment of deputies, clerks, investigators and other employes, and providing rules and regulations.

Referred to the Committee on Ways and Means.

By Mr. STOCKHAM. HOUSE BILL No. 825.

An Act to amend section twenty-eight of the act, approved the sixteenth day of May, one thousand nine hundred and twenty-three (P. L. 207), entitled "An act providing when, how, upon what property, and to what extent, liens shall be allowed for taxes and for municipal improvements, for the removal of nuisances, and for water rents or rates, sewer rates, and lighting rates; for the procedure upon claims filed therefor; the methods for preserving such liens and enforcing payment of such claims; the effect of judicial sales of the properties liened;

the distribution of the proceeds of such sales, and the redemption of the property therefrom; for the lien and collection of certain taxes heretofore assessed, and of claims for municipal improvements made and nuisances removed, within six months before the passage of this act; and for the procedure on tax and municipal claims filed under other and prior acts of Assembly," requiring the advertisement of all sales of properties for the non-payment of claims under said act to contain an adequate description of the properties to be sold.

Referred to the Committee on Municipal Corporations.

By Mr. STOCKHAM. HOUSE BILL No. 826.

An Act to amend section seven of the act, approved the twenty-ninth day of May, one thousand nine hundred and thirty-one (P. L. 280), entitled "An act relating to delinquent taxes on seated lands, and prescribing interest charges on nonpayment thereof; requiring the receivers and collectors of county, city, borough, town, township, school district and poor district taxes to make a return to the county commissioners of such unpaid taxes, and providing for the lien thereof; authorizing the county treasurers to collect such taxes, and to sell seated lands at public sale for taxes heretofore or hereafter returned as unpaid; and authorizing the county commissioners to purchase such lands and resell the same under certain circumstances," requiring the advertisement of all such sales of land for the delinquent taxes, to contain an adequate description of the lands to be sold.

Referred to the Committee on Municipal Corporations.

By Messrs. STOCKHAM and YEAKEL.
HOUSE BILL No. 827.

An Act requiring certain information and hearing to be given county commissioners and owners of land in eminent domain proceedings to condemn land for highway purposes.

Referred to the Committee on Counties.

By Mr. McCLESTER. HOUSE BILL No. 828.

An Act to further amend section one thousand four hundred two of the act, approved the twenty-third day of June, one thousand nine hundred and thirty-one (P. L. 932), entitled "An act relating to cities of the third class; and amending, revising, and consolidating the law relating thereto," requiring the city treasurer to give a fidelity bond, and eliminating certain conditions of such bond.

Referred to the Committee on Cities—Third Class.

By Mr. TRONZO. HOUSE BILL No. 829.

An Act providing for the tenure of members of the faculty and teaching staffs of state and state-aided educational institutions as herein defined; authorizing the withholding of appropriation and imposing duties on the Department of Public Instruction.

Referred to the Committee on Education.

By Mr. TRONZO. HOUSE BILL No. 830.

An Act to amend clause (a) of section two thousand five hundred and four A of the act, approved the ninth day of April, one thousand nine hundred and twenty-nine (P. L. 177), entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments, boards, commissions, and officers thereof, including the board of trustees of State Normal Schools, or Teachers Colleges; abolishing, creating, reorganizing or authorizing the reorganization of certain administrative departments, boards, and commissions; defining the powers and duties of the Governor and other executive and administrative officers, and of the

several administrative departments, boards, commissions, and officers; fixing the salaries of the Governor, Lieutenant Governor, and certain other executive and administrative officers; providing for the appointment of certain administrative officers, and of all deputies and other assistants and employes in certain departments, boards, and commissions; and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments, boards and commissions shall be determined," further regulating the right to remove employes in the Department of Public Assistance by redefining the definition "Remove."

Referred to the Committee on State Government.

By Mr. CURRAN. HOUSE BILL No. 831.

An Act to amend section one of the act approved the twenty-fifth day of May, one thousand nine hundred seven (P. L. 244), entitled "An act to provide revenue by imposing a license-tax on the keepers of all shooting-galleries, shuffle-board-rooms, billiard or pool-rooms, for purpose of profit, or any other place in which any game is played on a table with the use of balls and cues; and bowling-alleys, nine-pin-alleys, tenpin-alleys, or other alleys or places in which any game is played with the use of balls or pins, or other objects; providing for the collection of said tax, and imposing certain duties upon mercantile appraisers and county treasurers," by reducing the license-tax on the keepers of bowling-alleys, nine and tenpin-alleys.

Referred to the Committee on Ways and Means.

By Mr. THISTLE. HOUSE BILL No. 832.

An Act to further amend section four hundred and six of the act approved the ninth day of April, one thousand nine hundred and twenty-nine (P. L. 343), entitled "An act relating to the finances of the State Government; providing for the settlement, assessment, collection, and lien of taxes, bonus, and all other accounts due the Commonwealth, the collection and recovery of fees and other money or property due or belonging to the Commonwealth, or any agency thereof, including escheated property and the proceeds of its sale, the custody and disbursement or other disposition of funds and securities belonging to or in the possession of the Commonwealth, and the settlement of claims against the Commonwealth, the resettlement of accounts and appeals to the courts, refunds of moneys erroneously paid to the Commonwealth, auditing the accounts of the Commonwealth and all agencies thereof, of all public officers collecting moneys payable to the Commonwealth, or any agency thereof, and all receipts of appropriations from the Commonwealth and imposing penalties; affecting every department, board, commission, and officer of the State government, every political subdivision of the State, and certain officers of such subdivision, every person, association, and corporation required to pay, assess, or collect taxes, or to make returns or reports under the laws imposing taxes for State purposes, or to pay license fees or other moneys to the Commonwealth, or any agency thereof, every State depository and every debtor or creditor of the Commonwealth," by changing the method and mode of appointment of mercantile appraisers and the terms thereof, in cities of the first class; authorizing the appointment of deputies, clerks and employes, and providing rules and regulations therefor.

Referred to the Committee on Ways and Means.

By Mr. PEACOCK. HOUSE BILL No. 833.

An Act to further amend section five hundred eight of the act, approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties

for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith," further regulating the incurring and refunding of temporary indebtedness.

Referred to the Committee on Education.

By Messrs. MUIR and WOODSIDE.

HOUSE BILL No. 834.

An Act to authorize banks, trust companies, and bank and trust companies to purchase the assets and property of national banks, state banks, trust companies and bank and trust companies in liquidation.

Referred to the Committee on Banking.

By Messrs. OMINSKY and ROSENFELD.

HOUSE BILL No. 835.

An Act providing for the degree of care to be exercised by a pedestrian, operator and driver of a motor or other vehicle at the crossing of a highway and a railroad or railway at grade in certain cases, and the proof of negligence and contributory negligence in such cases.

Referred to the Committee on Judiciary General.

By Messrs. MUIR and WOODSIDE.

HOUSE BILL No. 836.

An Act relating to the liquidation of pools of mortgages, securities or other assets, and of single mortgages or other property, in which undivided interests have been sold to investors, set up, maintained, operated or held by trust companies or banks and trust companies which have been or shall hereafter be reorganized, or which have transferred or shall hereafter transfer all the assets of their commercial departments to other banking institutions; giving the Courts of Common Pleas power to appoint liquidating trustees and jurisdiction over such liquidation; vesting powers and duties in such trustees; and imposing duties on trustees liquidating the commercial departments of such banking institutions.

Referred to the Committee on Banking.

By Messrs. MUIR and WOODSIDE.

HOUSE BILL No. 837.

An Act relating to the liquidation of the trust departments, and of pools of mortgages, securities or other assets, and of single mortgages or other property, in which trust estates have undivided interests, set up, maintained, operated or held by trust companies or banks and trust companies which have been or shall hereafter be reorganized, or which have transferred or shall hereafter transfer all the assets of their commercial departments to other banking institutions; giving the Orphans' Courts power to appoint liquidating trustees and jurisdiction over such liquidation; vesting powers and duties in such trustees; placing certain restrictions on courts auditing accounts of such trustees; and imposing duties on trustees liquidating the commercial departments of such banking institutions.

Referred to the Committee on Banking.

By Mr. ROSENFELD.

HOUSE BILL No. 838.

An Act creating the Philadelphia Port Authority; defining its powers and duties; and making an appropriation.

Referred to the Committee on State Government.

By Messrs. ROSENFELD and OMINSKY.

HOUSE BILL No. 839.

An Act making the insurer of defendant in an action in tort involving the operation of a motor vehicle a proper party defendant with the defendant; and providing for the effect of such joinder.

Referred to the Committee on Judiciary General.

By Mr. JAMES.

HOUSE BILL No. 840.

An Act to amend Clause I of section one thousand five hundred two of the act approved the twenty-fourth day of June one thousand nine hundred and thirty-one (Pamphlet Laws 1206), entitled "An act concerning townships of the first class; amending, revising, consolidating and changing the law relating thereto" by changing regulations as to advertising of certain ordinances.

Referred to the Committee on Townships.

By Mr. JAMES.

HOUSE BILL No. 841.

An Act to amend by adding Clause XLVI to section one thousand five hundred and two of the act approved the twenty-fourth day of June one thousand nine hundred and thirty-one (Pamphlet Laws 1206) entitled "An act concerning townships of the first class amending, revising, consolidating and changing the law relating thereto" by authorizing the designation of certain highways upon which motor vehicle traffic may be regulated.

Referred to the Committee on Townships.

By Mr. JAMES.

HOUSE BILL No. 842.

An Act to amend section one thousand three hundred and fourteen and section one thousand three hundred and fifteen as amended of the act approved the twenty-fourth day of June one thousand nine hundred and thirty-one (Pamphlet Laws 1206) entitled "An act concerning townships of the first class amending revising consolidating and changing the law relating thereto" by providing further for the registration and recording of deeds.

Referred to the Committee on Townships.

By Mr. JAMES.

HOUSE BILL No. 843.

An Act to amend section two thousand twenty-two of the act approved the twenty-fourth day of June one thousand nine hundred and thirty-one (Pamphlet Laws 1206) entitled "An act concerning townships of the first class amending revising consolidating and changing the law relating thereto" by changing provisions regulating dedicated roads, streets, lanes, alleys and drainage facilities.

Referred to the Committee on Townships.

By Mr. JAMES.

HOUSE BILL No. 844.

An Act to amend the first paragraph of section one thousand seven hundred and nine of the act approved the twenty-fourth day of June one thousand nine hundred and thirty-one (Pamphlet Laws 1206) entitled "An act concerning townships of the first class amending, revising, consolidating and changing the law relating thereto" by changing the power of commissioners to levy taxes.

Referred to the Committee on Townships.

By Mr. STOCKHAM.

HOUSE BILL No. 845.

An Act to create a commission to act jointly with commissions appointed for like purpose by the States of West Virginia and Maryland, the Commonwealth of Virginia and the District of Columbia, which, together with three members to be appointed by the President of the United States, shall constitute the Interstate Commission on the Potomac River Basin, with power to cooperate in the abatement of the existing pollution and in the control of future pollution of the waters of the drainage basin of the

Potomac River within the States of Maryland and West Virginia the Commonwealth of Virginia and the District of Columbia; to authorize the Governor of the State to execute on behalf of this State a compact with representatives of other states for the purpose of forming the above mentioned commission and creating a Potomac Valley Conservancy District; providing for the appointment of the Pennsylvania members of said commission and their terms of office; and providing an appropriation.

Referred to the Committee on State Government.

By Mr. JIROLANIO. HOUSE BILL No. 846.

An Act providing for the abolishment of all State Teachers Colleges; and transferring the control of such buildings and ground to the Department of Welfare to be used for tubercular and veterans' hospitals and for penal institutions for persons under twenty-one years of age.

Referred to the Committee on Education.

By Mr. McNALLY. (By request). HOUSE BILL No. 847.

An Act to amend article five of the act, approved the twenty-ninth day of November one thousand nine hundred and thirty-three (P. L. 15) entitled as amended "An act to regulate and restrain the sale manufacture, possession, transportation, importation, traffic in, and use of alcohol and alcoholic and malt or brewed beverages; conferring powers and imposing duties upon the Pennsylvania Liquor Control Board and its agents, the Department of Public Instruction, other officers of the State government, courts, and district attorneys; authorizing the establishment and operation of State stores for the sale of such beverages not for consumption on the premises and the granting of licenses, subject to local option, to sell such beverages for consumption on and off the premises; forbidding importation or bringing of such beverages into the State except as herein provided; prohibiting certain sales or practices in, connection with, and transactions in such beverages by licensees and others; providing for the forfeiture of certain property; making disposition of the receipts from State stores and of fees; and imposing penalties," permitting licenses to be issued to and sales to be made by bona fide well established fraternal organizations in local option areas.

Referred to the Committee on Liquor Control.

By Mr. FREED. HOUSE BILL No. 848.

An Act to amend section one of the act, approved the eleventh day of May, one thousand eight hundred ninety-three (P. L. 42), entitled "An act to authorize corporations organized for profit under the laws of Pennsylvania, to make allowances or pensions to employes for faithful and long continued service, who in such service have become old infirm or disabled," by extending its provisions to include directors and officers of such corporations,

Referred to the Committee on Corporations and Industry.

By Mr. RHODES. HOUSE BILL No. 849.

An Act making an appropriation to the Pennsylvania Museum and School of Industrial Art, Philadelphia, Pennsylvania.

Referred to the Committee on Appropriations.

By Messrs. O'NEILL and MUNLEY.
HOUSE BILL No. 850.

An Act to further amend section fourteen of the act, approved the eighteenth day of July, one thousand nine hundred and seventeen (P. L. 1043), entitled "An act establishing a public school employes' retirement system, and creating a retirement board for the administration thereof; establishing certain funds from contributions by the Commonwealth and contributing employes, defining

the uses and purposes thereof and the manner of payment therefrom, and providing for the guaranty by the Commonwealth of certain of said funds; imposing powers and duties upon boards having the employment of public school employes; exempting annuities, allowances, returns, benefits, and rights from taxation and judicial process; and providing penalties," by providing for a state annuity for employes having thirty years of service; and providing for the retirement of employes having reached the age of sixty.

Referred to the Committee on State Government.

By Mr. BOOSE. HOUSE BILL No. 851.

An Act to amend clause (c) of section twenty-nine of the act, approved the twenty-ninth day of April, one thousand nine hundred and thirty-seven (P. L. 487), entitled "An act to provide for the permanent personal registration of electors in boroughs, towns, and townships as a condition of their right to vote at elections and primaries, and their enrollment as members of political parties as a further condition of their right to vote at primaries; prescribing certain procedure for the conduct of election and primaries and the challenge and proof of qualifications of electors; requiring the county commissioners of the various counties to act as a registration commission thereof; and prescribing the powers and duties of citizens, parties, political bodies, registration commissions, commissioners, registrars, inspectors of registration and other appointees of registration commissions, county election boards, election officers, municipal officers, departments and bureaus, police officers, courts, judges, prothonotaries, sheriffs, county commissioners, peace officers, county treasurers, county controllers, registrars of vital statistics, certain public utility corporations, real estate brokers, rental agents, and boards of school directors; and imposing penalties," by eliminating the provisions requiring certain municipal officers departments bureaus and public utility corporations to make certain reports to the registration commission.

Referred to the Committee on Elections.

By Mr. BOOSE. HOUSE BILL No. 852.

An Act to amend clause (c) of section thirty-one of the act approved the thirtieth day of March, one thousand nine hundred and thirty-seven (P. L. 115), entitled "An act to provide for the permanent personal registration of electors in cities of the first class as a condition of their right to vote at elections and primaries, and their enrollment as members of political parties as a further condition of their right to vote at primaries; prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors; and prescribing the powers and duties of citizens, parties, bodies of electors, registration commissions, commissioners, registrars, inspectors of registration and other appointees of registration commission, election officers, municipal officers, departments and bureaus, police officers, courts, judges, prothonotaries, sheriffs, county commissioners, peace officers, county treasurers, county controllers, registrars of vital statistics, real estate brokers, rental agents, certain public service companies, persons, firms, and corporations operating vehicles for moving furniture and household goods, and boards of school directors; and imposing penalties," by eliminating the provisions requiring certain public service companies to make certain reports to the registration commission.

Referred to the Committee on Elections.

By Mr. BOOSE. HOUSE BILL No. 853.

An Act to amend clause (c) of section thirty of the act, approved the twenty-fifth day of May, one thousand nine hundred and thirty-seven (P. L. 814), entitled "An act to provide for the permanent personal registration of electors in cities of the second class as a condition of

their right to vote at elections and primaries, and their enrollment as members of political parties as a further condition of their right to vote at primaries; prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors; and prescribing the powers and duties of citizens, parties, political bodies, registration commissions, commissioners, registrars, inspectors of registration and other appointees of registration commissions, county election boards, election officers, municipal officers, departments and bureaus, police officers, courts, judges, prothonotaries, sheriffs, county commissioners, peace officers, county treasurers, county controllers, registrars of vital statistics, certain public utility corporations, real estate brokers, rental agents, and boards of school directors; and imposing penalties," by eliminating certain provisions requiring municipal officers, departments, bureaus and certain public utility corporations to make certain reports to the registration commission.

Referred to the Committee on Elections.

By Mr. BOOSE. HOUSE BILL No. 854.

An Act to amend clause (c) of section thirty of the act, approved the first day of June, one thousand nine hundred and thirty-seven (P. L. 1132), entitled "An act to provide for the permanent personal registration of electors in cities of the second class A as a condition of their right to vote at elections and primaries, and their enrollment as members of political parties as a further condition of their right to vote at primaries; prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors; and prescribing the powers and duties of citizens, parties, political bodies, registration commissions, commissioners, registrars, inspector of registration and other appointees of registration commissions, county election boards, election officers, municipal officers, departments and bureaus, police officers, courts, judges, prothonotaries, sheriffs, county commissioners, peace officers, county treasurers, county controllers, registrars of vital statistics, certain public utility corporations, real estate brokers, rental agents, and boards of school directors; and imposing penalties," by eliminating the provisions requiring municipal officers, departments, bureaus and certain public utility corporations to make certain reports to the registration commission.

Referred to the Committee on Elections.

By Mr. BOOSE. HOUSE BILL No. 855.

An act to amend clause (c) of section thirty of the act approved the twenty-fifth day of May, one thousand nine hundred and thirty-seven (P. L. 849), entitled "An act to provide for the permanent personal registration of electors in cities of the third class as a condition of their right to vote at elections and primaries, and their enrollment as members of political parties as a further condition of their right to vote at primaries; prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors; and prescribing the powers and duties of citizens, parties, political bodies, registration commissions, commissioners, registrars, inspectors of registration and other appointees of registration commissions, county election boards, election officers, municipal officers, departments and bureaus, police officers, courts, judges, prothonotaries, sheriffs, county commissioners, peace officers, county treasurers, county controllers, registrars of vital statistics, certain public utility corporations, real estate brokers, rental agents, and boards of school directors; imposing penalties; and repealing existing legislation," by eliminating the provisions requiring municipal officers, departments, bureaus and certain public utility corporations to make certain reports to the registration commission.

Referred to the Committee on Elections.

(For House Bill No. 856 see page 1029 of Legislative Journal of March 29, 1939.)

By Mr. PEALE.

HOUSE BILL No. 857.

An Act to further amend section one of the act, approved the twenty-fifth day of July, one thousand nine hundred thirteen (P. L. 1024), entitled "An act to protect the public health and welfare, by regulating the employment of females in certain establishments, with respect to their hours of labor and the conditions of their employment; by establishing certain sanitary regulations in the establishments in which they work; by requiring certain abstracts and notices to be posted; by providing for the enforcement of this act by the Commissioner of Labor and Industry and others; by prescribing penalties for violations thereof; by defining the procedure in prosecutions; and by repealing all acts and parts of acts inconsistent with the provisions thereof," by further defining "day" and "week."

Referred to the Committee on Labor.

By Mr. McLANE.

HOUSE BILL No. 858.

An Act regulating the mining of anthracite coal; prescribing duties for county commissioners; and imposing penalties.

Referred to the Committee on Mines and Mining.

By Mr. WILKINSON.

HOUSE BILL No. 859.

An Act validating, reviving and extending for a certain period of time, all liens of taxes which have expired or become lost.

Referred to the Committee on Municipal Corporations.

By Mr. WILKINSON.

HOUSE BILL No. 860.

An Act to amend sections nine and fifteen of the act, approved the sixteenth day of May, one thousand nine hundred and twenty-three (P. L. 207), entitled "An act providing when, how, upon what property, and to what extent, liens shall be allowed for taxes and for municipal improvements, for the removal of nuisances, and for water rents or rates, sewer rates, and lighting rates; for the procedure upon claims filed therefor; the methods for preserving such liens and enforcing payment of such claims; the effect of judicial sales of the properties liened; the distribution of the proceeds of such sales, and the redemption of the property therefrom; for the lien and collection of certain taxes heretofore assessed, and of claims for municipal improvements made and nuisances removed, within six months before the passage of this act; and for the procedure on tax and municipal claims filed under other and prior acts of Assembly," as amended, further regulating the filing of claims for taxes, water rents or rates, lighting rates, power rates and sewer rates; removing the right to revive, extend or continue the lien of such claims, prescribing the time for selling properties for the non-payment of such claims, and in certain cases extending existing liens.

Referred to the Committee on Municipal Corporations.

By Mr. WILKINSON.

HOUSE BILL No. 861.

An Act to authorize political subdivisions to sue out writs of scire facias on certain municipal claims, or to revive judgments on such claims, where more than five years have elapsed since said claims were filed or such judgments were entered or revived and to reduce such claims to judgment, or to revive such judgment; and providing for the revival and collection of such judgments.

Referred to the Committee on Municipal Corporations.

By Messrs. OMINSKY and ROSENFELD.

HOUSE BILL No. 862.

An Act relating to procedure in actions of assumpsit and trespass.

Referred to the Committee on Judiciary General.

By Mr. HESS.

HOUSE BILL No. 863.

An Act relating to the right of actions upon mortgage debts more than twenty years old, and removing such right of action except in certain cases.

Referred to the Committee on Judiciary General.

By Mr. FRANK S. MOSER.

HOUSE BILL No. 864.

An Act to amend clause (b) of section six hundred and two of the act, approved the twenty-fourth day of June, one thousand nine hundred and thirty-seven (P. L. 2017), entitled "An act creating in each county (except of the first class) as a separate corporation, and in each city of the first and second class as a part of the city government, an institution district for the care and maintenance of certain indigent persons and children; prescribing the powers and duties of county commissioners, county treasurers, city departments of public welfare, the State Department of Welfare and the State Department of Public Assistance in respect thereto; abolishing certain poor districts and terminating the terms of directors, overseers, guardians and managers of the poor and poor district auditors, and providing for the temporary employment of certain of them; providing for the transfer, vesting, sale and disposition of the property of poor districts and the payment of their obligations; imposing certain existing obligations on institution districts and on the Commonwealth; regulating the affairs of poor districts until abolished; revising, amending, changing, and consolidating the law relating to the care of the poor; and repealing existing laws," authorizing county commissioners as poor directors of independent poor districts to issue and negotiate bonds of such districts to pay obligations and refund bonds thereof, and to levy taxes to pay interest and sinking fund charges on bonds of such districts.

Referred to the Committee on Counties.

By Mr. LONG. (By request). HOUSE BILL No. 865.

An Act to amend clause (b) of section 4, clauses (a), (b), (h) 1 and (h) 2 of section 5, clause (a) of section 6, clause (a) of section 17, clauses (b) and (c) of section 20, clause (e) of section 22, section 25, clause (b) of section 27, section 28, section 29, clauses (b) and (d) of section 30, clause (c) of section 31, section 35, clauses (a), (b), and (c) of section 42, and to repeal clauses (c) and (d) of section 5, clauses (b) of section 6, and section 36, of the act approved the thirtieth day of March, A.D. one thousand nine hundred thirty-seven, (Pamphlet Laws 115) entitled, "An act to provide for the permanent personal registration of electors in cities of the first class as a condition of their right to vote at elections and primaries, and their enrollment as members of political parties as a further condition of their right to vote at primaries; prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors; and prescribing the powers and duties of citizens, parties, bodies of electors, registration commissions, commissioners, registrars, inspectors of registration and other appointees of registration commission, election officers, municipal officers, departments and bureaus, police officers, courts, judges, prothonotaries, sheriffs, county commissioners, peace officers, county treasurers, county controllers, registrars of vital statistics, real estate brokers, rental agents, certain public service companies, persons, firms and corporations operating vehicles for moving furniture and household goods, and boards of school directors; and imposing penalties" by modifying and changing the powers, rights and duties of citizens, parties, registration commissions, commissioners, registrars, inspectors of registration, and courts in cities of the first class, and changing the time, place and method of the permanent personal registration of electors, the challenge and proof of qualifications of electors, the privileges of changing the enrollment in political parties, and the transfer of registration from one address to another within such cities.

Referred to the Committee on Cities—First Class.

By Mr. LONG. (By request). HOUSE BILL No. 866.

An Act to amend Sections 28 and 29 of an Act approved the thirtieth day of March, A. D. one thousand nine hundred and thirty-seven, (Pamphlet Laws 115) entitled, "An act to provide for the permanent personal registration of electors in cities of the first class as a condition of their right to vote at elections and primaries, and their enrollment as members of political parties as a further condition of their right to vote at primaries; prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors; and prescribing the powers and duties of citizens, parties, bodies of electors, registration commissions, commissioners, registrars, inspectors of registration and other appointees of registration commission, election officers, municipal officers, departments and bureaus, police officers, courts, judges, prothonotaries, sheriffs, county commissioners, peace officers, county treasurers, county controllers, registrars of vital statistics, real estate brokers, rental agents, certain public service companies, persons, firms, and corporations operating vehicles for moving furniture and household goods, and boards of school directors; and imposing penalties" by modifying and altering the time, method and procedure for procuring the transfer of registration from one election district to another, or from one address to another within the same election district, in cities of the first class, prescribing the duties of the elector in reference to such transfers and the duties of the commission with regard thereto.

Referred to the Committee on Cities—First Class.

By Mr. VAN ALLSBURG.

HOUSE BILL No. 867.

An Act to amend the act, approved the twenty-fourth day of June, one thousand nine hundred and thirty-seven (P. L. 2051), entitled "An act relating to public assistance; providing for and regulating assistance to certain classes of persons designated and defined as dependent children, aged persons, blind persons and other persons requiring relief; providing for the administration of this act by the Department of Public Assistance and county boards of assistance hereby created for this purpose; authorizing the Department of Public Assistance to cooperate with, and to accept and disburse moneys received from, the United States Government for assistance to such persons; providing for the liquidation of the State Emergency Relief Board, Boards of Trustees of the Mothers' Assistance Fund, and Boards of Trustees of Pension Fund for the Blind; and repealing laws relating to mothers' assistance, pensions for the blind, old age assistance, and the State Emergency Relief Board;" providing for separate administration, by county boards of assistance, of certain types of public assistance, designated "general assistance and pensions"; regulating the employment and dismissal of employes therefor; authorizing the employment and dismissal of an executive director of general assistance and pensions; changing the system of allocation of funds by the Department of Public Assistance; changing the powers and duties of county boards; authorizing appointment of sub-committees for certain purposes; providing for immediate return to assistance rolls of persons accepting temporary employment; authorizing appointment of labor review boards to pass on eligibility for assistance of persons refusing offered employment; regulating the granting of assistance to aliens, and the use of credit agencies; changing the maximum property allowances for pensions to blind persons, and the qualifications for general assistance; and changing penal provisions.

Referred to the Committee on Welfare.

By Mr. O'DARE.

HOUSE BILL No. 868.

An Act to repeal the act, approved the second day of July, one thousand nine hundred and thirty-seven (P. L. 2778), entitled "An act providing that all appointments made by the county commissioners in counties of the first class shall be divided between the majority and minority commissioners."

Referred to the Committee on Cities—First Class.

By Mr. TAYLOR.

HOUSE BILL No. 869.

An Act providing that every county, city, borough, town and township shall, upon application, furnish meeting rooms for war veterans and sons of veterans' organizations.

Referred to the Committee on Municipal Corporations.

By Messrs. HABBYSKAW and WOODSIDE.

HOUSE BILL No. 870.

An Act to further amend the act, approved the twenty-seventh day of June, one thousand nine hundred and twenty-three (P. L. 858), entitled "An act establishing a State employees' retirement system, and creating a retirement board for the administration thereof; establishing certain funds from contributions by the Commonwealth and contributing State employees; defining the uses and purposes thereof and the manner of payments therefrom, and providing for the guaranty by the Commonwealth of certain said funds; imposing powers and duties upon the heads of departments in which State employees serve; excepting annuities, allowances, returns, benefits, and rights from taxation and judicial process; and providing penalties," further defining State employees and original members; and making further exception to compulsory membership in the system.

Referred to the Committee on State Government.

By Mr. McCLESTER.

HOUSE BILL No. 871.

An Act to amend section four of the act, approved the twenty-second day of June, one thousand nine hundred and thirty-one (P. L. 720), entitled "An act providing for the taking over by the Commonwealth, under certain terms, conditions and limitations, of certain streets in cities of the second class, second class A, and third class as State highways, and for the improvement, construction, reconstruction, resurfacing and maintenance by the Commonwealth of certain defined widths of said streets; imposing duties on such cities and on public utility companies using such streets; providing that no assessment shall be made upon the Commonwealth in the elimination of any grade crossing thereon; authorizing cities, persons, associations, or corporations to enter into agreements with the Commonwealth to bear a portion of the cost of construction or maintenance; providing for the assessment of certain portions of the cost of street improvements on abutting property owners; regulating the replacement of certain facilities of public utility companies; prohibiting the opening of said streets after improvements without a permit, and providing penalty therefor; regulating the maintenance of detours; authorizing the increase of city, indebtedness in certain cases; and appropriating money in the Motor License Fund for the purposes of this act," requiring the Department of Highways to take over bridges and viaducts on State Highways in cities of the third class.

Referred to the Committee on Highways.

By Mr. REAGAN.

HOUSE BILL No. 872.

An Act to amend section seven of the act, approved the twenty-fifth day of July, one thousand nine hundred and thirteen (P. L. 1319), entitled "An act to establish a State village for feeble-minded women; providing for the appointment of a board of managers to select a tract of land for that purpose in the State forest reserve, and to erect and furnish buildings on the same, and to manage said institution; and providing for the commitment thereto of feeble-minded females between the ages of sixteen and forty-five years; defining the powers and duties of the board of managers; and making an appropriation for the purposes aforesaid, also for the expenses of maintenance until June one, one thousand nine hundred and fifteen," changing the qualifications of the superintendent of said State village.

Referred to the Committee on State Government.

By Mr. CHRISTLER.

HOUSE BILL No. 873.

An Act to further amend section two hundred and one of the act, approved the fifteenth day of May one thousand nine hundred and thirty-three (P. L. 565), entitled "An act relating to the powers and duties of the Department of Banking and the Secretary of Banking in exercising supervision over, and taking possession of and conducting or liquidating the business and property of, corporations, associations, and persons receiving deposits or otherwise transacting a banking business, corporations acting as fiduciaries, and building and loan associations; providing for the payment of the expenses of the Department of Banking by supervised corporations, associations, or persons, and appropriating the Banking Department Fund; authorizing the Department of Banking, under certain circumstances, to examine corporations, associations, or persons affiliated, or having business transactions with supervised corporations, associations or persons; authorizing appeals to the Supreme Court, and prescribing and limiting the powers and duties of certain other courts and their prothonotaries, registers of wills, recorders of deeds, and certain State departments, commissions, and officers; authorizing certain local public officers and State departments to collect fees for services rendered under this act; providing penalties; and repealing certain acts and parts of acts," excepting certain corporations and persons from supervision of the Department of Banking.

Referred to the Committee on Banking.

By Mr. CHRISTLER.

HOUSE BILL No. 874.

An Act to further amend clause A of section one thousand five hundred and six of the act, approved the fifteenth day of May, one thousand nine hundred and thirty-three (P. L. 624), entitled "An act relating to the business of banking, and to the exercise of fiduciary powers by corporations; providing for the organization of corporations with fiduciary powers, and of banking corporations, with or without fiduciary powers, including the conversion of National banks into State banks, and for the licensing of private bankers; defining the rights, powers, duties, liabilities, and immunities of such corporations, of existent corporations authorized to engage in a banking business, with or without fiduciary powers, of private bankers, and of the officers, directors, trustees, shareholders, attorneys, and other employees of all such corporations or private bankers, or of affiliated corporations, associations, or persons; restricting the exercise of banking powers by any other corporation, association, or person, and of fiduciary powers by any other corporation, conferring powers and imposing duties upon the courts, prothonotaries, recorders of deeds, and certain State departments, commissions, and officers; imposing penalties; and repealing certain acts and parts of acts," permitting certain corporations to perform certain fiduciary functions.

Referred to the Committee on Banking.

By Messrs. CHRISTLER and BOORSE.

HOUSE BILL No. 875.

An Act to amend sections three and five of the act approved the second day of June, one thousand nine hundred and thirty-seven (P. L. 1206), entitled "An act relating to memorial halls in counties of the second class, erected in memory of the soldiers, sailors and marines who served in the Civil War; and providing for the use, upkeep, and management and control of such halls," by extending the personnel of the elective board to include Sons of Union Veterans of the Civil War.

Referred to the Committee on Cities—Second Class

By Mr. PEACOCK.

HOUSE BILL No. 876.

An Act to fix the salary of the prothonotary in counties of the fourth class.

Referred to the Committee on Counties.

By Mr. CURRAN.

HOUSE BILL No. 877.

An Act making an appropriation to Pennsylvania Military College, Chester, Pennsylvania, for the military training and education of students.

Referred to the Committee on Appropriations.

By Mr. JACOB L. MOSER.

HOUSE BILL No. 878.

An Act to further amend paragraph four of section one and to add new sections two, three, and four of the act, approved the fifteenth day of June, one thousand nine hundred eleven (Pamphlet Laws, nine hundred seventy-five), entitled "An act providing for the registration of bottles, boxes, siphons, siphon-heads, tins, kegs, cans, soda-fountains, cylinders of carbonic acid gas, or other containers; and forbidding the refilling of, or dealing or trafficking in, such registered bottles, boxes, siphons, siphon-heads, tins, cans, kegs, soda-fountains, cylinders of carbonic acid gas, or other containers, by persons other than the owners thereof, without the written consent of the owner, and imposing a penalty therefor; providing for the issuing of process in the nature of search warrant; providing what shall be prima facie proof thereof; and providing that the delivery of said bottles, boxes, siphons, siphon-heads, tins, cans, kegs, soda-fountains, cylinders of carbonic acid gas, or other containers, shall not constitute a sale thereof;" by providing for imprisonment for violations; by providing injunctive relief, and including a severability clause.

Referred to the Committee on Public Health and Sanitation.

By Mr. CHRISTLER.

HOUSE BILL No. 879.

An Act requiring political subdivisions to refund taxes and license fees erroneously and inadvertently paid there-to, and giving a right of action against such political subdivisions for the recovery of such taxes and fees upon their failure to make such refunds, making the provisions of the act retroactive, and repealing existing laws.

Referred to the Committee on Municipal Corporations.

By Mr. HAUDENSHIELD.

HOUSE BILL No. 880.

An Act providing for the inspection of any book, paper, map, chart, plan, record or document of this Commonwealth by any taxpayer thereof; and providing for the enforcement of this right by the Court of Common Pleas of Dauphin County.

Referred to the Committee on State Government.

By Mr. NORMAN WOOD.

HOUSE BILL No. 881.

An Act making an appropriation to the Local Government Commission to continue its work.

Referred to the Committee on Appropriations.

By Mr. KANE. (By request).

HOUSE BILL No. 882.

An Act to amend Section 40 of the act, approved the seventh day of June, one thousand nine hundred seventeen (Pamphlet Laws four hundred forty-seven), entitled "An act relating to the administration and distribution of the estates of decedents and of minors, and of trust estates; including the appointment, bonds, rights, powers, duties, liabilities, accounts, discharge and removal of executors, administrators, guardians, and trustees, herein designated as fiduciaries; the administration and distribution of the estates of presumed decedents; widow's and children's exemptions; debts of decedents, rents of real estate as assets for payment thereof, the lien thereof, sales and mortgages of real estate for the payment thereof, judgments and executions therefor, and the discharge of real estate from the lien therefor; contracts of decedents for the sale or purchase of real estate; legacies, including legacies charged on land; the discharge of residuary estates and of real estate from the lien of legacies and other

charges; and appraisement of real estate devised at a valuation; the ascertainment of the curtilage of dwelling houses or other buildings devised; the abatement and survival of actions, and the substitution of executors and administrators therein, and suits against fiduciaries; investments by fiduciaries; the organization of corporations to carry on the business of decedents; the audit and review of accounts of fiduciaries; refunding bonds; transcripts to the courts of common pleas of balances due by fiduciaries; the rights, powers and liabilities of nonresident and foreign fiduciaries; the appointment bonds, rights, powers, duties, and liabilities of trustees durante absentia; the recording and registration of decrees, reports and other proceedings, and the fees therefor; appeals in certain cases; and, also, generally dealing with the jurisdiction, powers, and procedure of the orphans' court in all matters relating to fiduciaries concerned with the estates of decedents," by making further provision for the procedure relative to the disposition of petitions of fiduciaries for authority to compromise, and settle claims, or to settle disputes concerning the validity or construction of wills, or distribution of estates.

Referred to the Committee on Judiciary General.

By Mr. BONEY.

HOUSE BILL No. 883.

An Act making an appropriation to aid certain school districts.

Referred to the Committee on Appropriations.

By Mr. FURMAN.

HOUSE BILL No. 884.

An Act to amend and reenact the title and the act approved the second day of July, one thousand nine hundred and thirty-seven, (P. L. 2787), entitled "An act regulating the mining of bituminous coal in counties of the second class; prescribing duties for county commissioners; and imposing penalties," by extending the provisions thereof to all counties and to prevent the caving in of overlying veins of coal, the ownership of which is vested in others.

Referred to the Committee on Mines and Mining.

By Mr. WOODSIDE.

HOUSE BILL No. 885.

An Act transferring money from the Motor License Fund to the General Fund and providing for the subsequent return from the General Fund of the Transferred money.

Referred to the Committee on Appropriations.

By Mr. WOODSIDE.

HOUSE BILL No. 886.

An Act making a deficiency appropriation to the Department of Public Assistance for the purpose of carrying out the Public Assistance Law, for the two fiscal years ending May thirty-first, one thousand nine hundred thirty-nine.

Referred to the Committee on Appropriations.

By Mr. ALSPACH.

HOUSE BILL No. 887.

An Act to amend section twenty of the act approved the seventh day of June, one thousand nine hundred and fifteen (P. L. 900), entitled "An act to provide for the immediate registration of all births and deaths throughout the Commonwealth of Pennsylvania by means of certificates of births and deaths and burial or removal permits; requiring prompt return to the Central Bureau of Vital Statistics as required to be established by the State Department of Health; and, in order to secure prompt and faithful registration of births, marriages, deaths, and diseases, of practitioners of medicine and surgery, of midwives, nurses, and undertakers, and of all persons whose occupation is deemed to be of importance in obtaining complete registration of births, deaths, marriages, and diseases throughout the State, as provided in section ten of an act, entitled 'An act creating the Department of Health and defining its powers and duties; approved the twenty-seventh day of April, nineteen hundred and five, and providing penalties for violation of this act' as amended by providing for the pay-

ment of all fees to local registrars of vital statistics of the Commonwealth.

Referred to the Committee on State Government.

By Mr. DAVID P. REESE. HOUSE BILL No. 888.

An Act to amend section three hundred and sixty-three of the act approved the second day of May, one thousand nine hundred and twenty-nine, (P. L. 1278), entitled "An act relating to counties of the second, third, fourth, fifth, sixth, seventh and eighth classes; and revising, amending, and consolidating the laws relating thereto," as amended; limiting the number of days for the completion of county audits.

Referred to the Committee on Counties.

By Mr. BRUNNER. (By Request). HOUSE BILL No. 889.

An Act to amend section one thousand and forty-seven of the act approved the fourth day of May, one thousand nine hundred and twenty-seven, (P. L. 519), entitled "An act concerning boroughs, and revising, amending, and consolidating the law relating to boroughs," as amended; limiting the number of days for the completion of borough audits.

Referred to the Committee on Boroughs.

By Mr. JAMES. (By Request). HOUSE BILL No. 890.

An Act to amend section one thousand and one of the act approved the twenty-fourth day of June, one thousand nine hundred and thirty-one, (P. L. 1206), entitled "An act concerning townships of the first class; amending, revising, consolidating, and changing the law relating thereto," limiting the number of days for the completion of audits in townships of the first class.

Referred to the Committee on Townships.

By Mr. BREThERICK. HOUSE BILL No. 891.

An Act providing for the reimbursement by the Commonwealth of counties for costs and the maintenance of prisoners incurred as the result of prosecutions under laws providing that fines and penalties imposed under such laws or forfeited bail recovered as the result of such prosecutions shall be payable into the State Treasury or any fund thereof; providing for the audit of the accounts of counties by the Auditor General, and for the collection of amounts due from counties and for appeals by counties to the Board of Finance and Revenue; and imposing powers and duties on the Auditor General and the Department of Revenue and certain duties upon counties; and repealing inconsistent acts.

Referred to the Committee on State Government.

By Mr. DAVID P. REESE. HOUSE BILL No. 892.

An Act to amend section one hundred thirty-six as amended, and section one hundred thirty-seven, of the act, approved the second day of May, one thousand nine hundred and twenty-nine (P. L. 1278), entitled "An act relating to counties of the second, third, fourth, fifth, sixth, seventh and eighth classes; and revising, amending and consolidating the laws relating thereto," providing for the establishment of the office of controller in certain counties and for the abolition of the office of county auditor; and for the audit of accounts of the county and its officers for the preceding year in certain cases.

Referred to the Committee on Counties.

By Mr. DAVID P. REESE. HOUSE BILL No. 893.

An Act fixing the salary of the controller in counties of the seventh and eighth classes; and providing for a salary board to fix the number and salary or compensation of any deputies and clerks to assist the controller.

Referred to the Committee on Counties.

By Mr. BRONSON.

HOUSE BILL No. 894.

A Joint Resolution proposing an amendment to article fourteen of the Constitution of the Commonwealth of Pennsylvania.

Referred to the Committee on Constitutional Amendments.

By Mr. DAVID P. REESE. HOUSE BILL No. 895.

An Act to amend section 402 of the act approved the twenty-second day of May, one thousand nine hundred thirty-three (Pamphlet Laws 853) entitled, "An act relating to taxation; designating the subjects, property and persons subject to and exempt from taxation for all local purposes; providing for and regulating the assessment and valuation of persons, property and subjects of taxation for county purposes, and for the use of those municipal and quasi-municipal corporations which levy their taxes on county assessments and valuations; amending, revising and consolidating the law relating thereto; and repealing existing laws," providing a method for the valuation of real property for taxation purposes.

Referred to the Committee on Counties.

By Mr. WEBSTER. HOUSE BILL No. 896.

An Act to amend section 2504 of the act approved June twenty-third one thousand nine hundred thirty-one (Pamphlet Laws 932) entitled, "An act relating to cities of the third class; and amending, revising, and consolidating the law relating thereto," providing a method for the valuation of real property for taxation purposes.

Referred to the Committee on Cities—Third Class.

By Mr. LEISEY. HOUSE BILL No. 897.

A Joint Resolution proposing an amendment to section one, article eight of the Constitution of the Commonwealth of Pennsylvania.

Referred to the Committee on Constitutional Amendments.

By Mr. SOLLENBERGER. HOUSE BILL No. 898.

A Joint Resolution proposing an amendment to article nine, section fifteen, of the Constitution of the Commonwealth of Pennsylvania.

Referred to the Committee on Constitutional Amendments.

By Mr. GATES. HOUSE BILL No. 899.

An Act to amend section 571 of the act approved May first, one thousand nine hundred thirty-three (Pamphlet Laws 103) entitled, "An act concerning townships of the second class; and amending, revising, consolidating, and changing the law relating thereto," as amended, by changing the conditions of the tax collectors bond, fixing the time when the same shall be entered into and providing that the bond shall cover the collection of township, county and school, institution and poor district taxes.

Referred to the Committee on Townships.

By Mr. WEBSTER. HOUSE BILL No. 900.

An Act to amend sections one thousand four hundred two, two thousand five hundred fifty-six, and two thousand five hundred fifty-nine, and to repeal section two thousand five hundred fifty-three of the act approved the twenty-third day of June, one thousand nine hundred and thirty-one (Pamphlet Laws 932), entitled, "An act relating to cities of the third class; and amending revising and consolidating the law relating thereto," as amended, clarifying the conditions of the bond of the

city treasurer; providing for the determination of certain expenses in connection with the collection of taxes for the city, county, institution district, school and poor district; providing for delinquent tax collectors for the collection of taxes; and repealing a certain inconsistent section.

Referred to the Committee on Cities—Third Class.

By Mr. WILKINSON. HOUSE BILL No. 901.

An Act relating to financial affairs of taxing units as herein defined and certain school districts, changing the fiscal years of such taxing units; regulating the making and reporting of budgets, financial statements and the audits of accounts; providing for tax levies and discounts from and penalties and interest on taxes and the settlement of tax accounts; and providing for a special fiscal period in order to effectuate a change of fiscal years in said taxing units.

Referred to the Committee on Municipal Corporations.

By Mr. WATKINS. HOUSE BILL No. 902.

An Act to amend and re-enact section 801 of the act of June twenty-fourth, one thousand nine hundred thirty-one, (Pamphlet Laws 1206) entitled, "An act concerning townships of the first class; amending, revising, consolidating and changing the law relating thereto," as amended, specifying and changing the conditions of the bond of the treasurer as treasurer and as tax collector for the township, county, school district, poor and institution district.

Referred to the Committee on Municipal Corporations.

By Mr. HABBYSBAY. HOUSE BILL No. 903.

An Act relating to the borrowing of money by certain municipal and quasi-municipal corporations; providing the manner of issuance, sale, and redemption of bonds and notes; creating the Municipal Funding Commission in the Department of Internal Affairs; imposing certain powers and duties upon the Municipal Funding Commission and the officers of certain municipal and quasi-municipal corporations; regulating the manner of funding and refunding obligations of certain municipal and quasi-municipal corporations; and, amending, revising, consolidating, and changing the law relating thereto.

Referred to the Committee on State Government.

RESOLUTIONS INTRODUCED AND REFERRED

By Mr. FISS. RESOLUTION No. 60.

In the House of Representatives, March 29, 1939.

Whereas, the fourth class school districts of the Commonwealth are in great need of financial aid; and

Whereas, questionnaires have lately been sent out by State Camps of the Patriotic Order of the Sons of America to the teachers in fourth class school districts of Pennsylvania, to which questionnaires, more than 20,000 replies have been received; and

Whereas, these replies indicate that 96% of the teachers in fourth class school districts work for very low wages, 15% for from \$700.00 to \$800.00 per year, and 75% for from \$800.00 to \$1,000.00 per year; and

Whereas, such compensation is totally insufficient to enable them to support themselves and their families and to keep up with the educational standards required in their profession; and

Whereas, the fourth class school districts of the Commonwealth are unable to provide proper equipment, many buildings are badly in need of repairs and new buildings are necessary; and

Whereas, the tax abatement laws and failures of large corporations in these districts have contributed to the financial condition thereof; therefore be it

Resolved, that the House of Representatives of the General Assembly of the Commonwealth of Pennsylvania be-

lieves and feels that the Commonwealth should give additional financial aid to these financially handicapped school districts of the fourth class in order that better equipment and buildings would be provided for the students, and that the teachers employed therein may be better able to support their families and keep up with the educational standards required in their profession.

Referred to the Committee on Appropriations.

By Mr. TRONZO. Concurrent RESOLUTION No. 61.

In the House of Representatives, March 29, 1939.

Whereas, state, county and municipal employes are excluded from the benefits of existing federal social security and labor legislation, and,

Whereas, these employes need the benefits of such legislation and have frequently expressed the desire to secure such benefits.

Therefore, be it resolved that the Pennsylvania Legislature hereby requests the Congress of the United States to take the necessary steps to include state, county and municipal employes under the Social Security Act and other social and labor legislation.

Referred to the Committee on Federal Relations.

By Mr. CHECK. RESOLUTION No. 62.

In the House of Representatives, March 29, 1939.

Whereas, The Public Assistance Law governing the operations of the Department of Public Assistance of the Commonwealth requires needy aged persons to sign their property over to the Commonwealth before they can receive old age assistance; and

Whereas, Such a law is unjust, harmful and oppressive to the needy aged people of this Commonwealth by depriving them of their homes and other personal belongings for which they have worked all their lives; and

Whereas, Senate Bill No. 47, introduced by Senators Haluska and Dent would stop this unjust practice and prevent the Commonwealth from taking the home, personal furnishings and other personal property not exceeding \$300.00 from the needy aged people receiving old age assistance, or from their estate; therefore be it

Resolved, That we the Members of the House of Representatives of the General Assembly of the Commonwealth of Pennsylvania, hereby endorse and recommend the passage of Senate Bill No. 47, and pledge ourselves to work for the passage of the same for the benefit of the needy aged people of the State.

Referred to the Committee on Rules.

COMMUNICATION FROM THE GOVERNOR

The Secretary to the Governor being introduced, presented a communication in writing from His Excellency the Governor, which was read as follows:

APPROVAL OF HOUSE BILL No. 80.

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, March 30, 1939.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed House Bill No. 80, Printer's No. 27, entitled "An Act to amend sections one and two of the act approved the twenty-first day of June, one thousand nine hundred and thirty-seven (P. L. 1937), entitled 'An act authorizing the Supreme Court of Pennsylvania to prescribe rules of practice and procedure in civil actions at law and in equity in certain courts of this Commonwealth, to prescribe rules and regulations for the conduct of any general business, either civil or criminal, by judges of any court of record; authorizing the courts of common pleas to prescribe and adopt local rules, not inconsistent with such general rules of the Supreme Court of Pennsylvania; authorizing the Supreme Court of Pennsylvania to appoint a Procedural Rules Committee, and to fix and de-

fine its powers and duties; imposing duties on judges and other officers of every court of record,' by including the municipal court of Philadelphia."

ARTHUR H. JAMES.

COMMUNICATIONS

The SPEAKER laid before the House the following communications which were read by the Clerk.

TEACHER'S SALARIES

A resolution from the Silver-Creek-Schuylkill Valley Rotary Club petitioning General Assembly to appropriate sufficient funds to pay salaries of school teachers.

Referred to the Committee on Appropriations.

TEACHERS TENURE

A resolution from Chester Teachers' Association favoring present tenure bill without modification.

Referred to the Committee on Education.

EQUAL RIGHTS

Resolutions from citizens of Philadelphia favoring passage of House Bill No. 103.

A resolution from National Research Project Local No. 9, United Federal Workers of America, affiliated with CIO, Philadelphia, favoring passage of House Bill No. 103.

Referred to the Committee on Judiciary Special.

UNDERTAKERS' PRICE FIXING

A resolution from newspaper publishers' association of Montgomery and Bucks Counties protesting passage of House Bill No. 453.

Referred to the Committee on Professional Licensure.

PHILADELPHIA CITY CHARTER

Resolutions from:
American Association of Social Workers, Philadelphia Chapter.

Pennsylvania Economy League, Inc.

Social Studies Club of Philadelphia.

Women's Club of Logan, Philadelphia.

Altrusa Club of Philadelphia.

Chestnut Hill and Mt. Airy Business Mens' Association.

North Eighth Street Business Men's Association.

Pleasantville Business Association.

favoring legislation creating a new charter for Philadelphia.

Referred to the Committee on Cities—First Class.

REPORT FROM DEPARTMENT OF INTERNAL AFFAIRS

The SPEAKER laid before the House a report from the Department of Internal Affairs furnished pursuant to Resolution No. 29 of the Special Session of 1938, which was read by the Clerk.

BILL INTRODUCED

Mr. McKINNEY asked and obtained unanimous consent to introduce a bill bearing three sponsors.

The bill was filed with the Clerk.

ANNOUNCEMENT

The SPEAKER. The Chair desires to call to the attention of the members of the House the graphic summary of the survey of space occupied by all governmental departments in Harrisburg as of January 1, 1939, copies of

which were placed in the post office boxes of the members this afternoon.

The chair believes that this summary will prove of great interest to the members, and will be instructive in advising them as to the problems confronting the State in reference to office space for the Legislature.

LEGISLATIVE CORRESPONDENTS DINNER

The Clerk read the following announcement of the Legislative Correspondents Dinner.

SUBPOENA, YUKES TAKE'EM

Pennsylvania Legislative Correspondents Assn., SS-Boo Hoo, Pfui, Hi, Ho, Silver and a Hey Nonny Na.

Biennial Dinner of 1939:

To All Legislators, Politicians, Democrats, Lobbyists, Accusers, Accused, Lame Ducks, Candidates for Presidents, Candidates for Governor, Administration Advisors, Job-Holdovers, and Job-Hunters, Greetings:

We command you, and each of you, that you, and all of you, everyone of you, together and separately, be and appear in your proper or improper person before the Grand Inquest of 1939, self-appointed to hear, decide and kid all matters in variance between the parties, Republican and Democratic, wherein the Legislative Correspondents are plaintive plaintiffs and All Others are denying defendants; at the Penn-Harris Hotel, in Harrisburg, on the Twenty-sixth Day of April, A. D. 1939, at 6:30 o'clock P. M., then and there to give evidence of your ability to take it.

Heherof fail not, under penalty which may ensue.

(Witness and deposit \$5) (for each ticket) in the hand of any legislative correspondent the third day of April, A. D. 1939, or any day thereafter until the twenty-sixth of April, A. D. 1939, and omit not to bring this singular ticket with you, under penalty of not eating, drinking or laughing.

The SPEAKER. The announcement in substance means that the Legislative Correspondents have their annual dinner on April 26, and they desire to extract from the members of the House and any others the sum of \$5 per ticket. The Chair would say to the members of the House that they perhaps can quote the lines of Bobbie Burns,

"O would some power the giftie gie us,
Ta see ourselves as ithers see us."

This will be your opportunity.

LEAVES OF ABSENCE

Mr. McClester asked and obtained leave of absence for Mr. IMBRIE for the week on account of illness.

Mr. James asked and obtained leave of absence for Mr. BRETHERICK for tonight's session.

Mr. Melchiorre asked and obtained leave of absence for Mr. FALKENSTEIN for tonight's session on account of illness.

Mr. ALLMOND asked and obtained leave of absence for himself after tonight's session for the remainder of the week.

REPORT FROM COMMITTEES

Mr. SHEARER from the Committee on Agriculture reported as committed, House Bill No. 423, entitled:

An Act to amend section five (a) as added to, and section nine as amended, of the act, approved the seventeenth day of May, one thousand nine hundred and seventeen (P. L. 224), entitled "An act preventing the manufacture, sale, or transportation within the Commonwealth of adulterated or misbranded paris greens, lead arsenates, lime-sulphur compounds, and other insecticides and fungicides, and regulating traffic therein; providing for in-

spection of such materials, and imposing penalties;" by providing for the registration of insecticides and fungicides by manufacturers outside of the Commonwealth; and changing penalties.

Mr. FULLERTON from the Committee on Education reported as committed, House Bill No. 664, entitled:

An Act suspending the taking effect of certain laws with respect to transportation; reimbursement to school districts of the Commonwealth for tuition, transportation, vocational education and employment of certain employes.

Mr. YEAKEL from the Committee on Rules reported as committed House Resolution No. 57.

The SPEAKER. The Chair requests the gentleman from Monroe, Mr. Achterman, to occupy the Chair during the reading of the first reading bills.

MR. ACHTERMAN IN THE CHAIR

BILLS ON FIRST READING

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 484, entitled:

An Act requiring the Department of the Auditor General to examine and audit the dockets and accounts of justices of the peace, aldermen and magistrates and prohibiting any other department officer or agency of the State Government from so doing

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 514, entitled:

An Act abolishing the office of deputy constable prohibiting the appointment of deputy constables and terminating the terms of those now serving

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 598, entitled:

An Act authorizing the compromise of delinquent taxes on real property and the penalties interest and costs due thereon before a tax sale of such real property and providing the procedure in such case

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 276, entitled:

An Act to further amend sections four and twenty-two of the act, approved the twenty-seventh day of June, one thousand nine hundred twenty-three (Pamphlet Laws eight hundred fifty-eight), entitled "An act establishing a State employes' retirement system, and creating a retirement board for the administration thereof; establishing certain funds from contributions by the Commonwealth and contributing State employes, defining the uses and purposes thereof and the manner of payment therefrom, and providing for the guaranty by the Commonwealth of certain of said funds; imposing powers and duties upon the heads of departments in which State employes serve; excepting annuities, allowances, returns, benefits, and rights from taxation and judicial process; and providing

penalties," by transferring the State Employes' Retirement Board from the Treasury Department to the Department of State; and transferring certain appropriations.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 589, entitled:

An Act to further amend section three of the act, approved the thirty-first day of March, one thousand nine hundred and twenty-seven (Pamphlet Laws 91), entitled "An act relating to municipal indebtedness; imposing certain powers and duties upon the Department of Internal Affairs, and the officers of counties, cities of the third class, boroughs, towns, townships, school districts of the second, third, and fourth classes and poor districts, in connection with proceedings to incur and increase indebtedness; and the establishing and maintaining of sinking funds; fixing the maximum maturity of refunding bonds; and providing penalties" by providing that the fees imposed by this act shall not be applicable to the issuance of evidences of indebtedness by municipal housing authorities.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 304, entitled:

An Act to amend the act approved the second day of May, one thousand nine hundred and twenty-nine (P. L. 1278), entitled "An act relating to counties of the second, third, fourth, fifth, sixth, seventh and eighth classes; and revising, amending and consolidating the laws relating thereto," by adding thereto section fifty-seven and one-tenth; requiring county officers in counties of the sixth class to keep separate from their personal accounts all fees, costs and other moneys paid into their office, and to turn such moneys not paid to parties entitled thereto over to their successor.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 684, entitled:

An Act to further amend section ten of the act, approved the twenty-seventh day of June, one thousand nine hundred and twenty-three (P. L. 858), entitled "An act establishing a State employes' retirement system, and creating a retirement board for the administration thereof; establishing certain funds from contributions by the Commonwealth and contributing State employes, defining the uses and purposes thereof and the manner of payments therefrom, and providing for the guaranty by the Commonwealth of certain of said funds; imposing powers and duties upon the heads of departments in which State employes serve; excepting annuities, allowances, returns, benefits, and rights from taxation and judicial process; and providing penalties," by making further provision for credits on account of services rendered prior to the thirty-first day of December, one thousand nine hundred and twenty-three.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 300, entitled:

An Act to amend clause nineteen of section one thousand five hundred two of the act, approved the twenty-

fourth day of June, one thousand nine hundred and thirty-one (P. L. 1206), entitled "An act concerning townships of the first class; amending, revising, consolidating, and changing the law relating thereto," by making provision for adoption of standard building codes; and dispensing with the publishing of such codes in full.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 353, entitled:

A Joint Resolution proposing an amendment to article one of the Constitution of the Commonwealth of Pennsylvania by adding thereto section six A

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 498, entitled:

An Act to amend sections two and five of the act, approved the first day of July, one thousand nine hundred nineteen (P. L. 717), entitled "An Act fixing the number, compensation, mileage, and duties of the officers and employees of the General Assembly, and providing for their election or appointment, term of office, and manner of filling vacancies," further regulating the term of office of such officers and employees.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 470, entitled:

An Act to amend sections twenty-seven and twenty-eight of the act, approved the twenty-fifth day of May, one thousand nine hundred and thirty-seven (P. L. 849), entitled "An act to provide for the permanent personal registration of electors in cities of the third class as a condition of their right to vote at elections and primaries, and their enrollment as members of political parties as a further condition of their right to vote at primaries; prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors; and prescribing the powers and duties of citizens, parties, political bodies, registration commissions, commissioners, registrars, inspectors of registration and other appointees of registration commissions, county election boards, election officers, municipal officers, departments and bureaus, police officers, courts, judges, prothonotaries, sheriffs, county commissioners, peace officers, county treasurers, county controllers, registrars of vital statistics, certain public utility corporations, real estate brokers, rental agents, and boards of school directors; imposing penalties; and repealing existing legislation," by providing for the transfer of the registration of electors without personal appearance, upon change of residence from a borough, town or township to a city or the third class in the same county; and authorizing the registration commission to amend the registers for such boroughs, towns, townships and cities accordingly.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 698, entitled:

An Act to amend the act approved the sixteenth day of May, one thousand nine hundred and twenty-three (P. L. 207), entitled "An act providing when, how, upon what

property, and to what extent, liens shall be allowed for taxes and for municipal improvements, for the removal of nuisances, and for water rents or rates, sewer rates and lighting rates; for the procedure upon claims filed therefor; the methods for preserving such liens and enforcing payment of such claims; the effect of judicial sale of the properties liened; the distribution of the proceeds of such sales, and the redemption of the property therefrom, for the lien and collection of certain taxes heretofore assessed, and of claims for municipal improvements made and nuisances removed, within six months before the passage of this act; and for the procedure on tax and municipal claims filed under other and prior acts of Assembly," limiting the said act so that it shall not be effective in counties other than counties of the first and second classes as to the future filing of tax claims, removing the right to revive, extend or continue existing liens on tax claims in counties other than counties of the first and second classes, prescribing the time for selling property for the nonpayment of such claims and in certain cases extending existing liens.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

BILL RECOMMENDED

Mr. WOODSIDE. Mr. Speaker, I move that this bill be recommended to the Committee on Municipal Corporations for the purpose of further study and possible amendment.

The motion was agreed to.

BILLS ON FIRST READING

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 533, entitled:

An Act authorizing political subdivisions of counties of the seventh class to defray the costs of the premiums upon bonds to be filed by tax collectors

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 182, entitled:

An Act to amend section four hundred twenty-six of the act approved the second day of May, one thousand nine hundred twenty-nine (P. L. 1278), entitled "An act relating to counties of the second, third, fourth, fifth, sixth, seventh and eighth classes; and revising, amending and consolidating the laws relating thereto," as amended by extending the provisions as to headstones, markers or concrete bases for graves of service men to deceased Pennsylvania War Veterans in certain cases.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 254, entitled:

An Act to amend section one thousand two hundred seven of the act approved the third day of June, one thousand nine hundred and thirty-seven (P. L. 1333), entitled "An Act concerning elections, including general, municipal, special and primary elections, the nomination of candidates, primary and election expenses and election contests; creating and defining membership of county boards of elections; imposing duties upon the Secretary of the Commonwealth, courts, county boards of elections, county commissioners; imposing penalties for violation of the act, and codifying, revising and consolidating the

laws relating thereto; and repealing certain acts and parts of acts relating to elections," by providing for compensation for services rendered by constables and their deputies.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 256, entitled:

An Act to amend clause four of subsection (b) of section nine hundred thirteen of the act, approved the third day of June, one thousand nine hundred and thirty-seven (P. L. 1333), entitled "An Act concerning elections, including general, municipal, special and primary elections, the nomination of candidates, primary and election expenses and election contests; creating and defining membership of county boards of elections; imposing duties upon the Secretary of the Commonwealth, courts, county boards of elections, county commissioners; imposing penalties for violation of the act, and codifying, revising and consolidating the laws relating thereto; and repealing certain acts and parts of acts relating to elections," by changing the filing fee for certain nomination petitions.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 632, entitled:

An Act to amend section ten of the act, approved the thirteenth day of May, one thousand nine hundred and twenty-seven (P. L. 1011), entitled "A supplement to an act entitled 'An act for the government of cities of the second class,' approved the seventh day of March, Anno Domini one thousand nine hundred and one, creating a department of city planning; providing for its organization and powers; regulating the platting of ground; prohibiting the recording of plans and sales of lots therein before their approval, under penalties; making it a misdemeanor for the recorder of deeds to record an unapproved plan; restricting accepting, laying out, opening and improving private streets; prohibiting the erection of buildings on land not abutting on public streets or streets not shown on the official master plan or an approved plat; transferring to the department of city planning powers conferred by other statutes over plats or subdivisions of land, the reservation of locations of mapped streets for future use and authorizing the assessment of damages for same, the preparation and compilation of an official street map; providing penalties for the violation of this act; and repealing certain statutes," further defining the powers of the planning commission in cities of the second class.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 624, entitled:

An Act to amend section nine of the act, approved the first day of July, one thousand nine hundred and nineteen (P. L. 717), entitled "An act fixing the number, compensation, mileage, and duties of the officers and employees of the General Assembly, and providing for their election or appointment, term of office, and manner of filling vacancies," by providing that compensation payable under this act shall be paid semi-monthly.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 394, entitled:

An Act to further amend section one of the act, approved the seventh day of June, one thousand nine hundred and one (P. L. 493), entitled "An act providing for the examination, licensure, and registration of persons, firms or corporations engaged or engaging in the business or work of plumbing or house drainage, and prescribing certain rules, regulations, and requirements for the construction of plumbing, house drainage, and cesspools in cities of the second class; and imposing fines, penalties, and forfeitures for violation thereof," by extending the provisions of said act to cities of the second class A.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 436, entitled:

An Act relating to, and providing for, the promotion and development of business, industry and commerce in the Commonwealth; conferring powers and duties upon the Department of Commerce and other agencies of the Commonwealth; abolishing the Pennsylvania State Publicity Commission, terminating the terms of its members and conferring its powers upon, and transferring and appropriating the balance of its current appropriation to, the Department of Commerce; and repealing certain laws.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 273, entitled:

An Act to repeal the act, approved the twenty-fifth day of June, one thousand nine hundred and thirty-seven (P. L. 2116), entitled "An act declaring certain rights, grants, and privileges in the beds of navigable waters, within and on the boundaries of this Commonwealth, void; vesting power in the Department of Forests and Waters, the Water and Power Resources Board, and the Pennsylvania State Park and Harbor Commission to revoke and declare void such rights, grants, and privileges, and providing the procedure in such cases."

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 573, entitled:

An Act to amend section four hundred and forty-six of the act, approved the ninth day of April, one thousand nine hundred and twenty-nine (P. L. 177) entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments, boards, commissions, and officers thereof, including the boards of trustees of State Normal Schools, or Teachers Colleges; abolishing, creating, reorganizing or authorizing the reorganization of certain administrative departments, boards, and commissions; defining the powers and duties of the Governor and other executive and administrative officers, and of the several administrative departments, boards, commissions, and officers; fixing the salaries of the Governor, Lieutenant Governor, and certain other executive and administrative officers; providing for the appointment of certain administrative officers, and of all deputies and other assistants and employees in certain departments, boards, and commissions; and prescribing the manner in which the number and compensation of the deputies and all other

assistants and employes of certain departments, boards and commissions shall be determined," authorizing the members of the Board of Commissioners of Public Grounds and Buildings to act on said board through deputies.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 681, entitled:

An Act providing for the licensing and regulation of tourist camps both privately and municipally owned, by the Department of Health, and prescribing its powers and duties; fixing fees for such licenses, giving the owners of such camps liens in certain cases upon the property of his guests; and providing penalties.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 268, entitled:

An Act to add section six hundred and two and one-tenth to article six of the act approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith," further regulating the sale of unused and unnecessary land and buildings by boards of school directors.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 668, (Senate Bill No. 13), entitled:

An Act regulating the issuance of marriage licenses prohibiting the issuance thereof to persons infected with syphilis in certain stages requiring each applicant to produce certain evidence of freedom from such disease imposing duties upon the Department of Health and the clerk of the orphans' court of the various counties and imposing penalties.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 667, (Senate Bill No. 12), entitled:

An Act for the prevention of congenital syphilis providing for and regulating the taking of serological tests of women pregnant with child and requiring notation thereof on the birth and still-birth certificates of their children imposing duties upon the Department of Health and upon physicians and other persons attending women pregnant with child.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 605, entitled:

An Act to amend sections 904, 905, 1006, 1125, 1200, LIII, 1309 and 1314 of the Act approved the fourth day of May, one thousand nine hundred twenty seven (P. L. 519), entitled "An act concerning boroughs," as amended by further regulating the affairs of boroughs and revising, amending, and changing the law relating thereto.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 437, entitled:

An Act to amend the act, approved the ninth day of April, one thousand nine hundred twenty-nine (Pamphlet Laws, one hundred seventy-seven) entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments, boards, commissions, and officers thereof including the boards of trustees of State Normal School or Teachers Colleges; abolishing, creating, reorganizing or authorizing the reorganization of certain administrative departments, boards, and commissions; defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments, boards, commissions, and officers; fixing the salaries of the Governor, Lieutenant Governor and certain other executive and administrative officers; providing for the appointment of certain administrative officers, and of all deputies and other assistants and employes in certain departments, boards, and commissions; and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments, boards and commissions shall be determined," as amended, by establishing a Department of Commerce and defining its powers and duties; placing the State Planning Board within the department as a departmental administrative board, making certain changes in its membership and defining its powers and duties; making available to the department for the use of the board and the current appropriation to the board; and repealing inconsistent acts or parts of acts.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 217, entitled:

An Act to amend section five hundred and twelve of the act approved the first day of May one thousand nine hundred and thirty-three (Pamphlet Laws 103) entitled "An act concerning townships of the second class and amending, revising, consolidating, and changing the law relating thereto," by providing that township supervisors shall meet upon the call of the chairman.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

THE SPEAKER (Ellwood J. Turner) IN THE CHAIR

THE SPEAKER. The Chair thanks the gentleman from Monroe, Mr. Achterman.

BILL ON SECOND READING

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 555, as follows:

An Act authorizing the abatement of certain tax penalties interest and costs on county city (except city of the first class) borough town township school district (except school district of the first class) and poor district taxes prohibiting the sale of real property for the nonpayment of any such taxes for a certain period and preserving certain tax liens and providing for the extension thereof.

The first section was read as follows:

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 All unpaid penalties and interest imposed on paid or unpaid delinquent county city (except city of the first class) borough town township school district (except school district of the first class) and poor district taxes for the tax year one thousand nine hundred and thirty-four and all previous years and all penalties imposed on such taxes for the tax year one thousand nine hundred and thirty-five one thousand nine hundred and thirty-six and one thousand nine hundred and thirty-seven assessed and levied against any parcel or parcels of real estate and on paid or unpaid delinquent poll taxes levied for any of such years may be abated by the authority levying the tax if the unpaid delinquent taxes are paid as hereinafter provided This section shall not be construed to authorize the abatement of the interest accrued on the taxes for the years of one thousand nine hundred and thirty-five one thousand nine hundred and thirty-six and one thousand nine hundred and thirty-seven but no further interest shall be imposed on such taxes after the payment of the first installment as hereafter provided so long as the taxpayer complies with the provisions of this act

In order to receive the benefits of the installment system of payment authorized by this act twenty per centum of the delinquent taxes due for the tax year one thousand nine hundred and thirty-seven and all previous years and of the accrued interest due on the one thousand nine hundred and thirty-five one thousand nine hundred and thirty-six and one thousand nine hundred and thirty-seven taxes shall be paid on or before the first day of August one thousand nine hundred and thirty-nine twenty per centum on or before the first day of August one thousand nine hundred and forty-two and the final twenty per centum on or before the first day of August one thousand nine hundred and forty-three And provided That the respective taxes on such parcel or parcels of real estate levied for the year one thousand nine hundred and thirty-eight and all penalties and interest thereon shall be paid on or before the first day of August one thousand nine hundred and thirty-nine and all such taxes for the years subsequent to the year one thousand nine hundred and thirty-nine during such installment periods assessed and levied by such taxing authority shall be paid before they become delinquent For the Purposes of this act a tax shall be deemed to become delinquent on the date when a penalty attaches to the tax If and whenever any of the said current taxes or any of the said installments are not paid when due and payable as herein provided then and in that event there shall become due and payable for such year a sum equal to one-fifth of the total amount of the abated penalties and interest in addition to the other payments required to be paid under this act during that year which said additional sum shall be payable and must be paid at the time the next succeeding installment payment becomes due under this act If such additional sum is not so paid then the total amount of the abated penalties and interest less the aggregate of any such additional sum theretofore paid shall be revived and added to the unpaid taxes with the same force and effect as if such abated penalties and interest or portion thereof had never been abated and the taxpayer shall not thereafter be entitled to any further benefits or privileges under this act

On the question,
Will the House agree to the section?

BILL RECOMMENDED

Mr. ROSE. Mr. Speaker, I move that this bill be recommended to the Committee on Municipal Corporations for the purpose of further study and possible amendment.
The motion was agreed to.

BILLS ON SECOND READING

Agreeably to order,
The House proceeded to the second reading and consideration of House Bill No. 549, as follows:

An Act to amend section nine of the act approved the seventeenth day of May one thousand nine hundred and twenty-one (Pamphlet Laws 869) entitled "An act providing for the organization government discipline maintenance and regulation of the armed land forces of this Commonwealth" as amended by increasing clothing allowances and requiring a report by commanding officers
The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section nine of the act approved the seventeenth day of May one thousand nine hundred and twenty-one (Pamphlet Laws 869) entitled "An act providing for the organization government discipline maintenance and regulation of the armed land forces of this Commonwealth" as last amended by section three of the act approved the twenty-first day of April one thousand nine hundred and thirty-seven (Pamphlet Laws 332) is hereby further amended to read as follows

Section 9 [A] An equipment and clothing allowance for officers and warrant officers shall be made available as follows An initial allowance for [newly appointed] officers and warrant officers [of mounted troops] of two hundred dollars \$(200) when originally appointed [for newly appointed officers and warrant officers of dismounted troops one hundred fifty dollars (\$150)] No more than one initial allowance shall be granted to any officer or warrant officer [Provided however That] no additional allowance shall be made available to [such] officers receiving the initial allowance for a period of five years from the date of initial credit On completion of the initial five year period subsequent allowance shall be on the basis of one twenty-fourth (1/24) of eighty dollars (\$80) for each remaining month of the biennium during which the initial five year period expired For all other officers and warrant officers [of mounted troops] an allowance of eighty dollars (\$80) [and for officers and warrant officers of dismounted troops sixty dollars (\$60)] shall be made available every two years from the first day of June of odd numbered years The above allowances shall be established by the Adjutant General as a credit [in the office of the Adjutant General] to the account of each officer entitled and shall be [paid in the usual manner] approved for payment upon presentation of [bills] certified invoices Provided That these allowances shall not be made available [only] when commanding or inspecting officers report that officers or warrant officers are not completely equipped for field service

Section 2 This act shall become effective on the first day of June one thousand nine hundred and thirty-nine

And said bill having been read at length the second time and agreed to.
Ordered, To be transcribed for a third reading.

Agreeably to order,
The House proceeded to the second reading and consideration of House Bill No. 375, as follows:

An Act to amend paragraph (c) of section fifty-eight of the act approved the seventh day of June one thousand nine hundred seventeen (Pamphlet Laws 447) entitled as amended "An act relating to the administration and distribution of the estates of decedents and of minors and of trust estates including the appointment bonds rights powers duties liabilities accounts discharge and removal of executors administrators guardians and trustees herein designated as fiduciaries the administration and distribution of the estates of presumed decedents widow's and children's exemptions debts of decedents rents of real estate as assets for payment thereof the lien thereof sales and mortgages of real estate for the payment thereof judgments and executions therefor and the discharge of real estate from

the lien thereof contracts of decedents for the sale or purchase of real estate legacies including legacies charged on land the discharge of residuary estates and of real estate from the lien of legacies and other charges the appraisement of real estate devised at a valuation the ascertainment of the curtilage of dwelling houses or other buildings devised the abatement and survival of actions and the substitution of executors and administrators therein the survival of causes of action and suits thereupon by or against fiduciaries investments by fiduciaries the organization of corporations to carry on the business or decedents the audit and review of accounts of fiduciaries refunding bonds transcripts to the court of common pleas of balances due by fiduciaries the rights powers and liabilities of non-resident and foreign fiduciaries the appointment bonds rights powers duties and liabilities of trustees durante absentia the recording and registration of decrees reports and other proceedings and the fees therefor appeals in certain cases and also generally dealing with the jurisdiction powers and procedure of the orphans' court in all matters relating to fiduciaries concerned with the estates of decedents" as amended by permitting foreign fiduciaries representing the estates of decedents minors and legal incompetents to foreclose on mortgages to enter judgment on mortgage bonds to sell the property bound thereby to take title to property so sold and to resell such property

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Paragraph (c) of section fifty-eight of the act approved the seventh day of June one thousand nine hundred seventeen (Pamphlet Laws 447) entitled as amended "An act relating to the administration and distribution of the estates of decedents and of minors and of trust estates including the appointment bonds rights powers duties liabilities accounts discharge and removal of executors administrators guardians and trustees herein designated as fiduciaries the administration and distribution of the estates of presumed decedents widow's and children's exemptions debts of decedents rents of real estate as assets for payment thereof the lien thereof sales and mortgages of real estate for the payment thereof judgments and executions therefor and the discharge of real estate from the lien thereof contracts of decedents for the sale or purchase of real estate legacies including legacies charged on land the discharge of residuary estates and of real estate from the lien of legacies and other charges the appraisement of real estate devised at a valuation the ascertainment of the curtilage of dwelling houses or other buildings devised the abatement and survival of actions and the substitution of executors and administrators therein the survival of causes of action and suits thereupon by or against fiduciaries investments by fiduciaries the organization of corporations to carry on the business of decedents the audit and review of accounts of fiduciaries refunding bonds transcripts to the court of common pleas of balances due by fiduciaries the rights powers and liabilities of non-resident and foreign fiduciaries the appointment bonds rights powers duties and liabilities of trustees durante absentia the recording and registration of decrees reports and other proceedings and the fees therefor appeals in certain cases and also generally dealing with the jurisdiction powers and procedure of the orphans' court in all matters relating to fiduciaries concerned with the estates of decedents" as amended by the act approved the second day of July one thousand nine hundred thirty-seven (Pamphlet Laws 2758) is hereby further amended to read as follows

(c) It shall be lawful for any executor administrator trustee or other person duly authorized to take charge or possession of the personal estate of any decedent or for any guardian committee or other legal representative of the estate of a minor or legal incompetent acting under letters testamentary or of administration decree of court or other authority granted by or under the laws of any other State territory or possession of the United States of America or of any foreign country (1) to assign and transfer and to receive the dividends or interest of any public debt or loan of the Commonwealth of Pennsylvania or of any county city borough township or school

district thereof or any stocks or bonds of any corporation incorporated under the laws of this Commonwealth or the stock of any National bank standing in the name of or belonging to the decedent minor legal incompetent or cetui que trust or any mortgage debt or indenture of mortgage held by or belonging to the decedent minor legal incompetent or cetui que trust upon real estate situate within the Commonwealth (2) to enter or cause to be entered satisfaction upon the record of such indenture of mortgage [and] (3) to issue writs of scire facias or other process on such mortgages or to enter judgment on the accompanying bond sell under the terms of said instruments the property bound thereby take title to the property so sold and the same to resell as fully to all intents and purposes as though acting under authority conferred by the laws of this Commonwealth Provided That the name and address of a member of the bar of the county in which such real estate securing the mortgage is located shall be affixed upon all such writs processes and judgments so as to inform all parties of interest on whom service may be made in any further proceedings therein and (4) except as otherwise provided by this act to receive any moneys goods stocks bonds securities choses in action or property of any kind from or to remove the same from the possession custody or safekeeping of any debtor bailee custodian agent attorney pledgee trustee fiduciary or any other individual association partnership or corporation who shall owe or shall in any manner hold the same in the name or for the use benefit account or convenience of any such non-resident decedent or legal incompetent and for this purpose any such foreign executor administrator trustee guardian committee or other person duly authorized to take charge of the personal estate of any such non-resident decedent or legal incompetent shall have full power and authority to withdraw the same from and to have access to the same in any place of deposit safekeeping safe deposit or otherwise and to receive and remove the same out of this Commonwealth Provided That before any such executor administrator trustee guardian committee or other legal representative shall assign or transfer any such loans moneys goods stocks bonds securities choses in action mortgages or property of any kind or receive any interest or dividends thereon or enter satisfaction of or foreclose any such mortgage or receive withdraw have access to or remove any moneys goods stocks bonds securities choses in action mortgages or property of any kind from the possession custody or safekeeping of any such debtor bailee custodian agent attorney pledgee trustee or any other individual association partnership or corporation owing or in any other manner holding the same in the name or for the use benefit account or convenience of such non-resident decedent or legal incompetent he shall file with the register of wills for the county in which is located the office for the transfer of such loans stocks or bonds or in the case of a mortgage of the county where the mortgaged real estate may be situated or in the case of a debt chose in action bailment custodian agreement agency account attorney account pledge or the holding or safekeeping of property in any other manner for the benefit of such non-resident decedent or legal incompetent of the county where the debtor bailee custodian agent attorney pledgee or holder shall have his or its principal residence or place of business an affidavit stating that the said decedent minor or legal incompetent is not indebted to any person in this Commonwealth and that the proposed transfer assignment receipt entry of satisfaction foreclosure withdrawal or removal is not made for the purpose of removing such property beyond the reach of any creditor or creditors in this Commonwealth and any such transfer assignment receipt entry of satisfaction foreclosure withdrawal or removal without first making and filing such affidavit shall be void

Upon demand of any individual partnership association or corporation charged with the payment of any interest or dividend to or owing any money on or owning any real estate subject to any mortgage bond note debt account or indenture to any such non-resident decedent or minor or legal incompetent or holding any loans moneys goods stocks bonds securities choses in action mortgages or property of any kind for the use benefit account con-

venience or safekeeping of or renting safe deposit space to any such non-resident decedent or legal incompetent the executor administrator trustee guardian committee or other legal representative before assigning [or] transferring satisfying or foreclosing any such loans moneys goods stocks bonds securities choses in action mortgages or property of any kind or before receiving any interest or dividends thereon or before receiving withdrawing or removing any such loans moneys goods stocks bonds securities choses in action mortgages or property of any kind or before having access to the place where the same are kept deposited or stored shall file in the office of said register of wills when such person is acting under letters or other authority granted by or under the laws of any other State territory or possession of the United States of America a copy of the will probate and letters issued thereon of such decree or of such other grant of authority duly authenticated in accordance with the acts of Congress or when such person is acting under letters or other authority granted by or under the laws of any foreign country a copy of such will probate and letters issued thereon of such decree or of such other grant of authority certified by the official custodian of such documents or records under his official seal if any to be a true and correct copy of the originals thereof in his possession or under his control together with the certificate of the presiding judge or the officer having jurisdiction or authority over such custodian that the attestation is in due form and by the proper officer

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 250, as follows:

An Act to amend clause one of section three of the act approved the eighteenth day of July one thousand nine hundred and seventeen (Pamphlet Laws 1043) entitled "An act establishing a public school employees' retirement system and creating a retirement board for the administration thereof establishing certain funds from contributions by the Commonwealth and contributing employees defining the uses and purposes thereof and the manner of payments therefrom and providing for the guaranty by the Commonwealth of certain of said funds imposing powers and duties upon boards having the employment of public school employees exempting annuities allowances returns benefits and rights from taxation and judicial process and providing penalties" as amended by further extending the time for present employees as defined in the act to elect to be covered by the retirement system

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Clause one of section three of the act approved the eighteenth day of July one thousand nine hundred and seventeen (Pamphlet Laws 1043) entitled "An act establishing a public school employees' retirement system and creating a retirement board for the administration thereof establishing certain funds from contributions by the Commonwealth and contributing employees defining the uses and purposes thereof and the manner of payments therefrom and providing for the guaranty by the Commonwealth of certain of said funds imposing powers and duties upon boards having the employment of public school employees exempting annuities allowances returns benefits and rights from taxation and judicial process and providing penalties" as last amended by the act approved the seventh day of June one thousand nine hundred and thirty-five (Pamphlet Laws 282) is hereby further amended to read as follows

1 All present employees including employees in the Pennsylvania Institution for the Instruction of the Blind Overbrook Philadelphia Pennsylvania the Western Pennsylvania Institution for the Blind Pittsburgh Pennsylvania the Pennsylvania Institution for the Deaf and Dumb Mount Airy Philadelphia Pennsylvania and the Western Pennsylvania Institution for the Instruction of the Deaf and

Dumb Wilkinsburg Pennsylvania except those specifically excluded by paragraph three of this section who by written application to the Superintendent of Public Instruction shall elect before the first day of July nineteen hundred and [thirty-seven] forty to be covered by the retirement system Provided That such employe shall at the time of making such application pay into the School Retirement Fund to the credit of the employees' annuity savings account as provided for in paragraph number six of section eight of this act an amount equal to what would have been at that date the contributions from the salary of such employe had the election to be covered by the retirement system been made prior to the first day of July nineteen hundred and nineteen

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 386, as follows:

An Act to amend section four hundred and ten of the act approved the eighteenth day of May one thousand nine hundred and eleven (Pamphlet Laws 309) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" as amended providing that boards of school directors may become members of the State School Directors Association and bear a proportionate part of the expenses of such association The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section four hundred and ten of the act approved the eighteenth day of May one thousand nine hundred and eleven (Pamphlet Laws 309) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" which was amended by the act approved the fourth day of May one thousand nine hundred and twenty-seven (Pamphlet Laws 684) is hereby further amended to read as follows

Section 410 The board of school directors of each district may appoint from among their number one delegate to any State convention or association of school directors held within the Commonwealth and may appoint the secretary of their respective board as a delegate to attend the annual State convention or association of secretaries of boards of school directors to be held at the same time and place as the State convention or association of school directors It shall be the duty of such delegates and such secretaries to attend the meetings of such convention or association and each delegate and secretary so attending shall be reimbursed for all necessary traveling and hotel expenses actually incurred Any such board may become a member of the State School Directors Association and may pay out of the school funds of the district any membership dues which may be assessed by the association at any State convention of school directors to defray the necessary expenses of maintaining the association and of holding the convention Such expenses shall be paid by the treasurer of the school district in the usual manner out of the school funds of the district upon the presentation of an itemized verified statement of such expenses

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 856, entitled:

An Act making a deficiency and emergency appropriation to aid certain school districts

The first section was read as follows:

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The sum of one million dollars (\$1,000,000) is hereby appropriated to the Department of Public Instruction for the purpose of aiding financially handicapped and distressed school districts in such sums and in such manner as the Superintendent of Public Instruction shall determine and for defraying the necessary cost for the administration thereof for the payment of deficiencies for the two fiscal years ending May thirty-first one thousand nine hundred and thirty-nine and for further payments during the succeeding fiscal biennium until the thirtieth day of June one thousand nine hundred and thirty-nine

On the question,

Will the House agree to the section?

Mr. SCHROPE. Mr. Speaker, I desire to offer the following amendment.

The SPEAKER. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend Sec. 1, page 1, line 1, by striking out the following: "one million dollars (\$1,000,000)" and insert in lieu thereof "two million five hundred thousand dollars (\$2,500,000)"

On the question,

Will the House agree to the amendment?

Mr. WOODSIDE. Mr. Speaker, I desire to interrogate the gentleman from Schuylkill, Mr. Schrope.

The SPEAKER. Will the gentleman from Schuylkill permit himself to be interrogated?

Mr. SCHROPE. I will, Mr. Speaker.

Mr. WOODSIDE. Mr. Speaker, I should like to ask the gentleman from Schuylkill whether he can inform me where we can obtain two and one-half million dollars in the present biennium to pay to distressed school districts?

Mr. SCHROPE. Mr. Speaker last week we were over to the budget secretary and he informed us that there was no money to be had. However, he misinformed us evidently, because this one million dollar bill comes out, and I feel if he misinformed us relative to the one million dollars, it is just as easy to get two and one-half million dollars.

Mr. WOODSIDE. Mr. Speaker, I believe all the members of this House hope that the thought expressed by Mr. Schrope, that two and one-half million dollars can be as easily obtained as one million, might be true. As a matter of fact, under the present condition of the fiscal affairs of this biennium, it is absolutely impossible to find two and one-half million dollars for distressed school districts.

I am sure all the members of this House appreciate the needs of many of the school districts, particularly the school districts in the county from which the gentlemen who introduced the amendment comes, but we are faced with the practical problem of obtaining the money. As far as the administration can find there is no money available to appropriate two and one-half million dollars, or anything in excess of one million dollars. It was only after considerable difficulty that it was found possible to find even this amount. I am sure that all the members

of this House are willing to do everything possible for these needy school districts. It was for that reason that the effort was made to appropriate one million dollars. Because the money is not available I feel that the amendment increasing the amount from one million to two and one-half million dollars at this time may jeopardize the entire bill. I think it should be voted down, and I ask the members of this House to do so.

Mr. SCHROPE. Mr. Speaker and members of the House, ever since I have been a member of this House, during the Pinchot and the Earle Administrations, also during this administration, it took us exactly sixty days to appropriate relief money anywhere from twenty million to fifty million dollars. We were called on numerous occasions into special session, and in the course of time from Monday until Saturday we appropriated twenty million or twenty-five million dollars for relief, levying taxes if necessary. I want to state to the members of this House that I can truthfully stand here without apology and ask for more money for the school teachers, because I am one member who did not run on a lower tax program. I voted for all the Earle taxes in that administration, and I voted for the same taxes last week. I am willing and satisfied to again vote for additional taxes.

In response to the gentleman from Dauphin, there are enough tax measures in the Ways and Means Committee now to pay the salaries that are due to the school teachers.

What we ought to have done is to levy taxes and issue anticipation notes. In addition to that, if I am not mistaken, I fully believe that the Department of Forest and Waters has close to three million dollars that would be available, if we would just take the opportunity to transfer it. You know that we transferred thirty-four million or was it thirty-six million dollars in a great hurry in this administration. I feel that the gentleman from Dauphin and the members of the House know the condition of the school teachers in Schuylkill County. I am not only speaking for the teachers of Schuylkill County, but likewise for the teachers of other counties who are in the same category. There are teachers who have not been paid for four or five months. I need not go into that further because my colleague, Mr. Wagner, gave you a very vivid picture. One million dollars will not even begin to pay their salaries up to date, and if this administration is sincere and honest with the teachers of this state they will not consider an appropriation of one million dollars or even two and one-half million dollars. I think I was conservative when I amended this bill adding a million and a half dollars to it, and I ask the members to vote for this amendment.

Mr. WOODSIDE. Mr. Speaker, I want to call to the attention of the members of the House the fact that there is not now available to be appropriated three million dollars from the flood control fund, because that money has already been set aside among those items which have been saved and lapsed to be appropriated again. That money is not now available to be used for this extra million and a half dollars covered by this amendment.

Mr. SCHROPE. Mr. Speaker, may I interrogate the gentleman from Dauphin, Mr. Woodside.

The SPEAKER. Will the gentleman from Dauphin permit himself to be interrogated?

Mr. WOODSIDE. I will, Mr. Speaker.

Mr. SCHROPE. Mr. Speaker, will the gentleman from

Dauphin advise me whether or not it would be illegal to transfer those funds even though they are set aside.

Mr. WOODSIDE. Mr. Speaker, it would not be illegal to transfer those funds if there were money available, but there is not sufficient money available to carry out the relief which has been appropriated, and which bills are already on the way through the Legislature, and still leave any money in the flood control fund. In other words, that is one of the items which is set up in the budget among the six million one hundred and fifty thousand dollars listed on page five of the budget message, item three, referred to as "Additional reductions in appropriations by stopping expenditures wherever possible."

May I call the gentleman's attention to the fact too that the three million dollars about which he speaks are the same three million dollars about which members of his party have been speaking in connection with flood control.

Mr. ACHTERMAN. Mr. Speaker and members of the House, in substantiation of the position taken by the gentleman from Schuylkill, Mr. Schroepe, I wish to call the attention of the House to the fact that as a matter of fact the appropriation Mr. Woodside has mentioned has not at the present time been lapsed. In other words, it is still in the Department of Forests and Waters and all that is essentially necessary at the present time to secure that money is the passage of House Bill No. 6 which will send the money back into the General Fund and the money will then be available for the purpose that the gentleman from Schuylkill desires. May I also call to the attention of the members of the House the fact that there are other funds available that can in this emergency be had. We still have the Highways fund and you without any hesitancy tapped that fund for another form of relief. This is but one type of relief that we are faced with in this Commonwealth, and it could be very handily tapped for the necessary two and a half millions. As the gentleman from Schuylkill said, since they have found a million dollars that fund could be tapped for another million and a half in order to take care of the distressed school teachers in the Commonwealth of Pennsylvania.

I very frankly say, Mr. Speaker, that the excuse offered by the majority leader of this House strikes me as falling far short of the answer that the people of Pennsylvania have the right to expect from the majority leadership of this House. We should very willingly and very freely face the problem that is before us. We without hesitancy told the school districts of Pennsylvania what the requirements of their teachers should be, we fixed the terms they shall serve, we also fixed the qualifications for the teachers, we even fixed their salaries, and if we have raised the price to such a point that the districts in this state are unable to meet that salary, then we should honestly and sincerely face the problem and appropriate the necessary money to meet the expenses of these teachers.

I cannot help but in fairness to the school teachers and to the distressed school districts urge upon the membership of this House to support the amendment offered by the gentleman from Schuylkill, Mr. Schroepe.

Mr. WOODSIDE. Mr. Speaker and members of the House, there are already bills in the House providing for appropriations out of the Motor License Fund for relief, every cent of that fund that is available. There has already been lapsed by administration orders six million one hundred and fifty thousand dollars; there has already been saved in budget appropriations one mil-

lion seven hundred and fifty thousand dollars, which takes into consideration the money in the Department of Forests and Waters, about which the gentleman has spoken. There has been already saved and lapsed every possible cent that can be found in order to meet the relief needs of this Commonwealth, and there are not now available sufficient funds to appropriate two and one-half million dollars more for the school system.

Furthermore, Mr. Speaker, the members on this side have scraped through all of the budget, scraped through all of the funds in every possible way in order to find this money, and it may very possibly be, and it is very likely that we will have to go out and borrow one million dollars in order to pay the teachers that sum. As the members of this House well know, it is impossible for this Commonwealth to borrow more than one million dollars. Every effort has been made to help the school districts at this important time when they are financially distressed, but we feel that we have done everything that it is possible to do. If the previous administration had left us a balanced budget, if they had left us a cash balance we could easily have found a million or two and one-half million dollars to meet this need, but the cupboard was left bare when this administration came in and the appropriations are not sufficient to take care of the state government during the balance of the biennium, including the appropriation to the distressed school districts. The Republican party has scraped through the budget and has tried to find a million dollars, which is the absolute maximum that can be found to be appropriated to distressed school districts at this time. If the extra two and one-half million dollar appropriation is passed, it may interfere with the entire program so that the bill of necessity will have to fall. For that reason I think this amendment should be voted down and the appropriation of one million dollars made.

Mr. KANE. Mr. Speaker and members of the House, I feel I should call to the attention of the members of the House the fact that House Bill No. 6, which the gentleman from Monroe advocated passing, is the bill to lapse from the Department of Forests and Waters money which had been appropriated for flood control.

You have listened to a great many speeches made by Democratic members, and some by myself, with regard to the necessity of flood control. If there is any proposition, Mr. Speaker, which is superior to the education of our people it certainly is the safety of their lives, and the lapsing of all appropriations for flood control under the Commonwealth's jurisdiction in order to keep schools open would be foolishness. However, Mr. Speaker, it is important that these teachers and any other unpaid employees of the Commonwealth be paid. I made a speech here the other day calling the attention of the House to the break down in our public school system, and in order that the situation may not arise where some member might say that I offered criticism but suggested no remedy, I am introducing tonight, Mr. Speaker, an amusement tax for the purpose of providing the state with funds to be used for the aid of the distressed school districts, if and when the Board of Education is satisfied that those districts have exhausted their own resources, but under no circumstances, members of the House, should we vote to lapse flood control money in order to pay school teachers, who have either been hired when

they should not have been, or have been retained when they should not have been, because flood control is even more important.

Mr. ANDREWS. Mr. Speaker I desire to interrogate the majority floor leader.

The SPEAKER. Will the gentleman from Dauphin permit himself to be interrogated.

Mr. WOODSIDE. I shall, Mr. Speaker.

Mr. ANDREWS. Mr. Speaker, will the gentleman from Dauphin inform the House as to the amount of the monthly departmental payroll?

Mr. WOODSIDE. Mr. Speaker, if the gentleman knows the figures I shall be glad to take his word for it. I would have to hunt for it in the budget in order to give it exactly.

Mr. ANDREWS. I would prefer to have the figures from the fountain-head of all financial wisdom in this House.

The SPEAKER. The Chair would advise the gentleman from Cambria that it is impossible for him to answer that interrogation.

Mr. ANDREWS. Mr. Speaker, if the Chair were in a similar position, the Chair would answer it.

Mr. WOODSIDE. Mr. Speaker, the total amount of the biennial appropriation out of the General Fund recommended by the Governor for the two years, 1939-41, is \$26,376,080 which divided by 24 would make slightly over one million dollars. Of course there are a thousand ways to figure out what the departmental expenses for salaries might be, but I think that figure is as nearly correct as I am able to give it.

Mr. ANDREWS. Mr. Speaker, if the school teachers are to go without their salaries for one, two, three, or four months, what is wrong with the notion of requiring the departmental payroll to sacrifice a part of its salary temporarily in order that the teachers might be paid?

Mr. WOODSIDE. Mr. Speaker, there are several answers to that. In the first place, the departmental payroll has already been reduced a very substantial sum, while in most of these school districts there has been no reduction and there can be no reduction under the law which has been passed. They will eventually get their money. It is only a matter of delaying the time when they will get it or until the districts in which they are employed collect their taxes.

In the second place, I might say if you cut the departmental payroll our budget will expire on the thirty-first and there will be no way of getting the money back to pay the employees unless it comes out of another biennium.

Mr. ANDREWS. Mr. Speaker, I am not urging any reduction in the departmental payroll. I am simply urging the view that it is not necessary under the circumstances to pay all of the departmental payroll in full so long as it is impossible to pay the teachers in some counties at all. I do not think that the Governor would suffer if he did not get all of his salary; I do not think that the heads of the various departments would suffer if they did not get all their salaries; I even think that this Legislature which is so much interested in the distressed school teachers could temporarily loan the state the last installment of the Legislators' salaries. There is a lot of money—

I hope, Mr. Speaker, that the "guffaws" are not indi-

cative of the interest that the Legislature has in this teachers' problem concerning which they have been shedding so many tears. I am not speaking facetiously, I am pointing out the desperate plight of servants of this state who have not been paid for months, and I do seriously suggest to the majority leader that he work out some scheme, some plan, whereby at least another million dollars can be salvaged out of the general payroll and made available for the teachers.

Mr. WOODSIDE. Mr. Speaker, the gentleman should remember, in the first place that cannot be legislated on account of the decision under the first Talbot Act; it would have to be voluntary on the part of all of the employees. In the second place may I call to the gentleman's attention that although it would be a beautiful gesture, as a matter of fact, if the departmental payroll were pared one million dollars per month in the two months remaining, we would have to make a very substantial cut in order to be of any help to the school districts. May I further point out that the school teachers are paid largely out of funds raised in their own districts not out of state funds. It is not the fault of the state government that there are no funds available, and it is certainly not the fault of the majority, for it must be remembered that the funds that are to be spent in the biennium of 1937-1939 are funds which are appropriated by the 1937 session, not the 1939 session.

Mr. ANDREWS. Mr. Speaker, the gentleman from Dauphin persists in either misrepresenting or misunderstanding my point of view. I am not urging a reduction in the salaries due the people on the payroll, but I do say, Mr. Speaker, that if the state were strapped and could not borrow any money, if there was no money in the General Fund it could not pay the departmental payroll, and that payroll would have to wait until funds were available. I do say that it is within the power of this Legislature to defer payments temporarily on any part of the State payroll. If we don't have the money, we can't pay them—if we can't borrow.

Mr. ACHTERMAN. Mr. Speaker, I wish just briefly to answer the statement made by the gentleman from McKean, Mr. Kane.

I call to the attention of the members of the House the fact that Act No. 49-A, passed in 1937, appropriating money to the Department of Forests and Waters was appropriated for a specific purpose, to wit, the purchase of land that was to be condemned and upon which land were to be erected dams for flood control. It so happened that after the passage of the bill the Federal government agreed that they would pay for the cost of the condemnation of this land and as a result it no longer became necessary for the Department of Forests and Waters to expend that money. In other words, the Federal government was spending the money for which that particular appropriation was made. It is not detracting or taking away from flood control one cent so far as the people of this Commonwealth are concerned. That money is there now, it is available, it is not being used. May I point out particularly to the gentleman from McKean, since he apparently feels that we are destroying flood control, that the majority party without hesitancy is proceeding to use that money at the end of this biennium, and not for flood control. I say, Mr. Speaker, that we should use that money now to pay the three million dollars or more owing to the teachers of Pennsylvania.

Mr. DIX. Mr. Speaker, I would like to interrogate the gentleman from Cambria.

The SPEAKER. Will the gentleman from Cambria permit himself to be interrogated?

Mr. ANDREWS. I will, Mr. Speaker, if he does not ask me anything about figures.

Mr. DIX. Mr. Speaker, I would like to ask the gentleman from Cambria if his county or his town has a distressed school district?

Mr. ANDREWS. Mr. Speaker, there are quite a number of mining communities in my county which have distressed school districts, districts in which the mining companies, which are the major tax payers, have not paid their taxes for four and in some cases eight years. The city that I come from, Mr. Speaker, has frequently represented that it was a distressed school district, but it has always been my thought on the matter that it was a mismanaged school district.

Mr. DIX. Mr. Speaker, is it not true that the city from which the gentleman comes is a third class city.

Mr. ANDREWS. It is, Mr. Speaker.

Mr. DIX. Mr. Speaker, did the gentleman from Cambria not vote for the policemen's salary grab last week?

POINT OF ORDER

Mr. ACHTERMAN. Mr. Speaker, I rise to a point of order.

The SPEAKER. The gentleman will state his point of order.

Mr. ACHTERMAN. Mr. Speaker, my point of order is that the gentleman's interrogation is not in line with the subject under discussion before the House, or the bill before the House.

The SPEAKER. The point of order is well taken. The gentleman will confine his interrogation to the question before the House.

Mr. DIX. Mr. Speaker, the question before the House is whether this Legislature can afford to vote a million and a half or two million dollars for distressed school districts, and I contend that if a member of the minority supports a bill for a salary grab to give the policemen a starting salary of sixteen hundred dollars, it comes with ill grace for him to come into this House and ask the Republicans to give an additional sum to these distressed school districts. It seems to me that any member of the minority who voted for this policemen's salary grab has no right to ask for any aid for distressed school districts on that account.

Mr. HOLLAND. Mr. Speaker and members of the House, the gentleman from Dauphin County has stated that the school teachers should be paid out of local taxation. I would like to call to his attention that in the Utility Committee House Bill No. 78 is being held. If the members of this House will refer to the report which they now have on their desks, they will find that if the State of Pennsylvania used the same taxing method as other states of the United States, and compelled utilities to pay their local share of taxation the same as home owners, that aid to the school districts of Pennsylvania would be relieved, according to that report, in the amount of three million dollars. However, if this report which you have on your desks is checked against the holdings of real estate by utilities as shown on the books of the Public Utility Commission, you will find that the school districts in the state of Pennsylvania would be taken out of the red, be-

cause then the utilities would be paying their share of school taxes which would be close to ten million dollars, which today the man who owns a home is paying instead of the utilities which enjoy all the privileges of local government.

Mr. JIROLANIO. Mr. Speaker, I desire to interrogate the gentleman from Dauphin, Mr. Woodside.

The SPEAKER. Will the gentleman from Dauphin permit himself to be interrogated?

Mr. WOODSIDE. I shall, Mr. Speaker.

Mr. JIROLANIO. Mr. Speaker, will the gentleman from Dauphin state whether it is not a fact that there is a bill on page 13 of today's postponed second reading calendar, which would bring in revenue in the amount of seventy-five million dollars.

Mr. WOODSIDE. Mr. Speaker, there is not a bill on the calendar that would bring in one red copper of revenue in this biennium to help this particular situation.

Mr. JIROLANIO. Mr. Speaker, I would like to know from the gentleman from Dauphin, Mr. Woodside, whether or not he is familiar with House Bill No. 409, Printer's No. 143.

Mr. WOODSIDE. I am, Mr. Speaker, in a general way.

Mr. JIROLANIO. Mr. Speaker, will the gentleman be kind enough to tell me just what that bill would do and whether or not it would bring us any income?

Mr. WOODSIDE. Mr. Speaker, it would if constitutional bring us an income in the next biennium.

Mr. JIROLANIO. Mr. Speaker, will the gentleman tell the members of the House in just what figure this bill would bring us income, how much?

Mr. WOODSIDE. Mr. Speaker, I cannot, neither can anybody else as far as I have been able to ascertain.

Mr. JIROLANIO. Mr. Speaker, would the gentleman from Dauphin be willing to adopt the figure of his colleague, Mr. Gates, if he were to give him that figure?

Mr. WOODSIDE. Mr. Speaker, if Mr. Gates would say he has reliable information, I would consider that a reliable estimate.

The SPEAKER. The Chair feels that in view of the point of order raised by the gentleman from Monroe, Mr. Achterman, and the ruling of the Chair in reference to the interrogation of the gentleman from Wayne, Mr. Dix, that the interrogation of the gentleman from Northampton is clearly out of order.

Mr. JIROLANIO. In answer to that, Mr. Speaker, may I say that this is somewhat in line with the proposition brought out by Mr. Schroepe, because I am only trying to look after a measure that will bring in revenue. This is somewhat analogous to the objection which you sustained against me last week, Mr. Speaker, when I raised a question against my colleague, Mr. Hoffman, of Northampton.

The SPEAKER. The gentleman is out of order.

Mr. JIROLANIO. That is all, Mr. Speaker. I am sorry. On the question recurring,

Will the House agree to the amendment?

The yeas and nays were required by Mr. Schroepe and Mr. Downey and were as follows:

YEAS—66

Achterman,
Allen,
Allmond,
Andrews,
Baker,

Fauset,
Finnerty,
Furman,
Gorski,
Harkins,

Moran,
Moser, F. S.,
Munley,
O'Brien,
O'Keefe,

SarraJ,
Scanlon,
Schroepe,
Schwab,
Stank,

Balthaser,	Hoffman, S. K.,	O'Neill,	Tarr,
Bohn,	Holland,	Powers,	Thompson, E. F.,
Boles,	Jirolanio,	Preston,	Tronzo,
Boney,	Keenan,	Readinger,	Wagner,
Brancato,	Kenehan,	Reese, R. E.	Walsh,
Broad,	Kline,	Regan,	Watkins,
Burns,	Long,	Reynolds,	Weiss,
Check,	Malloy,	Rider,	Welsh, E. B.,
Chervenak,	McLane,	Rooney,	Welsh, M. J.,
DeNote,	Melchiorre,	Rosenfeld,	Westrick,
Donahue,	Mihm,	Rothenberger,	Williams,
Downey,	Mooney,		

NAYS—115

Ackermann,	Eckels,	Knoble,	Serrill,
Alspach,	Ely,	Kowalski,	Shearer,
Atkins,	Ewing,	Lee,	Simons,
Auker,	Fisher,	Leisey,	Sloan,
Balliet,	Fliss,	Leydic,	Snyder,
Bardes,	Fleming,	Lyons,	Sollenberger,
Bennett,	Foor,	Marr,	Stambaugh,
Boorse,	Freed,	Matthews,	Stewart,
Boose,	Fullerton,	McClester,	Stockham,
Bower,	Gates,	McGarrity,	Sweeney,
Boyd,	Gillan,	McNally,	Taylor,
Bronson,	Gillette,	McVay,	Thistle,
Brown, S. W.,	Goll,	Montgomery,	Thompson, G. R.,
Brunner,	Habbyshaw,	Moser, J. L.,	Tiemann,
Cadwalader,	Haines,	Mulr,	Trout,
Calvin,	Hall,	O'Dare,	VanAllsburg,
Carpenter,	Hamilton,	Peacock,	Van Belle,
Christler,	Harbeson,	Peale,	Voorhees,
Clark,	Haudenshield,	Reagan,	Webster,
Clearwater,	Henry,	Reese, D. P.,	Wilkinson,
Cook,	Hewitt,	Rhodes,	Wilson,
Cordier,	Hocke,	Riley,	Winnor,
Cortese,	Hoffman, J. N.,	Robertson,	Wood, H. M.,
Curran,	Hoyt,	Rose,	Wood, L. E.,
Dalrymple,	Huntley,	Roseberry,	Wood, N.,
Denman,	James,	Royer,	Woodside,
Dick,	Johnston,	Sarge,	Yeakel,
Dix,	Jones,	Schrock,	Turner,
Donahue,	Kane,	Self,	Speaker,

So the question was determined in the negative and the amendments were not agreed to.

On the question recurring,

Will the House agree to the section?

It was agreed to.

The second section and title were separately read and agreed to as follows:

Section 2 The provisions of this act shall become effective immediately upon final enactment

An Act making a deficiency and emergency appropriation to aid certain school districts

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

BILL ON SECOND READING

Agreeably to order,

The bill having been called up from the postponed calendar, by Mr. GATES and

The House resumed the consideration on second reading of House Bill No. 409, as follows:

An Act imposing a tax in relief of financially distressed school districts on the net income of residents of Pennsylvania including fiduciaries and on net income of non-residents derived from property or business in Pennsylvania defining taxable income and requiring filing of returns thereof providing for the assessment collection and lien of said tax providing for administration and enforcement of the act by the Department of Revenue conferring powers and imposing duties on certain persons partnerships associations corporations State and county officers employees and departments providing for the use of and appropriating the proceeds of such tax and imposing penalties

The first section was read as follows:

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Article I

Short Title and Definitions

Section 1 Short Title This act shall be known and may be cited as the "Individual Net Income Tax Act"

On the question,

Will the House agree to the section?

BILL RECOMMITTED

Mr. GATES. Mr. Speaker, I move that this bill be re-committed to the Committee on Ways and Means for the purpose of further study and possible amendment.

On the question,

Will the House agree to the motion?

Mr. JIROLANIO. Mr. Speaker, I desire to interrogate the gentleman from Armstrong, Mr. Gates.

The SPEAKER. Will the gentleman from Armstrong permit himself to be interrogated?

Mr. GATES. I will, Mr. Speaker.

Mr. JIROLANIO. Mr. Speaker, will the gentleman from Armstrong kindly tell the Legislature just what that study is that he would like to have made of this bill.

Mr. GATES. Mr. Speaker, I would be very happy to do so. There are several amendments that I spoke about in committee, and I believe the gentleman from Northampton was there at the time, that I would like to have placed in this particular bill. For instance there are three bills that I have discussed on the floor or this House. One was the five mill capital stock tax. I would like to change that so that it will only repeal three mills of the capital stock tax and adding an amendment that the two mills of the personal property tax be repealed. Since the recent decision of the United States Supreme Court, that Federal employees are subject to tax, I believe we should take three mills off the capital stock tax.

Mr. JIROLANIO. Mr. Speaker, I would like to ask the gentleman from Armstrong. Why could he not introduce the amendments on the floor of the House.

Mr. GATES. Mr. Speaker, I could, but I don't think I could get them in.

Mr. JIROLANIO. Mr. Speaker, why could not the gentleman get them in?

Mr. GATES. Mr. Speaker, I just have been advised that it would be better to try to have them placed in the bill in committee. I feel positive they will get in there, a least I hope they will.

Mr. JIROLANIO. Mr. Speaker, does not the gentleman feel that this House would be more friendly toward him than probably the committee would.

Mr. GATES. Mr. Speaker, the reason I have done this, tomorrow this bill dies of its own accord on the fifth legislative day and to keep it alive I have asked for its recommitment.

Mr. JIROLANIO. Mr. Speaker, for the information of the gentleman from Armstrong, he can move to get five additional day for this bill, extending the time of postponement, which will then save the bill from death tomorrow.

Mr. GATES. Mr. Speaker, I think that is true, but I do think that I have more chance to get my bill eventually through by going along with the suggestions that have been made. As I stated, I still believe my bill is the vehicle

through which the Republican party can carry out its campaign pledges and give relief to the distressed school districts, and at the same time, as I stated, carry out certain other pledges.

Mr. JIROLANIO. Mr. Speaker, does the gentleman honestly feel that this bill has a chance of going through by referring it back to the committee on Ways and Means, or is it just a gesture.

Mr. GATES. Mr. Speaker, I honestly believe that it has very much more chance of going through this way than if I buck the administration and try to force it through on the floor.

On the question recurring,

Will the House agree to the motion?

It was agreed to.

BILL ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 558, (Senate Bill No. 166), entitled:

An Act to authorize cities, boroughs, incorporated towns, townships, and school districts to file suggestions of nonpayment and averments of default, or to sue out writs of scire facias on certain tax or municipal claims, and to revive judgments where the lien of such claims or the judgments thereon have been lost; and providing for the reinstatement of the liens of such claims and judgments.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—190

Achterman,	Eckels,	Long,
Ackermann,	Ely,	Lovett,
Allen,	Ewing,	Lyons,
Allmond,	Fauset,	Madden,
Alspach,	Finnerty,	Malloy,
Andrews,	Fisher,	Malone,
Atkins,	Fiss,	Marr,
Auker,	Foor,	Matthews,
Baker,	Freed,	McClester,
Balliet,	Fullerton,	McGarrity,
Balthaser,	Furman,	McKinney,
Bardes,	Gates,	McLane,
Bennett,	Gillan,	McNally,
Bohn,	Gillette,	McVay,
Boles,	Goll,	Melchiorre,
Boney,	Gorski,	Mihm,
Boorse,	Habbyshaw,	Montgomery,
Boose,	Haines,	Mooney,
Bower,	Hali,	Moran,
Boyd,	Hamilton,	Moser, F. S.,
Brancato,	Harbeson,	Moser, J. L.,
Broad,	Harkins,	Muir,
Bronson,	Haudenshield,	Munley,
Brown, H. S.,	Henry,	O'Brien,
Brown, S. W.,	Hewitt,	O'Dare,
Brunner,	Hindman,	O'Keefe,
Burns,	Hocke,	Ominsky,
Burriss,	Hoffman, J. N.,	O'Neill,
Cadwalader,	Hoffman, S. K.,	Peacock,
Calvin,	Holland,	Peale,
Carpenter,	Hoyt,	Powers,
Check,	Huntley,	Preston,
Chervenak,	James,	Readinger,
Christler,	Jirolanio,	Reagan,
Clark,	Johnston,	Reese, D. P.,
Clearwater,	Jones,	Reese, R. E.,
Cook,	Kane,	Regan,
Cordier,	Keenan,	Reynolds,
Cortese,	Kenehan,	Rhodes,
Curran,	Kilroy,	Rider,
Dalrymple,	Kline,	Riley,

Denman,	Knoble,	Robertson,
DeNote,	Kowalski,	Rooney,
Dick,	Krise,	Rose,
Dix,	Lee,	Roseberry,
Donahue,	Lelsey,	Rosenfeld,
Donohoe,	Leydic,	Rothenberger,
Downey,	Lichtenwalter,	Royer,

Winner,
Wood, H. M.,
Wood, L. H.,
Wood, N.,
Woodside,
Yeakel,
Turner,
Speaker,

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed it without amendment.

RECESS

The SPEAKER. If there are no objections the Chair is about to declare a recess until 10:15 p. m. Are there objections? The Chair hears none and declares a recess until 10:15 p. m.

AFTER RECESS

The House reconvened at 10:15 p. m.

The SPEAKER (Ellwood J. Turner) in the Chair.

RECESS

The SPEAKER. If there are no objections the Chair is about to declare a further recess until 10:30 p. m. Are there objections? The Chair hears none and declares a recess until 10:30 p. m.

AFTER RECESS

The House reconvened at 10:30 p. m.

The SPEAKER (Ellwood J. Turner) in the Chair.

BILLS SIGNED BY SPEAKER

Bills numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the titles were publicly read as follows:

SENATE BILL No. 132.

An Act to amend sections one two and four of the act approved the sixteenth day of May one thousand nine hundred nineteen (P. L. 180) entitled "An act providing a method of establishing title to land acquired at a sale for unpaid taxes or municipal claims" extending the provisions of said act to include land acquired at county treasurer's sales for unpaid taxes

SENATE BILL No. 155.

An Act to authorize cities boroughs incorporated towns townships and school districts to file suggestions of nonpayment and averments of default or to sue out writs of scire facias on certain tax or municipal claims and to revive judgments where the lien of such claims or the judgments thereon have been lost and providing for the reinstatement of the liens of such claims and judgments

Whereupon,

The SPEAKER, in the presence of the House, signed the same.

ANNOUNCEMENT

The SPEAKER. This is the day fixed as the final date for the introduction of bills in the House, Revenue and Appropriation bills being excepted.

The Chair has been informed by the Director of the Legislative Reference Bureau that they have been unable to complete the drafting of all the bills requested by the

members. Therefore, if there are no objections, the Speaker will receive as completed all bills, now in the course of preparation, for reference to appropriate committees.

The Chair desires to further inform the members that requests for amending or changing highway routes, or adding new routes to the highway system are not bills within the interpretation of the rules and will be received by the Chairman of the Highway Committee in the usual manner during the remainder of the session.

SENATE MESSAGE

CONCURRENCE IN HOUSE RESOLUTION No. 24

The Clerk of the Senate being introduced, informed that the Senate has concurred in the resolution from the House of Representatives as follows:

In the House of Representatives, March 6, 1939.

Whereas, The publicity recently given to the amount of money appropriated to the Bureau of Aeronautics, for use during the present biennium, has occasioned much public comment; and

Whereas, An investigation should be made of the activities and expenditures, and also the plans of the Bureau, in order to determine upon its future operations and future appropriations; therefore be it

Resolved, (if the Senate concur) That a joint Legislative Committee is hereby created, consisting of four members of the House of Representatives, one of whom shall be a member of the minority party, to be appointed by the Speaker of the House; and three members of the Senate, one of whom shall be a member of the minority party, to be appointed by the President Pro Tempore of the Senate, whose duty it shall be

(a) To organize immediately after its appointment, by the election, from its membership, of a chairman, vice-chairman and a secretary.

(b) To immediately begin a thorough investigation of the operations of and the expenditures made by the Bureau of Aeronautics since its creation, with the end in view of suggesting what policy should be adopted in order to make its work more effective and less expensive.

(c) To decide how far the Bureau should proceed as a separate organization and whether cooperation with the Federal Government or other states would be practicable.

(d) To investigate safety devices and make recommendations in regard to the use thereof.

(e) To inquire into possible abuses of the powers of the Bureau heretofore practiced and to make suggestions for the correction thereof.

The committee hereby created shall have power to issue subpoenas under the hand and seal of its chairman requesting and commanding any person or persons to appear before them and to answer such questions touching matters properly being inquired into by the committee, and to produce such books, papers, records and documents as the committee may deem necessary. Such subpoenas may be served upon any person and shall have the force and effect of subpoenas issued out of the courts of this Commonwealth. Each member of said committee shall have power to administer oaths and affirmations to witnesses appearing before the committee. Any person who shall wilfully neglect or refuse to testify before said committee or to produce any books, papers, records or documents shall be subject to the penalties provided by laws of the Commonwealth in such cases.

The said committee shall report to this General Assembly as soon as possible after its investigation is completed, the results thereof accompanied by such suggestions of legislation to be enacted as to the committee seems necessary.

SENATE MESSAGE

TIME OF NEXT MEETING

The Clerk of the Senate being introduced presented an

extract from the Journal of the Senate, which was read as follows:

In the Senate, April 3, 1939.

Resolved (if the House of Representatives concur), That when the Senate adjourns this week it reconvene on Monday evening, April 10, at nine o'clock; and when the House of Representatives adjourns this week it reconvene on Monday evening, April 10, at eight o'clock.

Ordered, That the Clerk present the same to the House of Representatives for its concurrence.

On the question,

Will the House concur in the resolution of the Senate?

It was concurred in.

Ordered, That the Clerk inform the Senate accordingly.

BILL RE-REFERRED

Mr. SCHROCK returned from the Committee on Appropriations with the recommendation that it be re-referred to the Committee on Agriculture, House Bill No. 771, entitled:

An Act to amend sections one and two of the act, approved the second day of March, one thousand nine hundred and thirty-three (P. L. 6), entitled "An act to enable persons, associations, partnerships and corporations engaged in farming, and raising, breeding, fattening and marketing livestock to borrow money and secure the repayment thereof by the execution and recordation of chattel mortgages on livestock, farm machinery, farm equipment, and crops; and designating the operation and effect of the lien of such mortgages," as amended; further changing fees and agencies from whom borrowings may be made.

The SPEAKER. The bill is now re-referred to the Committee on Agriculture.

BILLS ON THIRD READING

Agreeably to order,

The bill having been called up from the postponed calendar by Mr. MARR,

The House resumed the consideration on third reading of House Bill No. 331, entitled:

An Act defining and prohibiting unfair sales providing remedies for violations thereof and establishing penalties therefor

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—174

Achterman,	Fauset,	Malloy,	Schrope,
Ackermann,	Finnerty,	Malone,	Schwab,
Allen,	Fisher,	Marr,	Self,
Allmond,	Fiss,	Matthews,	Serrill,
Alspach,	Fleming,	McClester,	Shaw,
Atkins,	Foor,	McGarrity,	Shearer,
Auker,	Freed,	McKinney,	Simons,
Baker,	Fullerton,	McLane,	Sloan,
Balliet,	Furman,	McNally,	Snyder,
Bardes,	Gates,	McVay,	Sollenberger,
Bennett,	Gillan,	Melchiorre,	Stambaugh,
Bohn,	Gillette,	Mihm,	Stank,
Boney,	Goll,	Montgomery,	Stewart,
Boorse,	Gorski,	Mooney,	Stockham,
Boose,	Habbyshaw,	Moser, F. S.,	Sweeney,
Bower,	Haines,	Moser, J. L.	Tarr,
Boyd,	Hall,	Muir,	Taylor,
Broad,	Hamilton,	Munley,	Terry,

Bronson,	Harbeson,	O'Brien,	Thistle,
Brown, S. W.,	Harkins,	O'Dare,	Thompson, E. F.,
Brunner,	Haudenschild,	O'Keefe,	Thompson, G. R.,
Cadwalader,	Henry,	O'Neill,	Tiemann,
Calvin,	Hewitt,	Peacock,	Trout,
Carpenter,	Hindman,	Peale,	VanAllsburg,
Check,	Hocke,	Powers,	Van Belle,
Chervenak,	Hoffman, J. N.,	Preston,	Voorhees,
Christler,	Hoffman, S. K.,	Readinger,	Wagner,
Clark,	Hoyt,	Reagan,	Watkins,
Clearwater,	Huntley,	Reese, D. P.,	Webster,
Cook,	James,	Reese, R. E.,	Weiss,
Cooper,	Johnston,	Regan,	Welsh, M. J.,
Cordier,	Jones,	Reynolds,	Westrick,
Cortese,	Kenehan,	Rhodes,	Wilkinson,
Curran,	Kline,	Rider,	Williams,
Dalrymple,	Knoble,	Riley,	Wilson,
Denman,	Kowalski,	Robertson,	Winner,
DeNote,	Krise,	Rose,	Wood, H. M.,
Dick,	Lee,	Roseberry,	Wood, L. H.,
Dix,	Lelsey,	Rosenfeld,	Wood, N.,
Donahue,	Leydic,	Royer,	Woodside,
Downey,	Lichtenwalter,	Sarge,	Yeakel,
Eckels,	Lovett,	Sarra,	Turner,
Ely,	Lyons,	Scanlon,	Speaker.
Ewing,	Madden,	Schrock,	

NAYS—7

Andrews,	Moran,	Tronzo,	Welsh, E. B.,
Brown, H. S.,	Rothenberger,	Walsh,	

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

REPORT OF SLATE COMMITTEE

APPOINTMENT OF CHAPLAIN

Mr. WINNER. Mr. Speaker, I desire to offer a report from the Slate Committee.

The report was read by the Clerk as follows:

April 3, 1939.

Resolved, That the Reverend Thomas G. Baxter, Bradford County be elected Chaplain of the House of Representatives to fill the vacancy caused by the resignation of the Reverend Walter Evans Deibler of Dauphin County.

On the question,

Will the House adopt the report?

It was adopted.

ADDRESS BY MR. BAKER

Mr. BAKER asked and obtained unanimous consent to address the House.

Mr. Speaker and Members of the House, certain interests for several years have been flooding the State with propaganda alleging that the recent Pennsylvania Democratic Administration was driving industry from Pennsylvania.

Members of the present majority in this assembly and their supporters in the public press and on the stump have been singularly bitter in their allegations that the New Deal was ruining this great Commonwealth.

Mr. Speaker, we knew the allegations were false.

We knew the figures were distorted.

We knew the Republican Party was crying "Wolf!"

I tonight take great pleasure in bringing to your attention certain figures in which I know you will be interested.

The figures are reliable and complete.

They are the results of the Federal Government's biennial census of manufactures in Pennsylvania.

They show, in brief, that in the first two years of the Democratic Administration Pennsylvania business improved.

They show the number of manufacturing establishments rose.

They show the number of wage earners increased.

They show that total wages were up.

They show that the value of materials used in manufacture rose, the value of subsequent products increased by nearly 50 per cent, and the value added by manufacture increased accordingly.

The last figures available are for 1937 and were issued by the Department of Commerce last week.

In 1937 the anguished howls of the wolves of big business reached their shrill crescendo.

In 1937 big business had been sufficiently helped by the New Deal in State and Nation to be ready and eager to bite the hand that helped it.

These figures speak better than adjectives. They carry with them more weight than any orator could impart in words.

In 1933, there were 12,093 manufactories in Pennsylvania; the Democratic Administration was in office but two years when they showed an increase to 13,084 in 1937.

From 716,598 wage earners in Pennsylvania plants in 1933, the New Deal increased the number almost 100,000, to 814,670 in 1935 and again it jumped 140,000 in the next biennium to 954,340.

Wages came near restoration to their 1929 peak, rising from \$599,591,440 in 1933 to \$848,637,391 in 1935 and \$1,176,957,270 in 1937.

Wages in Pennsylvania in 1929, while the Republican party still was greasing the skids for the nation's business, amounted to \$1,378,890,467.

So that the New Deal can take credit for increasing Pennsylvania annual wages by more than \$500,000,000 in the four years from 1933 to 1937.

Possibly this half billion dollars added to Pennsylvania pay envelopes is what convinced the anti-labor calamity howlers that the New Deal would ruin the state.

From wages for workmen let us turn to profits for manufacturers.

In 1933, Pennsylvania manufacturers added but \$1,454,488,987 to the value of their raw materials.

That was the state's contribution to our wealth through fabrication of goods.

The story in 1935 is the story of every other category of this survey—a story of a half-billion dollar improvement to \$1,870,467,258.

And again in 1937, we find this figure soars to \$2,664,410,319, a four year gain of more than two billion dollars and a two year gain of almost one and one-half billions of dollars toward the 1929 figure from which Pennsylvania business dropped during the remaining three years of Republican hand-wringing.

The total value of products rose right down the line.

Payments for raw materials, containers, fuel and purchased electric energy—payments adding to the circulation of money in our state and nation—also rose.

If you will take this census, Mr. Speaker, and examine the various reports for individual industries, you will find the same picture in almost every one.

There were three aircraft parts manufacturers in Pennsylvania in 1935; in 1937, after the Democratic Administra-

tion was accused of driving Pennsylvania industry to other states, there were seven.

Their business in 1935 paid \$257,051 to 203 workmen; in 1937 they paid \$751,190 to 632 workers.

In 1935, they added \$802,813 to the value of their raw materials; in 1937, \$1,502,890.

Take an older, bigger industry: blast furnace products. Twenty-one establishments in 1935 employed an average of 4,771 workers for \$5,428,534 and added \$24,658,313 to the value of materials worth \$91,594,801—more.

Two years later, when we Democrats were supposedly driving industry from the state, the blast furnaces had increased to 23, almost a 10 percent rise; wages had more than doubled from \$5,428,534 to \$12,058,455; average men employed had increased from 4,771 to 7,524; value added by manufacture had almost doubled to \$40,335,510.

Total output was valued at \$229,075,759 in 1937 as against \$116,253,114 in 1935.

Mr. Speaker, does that look as though we were driving industry out of Pennsylvania?

Examine the figures for another industry where the number of manufacturing establishments did decrease between 1935 and 1937.

There were 143 confectionery manufactures in Pennsylvania in 1935; there were 10 fewer two years later.

Now, Mr. Speaker, if we drove those 10 plants out of Pennsylvania, we must have done Pennsylvania a favor.

For in 1937 an average of 6,071 men received \$5,130,479 from the confectionery industry while only 5,876 men employed in 1935 received but \$4,621,652 in wages. Rather than burden you with the figures, let me assure you that value added by manufacture increased in those two years by almost 25 percent.

The story is the same in other industries.

Consider the petroleum refining industry which Mr. James or some of his gubernatorial board of directors may have some curiosity.

In 1935, there were 33 petroleum refineries in Pennsylvania; in 1937 the number was the same.

In 1935, these refiners employed 10,483 men and paid them \$14,236,471. In 1937, these refiners had instituted labor saving devices to cut their payrolls to 9,390 but, possibly due in some measure to an enforced tolerance of unions, paid them \$15,994,218.

In 1935, these 10,483 men processed \$168,425,240 in oil; in 1937 the 9,390 men handled \$220,280,158.

In 1935 these men added \$36,040,335 to the value of that crude oil; in 1937, \$39,416,617.

This is not a survey of a few industries which show a favorable index at the expense of many which declined, Mr. Speaker.

Pick your categories at random and you will seldom fail to note a favorable upswing in business from 1935 to 1937.

Agricultural implement manufacturers increased, as did belting and packing plants; boiler shops increased, and so did the number of men they hired and the value of their products; cigar manufactories declined slightly in number and in number of men employed, but total wages increased and so did the value added by manufacture and the value of products.

Drugs and medicines factories decreased from 84 to 80, but the total of men employed rose somewhat and their total wages increased as did the value of their products and the estimated value added by manufacture.

The number of foundries decreased by four, but total average employes increased by more than 2,500 and the wages by more than four million dollars.

All indexes for furniture factories increased, some of them sharply; manufactories of lumber and timber products increased by 50 percent; the glass industry showed improvement, wages rising sharply, number of employes rising slightly, and product value rising more than either.

The pottery business reveals improvement, the rayon business shot up as did the steel spring business.

The steel works and the rolling mill products classification reveals a sharp betterment so does the wrought iron pipe manufacturing business, although the number of plants in the latter category remains the same.

Mr. Speaker, if the State Democratic Administration and the New Deal were driving business out of Pennsylvania, there must have been something about the Democratic Party that attracted more business from other states than left this one.

I wonder sometimes if the Republican party has been screaming to the high heavens about the departure from Pennsylvania of a few sweatshops?

If that is the complaint, Mr. Speaker, I am happy to admit our responsibility.

But to return to the Department of Commerce census let us look for a brief minute at the reports for various districts of the state. I shall try not to burden you with many more figures, but I feel the subject is an important one.

In 1933, there were 1,798 manufactories in the Pittsburgh Industrial district; they employed an average of 143,421 men at a total wage of \$126,943,718, adding \$270,030,833 in value to materials which cost, with containers, fuel, and purchased electric energy, \$383,985,818.

In 1935, there were 1,927 manufactories in the same district, employing an average of 174,717, at a total wage of \$195,231,698, who added \$450,351,876 to material costing \$882,559,786.

In 1937, the number of plants jumped to 2,041, employing 227,675 men for a total wage of \$358,761,574, and adding \$767,366,777 to a material, fuel and electricity cost of \$979,551,288.

Mr. Speaker, in those four years of the New Deal, there was a consistent increase in the number of plants doing business in the Pittsburgh District, in the number of employes, their payroll, and the values added to materials purchased.

The Pittsburgh Industrial Area in this census included Beaver, Washington, Westmoreland, and Allegheny Counties.

The story is the same elsewhere.

Consider the Allentown-Bethlehem Industrial Area.

In 1933, there were 550 plants in the district; in 1935 and 1937 there were 580.

In 1933, an average of 42,230 men were employed at wages totalling \$29,913,504. The payroll jumped in 1935 to \$41,641,576 for 48,393 men and another twenty million dollars in 1937 to \$62,105,610 for 56,850 men.

So it wasn't from the Allentown-Bethlehem Industrial Area that the New Deal or the State Democratic Administration drove all that industry.

The figures show the same story from Bucks, Chester, Delaware, Montgomery, and Philadelphia Counties—a consistent increase in the number wage earners size of payrolls, and value added by manufacture.

In the Philadelphia Industrial Area, including the Cam-

den, N. J. District, the number of plants increased from 5,128 in 1933, to 5,844 in 1935 and fell to 5,064 in 1937, while the average number of employes rose all along the line from 261,599 in 1933 to 312,377 in 1935 and 345,553 in 1937.

In the same district, payrolls rose from \$248,138,341 in 1933 to \$335,118,267 in 1935 and \$421,545,804 in 1937.

Of this latter jump \$35,000,000 was registered for the Pennsylvania Counties. So it couldn't be in the Philadelphia district that the New Deal and the Pennsylvania Democratic Administration were driving industry out of Pennsylvania.

What about Reading?

In the Reading area, consisting of Berks County, there were 438 industrial plants in 1933, 467 in 1935 and 485 in 1937, with payrolls respectively of \$27,848,444 in 1935, \$39,078,085 in 1935, and \$47,348,928 in 1937.

That, Mr. Speaker, is a \$20,000,000 increase in wages while the New Deal and the Pennsylvania Democratic Administration supposedly were driving industry out of Pennsylvania.

In the Wilkes-Barre-Scranton district the survey is less favorable and that can be attributed directly to the deplorable condition in the anthracite fields.

But even here the utter collapse which would have stricken the district in the absence of the New Deal and the State Democratic Administration was averted.

From 1933 to 1935, 49 factories disappear from the tabulations; in the next two years to 1937, 35 more plants disappear. But the number of men employed while dropping from 35,030 in 1933 to 33,302 in 1935, rose to 33,363 by 1937, and payrolls show a consistent rise from \$24,881,162 in 1933 to \$26,390,589 in 1935 to \$28,380,091 in 1937.

Value added to products by manufacture shows a similar increase from \$53,837,379 in 1933 to \$65,296,711 in 1937.

So you can hardly say that the Democratic Administrations, national and state, were ruining Wilkes-Barre.

The truth of the matter is, Mr. Speaker, that industry has not been driven from Pennsylvania by the New Deal, state or national.

The truth of the matter is that industry has been encouraged.

The truth of the matter is that the New Deal and the Pennsylvania Democratic Administration have done more to aid industry in Pennsylvania than any other one thing.

The sweatshops may have suffered.

The fly-by-night shirtmaker operating in a plant given him by some rural chamber of commerce may have gone south when the time came that he must begin to pay decent wages to his employes.

The shoe-string promoter who cannot survive while paying his share of the cost of government may have folded his tents.

But responsible, stable Pennsylvania industry has profited from the Democratic Administrations, state and federal. Labor has benefitted enormously, the state has been making steady progress toward recovery.

I hope for the sake of the people of Pennsylvania that the Republican party will be able to point to as good a record after four years of the James Catastrophe.

But I doubt it.

TIME EXTENDED ON BILL

Mr. ATKINS. Mr. Speaker, I move that the time on House Bill No. 221, Printer's No. 144, entitled:

An Act declaring prosecutions against defendants finally ended and terminated where the Grand Jury has returned bills of indictment ignoramus unless a re-submission is authorized by the court for certain reasons and providing the procedure and for appeals in such cases.

on page 14 of today's calendar, bill on final passage postponed, be extended five days.

The motion was agreed to.

ADDRESS BY MR. TRONZO

Mr. TRONZO asked and obtained unanimous consent to address the House.

Mr. Speaker and members of the House, only too well I realize how deeply patronage has its roots within the structure of a political organization—and how vital patronage becomes occasionally, when, in a heated primary, Independents within the organization try to take control.

I am also acquainted with that burning zeal with which we try to find juicy plums for the faithful who lent time and effort in getting us elected, but all of this is still a sad commentary on the miserable system which works to the detriment of the people who have made a political victory possible in the first place—but enough for that.

Rumors are rampant that the Republican High Command are so hard hit for jobs that they have finally decided to tear down the merit system in several of the State's Departments—this is an act worthy only of the Judases and Benedict Arnold's of history—such a base deed will prostitute the Department of Public Assistance and other departments involved, to the whims of political ward heelers and district henchmen—it will certainly be a milestone in reverse for the merit system in Pennsylvania. The ramifications of such a political setup are truly heartbreaking—

However, you Republicans do hold the whip—on fake promises you rode into power, and right now you are showing your true colors. You can rip out the merit system if you choose—and you undoubtedly will—you can replace capable employes with stupid arrogant, and machine minded district heelers—and you will—and when you do, God help the people of Pennsylvania—the taxpayers as well as those on relief—but when you do—even the Lord won't be able to assist the Republican Party.

STATEMENT BY MR. HINDMAN

Mr. HINDMAN asked and obtained unanimous consent to address the House.

Mr. Speaker and members of the House, I am sure that the members of this House are very vitally interested in the tubercular situation in the state of Pennsylvania. This is evidenced by the number of both the minority and majority members of this House who have come to me and discussed this problem. I therefore feel that it is proper that I should make more statements tonight to elucidate some of the problems involved.

I would like to read to the members of the House two or three of the many letters I have received from various people in the state, with a view to give you from authoritative sources the real and actual facts. I would remind you, ladies and gentlemen of this House, that while this

Butler Sanatorium situation affects us in the Western end of the state it is a statewide problem, in as much as we just have three active sanatoria in the state of Pennsylvania at the present time, and if the five hundred and fifty beds which would be supplied by that sanatorium were occupied, it would take the load off the other three sanatoria in the state, and of course obviously would permit patients not admitted in other parts of the state to occupy those beds.

I would like to read a letter which I received tonight from Dr. C. Howard Marcy, Chief Medical Director of the Tuberculosis League of Pittsburgh a very active organization. Dr. Marcy has been as many of you know or at least some of you know one of the most active men in the tuberculosis field in the State of Pennsylvania for almost a quarter of a century and I submit to you, ladies and gentlemen, he is an authority on tuberculosis.

The letter reads as follows:

"Dr. A. O. Hindman, "April 1, 1939.
House of Representatives,
Harrisburg, Pennsylvania.

"Dear Doctor Hindman:

"The proposal of the Governor not to operate the new institution at Butler came as a shock to Pennsylvania agencies and individuals, professional and others, who have been striving for years to secure provision on the part of the State of more adequate hospital facilities for the tuberculous. As a justification for this decision, it is stated in the Budget Message:

"The entire present waiting list of sufferers from tuberculosis can be amply accommodated at the present sanatoria. To occupy the Butler institution would be unjustifiable expense."

"It has been our understanding that approximately 738 new beds are being provided for patients at the Mont Alto and Hamburg Hospitals. We have been informed by the Secretary of Health that the waiting list stood at 611 on March first.

"The question occurs,—is the size of the waiting list of applicants for admission to State sanatoria an accurate or even safe measure for the need of hospital beds? We believe most emphatically that it is not and that it should not be so accepted. The number of deaths occurring annually is the guide used by competent public health authorities in determining tuberculosis hospital needs. At least two beds per annual death is regarded as the minimum requirement.

"There were 4,906 deaths from tuberculosis in Pennsylvania in 1937, and there are today approximately 4,562 beds available in the state for the civilian population. With 738 new beds provided at Mont Alto and Hamburg, Pennsylvania will still need something over 3,000 additional beds to meet the standard requirements of two beds for each annual death. On this basis alone, there can be no question as to Pennsylvania's need for the 550 beds that would be available in the Butler Hospital.

"There is no doubt that the institution would be filled to capacity in a very short time. While in itself, it would not solve our tuberculosis hospital problem, it would accomplish a great deal in providing more adequate care for residents of Western Pennsylvania. At the present time the nearest hospital for the western part of the state is at Cresson. Even after a patient is accepted for admission, it means that he must be sent a long distance from home and friends for treatment. The institution in Butler County would help very much toward correcting this unfortunate situation.

Very sincerely yours,

C. HOWARD MARCY, M.D."

I have also another letter here from the Clearfield Tuberculosis Society of Clearfield County, in which it says as follows:

"Clearfield
March 31, 1939

"Hon. A. O. Hindman, M.D.,
House of Representatives,
Harrisburg, Pa.

"Dear Dr. Hindman:

"This Society heard with keen disappointment of the Governor's intention to stop the work on the new Tuberculosis Sanatorium in course of erection at Butler. For years our county's indigent tuberculosis patients have had to wait for weeks and months before they can be received at the present State Sanatoria. Many times this long wait has resulted in progress of the disease from an incipient to far-advanced type causing a longer stay in the institution when they were called and frequently a fatal outcome. "All the while the patient has been detained at his home awaiting admission he has most likely been a source of infection to his contacts with the development of new cases as a result.

"In view of these facts it is the sense of this organization that the new Butler Sanatorium should be put into operation as quickly as possible and we urge you as our representative to do everything in your power to bring about this end.

Very sincerely yours,

CLEARFIELD COUNTY TUBERCULOSIS SOCIETY,
J. Paul Frantz, M.D., President,
Mrs. Grace Bartley, Secretary."

I also have a letter from the Clearfield County Medical Society in which they voice practically the same sentiments. Ladies and gentlemen, they insist that that hospital is grievously and sorely needed particularly in the Western end of the state.

Mr. Speaker and members of this House, I would to God that I could have you go with me to visit the various Tuberculosis Clinics of this state and view for yourselves the pathetic spectacle of the great groups in waiting, eager to be admitted to a Sanatorium in order that they might grasp their only chance for life, happiness and restoration to health in order that they might engage in gainful occupation. I would have you view with me the expressions on their flushed and feverish faces of disappointment, sorrow and vanished hope when they are told that unfortunately they cannot be admitted for a period of at least four months because the great Commonwealth of Pennsylvania has failed to make adequate provisions for their care on account of the expense involved. Oh, my friends! who of us would not cry out in anguish "what price a human life?" This is not a mere darkly pained word picture, Mr. Speaker and members of this House. I regret to remind you it is a stern reality to several hundred unfortunates in the state of Pennsylvania today.

A great deal of money has been expended in our State over a rather long period of time to eradicate tuberculosis in cattle. My friends I am heartily in sympathy with this and the results have been marvelously successful, bovine tuberculosis having been reduced to a negligible quantity, there being less than one-half of one percent of bovine cases in the State at this time. It has all but been exterminated. I submit to you, however, that our human problem is vastly more important than that of cattle and in my opinion if this long waiting list is eliminated the results in man would be comparable to that obtained in cattle. Would not we all be very happy to feel that we

had done our part in bringing about such a notable achievement?

Mr. Speaker and members of this House if I were in a position to defer the opening of the Butler Sanitorium for two years and were offered a monetary reward equivalent to the cost of the institution for so doing I would spurn the offer. I would not jeopardize my soul by virtually being a party in reality to signing a death warrant to hundreds and maybe thousands of helpless creatures who through no fault of their own are unfortunate victims of this disease and for whose proper care the responsibility is ours.

During my entire professional career I have always experienced a feeling of deep responsibility for the lives of those who were intrusted to me be he prince or pauper, high or low, a human life is a human life, and aside from its hope in eternity the dearest and most cherished asset of its possessor. Today, I feel that in conjunction with the other two members of the medical profession in this House, Dr. Serrill and Dr. Sarraf, we are heading a great clinic. We have thousands of tuberculous victims for our patients. We have, in addition, countless thousands of potential victims whose duty is ours to prevent from developing this dreaded and devastating disease. I feel that our responsibility before God is greater than at any time in our experience in a long and active medical career, because of the great number involved.

We have, however, a further division of our responsibility in this great clinic with the other 205 members of this legislature. I say to them, "Know ye the truth, and the truth shall make you free." I say to you in all sincerity, and with all the fervor and force that lieth within me, that if we go along to thwart the plans already inaugurated to take care of both the potential and active victims of this great white plague their blood will be on our heads, and their plague will be our eternal heritage.

SENATE MESSAGE

HOUSE BILL CONCURRED IN BY SENATE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 26.

An act to amend section three of the act approved the twenty-seventh day of April one thousand nine hundred

and twenty-seven (P. L. 465) entitled "An act to provide for the safety of persons employed housed or assembled in certain buildings and structures not in cities of the first class second class and second class A by requiring certain construction and ways of egress, equipment and maintenance providing for the licensing of projectionists requiring the submission of plans for examination and approval providing for the promulgation of rules and regulations for the enforcement of this act providing for the enforcement of this act by the Department of Labor and Industry and in certain cases by the chiefs of fire departments in cities of the third class providing penalties for violations of the provisions of this act and repealing acts" as amended eliminating the requirement that certain buildings shall be equipped with certain equipment in connection with gas meters to prevent or retard the escape of gas.

With the information that the Senate has passed the same without amendment.

COMMITTEE MEETINGS

There will be meetings of the Committees on Counties, Tuesday, April 4, 1939 at 11 a. m. in Room 100. Education, Tuesday, April 4, 1939 at 11 a. m. in Room 323. Railroads and Railways, Tuesday, April 4, 1939 at 12:30 p. m. in Room 541.

Welfare, Tuesday, April 4, 1939 at 10 a. m., in Room 323.

There will be a public hearing before the Committee on Municipal Corporations on House Bill No. 189 on Tuesday, April 4, 1939 at 10 a. m. in the House Caucus Room.

There will be a public hearing before the Committee on Professional Licensure on House Bill No. 475 on Tuesday, April 4, 1939 at 11 a. m. in the Senate Caucus Room.

There will be a public hearing before the Committee on Second Class Cities on House Bill No. 473 on Tuesday, April 4, 1939 at 11 a. m. in Room A.

There will be a meeting of the Sub-Committee in charge of the Criminal Code Tuesday, April 4, 1939 at 12 noon in Room 147.

There will be a joint public hearing on Senate Bill No. 45, the Teachers' Tenure Bill on April 5, 1939, at 7 p. m. in the Forum of the Educational Building.

ADJOURNMENT

Mr. HARBESON. Mr. Speaker, I move that this House do now adjourn until tomorrow at 1:30 p. m.

The motion was agreed to, and (at 11:29 p. m.) the House adjourned until Tuesday, April 4, 1939, at 1:30 p. m.

Legislative Journal.

Session 1939.

133d of the General Assembly.

Vol. 23

HARRISBURG, PA., TUESDAY, APRIL 4, 1939.

No. 33.

SENATE

TUESDAY, April 4, 1939

The Senate met at 2:00 o'clock, p. m.

The PRESIDENT (Lieutenant-Governor Samuel S. Lewis) in the Chair.

PRAYER

The Chaplain, Rev. BURLEIGH A. PETERS, offered the following prayer:

O Almighty, Everlasting God, by whose Spirit all things are governed, by whose providence all things are ordered, we commend to Thee this day all the people of this Commonwealth and nation. Look kindly upon every condition of their living that the good may be preserved by Thine own winnowings and the evil annulled in due season.

May all useful arts flourish in our midst and the good influences of our public school system be preserved. Guide Thou into larger channels of usefulness our institutions of higher education and may they be purged of all subversive activities and teachings.

Defend all our Churches everywhere. Cause Thy righteousness to thoroughly pervade the minds of our people that the rightful destiny of this nation may, under Thy guidance, be secure.

May Thy name be hallowed everywhere in our nation and especially in our own hearts. In Thy holy name we pray. Amen.

JOURNAL APPROVED

The PRESIDENT. A quorum of the Senate being present the Clerk will read the Journal of the preceding session.

The Clerk proceeded to read the Journal of the preceding session, when, on motion of Mr. GELDER and Mr. SCARLETT, the further reading was dispensed with, and the Journal was approved.

BILL SIGNED

The PRESIDENT (Lieutenant-Governor Samuel S. Lewis) announced that the Chief Clerk having reported that the following bills had passed both houses of the General Assembly and the same being correct, the titles were publicly read as follows:

House Bill No. 26, entitled:

An Act to repeal the act, approved the fifth day of June, one thousand nine hundred and thirty-seven (P. L. 1670), entitled "Fire Safety Building Regulation Law."

Whereupon,

The PRESIDENT (Lieutenant-Governor Samuel S. Lewis) in the presence of the Senate signed the same.

HOUSE MESSAGE

HOUSE BILLS FOR CONCURRENCE

The Clerk of the House of Representatives being introduced presented for concurrence bills of the House, as follows:

House Bill No. 331, (Senate Bill No. 412), entitled:

An Act defining and prohibiting unfair sales, providing remedies for violations thereof, and establishing penalties therefor.

Which was committed to the Committee on Judiciary General.

BILL RE-REFERRED

Mr. CROWE reports from the Committee on Insurance, Senate Bill No. 273, entitled:

An Act prohibiting the Insurance Commissioner from permitting workmen's compensation insurance rates higher than a certain amount.

be re-referred to the Committee on Labor and Industry.

REPORTS FROM COMMITTEES

Mr. THOMAS, from the Committee on Municipal Government, reported as committed, Senate Bill No. 380, (House Bill No. 209), entitled:

An Act to amend section two thousand eight hundred forty-two of the act, approved the twenty-third day of June, one thousand nine hundred thirty-one (P. L. 932), entitled "An act relating to cities of the third class; and amending, revising, and consolidating the law relating thereto," by authorizing the city to appeal from reports of viewers, and demand a trial by jury, and making such provisions retroactive so as to apply to cases now pending.

Mr. LETZLER, from the Committee on Insurance, reported as committed, Senate Bill No. 404, entitled:

An Act providing for a uniform commission to fire insurance agents; prohibiting additional compensation or excess commissions in any form; providing for the enforcement of the provisions of this act by the Insurance Commissioner; and imposing penalties.

Mr. BARTLETT, from the Committee on Insurance, reported as amended, Senate Bill No. 260, entitled:

An Act to further amend section four hundred four of the act, approved the seventeenth day of May, one thousand nine hundred and twenty-one (P.L. 682), entitled "An act relating to insurance; amending, revising, and consolidating the law providing for the incorporation of insurance companies, and the regulation, supervision, and protection of home and foreign insurance companies, Lloyds associations, reciprocal and inter-insurance exchanges, and fire insurance rating bureaus, and the regulation and supervision of insurance carried by

such companies, associations, and exchanges, including insurance carried by the State Workmen's Insurance Fund; providing penalties; and repealing existing laws," by changing requirements relating to the investment of the capital and reserve of mutual and stock life insurance companies organized under the laws of this Commonwealth.

Mr. TALLMAN, from the Committee on Municipal Government, reported as committed, Senate Bill No. 309, (House Bill No. 483), entitled:

An Act regulating the appointing or election of deputy controllers in cities of the second class A and prescribing their powers and duties.

He also, from the Committee on Municipal Government, reported as committed, Senate Bill No. 343, (House Bill No. 486), entitled:

An Act authorizing the appointment of a deputy mayor in cities of the second class A and limiting and prescribing his powers and duties.

Mr. WOODWARD, from the Committee on Municipal Government, reported as amended, Senate Bill No. 314, entitled:

An Act to amend clause (b) of section three of the act, approved the thirtieth day of March, one thousand nine hundred and thirty-seven (P. L. 115), entitled "An act to provide for the permanent personal registration of electors in cities of the first class as a condition of their right to vote at elections and primaries, and their enrollment as members of political parties as a further condition of their right to vote at primaries; prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors; and prescribing the powers and duties of citizens, parties, bodies of electors, registration commissions, commissioners, registrars inspectors of registration and other appointees of registration commission, election officers, municipal officers, departments and bureaus, police officers, courts, judges, prothonotaries, sheriffs, county commissioners, peace officers, county treasurers, county controllers, registrars of vital statistics, real estate brokers, rental agents, certain public service companies, persons, firms, and corporations operating vehicles for moving furniture and household goods, and boards of school directors; and imposing penalties," by reducing the number of members of the registration commission.

BILLS INTRODUCED

Mr. SCARLETT, read in his place and presented to the Chair, Senate Bill No. 413, entitled:

An Act to amend sections two hundred two and two hundred fourteen of the act approved the eighteenth day of May, one thousand nine hundred eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with provisions by which it shall be administered and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws, general, special or local or any parts thereof that are or may be inconsistent therewith," by changing the manner of appointing and filling vacancies in boards of school directors in school districts of the first class where any city, constituting a school district of the first class has a council elected by proportional representation and a city manager selected by council.

Which was committed to the Committee on Education.

Mr. FARRELL read in his place and presented to the Chair, Senate Bill No. 414, entitled:

An Act authorizing school districts of the first class to fund floating indebtedness, incurred prior to December

thirty-first, one thousand nine hundred and thirty-nine, for current expenses and debt service and to issue and sell bonds for this purpose.

Which was committed to the Committee on Education.

He also read in his place and presented to the Chair, Senate Bill No. 415, entitled:

An Act to amend and reenact section five hundred and twenty-four of an act, approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith," as amended by limiting the total annual school tax for any one year in school districts of the first class and prescribing the method of fixing the levy of school taxes in such districts.

Which was committed to the Committee on Education.

He also read in his place and presented to the Chair, Senate Bill No. 416, entitled:

An Act to amend and reenact section five hundred and thirty-two of an act, approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof that are or may be inconsistent therewith," as amended, by empowering school boards in districts of the first class to make for any year such general reductions in salaries fixed by law as will enable the district to keep its estimated annual expenditures within the estimate of funds available to the district for that year and by, in such instances, so regulating the discretionary power vested in the Superintendent of Public Instruction, to withhold requisitions for moneys payable by the Commonwealth to School Districts which have not made provision for full payment of minimum salaries and increments, that the exercise of such power shall not interfere with the operation of this act.

Which was committed to the Committee on Education.

Messrs. DENT and HALUSKA read in their place and presented to the Chair, Senate Bill No. 417, entitled:

An Act prohibiting the sale, transfer, purchase, ownership, possession and use of tear and noxious gas and tear gas guns, providing certain exemptions and providing penalties.

Which was committed to the Committee on Law and Order.

Mr. STIEFEL read in his place and presented to the Chair, Senate Bill No. 418, entitled:

A Joint Resolution proposing an amendment to section one, article eighteen of the Constitution of the Commonwealth of Pennsylvania.

Which was committed to the Committee on Judiciary General.

Mr. TALLMAN read in his place and presented to the Chair, Senate Bill No. 419, entitled:

An Act to amend section 202 of and add a new Section 425A to the act approved the ninth day of April, one

thousand nine hundred and twenty-nine (P. L. 177), entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments, boards, commissions, and officers thereof, including the boards of trustees of State Normal Schools, or Teachers Colleges; abolishing, creating, reorganizing or authorizing the reorganization of certain administrative departments, boards, and commissions; defining the powers and duties of the Governor and other executive and administrative officers, and of the several administrative departments, boards, commissions, and officers; fixing the salaries of the Governor, Lieutenant Governor, and certain other executive and administrative officers; providing for the appointment of certain administrative officers, and of all deputies and other assistants and employes in certain departments, boards, and commissions; and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments, boards and commissions shall be determined," in order to establish the State Civil Service Commission as a departmental administrative commission in the Department of Public Instruction.

Which was committed to the Committee on State Government.

He also read in his place and presented to the Chair, Senate Bill No. 420, entitled:

An Act regulating and improving the civil service of certain departments and agencies of the Commonwealth vesting in the State Civil Service Commission and an Administrator certain powers and duties, providing for classification of positions, adoption of compensation, schedules and certification of payrolls; imposing duties upon certain officers and employes of the Commonwealth, authorizing cooperation with counties, cities, boroughs and towns and townships in matters relating to civil service; defining certain crimes and misdemeanors; imposing penalties and repealing certain acts and parts thereof.

Which was committed to the Committee on State Government.

Mr. WOLFENDEN read in his place and presented to the Chair Senate Bill No. 421, entitled:

An Act to control the practice of accounting by defining and regulating the practice of public accountancy by those qualified by the Commonwealth to practice as certified public accountants or as public accountants.

Which was committed to the Committee on State Government.

He also, by request, read in his place and presented to the Chair Senate Bill No. 422, entitled:

An Act to amend section one thousand and four of the act, approved the seventeenth day of May, one thousand nine hundred and twenty-one (P. L. 682), entitled "An act relating to insurance; amending, revising, and consolidating the law providing for the incorporation of insurance companies, and the regulation, supervision, and protection of home and foreign insurance companies, Lloyds associations, reciprocal and inter-insurance exchanges, and fire insurance rating bureaus, and the regulation and supervision of insurance carried by such companies, associations, and exchanges, including insurance carried by the State Workmen's Insurance Fund; providing penalties; and repealing existing laws," as amended, by authorizing exchanges which maintain a surplus equal to the capital and surplus requirements of stock insurance companies engaged in the same kind of business, to write policies without contingent liability in such policy or in the power of attorney.

Which was committed to the Committee on Insurance.

He also read in his place and presented to the Chair Senate Bill No. 423, entitled:

An Act to further amend section two hundred two, and to amend section four hundred twenty-one, of the act, approved the ninth day of April, one thousand nine hundred and twenty-nine (P. L. 177), entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments, boards, commissions, and officers thereof, including the boards of trustees of State Normal Schools, or Teachers Colleges; abolishing, creating, reorganizing or authorizing the reorganization of certain administrative departments, boards, and commissions; defining the powers and duties of the Governor and other executive and administrative officers, and of the several administrative departments, boards, commissions, and officers; fixing the salaries of the Governor, Lieutenant Governor, and certain other executive and administrative officers; providing for the appointment of certain administrative officers, and of all deputies and other assistants and employes in certain departments, boards, and commissions; and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments, boards and commissions shall be determined," by substituting "State Board of Accountancy" for "State Board for the Examination of Public Accountants" and for "State Board of Examiners of Public Accountants," by providing for the composition of the board and the method of removal of its members; and to provide that the members of the State Board for the Examination of Public Accountants or State Board of Examiners of Public Accountants in office at the effective date hereof shall become members of the first State Board of Accountancy.

Which was committed to the Committee on State Government.

Mr. GELTZ read in his place and presented to the Chair Senate Bill No. 424, entitled:

An Act to repeal the act, approved the fourth day of June, one thousand nine hundred and thirty-seven (P. L. 1539), entitled "An act providing for the creation, incorporation, organization, and government of county public utility administrations in counties of the second class; providing for referendums to ascertain the will of the electors; authorizing such administrations to incur bonded indebtedness for the purpose of the construction of works, the acquisition of property, and the operation of public utilities, to contract for the payment therefor, or to have the price fixed by the Public Utility Commission; conferring the power of eminent domain; providing for the powers, duties, functions, and immunities of such administration; imposing certain duties and functions in connection with such administrations upon certain county officers; conferring power to enter into agreements with the United States and its instrumentalities, political subdivisions, and municipalities of the Commonwealth, and others; providing for a system of civil service and collective bargaining; and providing penalties; and for other purposes."

Which was committed to the Committee on County Government.

He also read in his place and presented to the Chair Senate Bill No. 425, entitled:

An Act to amend Sections 2601, 2602, 2603, and 2604 of the act approved the eighteenth day of May, one thousand nine hundred eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such

revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith," by providing for the election or appointment of auditors in merged and other union school districts, fixing the term of office and manner of filling vacancies.

Which was committed to the Committee on Education.

REQUESTING SENATE CHAMBER FOR HOLDING PUBLIC HEARING ON SENATE BILLS NOS. 151 AND 152.

Mr. MALLERY offered the following resolution which was twice read, considered, and agreed to:

In the Senate of Pennsylvania, April 4, 1939.

Be It Resolved, That the Judiciary General Committee of the Senate be, and it hereby is, granted permission to use the Senate Chamber, Tuesday, April 4, 1939, at 8:00 o'clock p. m., for the purpose of holding a public hearing on Senate Bills Nos. 151 and 152.

JOINT LEGISLATIVE COMMITTEE TO STUDY REGULATIONS OF MILK CONTROL

Mr. HEYBURN. Mr. President, I move that we do now reconsider Senate Resolution No. 3, (Printer's No. 24) and move for its immediate adoption, as follows:

In the Senate, February 7, 1939.

Whereas, Milk Control has been the subject of much controversy, and

Whereas, The production and distribution of milk is a subject of such vital importance to the citizens of the Commonwealth; therefore be it

Resolved (if the House of Representatives concur), That the President Pro Tempore shall appoint three members of the Senate, one of whom shall be designated as Chairman, and the Speaker of the House of Representatives shall appoint four members of the House, who, together shall constitute a joint legislative committee and whose duty it shall be to investigate and study, (a) all regulations, records and activities of the several departments and boards engaged in any manner in the administration of laws regulating the production and distribution of milk and to take the testimony of such witnesses as may be deemed necessary to ascertain full facts which will be useful and helpful in formulating future remedial and regulatory legislation;

Resolved, That said committee shall have power to issue subpoenas under the hand and seal of its Chairman, requiring and commanding any person to appear before it and answer such questions touching matters properly being inquired into by the committee, and to produce such books, papers, records and documents as the committee may deem necessary. Such subpoenas may be served upon any persons and shall have the same force and effect as subpoenas issued out of the courts of this Commonwealth. Each member of the committee shall have power to administer oaths and affirmations to witnesses appearing before it. Any person who shall wilfully neglect or refuse to appear and testify for said committee, or to produce any books, papers, records and documents, shall be subject to the penalties provided by the laws of this Commonwealth in such cases.

On the question,

Will the Senate agree to the resolution?

It was agreed to.

Mr. DENT. Mr. President, I desire to read a resolution which I am going to ask this Senate to approve this afternoon. I desire to read it personally, so that the proper emphasis can be placed upon those items of information which I believe are essential to the passage of this resolution:

This resolution is introduced by myself and Senator Haluska from Cambria:

In the Senate, April 4, 1939.

Whereas, The Department of Public Assistance through its Director Mr. Russell recently issued an order stating that all persons receiving relief must sign a bond in the sum of \$5000 which bond binds said persons or dependent to return to the State Government any and all monies received by said persons in the form of emergency relief and

Whereas, This order is the most degrading and demoralizing proposition advanced since the beginning of subsistence and relief grants to persons who through no fault of their own are unemployed, and

Whereas, The principle behind the proposition is unsound and based on prejudice and an assumption that relief recipients as a group are drones and won't do anything to help themselves and that there are many so-called chiselers on the relief rolls which is not supported by findings of fact, and

Whereas, Mr. Russell in his statement concurring this unfair proposition made the illuminating and prophetic statement that homes would not be taken from the estates of deceased relief recipients if said homes were willed to a dependent who is also a relief recipient. Such clarifying statements only tend to show the unreasonableness of this order from the viewpoint of persons who hold no malice or ill-will towards their fellow citizens who cannot locate gainful employment, and

Whereas, This proposition and formal order tends to destroy the initiative of thousands of worthy citizens willing to work by forcing them to mortgage not only their own future earnings (if any) but that of their sons and daughters as well, thus placing the children of this large group of citizens in the unhappy yet unique position of no longer being free children in a free nation, but sons and daughters in bondage and whose position and plight may well be likened to that of the early Americans who came to this country as bondage slaves and which practice was stamped out early in the days of Colonial America and further, this degrading and demoralizing proposition will completely destroy the liberty of freedom of this generation of relief recipients and unemployed but it will hang a millstone around the necks of the next generation and if the insinuations of the Director of Public Assistance is to be given serious consideration through this mortgage on liberty and independence will carry on into future generations of the bonded relief recipients and

Whereas, While we are agreed that relief chiselers are deserving of punishment and all reasonable precautions should be taken to keep such chiselers from the relief rolls, yet we cannot destroy the initiative and future independence of a large group of our citizenry because of this desire to save and economize in the distribution of subsistence relief be it resolved, and

It Is Hereby Resolved, That this General Assembly do (with the approval of the House of Representative) order the Department of Public Assistance through its Director Mr. Russell to refrain from enforcing the order compelling relief recipients to sign away their future liberty and Independence and that no such bond be required to receive food and clothing when the person receiving same has no gainful employment and is a relief case because of conditions beyond his or her control and

Be It Further Resolved, That this mandate of the General Assembly supersede the order of the secretary of Public Assistance immediately and that copies be forwarded to the Secretary of Public Assistance, the State Board of Public Assistance, to all Local Boards of Public Assistance and to the Governor of the Commonwealth and that the Governor is hereby petitioned to enforce the provisions of this resolution.

Mr. DENT. Mr. President, I ask unanimous consent that Rule 39, which requires resolutions be referred to an appropriate committee, be dispensed with and the Senate proceed to the consideration of the foregoing resolution.

The PRESIDENT. Is there objection?

Mr. OWLETT. Mr. President, I object.

Mr. OWLETT. Mr. President, under the rules of this

Senate a resolution must be referred to a committee if there is objection by any member of this Senate. This is a long involved resolution, and if I heard the reading of it correctly, it purports to be a mandate to some departments of this government directing them how they shall conduct those departments. It is certainly only fair and proper that this resolution be considered by a committee in an orderly way, and I therefore ask the Senate to vote down this motion to suspend the rule.

Mr. EDMONDS. Mr. President, I happen to have on my desk a letter from the secretary of the Department of Public Assistance which came to me as the chairman of the special committee on that subject and which has some bearing on this question.

POINT OF ORDER

Mr. SHAPIRO. Mr. President, I rise to a point of order. The PRESIDENT. The Senator from Philadelphia, Mr. Shapiro, will state his point of order.

Mr. SHAPIRO. Mr. President, with all due respect to the Senator from Montgomery, Mr. Edmonds, I do not think a motion to suspend a rule is debatable and I ask that the order be enforced.

The PRESIDENT. The point of order of the Senator is well taken.

And the question recurring,

Will the Senate agree to the resolution?

The yeas and nays were required by Mr. Cavalcante.

YEAS—22

Cavalcante,	Gilson,	Lanius,	Rice,
Coleman,	Haluska,	McCreesh,	Ruth,
Dent,	Jacobs,	McGinnis,	Shapiro,
DiSilvestro,	Jaspan,	Mundy,	Sipe,
Eroe,	Kilgallen,	Reed,	Stiefel,
Frey,	Kunkel,		

NAYS—25

Bartlett,	Gelder,	Mallery,	Stevenson,
Chapman,	Geltz,	Miller,	Tallman,
Crowe,	Heyburn,	Owlett,	Thomas,
Deltrick,	Homsber,	Pierson,	Walker,
Ealy,	James,	Scarlett,	Wolfenden,
Edmonds,	Letzler,	Snowden,	Woodward,
Farrell,			

So the question was determined in the negative.

QUESTION OF PERSONAL PRIVILEGE

Mr. EDMONDS. Mr. President, I rise to a question of personal privilege.

The PRESIDENT. The Senator from Montgomery, Mr. Edmonds, will state his question of personal privilege.

Mr. EDMONDS. Mr. President, I have some information here which I think will be of interest to some of the members of the Senate. It is in the form of a letter from Mr. Howard Russell, Secretary of the Department of Public Assistance. The letter states as follows:

The Honorable Franklin Spencer Edmonds,
Senate Chamber,
Commonwealth of Pennsylvania,
Harrisburg, Pennsylvania.

Dear Senator Edmonds:

The Support Law, Act 397, passed by the 1937 Legislature contains the following section:

"Section 4. Property of Indigent Persons Liable for Expenses Incurred for Support and Assistance.—(a) The real and personal property of any indigent person shall be liable for the expenses of his support, maintenance, assistance and burial, incurred by any

public body or public agency, whether owned at the time such expenses were incurred or acquired thereafter. Any public body or public agency may sue for moneys so expended, and any judgment obtained shall be a lien upon the real estate of such indigent person, and be collected as other judgments;"

This provision changed all forms of assistance from a grant to a loan basis in respect to property owned by a person while on relief, or acquired thereafter.

The State Board of Public Assistance took the position that this regulation was permissive rather than mandatory, since they considered the regulation impossible to administer properly. They failed to take any steps toward enforcing it until April 6, 1938 when a procedure for enforcement was discussed and submitted to the Attorney General for approval. At the meeting of the State Board on July 7, 1938 a resolution was passed adopting the form of a bond to be filed as a lien against real property.

On December 1, 1939 the following two resolutions appear in the minutes of the State Board of Public Assistance:

"Resolved, That the matter of the procurement of a bond from all assistance recipients, excepting Blind Pensioners, as adopted by the Board July 7, 1938, be held in abeyance pending further investigation by the Department.

"Further Resolved, That the Attorney General be requested to render an opinion as to whether or not, under the Support Law, it is mandatory upon the Department of Public Assistance to obtain repayment from recipients of General Assistance and Aid to Dependent Children."

At the last meeting of the State Board of Public Assistance on January 5, 1939, the following resolution appears in the minutes:

"Resolved, That the remarks of the Secretary be recorded and that the matter of the procurement of a bond from all assistance recipients, excepting Blind Pensioners, as adopted by the Board July 7, 1938, be held in abeyance pending receipt of the Attorney General's opinion as to whether or not under the Support Law the procurement of this bond is mandatory."

In formal Opinion No. 926, signed by Attorney General, Guy K. Bard, was received January 16, 1939, and contained the following conclusion:

"The question of whether or not suits should be filed or that executions should issue in any particular instances would be a matter within the discretion of the Department of Public Assistance, but any action on the part of the Public Assistance Board which would set up as a policy a determination to forego all claims for general assistance and for aid to dependent children would run counter to the public interest and deny to the Commonwealth of Pennsylvania potential collections aggregating many thousands of dollars. Such action on the part of the State Board of Public Assistance would be an abuse of discretion or power which would, in all probability, lay such board open to charges of non-feasance if not malfeasance in office.

"It is, therefore, our conclusion, and you are accordingly advised, that the State Board of Public Assistance is without discretionary power which would justify their setting up a policy which would forego all claims against relief recipients who had received general assistance or involving aid to dependent children."

A letter received from the Attorney General's office on March 28, 1939 closes with the following sentence:

"As we see no occasion to suggest alterations in Informal Opinion No. 926, we concur in its findings."

On the basis of the specific ruling given the Department of Public Assistance by Attorney General Guy K. Bard, and recently concurred in by Attorney General Claude T. Reno, the Department has issued instructions that applicants for all forms of assistance, excepting Blind Pensioners, be required to sign bonds which will be a lien

against real and personal property owned while receiving assistance, or acquired thereafter. This procedure is effective April 1, 1939.

I am enclosing a copy of Informal Opinion No. 926, a copy of a letter of March 28, 1939, signed by Deputy Attorney General M. Louise Rutherford and a copy of the instructions sent to all county offices by the Department of Public Assistance (Memorandum No. 621).

In answer to your specific question, this requirement is in the Support Law passed by the preceding administration and has been ruled to be mandatory as to its enforcement by the Attorney General of the preceding administration.

The general idea of this regulation appears to me to be sound but requiring some slight modification. It would be administratively difficult and impractical to maintain a check on every person who has ever been on relief to the time of his death to ascertain whether he ever acquired real or personal property which might be recovered for the State. The Bond signed at the time of application for assistance automatically provides the procedure by which recoveries can be made. The degree to which such liens be enforced could properly be a matter for discretion with the State Board of Public Assistance.

Our recommendation for a re-wording of Section 4 of Act 397 would be as follows:

"Section 4. Property of Indigent Persons Liable for Expenses Incurred for Support and Assistance.

"(a) The real and personal property of any indigent person shall be liable for the expenses of his support, maintenance, assistance and burial, incurred by any public body or public agency, (whether) if such property was owned (at) during the time such expenses were incurred or (acquired thereafter) or if the right to ownership of such property existed or was acquired during the time such expenses were incurred. Any public body or agency may sue for moneys so expended. (and) Public bodies or public agencies which furnish assistance to the indigent shall require of all indigent persons who are twenty-one (21) years of age, or over, a bond guaranteeing repayment of moneys so expended. Any judgment, whether obtained by suit or on the bond guaranteeing repayment, shall be a lien upon the real estate of such indigent person and shall be collected as other judgments, except as to the real and personal property comprising the home and furnishings of such indigent person, which shall be subject to the lien of such judgment, but shall not be subject to execution on such judgment during the lifetime of the indigent person.

I trust that this gives you the information you desired.

Sincerely yours,

HOWARD L. RUSSELL,
Secretary.

Mr. PRESIDENT. The successor to Guy K. Bard also coincided in that opinion. I am not stressing the part of the letter which deals with the possibility suggesting amendments but the point that I wish to make is, first, that the action against which the Senator from Westmoreland protests is an action first prescribed by an Act of Assembly; and, in the second place, is in accordance with the policy of the State Board last year; and, in the third place, is in accordance with an opinion of the Attorney-General, whom I did not know, but whose name I think has been cited with approval in certain parts of the House.

Mr. SHAPIRO. Mr. President, I should like to interrogate the Senator from Montgomery, Mr. Edmonds.

The PRESIDENT. Will the Senator from Montgomery, Mr. Edmonds, permit himself to be interrogated?

Mr. EDMONDS. Mr. President, with pleasure.

Mr. SHAPIRO. Mr. President, I should like the Senator

from Montgomery to read the portion again which provides for the taking of a bond.

Mr. EDMONDS. Mr. President, I read the portion of the act on which the Attorney General relies.

Mr. SHAPIRO. Mr. President, does that provide for the taking of a bond?

Mr. EDMONDS. No, Mr. President, it provides for repayment of the debt.

Mr. SHAPIRO. Mr. President, there is nothing in the law which requires that a bond shall be taken, and the only purpose of taking a bond is to get a confession of judgment against these people and get a little speedier action against these people; not that these people who can afford shall be made to pay that back but everybody will be required to give a bond before he can get a release. There is nothing in the law which requires the department to insist upon a bond.

RESOLUTION EXTENDING SYMPATHY TO SENATOR DANDO ON THE DEATH OF HIS BROTHER

Mr. EROE. Mr. President, I offer the following privileged resolution and ask for its immediate adoption.

Mr. EROE offered the following resolution which was twice read, considered, and agreed to:

In the Senate, April 4, 1939.

Resolved, That we, the members of the Senate of Pennsylvania, extend to our fellow member, the Honorable Joseph P. Dando, our most sincere sympathy in the death of his brother, John Dando.

In token of our sympathy and respect for Senator Dando, it is hereby directed that this resolution be spread on the Journal of the proceedings of the Senate, and a copy thereof, properly certified, be transmitted to the Honorable Joseph P. Dando.

QUESTION OF PARLIAMENTARY INQUIRY

Mr. HALUSKA. Mr. President, I rise to a question of parliamentary inquiry.

The PRESIDENT. Will the Senator from Cambria, Mr. Haluska, state his point of parliamentary inquiry?

Mr. HALUSKA. Mr. President, on February 6th I presented to the Chair a bill which is now known as Senate Bill 47. The bill has been referred to the Committee on Judiciary General, and I would like to interrogate the chairman of that committee, Mr. Mallery.

The PRESIDENT. Will the Senator from Blair, Mr. Mallery, permit himself to be interrogated?

Mr. MALLERY. Mr. President, I will.

Mr. HALUSKA. Mr. President, with reference to Senate Bill No. 47, is that bill now in possession of the committee on Judiciary General?

Mr. MALLERY. Mr. President, to what bill does the Senator from Cambria refer and to what does that bill pertain?

Mr. HALUSKA. Mr. President, that bill pertains to the discussion on the floor a few minutes ago, to indigent persons.

Mr. MALLERY. Mr. President, that bill was considered and by a majority—almost a unanimous vote of the committee—that bill was indefinitely postponed.

Mr. HALUSKA. Mr. President, I desire to further interrogate the Senator from Blair.

The PRESIDENT. Will the Senator from Blair permit himself to be further interrogated?

Mr. MALLERY. Mr. President, I will.

Mr. HALUSKA. Mr. President, I have been informed

indirectly that this bill had been reconsidered and the committee had instructed the chairman to re-report this bill to the Committee on Welfare. Is that information correct, Mr. President?

Mr. MALLERY. Mr. President, not that I know of, but, however I may be mistaken. Evidently, Mr. President, I am mistaken. This bill, I have just been told by Senator Shapiro, was given to him as chairman of a subcommittee to study. I had another bill in mind.

Mr. HALUSKA. Mr. President, I do not wish to betray a confidence of a committee, but the Senator from Blair, Mr. Mallery, gave me permission to attend his committee meetings and I recall very clearly that that committee took action while I was there to re-report this bill to the Committee on Welfare. Mr. President, does the Senator from Blair recall that?

Mr. HALUSKA. Mr. President, I desire to interrogate the Senator from Washington, Mr. Reed.

The PRESIDENT. Will the Senator from Washington, Mr. Reed, permit himself to be interrogated?

Mr. REED. Mr. President, I will.

Mr. HALUSKA. Mr. President, does the Senator from Washington have a recollection of that bill being referred to the Committee on Welfare?

Mr. REED. Mr. President, I do.

Mr. HALUSKA. Mr. President, will the Senator from Washington, Mr. Reed, explain what happened to that bill, if he can?

Mr. REED. Mr. President, as I recall the meeting last week Mr. Haluska appeared before the committee and inquired about the bill and wanted to explain the bill to the committee, and a motion was then made to refer the bill to the Committee on Welfare. Before Senator Haluska went to the Committee on Judiciary General he appeared before our Committee on Welfare and it was discovered there by the chairman that that bill was not in that committee. Later Senator Haluska appeared in our Committee on Judiciary General, at which time a motion was made to refer this bill to the Committee on Welfare. Senator Haluska requested the chairman of the Committee on Welfare to see where the bill was and have it sent to that committee, he wanted consideration of it there, and I distinctly remember, on account of being at the Committee on Welfare before this bill was referred out of the Committee on Judiciary General, the purpose was to have it referred to the Committee on Welfare.

Mr. HALUSKA. Mr. President, if that is the case I should like to ask the Senator from Blair to carry out the instructions of the committee, if he will—if he has no objections.

Mr. MALLERY. Mr. President, I will bring the bill out tomorrow before the committee.

QUESTION OF PERSONAL PRIVILEGE

Mr. DENT. Mr. President, I rise to a question of personal privilege.

The PRESIDENT. The Senator from Westmoreland, Mr. Dent, will state his question of personal privilege.

Mr. DENT. Mr. President, and members of the Senate, a few minutes ago I introduced a resolution and one of my colleagues decided it would be best not to have any debate on the resolution and therefore I was muzzled. However, we have parliamentary procedures whereby we still can have our say and especially if we are Democrats we usually have our say.

Mr. President, I want to take up at this time one particular point that I think is very important and which I think has been overlooked by the majority members of the Senate. While we are sitting here debating whether or not this resolution should be sent to a committee many people in Pennsylvania are being required to sign a bond. That started in my county Saturday, April 1, the requiring of a bond signature from persons receiving relief.

Now, I know full well what was in the act quoted by my colleague from Montgomery, Mr. Edmonds, and I know that when I voted for that I did not vote to force the persons who were to receive relief to bond and mortgage the future, not only of themselves but of their children and their children's children.

Mr. President, I do not believe that it is fair to insinuate on this floor, either through Mr. Russel's letter or any other statement here that the Democratic majority, last year passed a law which requires that bond. That was the purpose of my introduction of this resolution, because when they go out and ask for a bond in my county they are saying to the recipients that is not our order, we did not do this, this is an Act of Legislature, passed by the Democrats. It is not an Act of Legislature, it is a ruling of the Board. The Act of Legislature provided that persons that receive large sums of money and who have been relief recipients, or who by lying or by false pretenses received money from the State for subsistence, the act provided that the State could rightfully go in and get that money from those persons.

I do not believe any sane person in Pennsylvania thinks it is decent, right or honorable for us to say to our children today who are three, five, six or seven years old that "our heritage, my son and daughter, when you grow up, the food you are eating now, the shoes you are wearing now, the proper expenditures your father should make for you, you have got to pay for them. They will be only class children—and you must say they are a class—because this order distinctly puts them in a class—the only group of children in the whole state and probably in the whole nation who must mortgage their future earnings to satisfy the economy of a Governor. Gentlemen, let's put this in black and white here this afternoon.

I asked whether they would give immediate consideration to this problem because it is an acute problem, and the longer we delay the more acute it becomes. There is no necessity for study. All we say is they should refrain from forcing these people to mortgage their future.

Why talk about slavery? This is even worse than slavery because at least the slaves were allowed to work; our people who want to work are not even permitted to work, through no fault of their own.

Why, Mr. Russell in his statement, and also in his order, expressed the threat, let us say, that if a person refuses any sort of employment relief will be stopped. What does that mean, gentlemen of the Senate of Pennsylvania? It means this and this only, that this order will be used to peg down the wages of labor in Pennsylvania; that this order will be used to force persons who are desperate because of their economic situation to take positions with standards, wage standards, below normal standards of the Pennsylvania laborers.

I say to you that this order is degrading and demoralizing. I have asked this Senate to immediately consider this resolution. It has gone to a committee and you have seen what happened to it. You have seen what happens

to legislation that is sent to committee that is not desired, legislation that has the public appeal perhaps but is not desired by the majority members.

Mr. President, I have witnessed in committee how bills can be lost. I remember one time, in a certain committee of which I was a member we refused to consider a bill and one day we looked and it was on the Calendar; somebody reported it out—without the benefit of clergy.

Now, Gentlemen of the Senate of Pennsylvania, let's not do that to a group of our worthy citizens—and I say to you honestly that they are worthy, I have neighbors and I believe you have neighbors who are willing to work, do any kind of gainful employment, all they desire is an opportunity to work, and I say that no bond with a judgment clause attached to it is fair, is Democratic or is even reasonable, when a person who receives that money only does so because he is forced to receive it.

He does not want that money because he does not want work. There may be a few, yes, but I say all this talk about chisellers, about relief chisellers—my good friend said carpet baggers and so on—is inflated beyond reasonable size and proportion. Very few persons actually chisel on relief. The law provides for chisellers. We can take care of that by just following the law as it is written.

We do not have to have this extraordinary measure and pressure, and I say that our conditions today are so precarious that maybe today or tomorrow we ourselves may find ourselves in the same position as those who today are existing on relief. The increased use of machinery, the natural shrinkage in gainful jobs, the dual job-holding by men and women who are married, and various other economic evils and ills that we have today, may force some of us, particularly those of us who are not of the professional class, to the same position of on our bended knees asking for relief assistance and signing a bond by which we say to our children, as I have said before, I cannot provide for you, my government does not even give me enough to provide for you, but when you grow up you not only will pay for what you ate, for what you have worn to keep your body warm, but you have got to pay for what I ate and what I wore to keep my body warm.

Mr. President, we are saying to three, four, ten and twelve year old children in Pennsylvania that the old order has changed—no longer does the parent provide for the children but we say that the children provide for the parents.

I know my responsibility to my father and my mother, and you know yours. Every citizen knows his. They will take care, as I will, of my aged folks when the time comes that they need me—and I may say they do.

I appeal to you as men not to set this large group of citizens into a class that may be likened to the untouchables of India by refusing to consider this resolution at this time. The longer we delay the more of our citizens will be forced to sign this bond and become, as I have said before, bonded slaves to the government.

Mr. CROWE. Mr. President, I should like to interrogate the Senator from Westmoreland, Mr. Dent.

The PRESIDENT. Will the Senator from Westmoreland, Mr. Dent, permit himself to be interrogated?

Mr. DENT. Mr. President, I will.

Mr. CROWE. I should like to ask whether the Senator from Westmoreland still believes in Santa Clause?

Mr. DENT. Mr. President, would the Senator from Monroe kindly repeat his question?

Mr. CROWE. Mr. President, I inquired whether the Senator from Westmoreland, Mr. Dent, still believes in Santa Clause?

Mr. DENT. Mr. President, no question ever asked of me gives me greater pleasure in answering.

I remember distinctly—in answering that question I believe it is proper that I go into other angles that bear on the question—I remember distinctly once, in a meeting in Pittsburgh where I was invited to speak, a woman well known in Pennsylvania's political circles and belonging to the new deal—our political faith—made a remark loud enough for me to hear, after one of the speakers had spoken. She said, "What is he, Democrat or Republican?" and the person next to her said he was a Democrat. "Well," she said, "I can tell by the statements he made that he does not have much sense." However, Mr. President, the question of whether or not I believe in Santa Claus or not is not only absurd but entirely out of the question when it comes to discussing this problem.

Yes, Mr. President, I believe in Santa Claus, I believe in him—I still hang up my stocking at Christmas time. My children do too. And I want them to keep their beliefs, because soon enough they will wake up to the realities of this world and realize the toughness of getting by without a Santa Claus, but it is not a Santa Claus who provides for those persons on relief I do not think that question was really serious, as asked by the Senator from Monroe, Mr. Crowe; I do not believe he meant that the way he said it. However, I do believe in the long whiskered gentleman, Santa Claus.

Mr. CAVALCANTE. Mr. President, while we are on the subject of resolutions I wish to call the attention of my colleagues to a resolution which I introduced in this Senate on March 29, 1939, relative to the recall of the confirmation of William J. Hamilton, Jr., Secretary of Revenue, unless he took his oath of office on or before April 1, 1939.

This morning in the Philadelphia Inquirer I read the following item:

"SHERIFF DEMANDS HIS PAY OF \$10,000 TO MEET PAYROLL"

"Sheriff William J. Hamilton produced ten thousand dollars to meet the bimonthly payroll in his office yesterday, although most of the city-county employees have not been paid. He will be repaid by those in his office when their regular pay arrives."

Mr. President, I do not feel that the same treatment would be accorded to me that was accorded to my colleague from Armstrong, Senator Sipe, if I should go to the governor's office to make any inquiries, but I must say this, that I have already received that kind of treatment from the Department of Revenue.

I introduced a bill from the floor of this Senate and in order for me to intelligently plead my plea for that bill I asked of the Department of Revenue some necessary information which is particularly in their possession, and about a week afterwards I received a written letter, which I still have in my possession, denying me that information and telling me that I would have to obtain it through the Senate as a body.

Now, Mr. President, I would like to know who the Secretary of Revenue of this Commonwealth might be

today, whether he is the same man that is advancing this ten thousand dollars to the employees of the sheriff's office of Philadelphia, or whether he is somebody else. We are entitled to have that information and I would like to have that information and I know that we will get that information if the chairman of that committee that holds that resolution—the Committee on State Government—will get to work on it and do something on the resolution.

QUESTION OF PERSONAL PRIVILEGE

Mr. SHAPIRO. Mr. President, I rise to a question of personal privilege.

The PRESIDENT. Will the Senator from Philadelphia, Mr. Shapiro, state his question of personal privilege.

Mr. SHAPIRO. Mr. President, before we get too far advanced—I was hoping that my friend from Westmoreland, Mr. Dent, would give an answer to the Senator from Montgomery—but I wish to state that the answer to his question will be found in the title of an act known as an act of June 20, 1935, pamphlet laws 356.

QUESTION OF PERSONAL PRIVILEGE

Mr. COLEMAN. Mr. President, I rise to a question of personal privilege.

The PRESIDENT. Will the Senator from Lackawanna, Mr. Coleman, state his question of personal privilege.

Mr. COLEMAN. Mr. President, the Senator from Philadelphia's interruption was most appropriate, because I was going to talk on the subject of his remarks and his remarks prefacing mine continued the continuity of the particular subject. Last night I listened to a debate on House Bill 400, Senate Bill 286, having to do with the installation of gas meters to prevent or retard the escaping of gas.

We found, after the bill was discussed for sometime, it was definitely determined that the legislature had no intention of forcing every single dwelling in the Commonwealth to install these so called gas gadgets.

I could not help but think, in listening to that particular discussion, and the one on the resolution of Senator Dent, that both of these impress upon the members of the Senate the necessity of the adoption of the bill presented in the House by Representative Lovett, House Bill No. 93, which is an act requiring the approval by the General Assembly of all rules and regulations prescribed or adopted by departments, boards, commissions and agencies of the Commonwealth; because last night we learned that rule forcing the small home owner of the Commonwealth to install gas gadgets is a departmental rule. Too often, Mr. President, the General Assembly has delegated to department heads authority in administering acts and by so doing the department heads have defeated the real intent and the real purpose of the act.

Today we learn that there was nothing in the relief bill passed in 1937 requiring the recipients of relief to sign a bond in order that they meet eligibility requirements. Again I want to repeat the necessity of curbing the power of department heads; if we are going to have included in a bill some specific provision, we do not want that provision distorted. We do not want its meaning lost by any ruling of a department head that is contrary to the intent of the General Assembly, and through discussion today and the discussion last night we learned

that this rule having to do with the installation of these gas meters was not the intent of the sponsor of the bill, not the intent of the General Assembly, but an order of some department head. I think the time has come, Mr. President, when something ought to be done by a legislative act to make definitely certain that when the General Assembly breathes legislative life into some act in order to accomplish a specific purpose that the department heads who are delegated the power to administer the act shall do it in keeping with the real purpose and the real intent of the general assembly.

BILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 11, entitled:

A Joint Resolution proposing an amendment to article eight of the Constitution of the Commonwealth of Pennsylvania by adding thereto section eighteen

And said bill having been read at length the third time, and agreed to.

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—21

Cavalcante,	Gelder,	Kunkel,	Reed,
Coleman,	Gilson,	Lanius,	Rice,
Dent,	Haluska,	McCresh,	Sipe,
DiSilvestro,	Jaspan,	McGinnis,	Stiefel,
Eroe,	Kilgallen,	Mundy,	Woodward,
Frey,			

NAYS—25

Bartlett,	Geltz,	Mallery,	Snowden,
Chapman,	Heyburn,	Miller,	Stevenson,
Crowe,	Homsher,	Owlett,	Tallman,
Deitrick,	Jacobs,	Pierson,	Thomas,
Ealy,	James,	Ruth,	Walker,
Edmonds,	Letzler,	Shapiro,	Wolfenden,
Farrell,			

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 18, entitled:

A Joint Resolution proposing an amendment to article four section twenty-one of the Constitution of the Commonwealth of Pennsylvania

And said bill having been read at length the third time, On the question,

Will the Senate agree to the bill?

Mr. MCGINNIS. Mr. President, this bill provides for the election of an attorney-general by popular vote instead of by appointment by the Governor. At least forty states in the union elect their attorney-general. It has been my observation that an attorney-general appointed by the Governor is more or less the Governor's attorney, and not attorney for the people of Pennsylvania. I feel that when bills are submitted to the attorney-general and the Governor is interested, the attorney-general quite often finds some way to declare the bill constitutional.

Perhaps that is one reason we have had so many bills declared unconstitutional when they came to the courts, and I therefore ask support of this resolution.

Mr. WOODWARD. Mr. President, the Senator from Allegheny, Mr. McGinnis is in error or he underestimates the number of states that elect their attorney-general. All but six—and we are one of the chosen six, but despite that fact, I think the gentleman is wrong and I am right.

For one hundred and fifty years, Pennsylvania has given the Governor the privilege of appointing his attorney-general and if the Senator from Allegheny does not like Mr. Margiotti, that is just an exception to the rule.

I have known two Governors at least who have chosen lawyers from their home town, in whom they had the utmost confidence and trust, and we are subjected to the possibility of getting a man elected by the people, in whom they did not have that same trust, and who would have no intimate personal relationship. Now, though I rarely read the Constitution of the State of Pennsylvania I have been able to find, with the assistance of my colleague, Mr. Ealy, from Somerset, that Page 44 of the Constitution states that the Governor shall "nominate and, by and with the advice and consent of two-thirds of all the members of the Senate appoint a Secretary of the Commonwealth and an Attorney-General during pleasure."

Mr. President, that has been the law since the Battle of Bunker Hill, and therefore I do not see why at this time we should upset a well established precedent in the Commonwealth of Pennsylvania. I hope the Senate will defeat the bill of the Senator from Pittsburgh.

Mr. GILSON. Mr. President, this resolution calls to my mind an echo of the Dauphin County quiz. I was very much interested during the course of the early proceedings in that investigation to find that the District Attorney of Erie County was frequently called to Dauphin County to consult with the District Attorney of Dauphin County.

One of the conclusions that our learned District Attorney of Dauphin County came to was that the most crying need in Pennsylvania was a modification of the Constitution whereby the Attorney-General should be elected by the people rather than appointed by the Governor. At that particular time the Governor of Pennsylvania was George Earle and the District Attorney was Guy Bard, who had succeeded Mr. Margiotti.

Now, this conclusion, which was arrived at by a Republican District Attorney of Erie County, who was apparently an Assistant District Attorney of Dauphin County, was based upon an investigation carried on jointly by those two learned District Attorneys. It was a matter of comment in the newspapers of Erie County and was editorially supported by the newspapers of Erie County, and the suggestion was made very deliberately and forcibly that such a measure would be prepared by the Republican organization of Erie County and pressure placed on a Republican legislative delegation from Erie County to see that such a measure was introduced into the Republican controlled legislature at Harrisburg.

So, I think that in sponsoring this proposed amendment the Senator from Allegheny, Senator McGinnis, has the unqualified support of the Republican party organization in Erie County and of the Republican District

Attorney of Erie County and the Assistant District Attorney of Dauphin County; and I should think that the Republican members would be considerably impressed by the fact that this amendment grows out of the investigations made by the honorable District Attorney of Dauphin County as assisted by his assistant the District Attorney of Erie County.

Mr. SHAPIRO. Mr. President, I notice the first bill we voted on, Senate Bill No. 11, came from the Judiciary General Committee. I imagine it is no secret that all of the committees are composed of a majority of Republican members of the Senate and as I look at the score here on the vote I found that the Republicans almost to a man have voted no on that bill.

I should like to inquire from the chairman of the Committee of Judiciary General, Mr. Mallery, whether this bill was voted out by the Judiciary General Committee.

Mr. MALLERY. Mr. President, in my absence.

Mr. SHAPIRO. Mr. President, in the absence of the Senator from Blair, Mr. Mallery?

Mr. MALLERY. Yes, Mr. President.

Mr. SHAPIRO. But, Mr. President, that was voted out by the committee.

Mr. MALLERY. Mr. President, that is right.

Mr. WALKER. Mr. President, I think it is a shame that this resolution offered by my colleague from Allegheny, Mr. McGinnis, should be discolored by this recent political unpleasantness that took place in the Attorney General's office. I agree with my colleague from Allegheny, Mr. McGinnis, that the Attorney General of the Commonwealth is, after all, the head of the Department of Justice, and he is not a personal attorney for the Governor, attached to his staff, for the purpose of advising him on legal matters; that Attorney General should represent the Commonwealth and not be clouded by any political opinions of the man who appointed him. I think the people have a right to elect that very important officer. I think this is a logical resolution, I think it should become law, and I am asking my colleague to vote for the resolution.

And the question recurring,

Will the Senate agree to the bill on third reading,

It was agreed to.

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—32

Bartlett,	Eroe,	Kilgallen,	Pierson,
Cavalcante,	Frey,	Kunkel,	Rice,
Coleman,	Geltz,	Lanlus,	Ruth,
Crowe,	Gilson,	Letzier,	Shapiro,
Deltrick,	Haluska,	Mallery,	Sipe,
Dent,	Heyburn,	McCreesh,	Stevenson,
DiSilvestro,	Jacobs,	McGinnis,	Stiefel,
Ealy,	Jaspan,	Mundy,	Walker,

NAYS—14

Chapman,	Homsher,	Reed,	Thomas,
Edmonds,	James,	Snowden,	Wolfenden,
Farrell,	Miller,	Tallman,	Woodward,
Gelder,	Owlett,		

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present same to the House for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 112, (House Bill No. 142), entitled:

An Act to further amend section five of the act approved the twenty-sixth day of April one thousand nine hundred thirty-five (P. L. 90) entitled "An act to promote uniformity in the assessment and taxation of properties and persons within the territorial limits of cities of the second class A by providing that city and school taxes within such territorial limits shall be assessed levied and collected upon the basis of the assessments for taxation for county purposes and requiring the furnishing of tax duplicates by the county taxing authorities to such cities and to school districts coterminous therewith abolishing the department of assessors in cities of the second class A consolidating tax statements covering city school county and poor taxes therein and making uniform the time for levy and collection of said taxes respectively and regulating the discounts therefrom and penalties thereon" by changing the date of certain tax payments and further regulating the penalties and interest imposed on unpaid taxes

And said bill having been read at length the third time, and agreed to, and the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—44

Bartlett,	Frey,	Lanius,	Ruth,
Cavalcante,	Geltz,	Letzler,	Shapiro,
Chapman,	Gilson,	Mallery,	Sipe,
Coleman,	Haluska,	McCreesh,	Snowden,
Crowe,	Heyburn,	McGinnis,	Stevenson,
Deitrick,	Homsher,	Miller,	Stiefel,
Dent,	Jacobs,	Mundy,	Tallman,
DiSilvestro,	James,	Owlett,	Thomas,
Edmonds,	Jaspan,	Pierson,	Walker,
Eroe,	Kilgallen,	Reed,	Wolfenden,
Farrell,	Kunkel,	Rice,	Woodward,

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which the concurrence of the House is requested.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 147, entitled:

A further Supplement to an act approved the twenty-first day of July, one thousand nine hundred and thirteen (P. L. 863), entitled "A supplement to an act approved the eleventh day of June, one thousand eight hundred seventy-nine, entitled 'An act to authorize Cities of the first class to levy and fix a tax rate, to fix the time of opening and closing the tax duplicates, to regulate the appropriations and expenditures of said cities, and prescribing penalties for the violation of the provisions of this act,'" by providing that the same shall not apply to the books of personal property taxes, and to extend the time for the opening of the books, and the payment of personal property taxes.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—44

Bartlett,	Farrell,	Kunkel,	Ruth,
Cavalcante,	Frey,	Lanius,	Shapiro,
Chapman,	Geltz,	Letzler,	Sipe,
Coleman,	Gilson,	Mallery,	Snowden,
Crowe,	Haluska,	McCreesh,	Stevenson,
Deitrick,	Heyburn,	McGinnis,	Stiefel,
Dent,	Homsher,	Miller,	Tallman,
DiSilvestro,	Jacobs,	Mundy,	Thomas,
Ealy,	James,	Owlett,	Walker,
Edmonds,	Jaspan,	Pierson,	Wolfenden,
Eroe,	Kilgallen,	Rice,	Woodward,

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present same to the House for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 169, entitled:

An Act relating to parks, farms, glens, or picnic grounds owned and operated by charitable associations for the use of the public without charge; authorizing the adoption of rules and regulations pertaining to such property; providing for the appointment of park policemen for their enforcement; imposing penalties for violations thereof; and extending the jurisdiction of alderman and justices of the peace thereto.

And said bill having been read at length the third time,

On the question,

Will the Senate agree to the bill?

Mr. CAVALCANTÉ. Mr. President, I urge the members of this Senate to give a little heed to what I have to say on this bill.

This bill gives to persons, associations, and corporations engaged in charitable purposes the power to promulgate rules and regulations, and after they have advertised them once in the local newspapers, then those rules and regulations take the force of law and a violation of them will bring about a summary conviction of the person before a justice of the peace and imprisonment if the fine and cost is not paid.

Now, Mr. President, I want to be frank in this matter. Just a moment ago, under the order of resolutions, there was some discussion about the danger and the unpleasantness that we have gone through because of conferring some power upon departments or bureaus in our State government. Now, when power of that character has been conferred upon a State department or State board or bureau or commission the argument has been that those departments or bureaus or commissions were arms of the government and therefore we are not conferring upon them or delegating to them any of our legislative power, but now, gentlemen, this bill goes a step further and confers our legislative power or delegates it to private corporations, private individuals, and they may promulgate rules and regulations that have the force of law.

I think that this is a very dangerous bill. If the bill was purely and solely aimed at giving these charitable groups what we call park police to protect their parks, to protect their properties, this bill would not be so dangerous. Of course, the argument that has been advanced by some with whom I have discussed the bill—

they say, why, it will never stand in court because it is purely and simply a delegation of the legislative power to private individuals, and the argument expands itself then and the reason is that the courts have approved the delegation of such power to agencies of the government. But I say that these charitable organizations are not part of the government and that the delegation of this power to them must bring about considerable confusion and may result in many unpleasant situations throughout the State because you may find a situation where two of these charitable associations are pretty close together and in the promulgation of their rules and regulations they will devise means and ways of utilizing power conferred on them to compete against their neighbors.

This is a dangerous bill, it goes a step further than merely conferring legislative power upon branches of the government or arms of the government; it gives the power to private persons and that, I say, is a very dangerous move on the part of this Senate.

Personally, if the Supreme Court of this State would apply the law as they have already defined it to this act, this act would have to be declared unconstitutional, because it is a delegation of legislative power, but I would not want to put the Supreme Court in that position when the matter is so plain to us, and so I say that we, who are members of the legal profession, who are members of this Senate, should tackle this point right at this time, and if we are agreed upon what I have said, that this is a dangerous delegation of power and that it is not conformable with the Constitution we ought not to let the bill pass and go to the House but we ought to defeat it right now.

BILL POSTPONED

Mr. MALLERY. Mr. President, I move that the question together with the further consideration of the bill be postponed for the present.

Mr. HEYBURN. Mr. President, I second the motion.

The motion was agreed to.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 189, (House Bill No. 211), entitled:

An Act to amend section one of the act approved the twelfth day of June one thousand nine hundred nineteen (P. L. 450) entitled "An act permitting counties of the Commonwealth of Pennsylvania to appropriate and expend moneys and to incur indebtedness and issue bonds and other obligations for the improvement and maintenance of State highways and State-aid highways or any public highway in any county of the Commonwealth and providing the method for applying for said moneys and for the approval thereof by the State Highway Department in certain cases" as amended by extending the provisions thereof to include the improvement and maintenance of public highways in towns.

And said bill having been read at length the third time, and agreed to

On the question,

Shall the bill pass finally?

Mr. WOODWARD. Mr. President, I am obliged to vote 'no' on this bill, as the application of this bill is very limited. It is limited to only one town in the Commonwealth of Pennsylvania, Bloomsburg.

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—46

Bartlett,	Frey,	Lanlus,	Ruth,
Cavalcante,	Gelder,	Letzler,	Scarlett,
Chapman,	Geitz,	Mallery,	Shapiro,
Coleman,	Gilson,	McCreesh,	Sipe,
Crowe,	Haluska,	McGinnis,	Snowden,
Detrick,	Heyburn,	Miller,	Stevenson,
Dent,	Homsheer,	Mundy,	Stiefel,
DiSilvestro,	Jacobs,	Owlett,	Tallman,
Ealy,	James,	Piereson,	Thomas,
Edmonds,	Jaspan,	Reed,	Walker,
Eroe,	Kilgallen,	Rice,	Wolfenden,
Farrell,	Kunkel,		

NAYS—1

Woodward.

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendment.

BILL OVER IN ORDER

Mr. OWLETT. Mr. President, I ask unanimous consent that Senate Bill No. 288, (House Bill No. 474), on third reading, entitled:

An Act to further amend section three of the act approved the twenty-eighth day of June one thousand nine hundred thirty-five (P. L. 452), entitled, "An act to promote the welfare of the people of the Commonwealth creating a General State Authority as a body corporate and politic with power to construct improve and operate projects and to lease the same and to fix and collect fees rentals and charges for the use thereof authorizing and regulating the issuance of bonds by said Authority and providing for the payment of such bonds and the rights of the holders thereof and to enter into agreements with the Government of the United States or any Federal agency and authorizing the Department of Property and Supplies to grant assign convey or lease to the Authority lands of the Commonwealth and interests therein and to acquire lands therefor granting the right of eminent domain and providing that no debt of the Commonwealth shall be incurred in the exercise of any of the powers granted by this act" fixing terms for the appointed members of the General State Authority and terminating the terms of present members.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILL ON THIRD READING AND FINAL PASSAGE

Mr. CAVALCANTE. Mr. President, I move that the Senate do now resume consideration of Senate Bill No. 286, (House Bill No. 400), on third reading postponed. This is a bill that I asked last week be permitted to go over in order. I have now looked the bill over carefully and I think it ought to be acted upon and passed at this time.

Mr. HALUSKA. Mr. President, I second the motion.

The motion was agreed to.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 286, (House Bill No. 400), entitled:

An Act to amend the title and the act approved the nineteenth day of May one thousand eight hundred and

eighty-seven (P. L. 132) entitled "An act to give preference of appointment or employment to honorably discharged soldiers sailors and marines who fought for the Union cause in the late war of the rebellion" by extending the same preference to veterans and nurses of any war in which the United States has engaged.

And said bill having been read at length the third time, and agreed to

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—47

Bartlett,	Frey,	Lanlus,	Scarlett.
Cavalcante,	Gelder,	Letzler.	Shapiro,
Chapman,	Geltz,	Mallery,	Sipe,
Coleman,	Gilson,	McCreesh,	Snowden.
Crowe,	Haluska,	McGinnis,	Stevenson,
Deltrick,	Heyburn,	Miller,	Stiefel.
Dent,	Homsher,	Mundy,	Tallman,
DiSilvestro,	Jacobs,	Owlett,	Thomas,
Ealy,	James,	Pierson,	Walker.
Edmonds,	Jaspan,	Reed,	Wolfenden,
Eroe,	Kilgallen,	Rice,	Woodward,
Farrell,	Kunkel,	Ruth,	

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 111, (House Bill No. 92), entitled:

An Act to prohibit assessments and demands for contributions for political purposes and providing a penalty.

And said bill having been read at length the second time,

On the question,

Will the Senate agree to the bill on second reading?

Mr. STIEFEL. Mr. President, I move to amend Section 1, page 2, line 13, by inserting after the word "contributions" and before the word "to" the following: S "not in excess of One Thousand (\$1,000.00) Dollars."

Mr. OWLETT. Mr. President, I ask that the Senate vote down the proposed amendment to this bill.

Mr. STIEFEL. Mr. President, I should like to interrogate the Senator from Tioga, Mr. Owlett.

The PRESIDENT. Will the Senator from Tioga, Mr. Owlett, permit himself to be interrogated?

Mr. OWLETT. I will be glad, Mr. President, to be interrogated.

Mr. STIEFEL. Mr. President, last week I was questioned as to what was the purpose of this amendment and I say the purpose of this amendment was to restore to Pennsylvania what Lincoln said was government of the people, by the people, and for the people. Now, I will ask the Senator from Tioga to be more specific. Why is the Senator from Tioga requesting that this amendment be voted down?

Mr. OWLETT. Mr. President, I ask that this amendment be voted down because it seeks, as I understand it, to limit voluntary contributions to any party to one thousand dollars, and I see no reason why voluntary contributions to a party should be limited to one thousand dollars.

We have today an example in this State, Mr. President, of people on relief, people merely existing on W. P. A., people living on a meagre salary, being maced to maintain political parties; and one of the pledges of the Republican party was to put an end to that practice and to see that the necessary finances to run a political party are obtained by voluntary contributions.

I think we will all recall, Mr. President, the huge contributions made by former Governor Earle in his campaign for the Governorship; it was freely stated that he contributed something over one hundred thousand dollars to the Gubernatorial campaign. It was also stated that it was his contributions to the national campaign in 1932 that won him his appointment as ambassador to one of the foreign countries.

Pennsylvania would not, perhaps, have had the services of Governor Earle had it not been for the fact that he could make a contribution of more than one thousand dollars.

I do not believe my colleagues on the left want to prevent such a situation arising again.

Mr. STIEFEL. Mr. President, I desire to further interrogate the Senator from Tioga, Mr. Owlett.

The PRESIDENT. Will the Senator from Tioga permit himself to be further interrogated?

Mr. OWLETT. Mr. President, I will.

Mr. STIEFEL. Mr. President, I should like to inquire whether the Senator from Tioga has read the book entitled "Money in Politics"?

Mr. OWLETT. No, Mr. President, I have not; but I will be very glad to read it if I have the time from the speeches of my colleagues on the left.

Mr. STIEFEL. Mr. President, I shall be glad to place the book at the disposal of the Senator from Tioga. Another question I have is whether the Senator today thinks money is necessary in politics. As a matter of fact, are not the people fully attuned to the question of liberty? I do not believe money is a necessary part of it.

Mr. OWLETT. Mr. President, anyone that has had anything to do with a State-wide campaign, and knows the cost of radio and advertising, knows that the legitimate expense of getting before the people the issues of a campaign takes money; and if we are going to put an end to political macing, as the Republican party proposes to do and as our platform pledged, that money must come from voluntary contributions. This act is designed to stop political macing and we do not propose to have dust thrown in the eyes of people by any sort of amendments such as has been offered by the Senator from Philadelphia, Mr. Stiefel.

It is perhaps too bad for our colleagues on the left that macing will be stopped in Pennsylvania by this bill. I appreciate their concern, because they have a great many federal employees in Pennsylvania who heretofore have been the source of revenue for their party and it will be ended if this bill passes.

Mr. STIEFEL. Mr. President, as a matter of fact is not the sum of a thousand dollars a high ceiling?

Mr. OWLETT. Mr. President, it is a big amount. A

thousand dollars is a lot of money—if I was asked to contribute it—but there certainly are people who can afford and are willing to give more than a thousand dollars, as evidenced by the liberal contributions of the Earle family and Senator Guffy and many others who contributed to the Democratic cause and by many contributors to the Republican party.

John L. Lewis, you will recall, made a tremendously large contribution on the part of the United Mine Workers to the Democratic cause in the last campaign. We do not want to stop Mr. Lewis from giving a thousand dollars or more money to the Democratic cause if he wants to do that.

Mr. STEIFEL. Mr. President, I very seldom enjoy the privilege of questioning the Senator from Tioga, so I wish to ask the Senator from Tioga another question: Does the Senator believe there is sincerity behind this bill?

Mr. OWLETT. Mr. President, may I ask the Senator to repeat his question?

Mr. STIEFEL. Mr. President, does the Senator believe there is any sincerity on the part of his party behind this bill.

Mr. OWLETT. Mr. President, does the Senator mean on behalf of the Republican party?

Mr. STIEFEL. Precisely, Mr. President.

Mr. OWLETT. The Republican party, Mr. President, campaigned on the pledge of no political macing, which became a public scandal in this State; and this bill has been introduced seriously and earnestly to prevent that practice in this State; it has passed the House and it is now here in the Senate for action.

Mr. WOODWARD. Mr. President, I am voting "No" on this amendment of my colleague because it would be ineffective. I know that if Mr. Joseph Pew and I wanted to further the campaign of my friend, Senator Stiefel, by contributing to his political campaign, all we would have to do to avoid this amendment would be to loan him the money, loan him the many thousands of dollars which would elect him United States Senator; and then, in the process of time, when he did not repay the loan, we would write it off as a bad debt and take credit on our income tax returns.

Mr. SHAPIRO. Mr. President, I am very much interested in the statement that the Senator from Tioga made when he said that it was freely stated that Governor Earle gave a hundred thousand dollars—and I agree with him it was very freely stated—because that is only a figment in the imagination of the gentlemen who would like to say that.

I do not know anybody that got a hundred thousand dollars out of Governor Earle, as a contribution, but I am amazed that the Senator from Tioga did not have his tongue in his cheek when he talked about this bill. He might have had, as my friend from Adams said, he might have had his fingers crossed, I don't know, while he was talking about this bill that is in course of passage, talking about macing.

Macing is going on in the City of Philadelphia as it has been going on before. Every month when a gentleman gets his check from a certain office, his pay from a certain office in the City of Philadelphia, there is a little window where he goes for his check and the three per cent or two per cent is deducted regularly—it is a voluntary contribution, but I would like to see him try not to give it.

The news that I gathered from the Senator's statement is that by passing this law you stop macing. This bill does

not stop macing; this bill provides that no money shall be "demanded." Now you may go to these same people and suggest to them it would be well for them to contribute to the Republican party; it would help. For instance, the people on relief, if you suggest to them that it might be well to keep the Republican party in office by giving a contribution, a voluntary contribution, they would not say that that was a demand because they realize there are certain bills in the Legislature now which extend the time of the probationary period after taking the Civil Service examinations, and I am sure that before we get through this session this bill will be passed—it will be passed before the November election—when these people can be fired for any cause; and if they were told it would be well if they contributed they would not go back and say that that was macing; but if the Democrats came and asked them for a contribution then in order to keep the job they could easily go back to their boss and say "A Democrat—(just think of it, one of those animals called a Democrat)—came and demanded that I give him ten dollars," and, of course that would be a crime.

This is not a bill to stop macing; this is a bill to try in every way possible to get the people of Pennsylvania to contribute to the Republican party instead of the Democratic party. The word "demand"—the use of the word "demand" shows that. I don't blame the Republicans for doing that. That is all right, that is part of the game; but why fool about it? Why not tell the truth about this thing?

This is a bill which will give the money to the Republicans and not to the Democrats, and I assume from the way the Republicans are behaving in the Senate and the marvelous amount of progressive legislation that has been passed until now, they will need all the money they can get in order to win another election in the Commonwealth of Pennsylvania; so I think they are entitled to have this bill passed. I do not agree that this bill is going to stop macing. This bill is going to stop Democratic macing, if there was any, and encourage Republican macing, if it has not happened before.

I have been in the Republican party for a great many years but I can say I would have to have my tongue in my cheek if I would stand up here and say that the Republican party has never demanded contributions; and I imagine the same thing can be said of the Democrats, I am quite sure various contributions were demanded—but I am over twenty-one, gentlemen, and I am not fooled by this bill, and Governor or no Governor, Republican party or no Republican party, this is not a bill passed in good faith to stop macing. This is a bill passed for the purpose of harassing the Democratic party.

The amendment is a fine amendment. The amendment is a good amendment; it limits contributions to one thousand dollars; and it will make those people who want to make contributions—they will have to be smaller—instead of giving five times five thousand, using names of members of their family, they will either have to hire more children and distribute amongst twenty-five people, or else they will have to confine their contributions to a smaller amount.

It would be a good thing for both the Democratic and Republican parties and the people of Pennsylvania if contributions were limited. If what the Senator from Tioga said were true—and there is not any truth in it;

but there are possibilities—if what he said were true, that Governor Earle gave a hundred thousand dollars, then it is high time we stopped that practice and prevented anybody from buying an election or nomination to office; and the gentleman on the other side, having asumed they are paragons of virtue, should vote for this amendment.

Mr. MUNDY. Mr. President, I rise as an individual to correct a false impression that might have been created by the remarks of the Senator from Tioga. In his remarks he said it would be all right for Senator Guffey to contribute a considerable sum to the Democratic party. I say to you, Mr. President, if there is any contribution that should be acknowledged by any party, so far as the past campaign is concerned, acknowledgement of any contribution on the part of Senator Guffey, it should be found in the Republican expense account.

Mr. STIEFEL. Mr. President, I want to summarize my remarks by quoting from Omar Khayam, who said: "The writing finger moves; and having writ, moves on."

Now, Mr. President, we are making history today and it is the moving finger that I am pointing at the Republican party—that if they pass this so-called anti-macing bill it will be repudiation number two of the promises made during the campaign, number one of which was in regard to the high taxes in Pennsylvania, which they are seeking to restore; and today, if this amendment is defeated, we will chalk off number two as a result of the repudiation made by this Administration.

Mr. WALKER. I am very deeply interested in this amendment. It is true, as the distinguished Senator from Tioga said, we did promise in our campaign to eliminate macing. Macing, as I understand it, is a deliberate demand or insistence upon contributions from people who perhaps are not able or cannot afford to pay. When we go out through our districts on a charity drive we are always interested and anxious to solicit subscriptions of fifty cents or a dollar, from some person who perhaps cannot give any more for our Community chest but from those who perhaps are more favored with worldly goods we solicit perhaps a thousand dollars.

I am very much against the amendment offered by the distinguished Senator from Philadelphia because I have had some experience and it is very fresh in my mind as to the expenses of a campaign, even in a Senatorial district in this Commonwealth; and any time anybody blessed with worldly goods wants to contribute more than a thousand dollars I am perfectly willing and will welcome gladly any such contributions, and down in their hearts so will the other Senators; and I think it is about time we resorted to some of the intellectual honesty we have heard about at various times in here and admit that people who are blessed and desire to contribute should have the opportunity to do so—they are contributing to the Community Chest for the benefit of our social life and they are contributing to the political chest for the benefit of our better government, and I think we ought to give them the opportunity to do so, and that is the reason I think we should defeat this amendment.

Mr. DENT. Mr. President, I was glad to hear the Senator from Tioga, Mr. Owlett, and the Senator from Allegheny, Mr. Walker, state that they would accept contributions and that it took a lot of money to win elections; and, resorting to the intellectual honesty we heard so much about, perhaps our good friend and colleague,

Mr. Levin, will receive fair consideration, because the amount he spent, I think, was \$1.80 one night.

The yeas and nays were required by Mr. SHAPIRO.

YEAS—21

Cavalcante,	Haluska,	Lanius,	Rice,
Coleman,	Jacobs,	McCreesh,	Ruth,
Dent,	Jaspan,	McGinnis,	Shapiro,
DISHvestro,	Kilgallen,	Mundy,	Sipe,
Eroe,	Kunkel,	Reed,	Stiefel,
Frey,			

NAYS—26

Bartlett,	Gelder,	Mallery,	Stevenson,
Chapman,	Geltz,	Miller,	Taliman,
Crowe,	Gilson,	Owlett,	Thomas,
Deltrick,	Heyburn,	Pierson,	Walker,
Ealy,	Homsher,	Scarlett,	Walfenden,
Edmonds,	James,	Snowden,	Woodward,
Farrell,	Letzler,		

So the question was determined in the negative.

And the question recurring,

Will the Senate agree to the bill on second reading?

Mr. REED. Mr. President, I move to amend Section 1, page 2, line 15, by inserting at the end thereof after the word "law" the following: "but all political loans of every nature and kind in excess of one thousand dollars (\$1000) shall be considered a violation of this Act and the parties thereto subject to the penalties provided herein."

Mr. OWLETT. Mr. President, I object, and I ask the Senate to vote down this amendment.

Mr. REED. Mr. President, as I understand it, a macing bill—the purpose of it—is to give the people a better form of government. Now, starting from that premise, any rule or regulation that has to do with bringing about better or cleaner elections should be considered by the Assembly and passed. I am sorry that the amendment presented by the Senator from Philadelphia was voted down, because I believe that amendment was in line with the policy of our American form of government which provides that the welfare of the people is the foundation of a democratic form of government.

Now, any form of macing is bad; I would be against any form of macing, I always have been and I always will be, because any form of macing is inimical to good government; but that will not suffice to break down these evils that surround us in elections in Pennsylvania—you have got to go farther, Mr. President. If you permit large sums of money to be used in elections, then you will not have candidates elected who will do the will of all the people; you will have candidates elected who will do the will of those who buy them into office. We have had many instances of that, Mr. President, in the United States in the last twenty-five years; and in order to get away from that practice many federal investigations have been had in the past, and I suppose we will have some yet in the future.

Now, if we would permit large sums of money to be used I say you are not following up the precepts of a democratic form of government, because the man with the money can easily win an election; but suppose he cannot obtain that money by gift or by advance, then here is what happens—and many of our politicians know this too well—some person who has money and is interested in legislation in the State goes to a certain candidate, goes to a certain person and requests him to be a candidate, telling him at the time, "We will furnish you with the money if

"You do what we want you to do if you are elected." I am sorry, Mr. President, that in Pennsylvania we have had these sad experiences. And what happens in those cases? A phony loan is prepared, and then, if the candidate is elected, then the loan is canceled, it is not any loan at all, it is a fraud upon the people; and that is the purpose of this resolution, Mr. President—in order to break down that fraudulent and nefarious practice.

Mr. President, I believe if the people of Pennsylvania want a real law that will take care of the people of Pennsylvania by giving them clean elections, then you must have in this bill not only an anti-macing feature, but you must have in it a feature which will prevent the large contributions; you must have in that measure a provision that will prevent this ugly system of phony loans and borrowing, and without those things this bill that we have up today means little; and I sincerely hope that those who are interested in good, honest, clean elections will stand with me and pass this amendment to this bill.

Mr. CAVALCANTE. Mr. President, since the expression intellectual honesty has been used by a member of the Republican party at this session they have always turned to me and then let the words flow rippingly off of the tongue.

Now, then, I appeal to them, if they are sincere about their intellectual honesty, to just bear a moment and weigh this amendment, not merely act upon it arbitrarily and merely as a response to their party spirit or their party loyalty, but weigh this amendment.

The amendment merely provides that if a candidate for office borrows more than a thousand dollars to wage his campaign it is a violation of this anti-macing bill. Now then, having the right to be intellectually honest with yourselves tell yourselves how a man can sit on this Senate floor, who was elected by a loan of eight or ten thousand dollars from someone and is finally elected and sitting here on the floor of this Senate making laws. For whom? Do you think that his mind will be swayed toward the interests of the individual that has loaned him this eight or ten thousand dollars, or would he be more intellectually keen to pass laws for the welfare of all the people, if those laws do mean some disadvantage to the man who has loaned him this vast sum of money?

Now, be intellectually honest. I agree with the Senator from Philadelphia that we ought to tell the truth; you ought not to hide behind any screen, even the gentleman from Philadelphia, Dr. Woodward, he too ought to manifest his intellectual honesty in this manner—he may have more money than many of us here on the floor of this Senate, but he ought to use it also with due regard to some intellectual honesty.

If the truth behind this bill were known here is what you would find: this Republican party, politically controlled, has back in its mind, designed one of the greatest political machines we have ever had in this State. They are going to outdo any Penrose or any Mat Quay or any other organization that has ever preceded it in this Commonwealth. They are not going to need any money. They are not going to need the money because now, through their Department of Public Assistance, they do not have to mace the poor man way down below on relief, because they are going to put over his head a judgment note that the ward heeler and thief and rascal who is politically minded can very handily go to this poor man that is on

relief or on WPA or on Highway work and tell him, "Brother, do not forget there is a judgment note down at Harrisburg against you; you better be nice to the people that have that judgment note in their hands and who can enforce it against you."

Yes, my friends, behind all this nefarious scheme there is no need of contributions or macing to the Republican party or by the Republican party. You have that well-greased, well-oiled scheme, and you are attempting to put it over on the people of this Commonwealth and to further your scheme; and as a further demonstration of your scheme you have piece of legislation after piece of legislation in both houses of this Assembly to rip out boards or commissions that you cannot bend to your wishes; you have bills to rip out in the Auditor General's Department positions that have been there and were put there by the Republican party, but because you cannot control them today you are going to rip them out and put them in a department that you can control.

Another evidence of the perfidy and the lack of intellectual honesty in you gentlemen who would call yourselves good citizens—you are not good citizens, you are more pettifogging politicians than sincere men with their sincerity, intellectually guided for the welfare of the people of this Commonwealth.

Mr. WOODWARD. Mr. President, may I ask the Senator from Fayette, Mr. Cavalcante, a question or two, please?

The PRESIDENT. Will the Senator from Fayette permit himself to be interrogated?

Mr. CAVALCANTE. Yes, Mr. President.

Mr. WOODWARD. Mr. President, I want the Senator from Fayette to remember he is sworn to answer this with intellectual honesty.

Mr. CAVALCANTE. Yes or no, Mr. President?

Mr. WOODWARD. Mr. President, does the Senator from Fayette believe in labor unions?

Mr. CAVALCANTE. Mr. President, I do in honest, well-controlled and regulated labor unions.

Mr. WOODWARD. Mr. President, does the Senator from Fayette believe in the closed shop?

Mr. CAVALCANTE. Mr. President, I believe in the closed shop.

Mr. WOODWARD. Mr. President, does the Senator from Fayette believe in the check-off?

Mr. CAVALCANTE. Mr. President, I believe in the check-off.

Mr. WOODWARD. Mr. President, does the Senator from Fayette think it is right for John L. Lewis to check-off from the Republicans in the United Mine Workers and spend the money for the election of a Democratic President?

Mr. CAVALCANTE. Mr. President, it is right if the man wishes to pay the check-off. And may I further enlighten you on this subject, Dr. Woodward, that they, the gentlemen who control the industries that you are so keen in defending, these people who do not believe in the closed shop, who do not believe in organized unions, they will not permit the check-off unless the working man himself has, over his signature, given the employer the authority to do that checking-off.

Mr. COLEMAN. Mr. President, on December 1, 1936, Governor Earle summoned the General Assembly into extraordinary session for the purpose of enacting legisla-

tion having to do with job insurance. Last year the leaders of the Democratic party heralded that particular adoption of a bill as a great legislative achievement, but as a member of the Democratic party I want to emphatically deny that the credit for job insurance belongs to the Democratic Party—job insurance was born and conceived in the Republican party many years before the Democrats came into power, in the form of political assessments during campaigns.

Mr. SIPE. Mr. President, being a farmer, and a milk producing farmer, and realizing that farmers do not have much money and that before long the milk producing farmers of my district will all be on relief, I am very much for this amendment, because I feel that it will be a protection to us farmers. We farmers, even if we were dishonest enough to make a loan of eight thousand dollars to some gentleman who ran for the Senate or Legislature to represent us, even if we were so inclined, we do not have the money to loan, so that we are in this position—that the milk trust, which is driving us to distraction and driving us to bankruptcy, does have the money to make fictitious loans to individuals running for office, who, when elected, send us into bankruptcy.

So, speaking for the farmers, I want to say that I am strongly for the amendment, I hope that all of us on both sides will have enough intellectual honesty to vote for the amendment, and I am sorry, Mr. President, that our friend from Tioga seemed to have such a good recollection as to the huge sums contributed by the Democrats to the political campaign when they were seeking office or even when they were not, but his memory seems to be a little short as to the large contributions given to the Republican party by outstanding Republican financiers.

Mr. McGINNIS. Mr. President, I am very much pleased at the concern that the Republican side of this Senate is evincing for the man on the payroll. To me the word macing has taken on a new meaning. I have lived a number of years in this State and I have watched campaign collections. I have watched Penrose, Quay, Fisher, Pinchot, and I say to you they were very slick, sly collectors. In those days that was merely a campaign contribution, but when the Democrats happened to take over the State anything that was done to collect a penny from anybody was macing.

If this bill is to protect the man on the payroll, well and good; but I say to you that four years ago when the Democrats took over the government of this Commonwealth there was not a single person under civil service in this State. It is true that under the Pinchot administration they did require the employees of the Liquor Control Board to take an examination—competitive and perhaps all right, but that was the end of it. After those twenty-five hundred employees got in under the examination they were not then under civil service and not protected for a single day.

In the Unemployment Compensation Department our Administration put seven thousand people under civil service in this State, but I want to say right now that there is a lot of discussion about these examinations. I want to say on this floor if ever there was an honest examination conducted by the people it was that one—the Democrats had nothing to do with it; it was those examinations and the people who passed those examinations—the Democratic organization does not know five

per cent of them; so that, ninety-five per cent of those on unemployment compensation that passed that examination the Democratic party or the Democratic organization does not know them. They got in there through their brains, and through an examination that was an honest examination, a square examination.

I will say the same about the Bureau of Assistance—four thousand protected by civil service. In other words, this administration, that we hear so much about, now, macing, did go to the extent of putting fourteen thousand employees of this State under a bona-fide civil service. Now, it may be that the social worker came in; it may be that he had something to do with those examinations; he might have had some trick question in there; and it may be a lot of social workers passed those examinations; but I say to you they were not Democrats or Democratic workers. And take the other payroll—I don't know what the figures are—perhaps seven or ten thousand dollars—I say to you that our administration for four years left one-third of them on the payroll, and they are on the payroll now unless our good friend, Governor James, has kicked them out. So, when you come to criticizing and start investigations and introduce bills at how our Administration treated the men on the payroll, I want merely to call these things to your attention.

Mr. MUNDY. Mr. President, I take it the fact that contributions—political contributions—to any party are made on the basis, first, of some improvement that the individual may receive by some principle laid down in the party platform, or it may be more selfish, the individual may contribute because he thinks he is going to better his own personal conditions, or who may, as my colleague from Lackawanna has said, he may be taking a job insurance; but, in order to understand this bill and some of its unfair implications thoroughly, one has to understand that the Democratic party as constituted has always been a party of common people and therefore has no one to look to for its contributions but the average poor fellow in the street. When this gentleman in the Democratic party seems to collect or to receive contributions then it is dubbed under the name of macing.

Now, if we proportion the thing on the basis of men who contribute or individuals who contribute for favors rendered or for conditions to come about, that will improve conditions, it is no wonder I am forced for the first time to agree with the Senator from Tioga, Mr. Owlett, that he is correct and he is intellectually honest in saying that this should not be limited in order that the great party of which he is a member might be helped on the way, because naturally the Republican party would look to those gentlemen of wealth and affluence for their contributions, and it would be a shame, a very, very shameful thing to not have each pay in proportion to the favors they expect to receive; and I assure the Senator from up there that if these gentlemen of special interests and wealth pay in the proportion that they will receive favors from the Republican party, a thousand dollars is a very very low limit.

Mr. WOODWARD. Mr. President, I am somewhat embarrassed to again have to correct my distinguished colleague from Allegheny, Mr. McGinnis. The first correction is very trivial, there are fifteen thousand members, not fourteen thousand, in the civil service in Pennsylvania. I would like to say that of my slight knowl-

edge I have no criticism of the civil service in the liquor stores, it is supposed to be A-1; also in the Department of Public Assistance, under the chairmanship of Shippen Lewis, it was very fine; but the weak spot is under Secretary Bashore, Secretary of Labor and Industry.

Now, I cannot give you the exact figures—I have been trying to find them but I cannot place my hands on them—but I know that in Philadelphia there are thirteen hundred political divisions and you will find, and I will give you the figures, that there are several hundred Democratic division leaders employed by the Department of Labor and Industry in the unemployment compensation division in Philadelphia. Now, either the Democratic division leaders in Pennsylvania are a very high type of men, who have passed the examination, or it may be only coincidence, but it is a fact.

Mr. MCGINNIS. Mr. President, I would like to ask the Senator from Philadelphia a question.

The PRESIDENT. Will the Senator from Philadelphia permit himself to be interrogated?

Mr. WOODWARD. Mr. President, I will.

Mr. MCGINNIS. Mr. President, were these employees there previously as provisional appointees, that were retained by the civil service later?

Mr. WOODWARD. Mr. President, Mr. Bashore found them a good deal smarter than the Republicans—they were provisional appointees retained by the Department of Labor and Industry.

Mr. MCGINNIS. Mr. President, I would like to have that data.

Mr. WOODWARD. Mr. President, I will do my best to get the exact figures. I can get them.

Mr. GILSON. Mr. President, this reminds me a great deal of the prohibition amendment, it looks to me as if this is another "noble experiment" which will probably terminate after a demonstration of its futility. I believe that the principle of this bill is fundamentally good, but I think its provisions come far from accomplishing that principle.

In the first place, I think it should, in order to be effective, direct part of its provisions against the employees from contributing as well as against the political organization from demanding.

It should also provide a penalty for receiving such contributions from any State or municipal employee. I think that if what the actual thing to be desired here is to prevent the municipal and State employee from being compelled, either directly or indirectly, to contribute to any political campaign—if that is the purpose of the bill, it ought to say so amply and sufficiently, so that you cannot induce by any possible means a contribution out of anybody who holds an office under the State under a municipality, and unless the bill contains those provisions it seems to me that it is a mere excuse, and is the product of a desire to satisfy a certain demand instead of being sincere.

Now, I am rather interested about the limitation of the campaign contribution. I appreciate the motive behind both these proposed amendments by the Senator from Philadelphia and the Senator from Washington.

I doubt very much whether by legislation you can eradicate something that is bound to occur by subterfuge. I think it would be a fine thing if large political contributions could be prohibited, but I doubt very much whether limitation of the amount, whether a thousand

dollars or fifteen hundred dollars or five thousand dollars, will secure the object that this amendment desires to secure. I voted against the amendment by the Senator from Philadelphia County. Since listening to my colleagues on this side of the house, as a matter of courtesy to them, I am inclined to vote for the amendment of the Senator from Washington County, knowing full well that if this amendment should be adopted, and if this Act should be passed, that we will be absolutely no further along in accomplishing the object which the Act proposes; you will still have under this Act macing just as you had it before—you will have still, under this Act, even if these amendments are adopted, contributions of a amount that you are able to persuade somebody to give.

I think that this Legislature should purge itself of the charge of insincerity on a large part of the legislation which emanates from this body; I think the way to do it is to write this Act to accomplish the purpose for which it is evidently intended.

Mr. WOLFENDEN. Mr. President, out in Indiana County we are more concerned with demands that are being made on the WPA workers to pay for the last campaign of the Democratic Party. They are still collecting for the picnic at Hershey. I have in my hand a letter which I would like to have read into the record. This is dated March 8, 1939, and is as follows:

Indiana, Pa.
March 8, 1939

Dear Sir:—

Please send me the \$5.00 you owe me for tickets you bought last August. You have promised me a number of times. But as yet I haven't received it. I will expect the money on Saturday. Not later than Monday.

Very truly yours,

And that was sent by a WPA foreman to a Republican on WPA at \$49.00 a week, and it is sworn to.

Mr. SHAPIRO. Mr. President, I would like to know when.

Mr. WOLFENDEN. Mr. President, on March 8th. If that is not macing I do not know what it is. They talk about not getting contributions from people well able to contribute. Those are not the people that suffer, it is the WPA worker; and they are still at it, and we cannot get an honest investigation and we never will until we get down to facts.

The yeas and nays were required by Mr. SHAPIRO.

YEAS—22

Cavalcante,	Gilson,	Lanier,	Rice,
Coleman,	Haluska,	McCreesh,	Ruth,
Dent,	Jacobs,	McGinnis,	Shapiro,
DiSilvestro,	Jaspan,	Mundy,	Sipe,
Eroe,	Kilgallen,	Reed,	Stiefel,
Frey,	Kunkel,		

NAYS—25

Bartlett,	Farrell,	Letzler,	Snowden,
Chapman,	Gelder,	Mallery,	Stevenson,
Crowe,	Geltz,	Miller,	Tallman,
Deitrick,	Heyburn,	Owlett,	Thomas,
Ealy,	Homsher,	Pierson,	Walker,
Edmonds,	James,	Scarlett,	Wolfenden,
			Woodward,

So the question was determined in the negative.

Mr. KUNKEL. Mr. President, in line with the sugges-

tion that has already been made by the Senator from Erie, I am about to offer an amendment as follows:

Strike out the word "demand" in Section 1, line 4, and insert, in lieu thereof, the words "or receive."

I believe that slight change will materially strengthen this bill, and will go a long way in making it a real anti-macing bill.

Mr. OWLETT. Mr. President, it has now become very apparent what the tactics are with respect to this bill and I ask that the Senate vote down this amendment as they have all the others.

Mr. CAVALCANTE. Mr. President, will the Senator from Tioga tell us what he understands this amendment will do to the bill?

Mr. OWLETT. Mr. President, I have not read the whole bill in connection with this amendment; but I am satisfied that the purpose is to emasculate it, and I, therefore, ask that the Senate vote it down.

Mr. SHAPIRO. Mr. President, now that the question turns on the word "demand" I want to dedicate this little poem that I just wrote to the intention of the Republican Party:

"Macing, macing, we're against it
Job-holders know we never meant it,
Give "demand" a little quirk
Give, if you expect to work."

Mr. WOODWARD. Mr. President, I am sorry to delay the matter but I simply want to ask the Senator from Dauphin, Mr. Kunkel, what he expects to gain by changing the word from "demand" to "receive?" I would like to be fair in my vote but I contend I do not understand his argument here.

Mr. KUNKEL. Mr. President, my idea is that this Act declares unlawful the demanding of money for political purposes and it does not specify what a demand amounts to. 'Demand' means merely an attempt to get the money for political purposes. It seems to me that the bill is very greatly strengthened. Instead of talking about an attempt or effort you talk about actually getting the money, and it makes it a crime, clearly and unequivocally, to receive this money. Therefore, to substitute the word "receive" for "demand," my argument is that it very clearly and unquestionably strengthens the bill as an anti-macing bill.

Mr. SHAPIRO. Mr. President, I think the change of the word from "receive" to "demand" makes a bill out of this and not a joke. I think when you provide in a bill that you shall not demand contributions you are not saying anything at all. The purpose of this bill was to prevent receiving contributions from people employed on WPA, or other projects, other relief workers. It is idle to simply say it is unlawful to demand it. What you mean, if you are honest about it, if you are going to carry it to a logical conclusion, is that you must not receive it. Just as I say when the Democrats are in power, that when they get a contribution, they say they "receive" it. This bill is ridiculous. Now, joking aside, let's look at it seriously. Since it is made a crime, who is going to say it was demanded if they gave it? In other words, if a person is giving it because he thinks it is best to give it and when you talk about "demands" as being a crime, it is nonsensical.

Now, if you gentlemen on the other side are sincere, and if the Senator from Tioga, particularly, who seems to know so much about the workings of the WPA, about

this depredation of the poor people, if he is really sincere, then he should not object to the substitution of the word "receive." I say to the Senator from Tioga, when you are talking about "demands" you do not mean receiving is a crime, but you mean to demand is a crime, and you make it impossible to prove the crime by using the word "demand."

Take a dictionary—look in your dictionary and see what the word "demand" really means. Anybody that receives any contribution from any of those people ought to be convicted of a crime. The person who is on relief is a subject of the State; and the money he gets is supposed to be used for himself and his family. I am heartily in accord with the proposition you should not receive any money from those people, but I am opposed to this nonsensical attempt to try to fool the people and say you are trying to stop macing. You are not trying to do that at all.

Mr. OWLETT. Mr. President, this amendment, when read carefully in connection with this Act, shows just exactly what is being attempted to be done with this bill. If that amendment were inserted in this bill, I submit there is not a single member of this Senate who would be able to contribute to his own campaign or political party which supported him.

There is no public officer of this State who could make any contributions to the Republican party or the Democratic party because if they did the person who received it would be guilty of a crime.

Now, if the idea of our colleagues on the left is to kill this bill or to out-stay us, I want to serve notice that we are going to stay here and pass this bill on second reading as it is.

This bill, as I said before—which I know pinches our colleagues on the left—is a bill our colleagues on the left are very much opposed to; and, as Senator Wolfenden pointed out, they are now collecting money on their past debts. Let's kill this amendment as we did all the others.

Mr. GELTZ. Mr. President, without referring to the dictionary, as suggested by our colleague, Senator Shapiro, I want to say that I do not blame our Democratic colleagues one bit for taking the attitude and stand they are taking. They want to protect their friends, undoubtedly, and so they want to change the word "demand" to "receive," so, in all probability, thousands of their friends can continue doing the things done by the WPA foreman recited in the letter read by Senator Wolfenden—because even that is just a demand—and as long as the money does not come through they cannot be prosecuted. That shows how ridiculous the stand taken by the Democrats on this proposed amendment is, because they are just trying to fool the public. Instead of making the bill stronger it makes it weaker.

Under the bill, as it stands now, if an individual does what was done by this WPA foreman, he can be prosecuted without his ever receiving the money. But, if the amendment is passed, then so long as he just demands and puts the screws on and does not get the money, he cannot be prosecuted.

Now, let's stop this fooling; let's give the people that to which they are entitled, and pass this anti-macing law, so that no poor individual on relief, WPA, and poor working people who cannot afford to contribute to campaigns, will be protected. I don't know why the Democrats need

to be so worried about people who are a little more affluent and who can afford to make contributions. They don't need protection. They can protect themselves; but let's give the poor people the protection to which they are entitled.

Mr. KUNKEL. Mr. President, I desire to interrogate the Senator from Allegheny, Mr. Geltz.

The PRESIDENT. Will the Senator from Allegheny, Mr. Geltz, permit himself to be interrogated?

Mr. GELTZ. Mr. President, I will.

Mr. KUNKEL. Mr. President, I desire to know whether the Senator from Allegheny would object to the amendment if it would retain the word "demand" and add also "or receive"? I am sure I would be satisfied with an amendment to that effect, which, of course, would justify the good faith of those of us on this side of the house—and I believe all of you here would agree to include both words in there.

Certainly the addition of the word "receive" would strengthen the bill, and as to the objection to the elimination of the word "demand," we will agree by allowing that word to remain.

Mr. GELTZ. Mr. President, I don't know whether the Senator from Dauphin wants an answer to that question or not. He started out in question and then made a speech; but if he wants an answer I will be glad to give him one, and say that I am heartily in favor of the anti-macing bill as it now stands, because it will give the protection, and the proper protection, to the people of this Commonwealth who are entitled to that protection.

Now, let me say, if I may, in addition to that, that I am inclined to think the Republicans owe the Democrats a vote of thanks for this afternoon. Senator Haluska and Senator Cavalcante gave us some good ideas in connection with the way politics should be worked; and the reason we appreciate that is simply this: Republican minds could not conceive of ideas so low as those suggested. It takes a unique type of mind, a new type of Democratic mind, to conceive of such activity; and then we have an old time Democrat—our good friend and colleague, Senator McGinnis, who wants to show how fine these Republican leaders have been and how they have put the screws on. In order for him to get a group of such leaders, amounting to four or five, he had to go back over a great period of years.

Now, I imagine the citizens of this Commonwealth would be glad and will be glad to know that this Democratic party produced in a mere three or four years a greater number than that which Senator McGinnis could call to his mind, with such individuals as Matt McCloskey, Jack Kelley, George Earle and Joe Guffey; and, well, you could go on for quite a while. Of course, that does show the Republicans up because it took them thirty or forty years in order to build up to the point that their Democratic colleagues reached in a matter of three or four years.

Mr. HALUSKA. Mr. President, the Senator from Allegheny referred to me as committing a crime by making some remarks. If my memory serves me right, I have had to sit still all afternoon. I would like to have the Senator from Allegheny, Mr. Geltz, state what remarks I made. Will he answer that question?

Mr. GELTZ. Mr. President, may I ask a question? Will the Senator from Cambria repeat his inquiry?

Mr. HALUSKA. Mr. President, the Senator from Alle-

gheny County referred to Senator Haluska making some remarks pertaining to the issue. If my memory serves me right, I have not said a word pertaining to this issue.

Mr. GELTZ. Mr. President, does the Senator from Cambria, Mr. Haluska, say that he did not say a word?

Mr. HALUSKA. Mr. President, pertaining to this measure.

Mr. GELTZ. Mr. President, well, that may be my error; but I understood the Senator from Cambria to say that many of his constituents were being advised that the reason they had to sign bonds was because the Democrats passed such a bill.

Mr. HALUSKA. Mr. President, does the Senator from Allegheny think that I said that?

Mr. GELTZ. Mr. President, if the Senator from Cambria did not say that, I apologize. Maybe it was someone else.

Mr. CAVALCANTE. Mr. President, this last demonstration is just a very lucid answer to just the state of mind of the other side. Mr. President, the gentleman from Allegheny, Mr. Geltz, has stated—I don't know whether he meant them as tulips, or whether he meant them as thorns—that we made some very good remarks; but I am satisfied that no matter how good the remarks were, how honestly and sincerely made, and how fairly sound they are, when you hurl them at a gentleman from Allegheny, it is just like pouring water on a duck's back.

So impervious is the mind that is politically inclined and politically biased. A mind of that kind cannot be penetrated by any reason or by any intellectual honesty.

Now, to illustrate the fallacy of the gentleman's position, he has cited the case here given to us by the Senator from Indiana, Mr. Wolfenden. Now, Mr. President, if there is sincerity behind the Republican side's motive in this bill, I appeal again to that thing we refer to as intellectual honesty. Is it not intellectual honesty for us to say here today that if the case cited by the gentleman from Indiana is wrong, then we ought to in this bill so state the law that it will prevent that WPA foreman from receiving that five dollars. Does the gentleman from Allegheny, Mr. Geltz, believe that this five dollars should be received? Now, the demand was made and this Act of Assembly can never reach the demand and make it unlawful, as the demand was made a long time ago. However, the money is still due; and the only sin committed by that labor foreman, that I see, speaking politically with a mind as impervious as the minds on the other side, I would say the WPA foreman made the biggest mistake when he left that Republican on the job; but the trouble is that the Democratic mind is not so inclined and is not impervious as to what is just and honorable. That Republican is still on the WPA and will continue to be there, despite the fact that you Republicans have no control over that set-up.

Mr. MUNDY. Mr. President, I would like to interrogate the Senator from Allegheny, Mr. Geltz.

The PRESIDENT. Will the Senator from Allegheny, Mr. Geltz, permit himself to be interrogated?

Mr. GELTZ. Mr. President, I will.

Mr. MUNDY. Mr. President, will the Senator from Allegheny answer me—I listened very carefully to his classification of new and old Democrats.

For my information will the Senator from Allegheny tell me in what classification he places the newest addi-

tion to the Democratic minority on this side, Senator Buckman?

Mr. GELTZ. Mr. President, I give up.

Mr. SIPE. Mr. President, I smile a sardonic smile when I hear the wonderful amount of pity coming from the Republican side for the poor fellow on WPA. They are dealing with a most generous hand when they deal out pity for the WPA worker now; but it is only a few years ago when they dealt with a most niggardly hand in handing out any sympathy for the WPA worker.

They referred to him as scum and as a shovel-leaner. He was leaning on his shovel; but a change came about—a change came about in the attitude of the Republican party to the WPA worker when their candidate for Governor last year became Pennsylvania's No. 1 shovel-leaner, to the tune of fifteen hundred dollars a month.

A few months ago on the floor of this Senate I called him Pennsylvania's No. 1 office-holding drone, based on the record. Some have said to me that I should have not conferred that title upon him, should not have conferred upon him that degree of Pennsylvania's No. 1 office holding drone. Now I say, if he did not earn that degree, if he did not earn that title by ten months of loafing on the job, then how long ought he to have loafed in order to earn it?

So Arthur James is responsible for this change—for this change of attitude—

POINT OF ORDER

Mr. OWLETT. Mr. President, I rise to a point of order.

The PRESIDENT. The Senator from Tioga, Mr. Owlett, will state his point of order.

Mr. OWLETT. Mr. President, the Senator from Armstrong is not talking on the amendment.

The PRESIDENT. I think the point of order is well taken.

Will the Senator from Armstrong, Mr. Sipe, confine his remarks to the amendment?

Mr. SIPE. Mr. President, very well, I will talk on it under a question of personal privilege—if your honor permits.

The PRESIDENT. That is out of order.

Mr. SIPE. Mr. President, then do I have the privilege of talking on it under personal privilege?

The PRESIDENT. No, the Senator does not have. The Senator from Armstrong, Mr. Sipe, has been recognized to discuss the amendment suggested by the Senator from Dauphin, Mr. Kunkel.

Mr. SIPE. Mr. President, well, I have expressed myself on the amendment, so, at a later date I will continue the rest of my lecture on the No. 1 shovel-handle leaner of Pennsylvania.

Mr. KUNKEL. Mr. President, I would like to meet the objections to my amendment that have been made by the Senator from Allegheny, Mr. Geltz, and I would like permission to substitute this amendment in place of the amendment I have already sent to the desk. This amendment inserts after the word "demand" the following: "or receive." That includes both "demand" and "receive" and meets the objection of the Senator from Allegheny, Mr. Geltz.

The PRESIDENT. I understand that the Senator from Dauphin, Mr. Kunkel, wishes to withdraw his first amendment and substitute a second.

The yeas and nays were required by Mr. CAVALCANTE.

YEAS—23

Cavalcante,	Geltz,	Kunkel,	Rice,
Coleman,	Gilson,	Lanius,	Ruth,
Dent,	Haluska,	McCreesh,	Shapiro,
DiSilvestro,	Heyburn,	McGinnis,	Sipe,
Eroe,	Jaspan,	Mundy,	Stiefel,
Frey,	Kilgallen,	Reed,	

NAYS—24

Bartlett,	Farrell,	Miller,	Tallman,
Chapman,	Gelder,	Owlett,	Thomas,
Crowe,	Homsher,	Pierson,	Walker,
Dietrick,	James,	Scarlett,	Wolfenden,
Ealy,	Letzler,	Snowden,	Woodward,
Edmonds,	Mallery,	Stevenson,	Chairman

So the question was determined in the negative.

The PRESIDENT. The roll has been called and the result announced by the Clerk is as follows: yeas 23, nays 23. There being a tie the Chair votes nay, and the question is determined in the negative.

Mr. SHAPIRO. Mr. President, I desire to inquire how I am recorded as voting?

The PRESIDENT. The Senator is not recorded as voting.

Mr. SHAPIRO. Mr. President, I desire to be recorded as voting "aye."

The PRESIDENT. It is so noted.

Mr. HALUSKA. Mr. President, I ask for a verification of the roll.

The PRESIDENT. The roll was verified and read as follows:

The Senators voting "aye" were Messrs. Cavalcante, Coleman, Dent, DiSilvestro, Eroee, Frey, Geltz, Gilson, Haluska, Heyburn, Jaspan, Kilgallen, Kunkel, Lanius, McCreesh, McGinnis, Mundy, Reed, Rice, Ruth, Shapiro, Sipe and Stiefel.

The Senators voting "nay" were Messrs. Bartlett, Chapman, Crowe, Dietrick, Ealy, Edmonds, Farrell, Gelder, Homsher, James, Letzler, Mallery, Miller, Owlett, Pierson, Scarlett, Snowden, Stevenson, Tallman, Thomas, Walker, Wolfenden and Woodward.

Mr. CAVALCANTE. Mr. President, I desire to inquire how the Senator from Cumberland, Mr. Jacobs, voted?

Mr. SHAPIRO. Mr. President, he voted "aye."

The PRESIDENT. The Chair does not so understand. The vote on the adoption of the amend is yeas, 23 nays 23; and the Chairman votes "nay."

Mr. SHAPIRO. Mr. President, my figures may be wrong but I counted 24 votes.

The PRESIDENT. The Chair does not wish there to be any doubt as to the roll call.

Mr. SHAPIRO. Mr. President, I would suggest that we have the roll call verified.

Mr. GELDER. Mr. President, I move that the roll be called again.

The Chair so rules.

The roll was re-verified as follows:

The Senators voting "aye" were Messrs. Cavalcante, Coleman, Dent, DiSilvestro, Eroee, Frey, Geltz, Gilson, Haluska, Heyburn, Jaspan, Kilgallen, Kunkel, Lanius, McCreesh, McGinnis, Mundy, Reed, Rice, Ruth, Shapiro, Sipe and Stiefel.

QUESTION OF PARLIAMENTARY INQUIRY

Mr. CAVALCANTE. Mr. President, I rise to a question of parliamentary inquiry.

The PRESIDENT. The Senator from Fayette, Mr. Cavalcante, will state his question of parliamentary inquiry.

Mr. CAVALCANTE. Mr. President, after an affirmative vote is called and before the nays are called there ought to be a confirmation of the roll. If that had been done the last time this difficulty would not have arisen.

Mr. President, I now ask that the affirmative vote be now confirmed before you proceed to call the negative.

The PRESIDENT. That is just what the Chair meant. We have just verified the nays.

POINT OF ORDER

Mr. OWLETT. Mr. President, I rise to a point of order.

The PRESIDENT. The Senator from Tioga, Mr. Owlett, will state his point of order.

Mr. OWLETT. Mr. President, the roll has been verified and the President has so announced.

Mr. CAVALCANTE. Mr. President, he has not.

Mr. OWLETT. Mr. President, I submit that the Senator from Fayette, Mr. Cavalcante is all aflutter.

Mr. CAVALCANTE. Mr. President, he is not.

The PRESIDENT. For the information of the Senator from Fayette, the Chair announces the vote. And in order to show that we want to be fair, we asked for a verification, which was permitted and has been done.

QUESTION OF PARLIAMENTARY INQUIRY

Mr. OWLETT. Mr. President, I rise to a question of parliamentary inquiry.

The PRESIDENT. Will the Senator from Tioga, Mr. Owlett, state his question of parliamentary inquiry.

Mr. OWLETT. Mr. President, I desire to inquire whether or not the affirmative roll has not been verified.

The PRESIDENT. The Chair rules that it has. The Clerk will now proceed with the verification of the negative vote.

The Senators voting "nay" are Messrs. Bartlett, Chapman, Crowe, Dietrick, Ealy, Edmonds, Farrell, Gelder, Homsher, James, Letzler, Mallery, Miller, Owlett, Pierson, Scarlett, Snowden, Stevenson, Tallman, Thomas, Walker, Wolfenden and Woodward, and the President.

QUESTION OF PARLIAMENTARY INQUIRY

Mr. CAVALCANTE. Mr. President, I rise to a question of parliamentary inquiry.

The PRESIDENT. The Senator from Fayette, Mr. Cavalcante, will state his question of parliamentary inquiry.

Mr. CAVALCANTE. Mr. President, if the affirmative vote was verified after the conclusion of this reading, why was it not verified when it was read the first time? If the Chair will recall both votes were called the last time.

The PRESIDENT. For the information of the Senator from Fayette, it was.

QUESTION OF PARLIAMENTARY INQUIRY

Mr. COLEMAN. Mr. President, I rise to a question of parliamentary inquiry.

The PRESIDENT. Will the Senator from Lackawanna, Mr. Coleman, state his question of personal privilege.

Mr. COLEMAN. Mr. President, to me there has been some little misunderstanding as to whether or not Sen-

ator Jacobs voted. If he did in the affirmative vote—I am not saying he did, but assuming that he did, I do not think that the Chair ought to arbitrarily deprive him of his vote. When I came in ten minutes ago Senator Jacobs was going through the door, obviously to use the telephone. I think that we ought to determine the exact status of the vote of the Senator from Cumberland, Senator Jacobs, before the roll is finally verified.

The PRESIDENT. For the information of the Senator from Lackawanna, I saw Senator Jacobs leaving and spoke to him as he left; and it was before the roll was called.

Mr. GELDER. Mr. President, I understand the affirmative vote has already been verified.

Mr. MUNDY. Mr. President, my impression is the same as that of the Chair, that Senator Jacobs left before the vote was taken.

Mr. GELDER. Mr. President, I suggest that the gentlemen on the other side are chasing ghosts, as they have been doing all afternoon.

The PRESIDENT. Are there any correction? The Chair hears none.

The roll stands as verified and the action is lost.

Mr. CAVALCANTE. Mr. President, there has been no announcement yet of the vote as verified.

The PRESIDENT. The verified vote of the Senators is Yeas 23, and Nays 23, and the Chair votes "No."

POINT OF ORDER

Mr. CAVALCANTE. Mr. President, I rise to a point of order.

The PRESIDENT. Will the Senator from Fayette, Mr. Cavalcante, state his point of order.

Mr. CAVALCANTE. Mr. President, the president has no vote on this matter because it is a matter of legislation.

The PRESIDENT. The point of order of the Senator from Fayette is not well taken.

Mr. SHAPIRO. Mr. President, I want to go on record as having no complaints that there has been anything wrong in the count or that the Chair has done anything wrong. My inquiry was directed merely in a quest for information.

Mr. CAVALCANTE. Mr. President, when this bill, which is now being called for second reading, came up last week, I asked that it go over in order because—pardon me, I yield to the Senator from Somerset, Mr. Ealy.

BILL OVER IN ORDER

Mr. OWLETT. Mr. President, I ask unanimous consent that Senate Bill No. 168, on second reading entitled:

An Act to amend paragraph six of section two, and paragraph four of section five of the act, approved the twenty-ninth day of April, one thousand nine hundred thirty-seven (P. L. 551), entitled "An act prohibiting the employment of miners, as herein defined, in the bituminous coal mines, unless certificated by a miners' examining board; providing for the appointment of such boards, and defining their powers and duties; providing penalties; and making an appropriation," by providing for the suspension of examinations and certifications by the Secretary of Mines and for the issuance of new certificates to replace lost certificates.

go over in its order.

On the question,

Will the Senate agree to the motion?

Mr. HALUSKA. Mr. President, this Senate bill is a very important measure and I have talked with the Chairman of the Committee on Mines and Mining.

We have come to an agreement that it should go back to a committee for the purpose of study, and the Chairman has agreed to that plan.

BILL RECOMMENDED

Mr. HALUSKA. Mr. President, I move that Senate Bill 168 be recommitted to the Committee on Mines and Mining for the purpose of further study and possible amendment.

Mr. CAVALCANTE. Mr. President, I second the motion. The motion was agreed to.

BILLS ON SECOND READING

Agreeably to order.

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 216, (House Bill No. 115), entitled:

An Act to amend section ten of the act approved the thirty-first day of March one thousand eight hundred and sixty (P. L. 427) entitled "An act to consolidate revise and amend the laws of the Commonwealth relating to penal proceedings and pleadings" by providing further for the administration of oaths and affirmations to witnesses appearing before grand juries.

Agreeably to order.

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 264, (House Bill No. 343), entitled:

An Act to amend section one of the act approved the twenty-second day of May one thousand nine hundred and thirty-three (P. L. 851) entitled "An act fixing the pay and mileage of jurors and witnesses" by authorizing the court to direct additional compensation for jurors in certain cases

The first section of the bill was read as follows:

Section 1 Section one of the act approved the twenty-second day of May one thousand nine hundred and thirty-three (Pamphlet Laws 851) entitled "An act fixing the pay and mileage of jurors and witnesses" is hereby amended to read as follows

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That from and after the time this act takes effect the pay of jurors in this Commonwealth shall be three dollars (\$3) per day together with the mileage at the rate of six cents (c) for each mile going to and returning from the county seat and the pay of witnesses shall be two dollars (\$2) per day together with the mileage at the rate of three cents (c) for each mile going to and returning from the county seat Provided however that after any grand jury petit jury or panel of jurors has been in actual service in court for a period of two (2) weeks or more the pay of such jurors shall be five dollars (\$5.00) per day together with the mileage as hereinbefore allowed

On the question,

Will the Senate agree to the Section?

Mr. WOLFENDEN. Mr. President, I move to amend Sec. 1, (Sec. 1), page 2, line 22, by striking out; S with

light face brackets the words "per day" and inserting in lieu thereof: "for each day thereafter actually served"

Mr. OWLETT. Mr. President, I second the motion.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

It was agreed to:

The second section of the bill was read as follows and agreed to:

Section 2 This act shall become effective immediately upon final enactment

The title of the bill was read as follows and agreed to:

An Act to amend section one of the act approved the twenty-second day of May one thousand nine hundred and thirty-three (P. L. 851), entitled "An act fixing the pay and mileage of jurors and witnesses" by authorizing the court to direct additional compensation for jurors in certain cases.

And said bill as amended having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order.

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 290, (House Bill No. 344), entitled:

An act to amend section seventy-seven of the act approved the thirty-first day of March one thousand eight hundred and sixty (P. L. 427) entitled "An act to consolidate revise and amend the laws of this Commonwealth relating to penal proceedings and pleadings" by permitting indictments against public officers and employees and their accomplices and confederates to be brought or exhibited within two years after such officer or employee shall have ceased to occupy such office or employment.

And said bill having been read at length the second time:

On the question,

Will the Senate agree to the bill?

Mr. EROE. Mr. President, I move to amend title, page 1, line 10 of title, by inserting after the word "employment" the following: S "and against attorneys-at-law within six years from the commission of the offense"

Amend sec. 1 (Sec. 77), page 2, line 28, by inserting after the word "any" the following: S "attorney-at-law or"

Mr. OWLETT. Mr. President, I object. May I ask that the vote on the amendment be delayed until we determine the effect of the amendment?

The PRESIDENT: The Senate will be at ease so that the amendment may be studied.

Mr. OWLETT. Mr. President, I ask that the Senate vote down this amendment. This amendment has to do with the extension of the statute of limitations or crimes or misdemeanors committed by public officials and the insertion of this does not apply in this act and, therefore, I ask the Senate to vote down this amendment.

Mr. MUNDY. Mr. President, I noticed particularly today that when this amendment was offered, after a hectic afternoon, the party lines were obliterated and all the

lawyers of both sides got together to study the affect of this amendment.

Mr. SHAPIRO. Mr. President, I ask that the Senate vote for this amendment. I am a lawyer; but I do not need any protection from the statute of limitations. I do not care what effect it has on the bill. I hope to be able to behave myself and not commit any crime; and whether the statute is six years or two years does not interest me. I think it is time that lawyers realize that they are not a special privileged group—they are like individuals.

Mr. WALKER. Mr. President, I must agree with the Senator from Philadelphia, Mr. Shapiro, I do not think that the Bar, as a whole, needs any special protection from this legislative group. I am against these amendments because I do not think it is fair to pick out the Bar Association and extend the statute of limitations on them.

I think it would be a good idea if they would go further with the movement, and include doctors, teachers, dentists, funeral directors.

I don't know why the Bar Association should be selected as a body to have special protection by this amendment.

Mr. EROE. Mr. President, the proper place for this amendment is in this bill. Sometime ago an amendment was made to this Act including bankers. Now, bankers handle other people's money; lawyers handle other people's money, and every one knows that lawyers are learned in the law. If anybody can keep out of trouble for two years until the statute of limitations expires, a lawyer certainly should be able to; and I think the act ought to be extended for the lawyers to six years.

And the questions recurring,

Will the Senate agree to the Amendment?

The yeas and nays were required by Mr. EROE.

YEAS—18

CaValcante,	Gilson,	McCreesh,	Ruth,
Coleman,	Haluska,	McGinnis,	Shapiro,
Dent,	Jaspan,	Mundy,	Sipe,
DiSilvestro,	Kilgallen,	Reed,	Stiefel,
Eroe,	Kunkel,		

NAYS—25

Bartlett,	Gelder,	Mallery,	Stevenson,
Chapman,	Geitz,	Miller,	Tallman,
Crowe,	Heyburn,	Owlett,	Thomas,
Deitrick,	Homsher,	Pierson,	Walker,
Ealy,	James,	Scarlett,	Wolfenden,
Edmonds,	Letzler,	Snowden,	Woodward,
Farrell,			

So the question was determined in the negative.

On the question,

Will the Senate agree to the bill on second reading?

It was agreed to.

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

HOUSE CONCURS IN AMENDMENTS TO HOUSE BILL No. 142

The Clerk of the House of Representatives being introduced presented communication from the House of Representatives informing the Senate that the House has concurred in amendments made by the Senate to House Bill No. 142, entitled:

An Act to further amend section five of the act, approved the twenty-sixth day of April, one thousand nine hundred thirty-five (Pamphlet Laws ninety), entitled 'An

act to promote uniformity in the assessment and taxation of properties and persons within the territorial limits of cities of the second class A, by providing that city and school taxes within such territorial limits shall be assessed, levied, and collected upon the basis of the assessments for taxation for county purposes; and requiring the furnishing of tax duplicates by the county taxing authorities to such cities and to school districts coterminous therewith; abolishing the department of assessors in cities of the second class A; consolidating tax statements covering city, school, county, and poor taxes therein, and making uniform the time for levy and collection of said taxes respectively, and regulating the discounts therefrom and penalties thereon," by changing the date of certain tax payments.

BILLS SIGNED

The PRESIDENT (Lieutenant-Governor Samuel S. Lewis) announced that the Chief Clerk having reported that the following bills had passed both houses of the General Assembly and the same being correct, the titles were publicly read as follows:

House Bill No. 142, entitled:

An Act to further amend section five of the act approved the twenty-sixth day of April, one thousand nine hundred thirty-five (Pamphlet Laws ninety), entitled "An act to promote uniformity in the assessment and taxation of properties and persons within the territorial limits of cities of the second class A, by providing that city and school taxes within such territorial limits shall be assessed, levied, and collected upon the basis of the assessments for taxation for county purposes; and requiring the furnishing of tax duplicates by the county taxing authorities to such cities and to school districts coterminous therewith; abolishing the department of assessors in cities of the second class A; consolidating tax statements covering city, school, county, and poor taxes therein, and making uniform the time for levy and collection of said taxes respectively, and regulating the discounts therefrom and penalties thereon," by changing the date of certain tax payments.

House Bill No. 211, entitled:

An Act to amend section one of the act, approved the twelfth day of June, one thousand nine hundred nineteen (P. L. 450), entitled "An act permitting counties of the Commonwealth of Pennsylvania to appropriate and expend moneys, and to incur indebtedness and issue bonds and other obligations, for the improvement and maintenance of State highways and State-aid highways or any public highway in any county of the Commonwealth, and providing the method for applying for said moneys and for the approval thereof by the State Highway Department in certain cases," as amended by extending the provisions thereof to include the improvement and maintenance of public highways in towns.

House Bill No. 400, entitled:

An Act to amend the title and the act approved the nineteenth day of May one thousand eight hundred and eighty-seven (P. L. 132) entitled "An act to give preference of appointment or employment to honorably discharged soldiers sailors and marines who fought for the Union cause in the late war of the rebellion" by extending the same preference to veterans and nurses of any war in which the United States has engaged.

Whereupon,

The PRESIDENT (Lieutenant-Governor Samuel S. Lewis) in the presence of the Senate signed the same.

CONSIDERATION OF EXECUTIVE NOMINATIONS

Mr. EDMONDS. Mr. President, I move that the Sen-

ate do now proceed to the consideration of Nominations for appointment as Notaries Public, sent to the Senate, April 3, 1939, by His Excellency, the Governor of the Commonwealth.

Mr. HEYBURN. Mr. President, I second the motion. The motion was agreed to.

The Nominations were read as follows:

NOTARIES PUBLIC

Commonwealth of Pennsylvania.

Governor's Office, Harrisburg, April 3, 1939.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointment as Notaries Public, for terms of four years to compute from the date of confirmation:

ALLEGHENY COUNTY

Howard C. Glosser, Pittsburgh, 1425 Arnold St.
Andrew M. Kocurkovic, Pittsburgh, 1017 Carson St.
Miss Yetta Middleman, Pittsburgh, 15 Fernando St.

BEAVER COUNTY

R. W. Snyder, Twp. of Harmony, Ambridge.

BUCKS COUNTY

Miss Mary A. Oliver, Bristol.

DAUPHIN COUNTY

Mrs. Jennie B. Brugnoli, Harrisburg.

HUNTINGDON COUNTY

Miss Kathryn M. Smith, Mount Union.

LANCASTER COUNTY

Miss Margaret C. Schmoll, Lancaster.

LEBANON COUNTY

Mrs. Mae L. Lehman, South Londonderry Twp., Lawn.
Cyrus E. Shenk, Annville Twp., 128 W. Main St., Annville.

MIFFLIN COUNTY

Miss Mabel J. Berryman, Lewistown.

MONTGOMERY COUNTY

Miss Lillian M. Bossert, Norristown.
Philip B. Knowlton, Lower Merion Twp., Bryn Mawr.

PERRY COUNTY

Russell S. Chilton, New Buffalo.

PHILADELPHIA COUNTY

Gordon Butterworth, Phila., 1500 Walnut St.
Floyd T. Doherty, Phila., 5423 Irving St.
Harry W. Dunkelberger, Phila., 3608 Crawford St.
Robert J. Hewitt, Phila., 3411 Frankford Ave.
Howard C. Mayer, Phila., 235 W. Olney Ave.
H. S. Mehring, Phila., 111 N. 49th St.
Miss Bessie M. Stakelbeck, Phila., Commercial Union Bldg., 416 Walnut St.

VENANGO COUNTY

John G. Hoffman, Jr., Franklin.

WESTMORELAND COUNTY

Miss Ruth G. Anderson, Greensburg.

ARTHUR H. JAMES.

Commonwealth of Pennsylvania.

Governor's Office, Harrisburg, April 3, 1939.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for reappointment as Notaries Public, for terms of four years to compute from the date set opposite their names:

ALLEGHENY COUNTY

Edward D. Hogan, Pittsburgh, 2101 Wharton St., 4-5-39.
Robbin B. Wolf, Pittsburgh, Plaza Bldg., 4-6-39.

DELAWARE COUNTY

Miss Margaret G. Ford, Darby, 4-7-39.

WASHINGTON COUNTY

Nicola Pizzica, Monongahela, 4-13-39.

ALLEGHENY COUNTY

William M. Young, Avalon, 4-16-39.

WASHINGTON COUNTY

Thos. H. Warrensford, Charleroi, 4-19-39.

LACKAWANNA COUNTY

Harry C. Hubler, Scranton, 4-21-39.

CAMBRIA COUNTY

Mrs. L. Margaret Wilkinson, Ebensburg, 4-22-39.

WASHINGTON COUNTY

J. M. Colaizzo, Canonsburg, 4-22-39.

PHILADELPHIA COUNTY

George Williams, Phila., 1027 W. Somerset St., 4-30-39.

ARTHUR H. JAMES.

EXECUTIVE SESSION

By unanimous consent,

A motion was made by Mr. EDMONDS and Mr. MALLERY.

That Rule 38 which requires nominations made by the Governor be referred to an appropriate committee be dispensed with, and the Senate do now resolve itself into Executive Session, for the purpose of acting on the foregoing nominations.

Which was agreed to.

Whereupon,

A motion was made by Mr. EDMONDS and Mr. MALLERY.

That the Senate do advise and consent to said nominations.

On the question,

Will the Senate agree to the motion?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—43

Bartlett,
Cavalcante,
Chapman,
Coleman,
Crowe,
Deitrick,
DiSilvestro,
Ealy,
Edmonds,
Eroe,
Farrell,

Frey,
Gelder,
Geltz,
Gillon,
Haluska,
Heyburn,
Homsher,
James,
Jaspan,
Kilgallen,
Lanius,

Letzler,
Mallery,
McCreesh,
McGinnis,
Miller,
Mundy,
Owlett,
Pierson,
Reed,
Rice,
Ruth,

Shapiro,
Sipe,
Snowden,
Stevenson,
Stiefel,
Tallman,
Thomas,
Walker,
Wolfenden,
Woodward,

NAYS—0

Two-thirds of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Governor be informed accordingly.

Mr. EDMONDS. Mr. President, I move that the Executive Session do now rise.

Mr. GELDER. Mr. President. I second the motion.

The motion was agreed to.

REPORT FROM COMMITTEE

Mr. CAVALCANTE. Mr. President I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. CAVALCANTE from sub-committee on Judiciary General reported as amended, Senate Bill No. 135, entitled:

An Act to define the manner of making affidavit to appeals from awards by Boards of Viewers to common pleas courts in all counties of this Commonwealth and affecting all present and future appeals.

MOTION TO READ BILLS THE FIRST TIME

Mr. OWLETT. Mr. President, I move that the Senate do now proceed to the first reading of all bills reported from committees for the first time at today's session.

Mr. HEYBURN. Mr. President. I second the motion.

The motion was agreed to.

BILLS ON FIRST READING

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 135, entitled:

An Act to define the manner of making affidavit to appears from awards by Boards of Viewers to common pleas courts in all counties of this Commonwealth and affecting all present and future appeals.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 260, entitled:

An Act to further amend section four hundred four of the act, approved the seventeenth day of May, one thousand nine hundred and twenty-one, (P. L. 682), entitled "An act relating to insurance; amending, revising, and consolidating the law providing for the incorporation of insurance companies, and the regulation, supervision, and protection of home and foreign insurance companies, Lloyds associations, reciprocal and inter-insurance exchanges, and fire insurance rating bureaus, and the regulation and supervision of insurance carried by such companies, associations, and exchanges, including insurance carried by the State Workmen's Insurance Fund; providing penalties; and repealing existing laws," by changing requirements relating to the investment of the capital and reserve of mutual and stock life insurance companies organized under the laws of this Commonwealth.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 309, (House Bill No. 483), entitled:

An Act regulating the appointing or election of deputy controllers in cities of the second class A and prescribing their powers and duties.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 314, entitled:

An Act to amend clause (b) of section three of the act, approved the thirtieth day of March, one thousand nine hundred and thirty-seven (P. L. 115), entitled "An act to provide for the permanent personal registration of electors in cities of the first class as a condition of their right to vote at elections and primaries, and their enrollment as members of political parties as a further condition of their right to vote at primaries; prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors, and prescribing the powers and duties of citizens, parties, bodies of electors, registration commissions, commissioners, registrars, inspectors of registration and other appointees of registration commission, election officers, municipal officers, departments and bureaus, police officers, courts, judges, prothonotaries, sheriffs, county commissioners, peace officers, county treasurers, county controllers, registrars of vital statistics, real estate brokers, rental agents, certain public service companies, persons, firms, and corporations operating vehicles for moving furniture and household goods, and boards of school directors; and imposing penalties," by reducing the number of members of the registration commission.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 343 (House Bill No. 486), entitled:

An Act authorizing the appointment of a deputy mayor in cities of the second class A and limiting and prescribing his powers and duties.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 380, (House Bill No. 209), entitled:

An Act to amend section two thousand eight hundred forty-two of the act approved the twenty-third day of June one thousand nine hundred thirty-one (P. L. 932), entitled "An Act relating to cities of the third class and amending revising and consolidating the law relating the etc" by authorizing the city to appeal from reports of viewers and demand a trial by jury and making such provisions retroactive so as to apply to cases now pending.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 404, entitled:

An Act providing for a uniform commission to fire insurance agents; prohibiting additional compensation or excess commissions in any form; providing for the enforcement of the provisions of this act by the Insurance Commission; and imposing penalties.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

ADJOURNMENT

Mr. OWLETT. Mr. President, I move that the Senate do now adjourn until Wednesday, April 5, 1939 at 12:30 o'clock, p. m.

Mr. HEYBURN, Mr. President, I second the motion.
The motion was agreed to.
The Senate adjourned at 6:36 o'clock, p. m., until Wednesday, April 5, 1939, at 12:30 o'clock, p. m.

HOUSE OF REPRESENTATIVES

TUESDAY, April 4, 1939.

The House met at 1:30 p. m.

The SPEAKER (Ellwood J. Turner) in the Chair.

PRAYER

The Chaplain, Rev. Thomas George Baxter, offered the following prayer:

Our blessed heavenly Father, only a consciousness of Thy continuing mercy enables us to stand in Thy presence. Truly Thou art our God, and we are the people of Thy pasture.

We thank Thee that we have our abode in a land so abundant in resources as to make us materially a great nation.

Endow us with that love of virtue, that zeal for knowledge, that wisdom of policy, that state loyalty in legislation, that will make for national righteousness and the edification of all mankind.

Make us all to rejoice in the glad spiritual festive season, the Easter of the Christian, the Passover of the Jew.

Guide, by the bestowal of Thy gracious Spirit, the Governor of our Commonwealth and the Speaker of this House.

Direct and bless all the members, all the officers, all the employees and pages of this House during coming weeks of this session.

May no peril befall our dwellings. Stay the dark hand of affliction and keep up under the shadow of Thy blessed presence. Give us hearts of gladness and wills of power that will enable us to lighten life's burden, to lift life's load and brighten life's way for our less fortunate brother.

We ask it all in the name of our Elder Brother. Amen.

JOURNAL APPROVED

The SPEAKER. The Clerk will read the Journal of yesterday.

The Clerk proceeded to read the Journal of yesterday, when, on motion of Mr. DAVID P. REESE, the further reading was dispensed with and the Journal approved.

LEAVE OF ABSENCE

Mr. Sweeney asked and obtained leave of absence for Mr. IRVIN for the remainder of the week on account of illness.

REPORTS FROM COMMITTEES

Mr. ALSPACH from the Committee on Welfare reported as amended, House Bill No. 867, entitled:

An Act to amend the act, approved the twenty-fourth day of June, one thousand nine hundred and thirty-seven (P. L. 2051), entitled "An act relating to public assistance; providing for and regulating assistance to certain classes of persons designated and defined as dependent children, aged persons, blind persons and other persons requiring relief; providing for the administration of this act by

the Department of Public Assistance and county boards of assistance hereby created for this purpose; authorizing the Department of Public Assistance to cooperate with, and to accept and disburse moneys received from, the United States Government for assistance to such persons; providing for the liquidation of the State Emergency Relief Board, Boards of Trustees of the Mothers's Assistance Fund, and Boards of Trustees of Pension Fund for the Blind; and repealing laws relating to mother's assistance, pensions for the blind, old age assistance, and the State Emergency Relief Board;" providing for separate administration by county boards of assistance, of certain types of public assistance, designated "general assistance and pensions;" regulating the employment and dismissal of employees therefor; authorizing the employment and dismissal of an executive director of general assistance and pensions; changing the system of allocation of funds by the Department of Public Assistance; changing the powers and duties of county boards; authorizing appointment of subcommittees for certain purposes; providing for immediate return to assistance rolls of persons accepting temporary employment; authorizing appointment of labor review boards to pass on eligibility for assistance of persons refusing offered employment; regulating the granting of assistance to aliens, and the use of credit agencies; changing the maximum property allowances for pensions to blind persons, and the qualifications for general assistance; and changing penal provisions.

Mr. ROSE from the Committee on Counties reported as committed, House Bill No. 895, entitled:

An Act to amend section 402 of the act approved the twenty-second day of May, one thousand nine hundred thirty-three (Pamphlet Laws 853) entitled, "An act relating to taxation; designating the subjects, property and persons subject to and exempt from taxation for all local purposes; providing for and regulating the assessment and valuation of persons, property and subjects of taxation for county purposes, and for the use of those municipal and quasi-municipal corporations which levy their taxes on county assessments and valuations; amending, revising and consolidating the law relating thereto; and repealing existing laws," providing a method for the valuation of real property for taxation purposes.

Mr. COOPER from the Committee on Railroads and Railways reported as committed, House Bill No. 538, entitled:

An Act to repeal the act, approved the fifth day of March, one thousand nine hundred and three (P. L. 13), entitled "An act in relation to abandonment of portions of railroads."

Mr. SHAW from the Committee on Cities—Second Class reported as committed House Bill No. 814 (Senate Bill No. 241), entitled:

An Act authorizing counties of the second class to make appropriations to the State World's Fair Commission.

ANNOUNCEMENT

The SPEAKER. The Chair has had a large number of bills, as perhaps the members have been advised, to refer this morning. The machinery is a bit delayed and therefore the House will be at ease for a few moments until the bills are received at the desk so that they may be referred. The Chair would like to refer them at this time.

In referring bills this morning the Chair noticed that there were a number of bills that were duplicates, or appeared from their titles to be duplicates of other measures introduced by members, either bills that were already in the House or about to be offered. The Chair feels that this is unfortunate in view of our desire to prevent

duplication in order to keep down the printing costs. We trust that members who have duplicate bills will try to get together in order that we may avoid further duplication and the attendant expense.

Secondly, the Chair would again call to the attention of the members the fact that under the rules there will be no Highway bills. Unfortunately, in the rush of bills last night the clerk accepted some Highway bills which seems to the chair to be unfair because it creates a situation where some members have introduced bills while other members have not.

BILL SIGNED BY SPEAKER

Bill numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the title was publicly read as follows:

HOUSE BILL No. 26.

An Act to amend section three of the act approved the twenty-seventh day of April one thousand nine hundred and twenty-seven (Pamphlet Laws four hundred sixty-five) entitled 'An act to provide for the safety of persons employed housed or assembled in certain buildings and structures not in cities of the first class second class and second class A by requiring certain construction and ways of egress equipment and maintenance providing for the licensing of projectionists requiring the submission of plans for examination and approval providing for the promulgation of rules and regulations for the enforcement of this act providing for the enforcement of this act by the Department of Labor and Industry and in certain cases by the chiefs of the fire departments in cities of the third class providing penalties for violations of the provisions of this act and repealing acts' as amended eliminating the requirement that certain buildings shall be equipped with certain equipment in connection with gas meters to prevent or retard the escape of gas

Whereupon,

The SPEAKER, in the presence of the House, signed the same.

The SPEAKER. The Chair requests the gentleman from Tioga, Mr. Snyder, to preside at this time.

MR. SNYDER IN THE CHAIR.

BILLS INTRODUCED AND REFERRED

By Mr. HALL. HOUSE BILL No. 904.

An Act to amend section ten of the act, approved the eighteenth day of May, one thousand nine hundred and thirty-seven (P. L. 665), entitled "An act relating to the performance of industrial work in homes; regulating, and in certain cases prohibiting, industrial home-work; imposing duties, restrictions and liabilities on industrial home-workers and on persons, partnerships, associations and corporations, directly or indirectly furnishing materials and articles to home-workers for manufacture or work thereon; regulating permits and home-workers' certificates and prescribing the fees therefor; conferring powers and imposing duties on the Department of Labor and Industry; and prescribing penalties;" reducing the fees for employer's and contractor's permits.

Referred to the Committee on Labor.

By Mr. BOOSE. HOUSE BILL No. 905.

An Act to amend section three hundred and five, of the act approved the third day of June, one thousand nine hundred and thirty-seven, (P. L. 1333), entitled, "An act concerning elections, including general, municipal, special and primary elections, the nomination of candidates, primary and election expenses and election contests; creating and

defining membership of county boards of elections; imposing duties upon the Secretary of the Commonwealth, courts, county boards of elections, county commissioners; imposing penalties for violation of the act and codifying, revising and consolidating the laws relating thereto; and repealing certain acts and parts of acts relating to elections," by providing for the reimbursement of counties by the Commonwealth for primary and election costs incurred in even-numbered years.

Referred to the Committee on Elections.

By Mr. WAGNER. HOUSE BILL No. 906.

An Act to amend clauses six and nineteen and to eliminate clause seven of section twelve hundred ten of the act, approved the eighteenth day of May, one thousand nine hundred eleven, (Pamphlet Laws 309), entitled, "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith," fixing the minimum annual salary and increments of members of the teaching and supervisory staff in school districts of the fourth class, increasing the percentage of state-aid for all districts; and providing additional state-aid through an equalization fund created by this act to be maintained from state appropriations.

Referred to the Committee on Education.

By Mr. CORDIER. HOUSE BILL No. 907.

An Act to amend the act approved the first day of May, one thousand nine hundred and thirty-three, (P. L. 103), entitled "An act concerning townships of the second class, and amending, revising, consolidating and changing the law relating thereto," as amended; by adding thereto section one thousand one hundred and ninety-seven, regulating the expenditure of funds allocated by any agency or department of the Commonwealth to townships of the second class in which the public roads and bridges are opened, made, amended and repaired by taxpayers.

Referred to the Committee on Townships.

By Mr. CORDIER. HOUSE BILL No. 908.

An Act to further amend section one of the act, approved the eighteenth day of April, one thousand nine hundred and five (P. L. 212), entitled "An act for the better regulation of public pool-rooms, billiard-rooms, bowling and tenpin alleys in the Commonwealth of Pennsylvania," by allowing persons under eighteen years of age to be therein under certain circumstances and reducing the hours during which places may be open.

Referred to the Committee on Law and Order.

By Mr. HALL. HOUSE BILL No. 909.

An Act to amend sections nine, ten, twelve and sixteen of the act approved the seventh day of August, one thousand nine hundred and thirty-six (P. L. 106), entitled, as amended, "An act relating to flood control; prescribing the powers and duties of the Water and Power Resources Board of the Department of Forests and Waters in relation to the creation of flood control districts, adoption of plans for flood control works and improvements; carrying into effect of such plans, assistance, aid and cooperation with public and private agencies and the Federal Government in Federal flood control works and improvements, and entering into compacts and agreements with other states for flood control works and improvements; conferring the power of eminent domain; providing for the setting off of benefits; imposing certain charges upon the Commonwealth; providing for appeals; and conferring certain powers on municipalities, counties, and townships, and the Department of Highways," as reenacted and amended; re-

gulating the use of impounded waters in Federal flood control works and improvements; restricting the power of eminent domain; providing for the payment of the cost of Federal works and improvements; conferring powers on the Water and Power Resources Board; and further preserving rights of landowners, persons and municipalities.

Referred to the Committee on Forestry.

By Mr. PEALE. HOUSE BILL No. 910.

An Act to amend section three and clause (a) of section seven of the act, approved the first day of June, one thousand nine hundred and thirty-seven (P. L. 1168), entitled "An act to protect the right of employees to organize and bargain collectively; creating the Pennsylvania Labor Relations Board; conferring powers and imposing duties upon the Pennsylvania Labor Relations Board, officers of the State government, and courts; providing for the right of employees to organize and bargain collectively; declaring certain labor practices by employers to be unfair; further providing that representatives of a majority of the employees be the exclusive representatives of all the employees; authorizing the board to conduct hearings and elections, and certify as to representatives of employees for purposes of collective bargaining; empowering the board to prevent any person from engaging in any unfair labor practice and providing a procedure for such case, including the issuance of a complaint, the conducting of a hearing, and the making of an order; empowering the board to petition a court of common pleas for the enforcement of its order, and providing a procedure for such cases; providing for the review of an order of the board by a court of common pleas on petition of any person aggrieved by such order, and establishing a procedure for such cases; providing for an appeal from the common pleas court to the Supreme Court; providing the board with investigatory powers, including the power to issue subpoenas and the compelling of obedience to them through application to the proper court; providing for service of papers and process of the board; prescribing certain penalties," defining "current labor dispute," and prescribing qualifications for representatives for the purpose of collective bargaining, and of officers of labor organizations.

Referred to the Committee on Labor.

By Mr. KLINE. HOUSE BILL No. 911.

An Act to amend section two thousand one hundred and one of the act approved the twenty-third day of June, one thousand nine hundred and thirty-one (Pamphlet Laws 932) entitled "An act relating to cities of the third class and amending revising and consolidating the law relating thereto" by fixing the minimum salaries or compensation for paid firemen and paid employees of the fire department in such cities.

Referred to the Committee on Cities—Third Class.

By Mr. HOLLAND. HOUSE BILL No. 912

An Act to repeal the act approved the fourteenth day of June, one thousand nine hundred and twenty-three, (P. L. 710), entitled "An act allowing and regulating boxing, sparring, and wrestling matches and exhibitions; establishing a State Athletic Commission; making an appropriation therefor; and appropriating moneys received for monument and memorial purposes; and prescribing penalties," and its amendments, in so far as they apply to wrestling matches and exhibitions.

Referred to the Committee on State Government.

By Mr. HABBYSKAW. HOUSE BILL No. 913.

An Act making an appropriation to the Department of Labor and Industry for the rehabilitation of the deaf and hard of hearing, and for the purpose of matching additional federal funds.

Referred to the Committee on Appropriations.

By Mr. HERFERD M. WOOD. HOUSE BILL No. 914.

An Act to establish as State highways certain sections of public road in the County of Elk; and providing for their construction and maintenance at the expense of the Commonwealth.

Referred to the Committee on Highways.

By Mr. McGARRITY. HOUSE BILL No. 915.

An Act to amend paragraphs five and six of section two, and section one thousand three hundred eleven, as amended, of the act, approved the twenty-eighth day of May, one thousand nine hundred thirty-seven (P. L. 1053), entitled "An act relating to the regulation of public utilities; defining as public utilities certain corporations, companies, associations, and persons; providing for the regulation of public utilities, including, to a limited extent, municipalities engaging in public utility business, by prescribing, defining, and limiting their duties, powers and liabilities, and regulating the exercise, surrender or abandonment of their powers, privileges, and franchises; defining and regulating contract carriers by motor vehicle and brokers in order to regulate effectively common carriers by motor vehicle; conferring upon the Pennsylvania Public Utility Commission the power and duty of supervising and regulating persons, associations, companies, and corporations, including, to a limited extent, municipal corporations subject to this act, and administering the provisions of this act; authorizing the commission to fix temporary rates; placing the burden of proof on public utilities to sustain their rates and certain other matters; authorizing a permissive or mandatory sliding scale method of regulating rates; providing for the supervision of financial and contractual relations between public utilities and affiliated interests, and supervision and regulation of accounts and securities or obligations issued, assumed, or kept by persons, associations, companies, corporations or municipal corporations subject to this act; conferring upon the commission power to vary, reform, or revise certain contracts; conferring upon the commission the exclusive power to regulate or order the construction, alteration, relocation, protection, or abolition of crossings of facilities of public utilities, and of such facilities by or over public highways, to appropriate property for the construction or improvement of such crossings, and to award or apportion resultant costs and damages; authorizing owners of such property to sue the Commonwealth for such damages; providing for ejectment proceedings in connection with the appropriation of property for crossings; conferring upon the commission power to control and regulate budgets of public utilities; imposing upon persons, associations, companies, and corporations (except municipal corporations) subject to regulation, the cost of administering this act; prescribing and regulating practice and procedure before the commission and procedure for review by the courts of commission action; giving the court of common pleas of Dauphin County exclusive original jurisdiction over certain proceedings; prescribing penalties, fines, and imprisonment for violations of the provisions of this act and regulations and orders of the commission, and the procedure for enforcing such fines and penalties; and repealing legislation supplied and superseded by or inconsistent with this act," by excluding operators of aircraft from the provisions of this act.

Referred to the Committee on Public Utilities.

By Mr. REAGAN. HOUSE BILL No. 916.

A Supplement to the act, approved the twenty-second day of June, one thousand nine hundred and thirty-one (P. L. 594), entitled "An act establishing certain township roads as State highways; authorizing their construction, maintenance and improvement under certain conditions and restrictions; limiting the obligation of the Commonwealth in the construction of certain structures located on such highways; conferring certain powers upon the Department of Highways and local authorities, persons, associations and corporations for sharing the cost of the maintenance and construction of such highways and making an appropriation

to carry out the provisions of said act," establishing an additional route in the County of Union.

Referred to the Committee on Highways.

By Mr. REAGAN. HOUSE BILL No. 917.

An Act creating borough and township poor districts in counties of the eighth class, to be administered by overseers of the poor; transferring to them the powers and duties of institution districts and certain functions of county boards of assistance; imposing duties on certain State departments; and abolishing the county institution districts.

Referred to the Committee on Welfare.

By Mr. BOOSE. HOUSE BILL No. 918.

An Act providing for and regulating, subject to certain restrictions, limitations and liabilities, assistance to certain aged persons, and providing for their burial; creating an independent administrative commission to be known as the Old Age Assistance Commission of the Commonwealth and an Old Age Assistance Board in each county; defining their powers and duties; providing for the appointment and fixing the compensation of an Old Age Assistance Superintendent and assistants and investigators; making the State liable for certain expenses; authorizing the Old Age Assistance Commission to co-operate with and to accept and disburse moneys received from the United States Government for assistance to such persons; providing for the recovery of moneys expended for assistance in certain cases; prohibiting political activity by employees of the board; providing penalties; making an appropriation; and repealing inconsistent acts.

Referred to the Committee on Welfare.

By Mr. McNALLY. HOUSE BILL No. 919.

An Act to further amend section four hundred four of the act, approved the seventeenth day of May, one thousand nine hundred and twenty-one (P. L. 682), entitled "An act relating to insurance; amending, revising and consolidating the law providing for the incorporation of insurance companies, and the regulation, supervision, and protection of home and foreign insurance companies, Lloyds associations, reciprocal and inter-insurance exchanges, and fire insurance rating bureaus, and the regulation and supervision of insurance carried by such companies, associations, and exchanges, including insurance carried by the State Workmen's Insurance Fund; providing penalties; and repealing existing laws;" by changing requirements relating to the investment of the capital and reserve of mutual and stock life insurance companies organized under the laws of this Commonwealth.

Referred to the Committee on Insurance.

By Mr. TAHL. HOUSE BILL No. 920.

An Act providing for a monthly pension to residents of the Commonwealth who served in the military or naval forces of the United States and who were wounded or disabled in the World War; imposing duties upon the Adjutant General, and making an appropriation.

Referred to the Committee on Appropriations.

By Mr. TAHL. HOUSE BILL No. 921.

An Act to amend clause (d) of section three of the act approved the thirtieth day of March, one thousand nine hundred and thirty-seven (P. L. 115), entitled "An act to provide for the permanent personal registration of electors in cities of the first class as a condition of their right to vote at elections and primaries, and their enrollment as members of political parties as a further condition of their right to vote at primaries; prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors; and prescribing the powers and duties of cities, parties, bodies of electors, registration commissions, commissioners, registrars, inspec-

tors of registration and other appointees of registration commission, election officers, municipal officers, departments and bureaus, police officers, courts, judges, prothonotaries, sheriffs, county commissioners, peace officers, county treasurers, county controllers, registrars of vital statistics, real estate brokers, rental agents, certain public service companies, persons, firms, and corporations operating vehicles for moving furniture and household goods, and boards of school directors; and imposing penalties," empowering the Governor to remove any member of the registration commission at will.

Referred to the Committee on Cities—First Class.

By Messrs. REAGAN and BOWER.

HOUSE BILL No. 922.

A Supplement to the act, approved the twenty-second day of June, one thousand nine hundred and thirty-one (P. L. 594), entitled "An act establishing certain township roads as State highways; authorizing their construction, maintenance and improvement under certain conditions and restrictions; limiting the obligation of the Commonwealth in the construction of certain structures located on such highways; conferring certain powers upon the Department of Highways and local authorities, persons, associations and corporations for sharing the cost of the maintenance and construction of such highways and making an appropriation to carry out the provisions of said act," establishing an additional route in the County of Union.

Referred to the Committee on Highways.

By Mr. DALRYMPLE (By request) HOUSE BILL No. 923.

A Supplement to the act, approved the twenty-sixth day of June, one thousand nine hundred thirty-one (P. L. 1386), entitled "An act providing for the care, protection, and maintenance of the brig Niagara, Commodore Perry's Flagship at the Battle of Lake Erie, and now the property of the State of Pennsylvania; creating a commission to be The Flagship Niagara Commission, and making an appropriation for such care, protection and maintenance," transferring the custody and control, restoration and rehabilitation, care, protection and maintenance of the Flagship Niagara from the Flagship Niagara Commission to the Pennsylvania Historical Commission; providing for the continuance of the present Flagship Niagara Commission as an advisory committee; and for its discharge from certain duties and powers; and making an appropriation to complete the restoration and rehabilitation of the Flagship Niagara and the maintenance of the same.

Referred to the Committee on State Government.

By Messrs. ACKERMAN and MATTHEWS.

HOUSE BILL No. 924.

An Act to further amend clause (a) of section two hundred one of the act, approved the twenty-ninth day of November, one thousand nine hundred and thirty-three (P. L. 15, 1933-34), entitled as amended "An act to regulate and restrain the sale, manufacture, possession, transportation, importation, traffic in, and use of alcohol, and alcoholic and malt or brewed beverages; conferring powers and imposing duties upon the Pennsylvania Liquor Control Board and its agents, the Department of Public Instruction, other officers of the State government, courts, and district attorneys; authorizing the establishment and operation of State stores for the sale of such beverages not for consumption on the premises, and the granting of licenses, subject to local option, to sell such beverages for consumption on and off the premises; forbidding importation or bringing of such beverages into the State except as herein provided; prohibiting certain sales or practices in, connection with, and transactions in such beverages by licensees and others; providing for the forfeiture of certain property; making disposition of the receipts from State stores and of fees; and imposing penalties;" by eliminating the provision requiring the approval of purchases by the Auditor General.

Referred to the Committee on Liquor Control.

By Messrs. BREATHERICK and LYONS.

HOUSE BILL No. 925.

An Act to re-enact and further amend the act, approved the third day of May, one thousand nine hundred and thirty-three (P. L. 252), entitled, as amended "An act to regulate and restrain the traffic in malt and brewed beverages, as herein defined; providing for the licensing of the manufacture, transportation, sale and distribution of such beverages; imposing license and permit fees, and providing for collection and distribution thereof; restricting ownership and interest in licensed places; permitting municipalities and townships, by vote of the electors, to prevent the licensing therein of places where such beverages may be sold for consumption on the premises, and regulating elections for this purpose; imposing duties upon the Pennsylvania Liquor Control Board, quarter sessions courts, district attorneys, the Department of Justice, proper authorities of political subdivisions of the State, and election officers; providing penalties; and repealing existing acts," by eliminating retail dispensers' club and public service licenses for the sale of malt and brewed beverages; and further regulating distributors and importing distributors.

Referred to the Committee on Liquor Control.

By Mr. BOWER.

HOUSE BILL No. 926.

An Act to amend clause (a) of section two thousand five hundred and four A, as added to the act approved the ninth day of April, one thousand nine hundred and twenty-nine (P. L. 177) entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments, boards, commissions, and officers thereof, including the boards of trustees of State Normal Schools, or Teachers Colleges; abolishing, creating, reorganizing or authorizing the reorganization of certain administrative departments, boards, and commissions; defining the powers and duties of the Governor and other executive and administrative officers, and of the several administrative departments, boards, commissions, and officers; fixing the salaries of the Governor, Lieutenant Governor and certain other executive and administrative officers; providing for the appointment of certain administrative officers, and of all deputies and other assistants and employees in certain departments, boards, and commissions; and prescribing the manner in which the number and compensation of the deputies and all other assistants and employees of certain departments, boards and commissions shall be determined," changing the definition of "employee" in the civil service provisions for the Department of Public Assistance so as to exclude certain employees of local boards.

Referred to the Committee on Welfare.

By Mr. FRANK S. MOSER.

HOUSE BILL No. 927.

An Act to amend section three hundred and eight of the act approved the twenty-fourth day of June, one thousand nine hundred and thirty-seven (P. L. 2017), entitled "An act creating in each county (except of the first class) as a separate corporation, and in each city of the first and second class as a part of the city government, an institution district for the care and maintenance of certain indigent persons and children; prescribing the powers and duties of county commissioners, county treasurers, city departments of public welfare, the State Department of Welfare and the State Department of Public Assistance in respect thereto; abolishing certain poor districts and terminating the terms of directors, overseers, guardians and managers of the poor and poor district auditors, and providing for the temporary employment of certain of them; providing for the transfer, vesting, sale and disposition of the property of poor districts and the payment of their obligations; imposing certain existing obligations on institution districts and on the Commonwealth; regulating the affairs of poor districts until abolished; revising, amending, changing and consolidating

the law relating to the care of the poor; and repealing existing laws," providing for the issuance of bonds to fund notes or other floating debt or evidences of indebtedness of the institution district.

Referred to the Committee on Counties.

By Messrs. EWING and HAUDENSHIELD.

HOUSE BILL No. 928.

An Act relating to tunnels in townships of the first class located within counties of the second class; providing for the transfer of such tunnels to the Commonwealth; and conferring and imposing upon the Department of Highways certain powers and duties.

Referred to the Committee on Highways.

By Messrs. MUIR, McKINNEY and ROYER.

HOUSE BILL No. 929.

An Act to amend section four hundred thirteen, section five hundred ten as amended and sections six hundred and thirteen and seven hundred ten of the act approved the first day of May one thousand nine hundred and twenty-nine (Pamphlet Laws 905), entitled "An act for the protection of the public safety regulating the use of highways and the operation of vehicles tractors street cars trackless trolley omnibuses bicycles pedestrians and the riding of animals upon the highways of this Commonwealth providing for the titling including liens encumbrances and legal claims registration of certain vehicles and licensing the operators thereof upon payment of prescribed fees prescribing and limiting the powers of local authorities to deal with the subject matter of this act conferring powers and imposing duties upon the Department of Revenue the Department of Highways peace officers mayors burgesses magistrates aldermen justices of the peace the courts and the clerks thereof owners of vehicles and garage keepers providing that records are admissible as evidence imposing upon owners counties cities boroughs incorporated towns townships within the Commonwealth liability for damages caused by the negligent operation of their motor vehicles imposing penalties imposing certain costs upon counties providing for the disposition of fines forfeitures fees and miscellaneous receipts making an appropriation and providing for refunds," changing motor vehicles registration years fractions of registration years and operators license years.

Referred to the Committee on Motor Vehicles.

By Messrs. AUKER and JONES. HOUSE BILL No. 930.

An Act to amend section eighteen of the act approved the second day of July, one thousand nine hundred and thirty-five, (P. L. 589), entitled "An act to safeguard human health and life by providing for the issuance of permits to and regulation of persons and entities selling milk and milk products; conferring powers and imposing duties on the Secretary of Health, the Advisory Health Board, and otherwise providing for the administration of the act, and imposing penalties," requiring local ordinances in certain cases to conform to this act and the regulations made thereunder.

Referred to the Committee on Dairy Industries.

By Mr. CURRAN.

HOUSE BILL No. 931.

An Act to amend the act, approved the fifth day of December, one thousand nine hundred and thirty-six (1937, P. L. 2897), entitled "An act establishing a system of unemployment compensation to be administered by the Department of Labor and Industry and its existing and newly created agencies with personnel (with certain exceptions) selected on a civil service basis; requiring employers to keep records and make reports, and certain employers to pay contributions based on payrolls to provide moneys for the payment of compensation to certain

unemployed persons; providing procedure and administrative details for the determination, payment and collection of such contributions and the payment of such compensation; providing for cooperation with the Federal Government and its agencies; creating certain special funds in the custody of the State Treasurer; and prescribing penalties;" providing for contribution rates based on compensation experiences.

Referred to the Committee on Ways and Means.

By Mr. CURRAN (By Request). HOUSE BILL No. 932.

An Act to add section five hundred eleven to the act, approved the first day of May, one thousand nine hundred and twenty-nine (P. L. 905), entitled "An act for the protection of the public safety; regulating the use of highways, and the operation of vehicles, tractors, street cars, trackless trolley omnibuses, bicycles, pedestrians, and the riding of animals upon the highways of this Commonwealth; providing for the titling, including liens, encumbrances, and legal claims; registration of certain vehicles and licensing the operators thereof, upon payment of prescribed fees; prescribing and limiting the powers of local authorities to deal with the subject matter of this act; conferring powers and imposing duties upon the Department of Revenue, the Department of Highways, peace officers, mayors, burgesses, magistrates, aldermen, justices of the peace, the courts and the clerks thereof, owners of vehicles, and garage keepers; providing that records are admissible as evidence; imposing upon owners, counties, cities, boroughs, incorporated towns, townships, within the Commonwealth, liability for damages caused by the negligent operation of their motor vehicles; imposing penalties; imposing certain costs upon counties; providing for the disposition of fines, forfeitures, fees, and miscellaneous receipts; making an appropriation and providing for refunds," requiring the mounting on each motor vehicle, of a receptacle to be furnished by the Department of Revenue, for additional miniature license plates, and the insertion of such plates therein; fixing fees therefor; authorizing the department to purchase or manufacture such receptacles; and fixing penalties.

Referred to the Committee on Motor Vehicles.

By Mr. CURRAN. HOUSE BILL No. 933.

An Act authorizing the Department of Forests and Waters to acquire, repair, restore, and maintain the historic shrines and the grounds surrounding the same in the city of Chester and the borough of Upland, Delaware County, Pennsylvania, and making an appropriation.

Referred to the Committee on Appropriations.

By Messrs. McGARRITY and BOIES.
HOUSE BILL No. 934.

An Act to further amend the act approved the fifth day of May, one thousand nine hundred and thirty-three (Pamphlet Laws two hundred and eighty-nine) entitled "An act relating to nonprofit corporations; defining and providing for the organization, merger, consolidation, and dissolution of such corporations; conferring certain rights, powers, duties, and immunities upon them and their officers and members; prescribing the conditions on which such corporations may exercise their powers; providing for the inclusion of certain existing corporations of the first class within the provisions of this act; prescribing the terms and conditions upon which foreign non-profit corporations may be admitted or may continue to do business within the Commonwealth; conferring powers and imposing duties on the courts of common pleas, prothonotaries of such courts, recorders of deeds and certain State departments, commissions, and officers; authorizing certain local public officers and State departments to collect fees for services required to be rendered by this act; imposing penalties; and repealing certain acts and parts of

acts relating to corporations" by providing for and regulating the incorporation of nonprofit healing arts service corporations organized to provide healing arts services for subscribers and their dependents; conferring powers on the Department of Health and the Insurance Department with respect thereto; further prescribing the conditions on which such corporations may exercise their powers; providing for the dissolution of non-profit healing arts service corporations by and under the supervision of the Insurance Commissioner and further defining the scope of the Act.

Referred to the Committee on Corporations and Industry.

By Mr. CURRAN. HOUSE BILL No. 935.

An Act to regulate outdoor advertising; to provide for licensing persons engaged in the business of outdoor advertising and for the issuance of permits for advertising structures and advertisements; prescribing the method and manner of obtaining such licenses and permits and prescribing the fees for the issuance thereof; to prohibit certain advertisements and advertising structures from being posted, displayed, erected, used or maintained; and prescribing penalties.

Referred to the Committee on Ways and Means.

By Mr. HARBESON. HOUSE BILL No. 936.

An Act to amend section ten of the act, approved the seventh day of August, one thousand nine hundred and thirty-six (P. L. 106), entitled as amended "An act relating to flood control; prescribing the powers and duties of the Water and Power Resources Board of the Department of Forests and Waters in relation to the creation of flood control districts, adoption of plans for flood control works and improvements, carrying into effect of such plans, assistance, aid and cooperation with public and private agencies and the Federal Government in Federal flood control works and improvements, and entering into compacts and agreements with other states for flood control works and improvements; conferring the power of eminent domain; providing for the setting off of benefits; imposing certain charges upon the Commonwealth; providing for appeals; and conferring certain powers on municipalities, counties, and townships, and the Department of Highways," as reenacted and amended; giving the board additional powers relating to the removal and relocation of gas, water and telephone lines, highways, railroads and other facilities, and the payment of costs and damages incident thereto.

Referred to the Committee on Public Utilities.

By Mr. MUNLEY. HOUSE BILL No. 937.

An Act authorizing the Department of Property and Supplies with the advice of the Pennsylvania Historical Commission to acquire by gift on behalf of the Commonwealth certain lands in the Borough of Archbald, County of Lackawanna adjacent to and including certain glacial pot holes; providing for improving, marking, policing, preservation and maintenance thereof, and making an appropriation.

Referred to the Committee on Appropriations.

By Messrs. McKINNEY and HINDMAN.
HOUSE BILL No. 938.

An Act to protect the crude oil resources of this Commonwealth from waste and destruction; defining waste; creating a commission to effectuate the purposes of the act, and defining its powers and duties; providing remedies for the prevention of such waste and destruction; creating and appropriating the moneys in an Oil Conservation Fund; and providing penalties.

Referred to the Committee on Corporations and Industry.

By Messrs. McKINNEY and HINDMAN.

HOUSE BILL No. 939.

An Act imposing an annual tax on each barrel of crude oil produced in this Commonwealth, for the purpose of providing and maintaining a fund to be known as the "Oil Conservation Fund," to be used in administering oil conservation; providing for collection of such tax; and prescribing penalties.

Referred to the Committee on Ways and Means.

By Mr. McKINNEY.

HOUSE BILL No. 940.

An Act to amend section one as amended of the act approved the twenty-eighth day of June one thousand nine hundred and seventeen (Pamphlet Laws six hundred forty-five) entitled "An act making it unlawful for any individual or individuals to carry on or conduct any business under an assumed or fictitious name style or designation unless upon the filing of a certificate to that effect in the office of the Secretary of the Commonwealth and of the prothonotary requiring county commissioners at the expense of the county to provide books for the entry of such certificates fixing the fees of the Secretary of the Commonwealth and prothonotary and providing penalties" by requiring notice of intention to file such certificates to be given by advertisement and the filing of proofs of such publication.

Referred to the Committee on Judiciary General.

By Mr. RILEY.

HOUSE BILL No. 941.

An Act to amend section seven of the act, approved the eighth day of April, one thousand nine hundred and thirty-seven (P. L. 258), entitled "An act providing for the appropriation of certain waters of the Commonwealth to the Commonwealth for the benefit of the people thereof; declaring void certain condemnations and appropriations of waters by municipalities, corporations, copartnerships or persons; providing for ascertainment of the validity and the filing of the records of certain condemnations and appropriations of water by municipalities, corporations, copartnerships or persons, and appeals therefrom; conferring jurisdiction on the court of common pleas of Dauphin County in relation thereto; providing for future condemnations and appropriations of waters by and allocation of waters to municipalities, corporations, copartnerships or persons, and for compensation for waters hereafter to be taken for public water supply purposes; and conferring powers and imposing duties upon the Water and Power Resources Board;" eliminating the board's power to fix charges for water condemned or acquired for public water supply purposes; and fixing certain filing fees.

Referred to the Committee on Forestry.

By Mr. LICHTENWALTER.

HOUSE BILL No. 942.

An Act to further amend clause eighteen of section one thousand and six of the act, approved the fourth day of May, one thousand nine hundred twenty-seven (P. L. 519), entitled "An act concerning boroughs, and revising, amending, and consolidating the law relating to boroughs," changing time for preparation of annual budget; and providing for payment of normal expenses while budget is being prepared.

Referred to the Committee on Boroughs.

By Mr. HOLLAND.

HOUSE BILL No. 943.

An Act approving, ratifying and enacting into law the Ohio River Valley Water Sanitation Compact for the prevention, abatement and control of pollution of the rivers, streams and waters in the Ohio river drainage basin and making the State of Pennsylvania a party thereto; creating the "Ohio River Valley Water Sanita-

tion Commission;" providing for the members of such commission from the State of Pennsylvania; and providing for the carrying out of said compact.

Referred to the Committee on Forestry.

By Mr. CORDIER.

HOUSE BILL No. 944.

An Act to provide revenue by authorizing the Pennsylvania Liquor Control Board to issue package retailers' licenses for the sale of malt and brewed beverages in limited quantities for consumption off the premises where sold imposing license and filing fees and providing for the collection and distribution thereof regulating and restraining the traffic in malt and brewed beverages by such licensees and restricting the use ownership and interest in licensed places imposing duties upon the courts of quarter sessions and the Department of Justice and providing penalties.

Referred to the Committee on Liquor Control.

By Mr. GATES.

HOUSE BILL No. 945.

An Act to further amend section two hundred and sixty-five of the act approved the second day of May, one thousand nine hundred and twenty-five, (P. L. 448), entitled "An act relating to fish; and amending, revising, consolidating, and changing the law relating to fish in the inland waters and the boundary lakes and boundary rivers of the Commonwealth," making Sunday fishing unlawful except where made lawful by local option; and providing a procedure for local option.

Referred to the Committee on Fisheries.

By Mr. ECKELS.

HOUSE BILL No. 946.

An Act to amend section 1208 of the act approved May fourth, one thousand nine hundred twenty-seven (Pamphlet Laws 519) entitled, "An act concerning boroughs, and revising, amending, and consolidating the law relating to boroughs," as amended, by changing the conditions of the tax collectors bond; fixing the time when the same shall be entered into; and providing that the bond shall cover the collection of borough, county, and school, institution and poor district taxes.

Referred to the Committee on Boroughs.

By Mr. CORTESE.

HOUSE BILL No. 947.

An Act to repeal the act, approved the twenty-eighth day of April, one thousand nine hundred and thirty-seven (P. L. 475), entitled "An act to amend the act, approved the twenty-fifth day of June, one thousand nine hundred and nineteen (Pamphlet Laws, five hundred eighty-one), entitled 'An act for the better government of cities of the first class of this Commonwealth,' by abolishing the department of receiver of taxes, and transferring its powers and duties to the department of city treasurer; and abolishing the office of receiver of taxes."

Referred to the Committee on Cities—First Class.

By Mr. KOWALSKI.

HOUSE BILL No. 948.

An Act to amend section eight hundred and four of the act, approved the twenty-fourth day of June, one thousand nine hundred and thirty-one (P. L. 1206), entitled "An act concerning townships of the first class; amending, revising, consolidating, and changing the law relating thereto," further restricting payments out of township treasuries; and giving township treasurers discretion to refuse payments.

Referred to the Committee on Townships.

By Mr. LLOYD H. WOOD. HOUSE BILL No. 949.

An Act to control the practice of accounting by defining and regulating the practice of public accountancy by those qualified by the Commonwealth to practice as certified public accountants or as public accountants.

Referred to the Committee on State Government.

By Mr. LLOYD H. WOOD. HOUSE BILL No. 950.

An Act to further amend section two hundred and two, and to amend section four hundred and twenty-one of the act, approved the ninth day of April one thousand nine hundred and twenty-nine (P. L. 177) entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments, boards, commissions, and officers thereof, including the boards of trustees of State Normal Schools, or Teachers Colleges; abolishing, creating, reorganizing or authorizing the reorganization of certain administrative departments, boards, and commissions; defining the powers and duties of the Governor and other executive and administrative officers, and of the several administrative departments, boards, commissions, and officers; fixing the salaries of the Governor, Lieutenant Governor, and certain other executive and administrative officers; providing for the appointment of certain administrative officers, and of all deputies and other assistants and employes in certain departments, boards and commissions; and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments, boards and commissions shall be determined," by substituting "State Board of Accountancy" for "State Board for the Examination of Public Accountants" and for "State Board of Examiners of Public Accountants," by providing for the composition of the board and the method of removal of its members, and to provide that the members of the State Board for the Examination of Public Accountants or State Board of Examiners of Public Accounts in office at the effective date hereof shall become members of the first State Board of Accountancy.

Referred to the Committee on State Government.

By Mr. JAMES. HOUSE BILL No. 951.

An Act to further amend section one, and to amend section sixteen of the act approved the seventeenth day of June, one thousand nine hundred and thirteen, (P. L. 507), entitled "An act to provide revenue for State and county purposes, and, in cities coextensive with counties, for city and county purposes; imposing taxes upon certain classes of personal property; providing for the assessment and collection of the same; providing for the duties and compensation of prothonotaries and recorders in connection therewith; and modifying existing legislation which provided for raising revenue for State purposes;" imposing taxes on additional classes of personal property; excluding from taxation certain classes of personal property heretofore taxed; making such taxes liens; and providing for their entry in the prothonotary's office, and the exoneration of tax collectors in such cases.

Referred to the Committee on Counties.

By Mr. CORTESE. HOUSE BILL No. 952.

An Act to repeal the act, approved the twenty-fifth day of June one thousand nine hundred and thirty-seven (P. L. 2123), entitled "An act imposing upon the Board of Revision of Taxes in cities of the first class the duty of reading water meters; authorizing the employment of assistants for the performance of such duties; fixing the salaries of such assistants; and repealing inconsistent acts."

Referred to the Committee on Cities—First Class.

By Mr. McGARRITY.

HOUSE BILL No. 953.

An Act to further amend section two of the act, approved the second day of May, one thousand nine hundred and twenty-nine (P. L. 1513), entitled "An act regulating the construction, equipment, maintenance, operation and inspection of boilers; granting certain authority to and imposing certain duties upon the Department of Labor and Industry; providing penalties for violations of this act; and repealing all acts or parts of acts inconsistent with this act", by making said act inapplicable to boilers in municipalities wherein provision is now made by ordinance for their inspection.

Referred to the Committee on State Government.

By Mr. WATKINS.

HOUSE BILL No. 954.

An Act to prohibit persons from coercing teachers, principals and supervising principals to make political contributions, and teachers, principals and supervising principals from making such contributions as the result of coercion.

Referred to the Committee on Elections.

By Mr. WATKINS.

HOUSE BILL No. 955.

A Supplement to the act, approved the twenty-second day of June, one thousand nine hundred and thirty-one (P. L. 594), entitled "An act establishing certain township roads as State Highways; authorizing their construction, maintenance and improvement under certain conditions and restrictions; limiting the obligation of the Commonwealth in the construction of certain structures located on such highways; conferring certain powers upon the Department of Highways and local authorities, persons, associations and corporations for sharing the cost of the maintenance and construction of such highways and making an appropriation to carry out the provisions of said act," establishing an additional route in the County of Schuylkill.

Referred to the Committee on Highways.

By Mr. BARDES.

HOUSE BILL No. 956.

An Act making an appropriation to the State Veterans Commission, for certain expenses of the Commission and for the assistance of needy Pennsylvania veterans of any war, or their dependents.

Referred to the Committee on Appropriations.

By Mr. VOORHEES.

HOUSE BILL No. 957.

An Act making an appropriation to the Board of Finance and Revenue for the payment of certain moral claims against the Commonwealth.

Referred to the Committee on Appropriations.

By Mr. SEIF. (By request). HOUSE BILL No. 958.

An Act to further amend section one of the act, approved the twenty-seventh day of April, one thousand nine hundred and twenty-seven (P. L. 392), entitled "An act providing that highways, or sections thereof, abandoned as State Highway routes, shall revert for maintenance to the party or parties responsible for the maintenance of said highways prior to their coming under the jurisdiction of the Department of Highways," by making its provisions inapplicable to abandoned sections of State highways which were formerly State-aid highways; and relieving townships of the maintenance of former turnpikes.

Referred to the Committee on Highways.

By Mr. KOWALSKI.

HOUSE BILL No. 959.

An Act to amend section five hundred and sixty two of the act, approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of

Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local or any parts thereof, that are or may be inconsistent therewith," as amended, authorizing the boards of school directors in certain school districts to fix the compensation of delinquent tax collectors for the collection of delinquent per capita taxes.

Referred to the Committee on Education.

By Mr. SLOAN.

HOUSE BILL No. 960.

An Act to repeal the act, approved the fourteenth day of April one thousand nine hundred and thirty-seven (P. L. 297), entitled "An act to provide for the leasing of land within the beds of streams, lakes and other bodies of water wholly or partly within, of forming part of, the boundary of this Commonwealth, when such land is owned by the Commonwealth; conferring powers and imposing duties upon the Water and Power Resources Board; requiring lessees to establish an amortization fund for improvements placed or erected upon such land; granting certain preference and exemption rights to municipalities of the Commonwealth; and prescribing penalties."

Referred to the Committee on Forestry.

By Mr. EWING.

HOUSE BILL No. 961.

An Act authorizing transfers of sums of money from the General Fund to the State Stores Fund under certain conditions, providing for subsequent transfers of equal sums from the State Stores Fund to the General Fund; and making appropriations necessary to effect such transfers.

Referred to the Committee on Appropriations.

By Mr. ALSPACH.

HOUSE BILL No. 962.

An Act permitting railroad corporations to fix in their by-laws the time for annual and other meetings and the election of directors.

Referred to the Committee on Railroads and Railways.

By Mr. ALSPACH.

HOUSE BILL No. 963.

An Act to amend section one of an act approved the twenty-fourth day of March, one thousand eight hundred and sixty-five (Pamphlet Laws 49) entitled "An act supplementary to an act, regulating railroad companies, approved the nineteenth day of February, Anno Domini one thousand eight hundred and forty-nine," as amended by an act approved the 2nd day of July, one thousand nine hundred and thirty-seven (Pamphlet Laws 2852) entitled "An act to amend the act approved the twenty-fourth day of March, one thousand eight hundred and sixty-five (Pamphlet Laws 49) entitled 'An act supplementary to an act, regulating railroad companies, approved the nineteenth day of February, Anno Domini one thousand eight hundred and forty-nine,' so as to provide for merger as well as consolidation of railroad companies or corporations in certain cases, and modifying limitations, restrictions and conditions under which such consolidation or merger may be made, the effect thereof, and the rights of dissenting stockholders," so as to provide for consolidation or merger of corporations authorized to do business in this State.

Referred to the Committee on Railroads and Railways.

By Mr. MUIR.

HOUSE BILL No. 964.

An Act to amend further section fourteen of an act approved the seventh day of August, one thousand, nine hundred thirty-six (Pamphlet Laws, one hundred six) entitled "An act relating to flood control; prescribing the powers and duties of the Water and Power Resources Board of the De-

partment of Forests and Waters in relation to the creation of flood control districts, adoption of plans for flood control works and improvements, carrying into effect of such plans, assistance, aid and co-operation with public and private agencies and the Federal Government in Federal flood control works and improvements, and entering into compacts and agreements with other states for flood control works and improvements; conferring the power to eminent domain; providing for the setting off of benefits; imposing certain charges upon the Commonwealth; providing for appeals; and conferring certain powers on municipalities, counties, and townships, and the Department of Highways," as reenacted and amended, by conferring additional powers on the Department of Highways.

Referred to the Committee on Forestry.

By Mr. MUIR.

HOUSE BILL No. 965.

An Act to amend an act approved the twenty-seventh day of April, one thousand nine hundred twenty-seven (Pamphlet Laws, four hundred nine), entitled "An act authorizing the Secretary of Highways 'to join two or more State highway routes, by the construction of connecting roads, under certain conditions, and providing for the payment of damages for land taken in the construction of such connecting roads,' as amended, by adding thereto a new section authorizing the Secretary of Highways to abandon and vacate connecting roads, under certain conditions.

Referred to the Committee on Highways.

By Mr. JAMES. (By request)

HOUSE BILL No. 966.

An Act to further amend the act, approved the thirtieth day of March, one thousand nine hundred and seventeen (Pamphlet Laws, twenty-one), entitled "An act defining optometry, and relating to the right to practice optometry in the Commonwealth of Pennsylvania, and making certain exceptions; and providing a Board of Optometrical Education, Examination, and Licensure, and means and methods whereby the rights to practice optometry may be obtained; and providing for the means to carry out the provisions of this act; and providing for revocation or suspension of licenses given by said board, and providing penalties for violations thereof; and repealing all acts or parts of acts inconsistent therewith," by conferring certain additional powers on the State Board of Optometrical Examiners; prescribing additional grounds for refusing, cancelling, revoking, or suspending licenses; providing for appeals and making certain further changes as to persons who are and those who are not subject to the provisions of the act.

Referred to the Committee on Professional Licensure.

By Mr. VOORHEES.

HOUSE BILL No. 967.

An Act fixing leaves of absence for uniformed officers and men employed by cities of the first class as park guards.

Referred to the Committee on Cities—First Class.

By Mr. SWEENEY.

HOUSE BILL No. 968.

An Act to further amend section two hundred three, to repeal section four hundred seven, and to amend section one thousand two hundred and one of the act, approved the ninth day of April, one thousand nine hundred and twenty-nine (P. L. 743), entitled "An act relating to the finances of the State government; providing for the settlement, assessment, collection, and lien of taxes, bonus, and all other accounts due the Commonwealth, the collection and recovery of fees and other money or property due or belonging to the Commonwealth, or any agency thereof, including escheated property and the proceeds of its sale, the custody and disbursement or other disposition of funds and securities belonging to or in the possession of the Commonwealth, and the settlement of claims against the Commonwealth, the resettlement of accounts and appeals to the courts, refunds of moneys erroneously paid to the Commonwealth, auditing the accounts of the Commonwealth

and all agencies thereof, of all public officers collecting moneys payable to the Commonwealth, or any agency thereof, and all receipts of appropriations from the Commonwealth and imposing penalties; affecting every department, board, commission, and officer of the State government, every political subdivision of the State, and certain officers of such subdivisions, every person, association, and corporation required to pay, assess, or collect taxes, or to make returns or reports under the laws imposing taxes for State purposes, or to pay license fees or other moneys to the Commonwealth, or any agency thereof, every State depository and every debtor or creditor of the Commonwealth," to reorganize the Departments of Revenue and of the Auditor General in such manner as to vest in the Department of Revenue the appointment, the fixing of the compensation, and the approval of the expense accounts of clerks, investigators, appraisers, expert appraisers, permanent appraisers and other employees necessary to enable the registers of wills of the several counties to collect transfer inheritance taxes.

Referred to the Committee on State Government.

By Mr. MONTGOMERY. HOUSE BILL No. 969.

An Act to add section four hundred and one and one-tenth to, and to amend paragraph (c) of section four hundred and two, section four hundred and four, paragraph (a) of section four hundred and five as amended, and paragraph (a) of section five hundred and one, of the act approved the first day of May, one thousand nine hundred and twenty-nine, (P. L. 905), entitled "An act for the protection of the public safety; regulating the use of highways and the operation of vehicles, tractors, street cars, trackless trolley omnibuses, bicycles, pedestrians, and the riding of animals upon the highway of this Commonwealth; providing for the titling, including liens, encumbrances, and legal claims; registration of certain vehicles and licensing the operators thereof, upon payment of prescribed fees; prescribing and limiting the powers of local authorities to deal with the subject matter of this act; conferring powers and imposing duties upon the Department of Revenue, the Department of Highways, peace officers, mayors, burgesses, magistrates, aldermen, justices of the peace, the courts and the clerks thereof, owners of vehicles, and garage keepers; providing that records are admissible as evidence; imposing upon owners, counties, cities, boroughs, incorporated towns, townships, within the Commonwealth, liability for damages caused by the negligent operation of their motor vehicles; imposing penalties; imposing certain costs upon counties; providing for the disposition of fines, forfeitures, fees, and miscellaneous receipts; making an appropriation and providing for refunds," permitting and providing for the annual renewals of motor vehicle registrations by the county treasurers acting as agents of the Department of Revenue; fixing the fees therefor to be collected by the county, and providing for the disposition thereof.

Referred to the Committee on Motor Vehicles.

By Mr. MONTGOMERY. HOUSE BILL No. 970.

An Act for safeguarding persons and property and promoting the welfare of the public; creating an electrical administrative board of the Commonwealth of Pennsylvania and prescribing its duties and authority; establishing minimum standards for electrical equipment and its installation; providing for State-wide inspection of installations of electrical equipment; providing for the appointment of electrical inspectors for carrying out the provisions of this act and prescribing their qualifications, duties, rights, and authority; making it unlawful to undertake or perform the installation of electrical equipment without applying for inspection therefor, except as otherwise provided; providing for the licensing by the electrical administrative board of persons, firms or corporations engaged in the business of electrical contracting, and electrical journeymen employed by them in the work of installing, maintaining, altering or repairing electrical equipment; making it unlawful to undertake or perform the installation of electrical equipment without a

license except as otherwise provided; providing penalties for the violation of this act; and repealing all statutes and parts of statutes in conflict with this act.

Referred to the Committee on State Government.

By Mr. CURRAN. HOUSE BILL No. 971.

An Act to amend section one of the act approved the twenty-second day of May, one thousand nine hundred and thirty-three (P. L. 851), entitled "An act fixing the pay and mileage of jurors and witnesses," increasing the pay for jurors in certain counties.

Referred to the Committee on Counties.

By Mr. VOORHEES. HOUSE BILL No. 972.

An Act providing that uniformed officers and men employed by cities of the first class as park guards shall be entitled to twenty-four consecutive hours of rest each week except in emergency cases.

Referred to the Committee on Cities—First Class.

By Mr. SWEENEY. HOUSE BILL No. 973.

An Act to further amend the act, approved the ninth day of April, one thousand nine hundred and twenty-nine (P. L. 177), entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments, boards, commissions, and officers thereof, including the boards of trustees of State Normal Schools, or Teachers Colleges; abolishing, creating, reorganizing or authorizing the reorganization of certain administrative departments, boards, and commissions; defining the powers and duties of the Governor and other executive and administrative officers, and of the several administrative departments, boards, commissions, and officers; fixing the salaries of the Governor, Lieutenant Governor, and certain other executive and administrative officers; providing for the appointment of certain administrative officers, and of all deputies and other assistants and employees in certain departments, boards and commissions; and prescribing the manner in which the number and compensation of the deputies and all other assistants and employees of certain departments, boards and commissions shall be determined," by creating a State Board of Examiners of Opticians in the Department of Public Instruction.

Referred to the Committee on Professional Licensure.

By Mr. LLOYD H. WOOD. HOUSE BILL No. 974.

An Act making a deficiency appropriation out of the Motor License Fund to the Department of Highways.

Referred to the Committee on Appropriations.

By Mr. ROSENFELD. HOUSE BILL No. 975.

An Act to create a uniform and exclusive system for the administration of probation and parole in this Commonwealth, establishing the "Pennsylvania Board of Probation and Parole;" conferring and defining its jurisdiction, duties, powers and functions; providing for the method of appointment of its members; regulating the appointment, removal and discharge of its officers, clerks and employees; dividing the Commonwealth into administrative districts for purposes of probation and parole; fixing the salaries of members of the Board and of certain other officers and employees thereof; making violations of certain provisions of this act misdemeanors; and providing penalties therefor and for other cognate purposes.

Referred to the Committee on Judiciary Special.

By Messrs. CORDIER and KENEHAN. HOUSE BILL No. 976.

An Act making an appropriation to the Johnson Industrial School of Scranton, Pennsylvania.

Referred to the Committee on Appropriations.

By Mr. GOLL.

HOUSE BILL No. 977.

An Act relative to the printing for the Commonwealth of Pennsylvania; to establish the requirements of responsible bidders to prescribe penalties for the violations of the provisions of this act, and to repeal all acts and parts of acts inconsistent with the provisions of this act.

Referred to the Committee on Printing.

By Messrs. ROSENFELD and ROONEY.

HOUSE BILL No. 978.

An Act to amend section five of the act approved the thirtieth day of March, one thousand nine hundred and three, (P. L. 106), entitled "An act authorizing and empowering the city treasurers of the several cities of second class and third class of this Commonwealth to sell at public sale all properties upon which the taxes, assessed and levied, are delinquent and remain unpaid," providing that the title acquired by purchasers at tax sales in cities of the second class and second class A, under the provisions of this act, shall be clear and free of all mortgages, liens, claims and other encumbrances.

Referred to the Committee on Cities—Second Class.

By Mr. WILKINSON.

HOUSE BILL No. 979.

An Act defining the rights, powers and duties of collectors of county taxes except in counties of the second class and counties having local or special laws relating hereto, and of collectors of borough, town, township, school district and institution district taxes; prescribing the liability of taxables and others for the payment of such taxes; and the right of the collectors and taxing authorities to institute suit therefor; and imposing penalties.

Referred to the Committee on Counties.

By Mr. HOCKE. (By request) HOUSE BILL No. 980.

An Act to prohibit the operation of motion picture theaters which are owned, controlled, managed, or operated, in whole or in part, by producers or distributors of motion picture films, or in which such producers or distributors have an interest.

Referred to the Committee on Corporations and Industry.

By Messrs. CORTESE and HAMILTON.

HOUSE BILL No. 981.

An Act to amend article three, section five; article four, section five; and article five, sections one, two and three, of the act approved the twenty-fifth day of June, one thousand nine hundred and nineteen, (P. L. 581), entitled "An act for the better government of cities of the first class of this Commonwealth," to provide for commissioners to replace the director of public safety, for their number, qualifications, election, powers and terms of office, and for the appointment, terms of office and succession to office of temporary commissioners.

Referred to the Committee on Cities—First Class.

By Messrs. ROSENFELD and OMINSKY.

HOUSE BILL No. 982.

An Act providing that contributory negligence shall not be a bar to the recovery of damages in actions brought for personal injuries, death or property damage.

Referred to the Committee on Judiciary General.

By Mr. MALLOY.

HOUSE BILL No. 983.

An Act regulating the sale of milk and cream in bottles, by requiring the tops of the same to be completely covered with a cap.

Referred to the Committee on Dairy Industries.

By Mr. HAMILTON.

HOUSE BILL No. 984.

An Act to amend the first paragraph and subsection (b) of section nine of the act, approved the twenty-fourth day of June, one thousand nine hundred and thirty-seven (P. L. 2051), entitled "An act relating to public assistance; providing for and regulating assistance to certain classes of persons designated and defined as dependent children, aged persons, blind persons and other persons requiring relief; providing for the administration of this act by the Department of Public Assistance and county boards of assistance hereby created for this purpose; authorizing the Department of Public Assistance to cooperate with, and to accept and disburse moneys received from, the United States Government for assistance to such persons; providing for the liquidation of the State Emergency Relief Board, Boards of Trustees of the Mothers' Assistance Fund, and Boards of Trustees of Pension Fund for the Blind; and repealing laws relating to mothers' assistance, pensions for the blind, old age assistance, and the State Emergency Relief Board," fixing the amount of assistance to be given to aged persons.

Referred to the Committee on Welfare.

By Mr. WILKINSON.

HOUSE BILL No. 985.

A Supplement to the act, approved the twenty-second day of June, one thousand nine hundred and thirty-one (P. L. 720), entitled "An act providing for the taking over by the Commonwealth under certain terms, conditions and limitations of certain streets in cities of the second class and second class A and third class as State highways and for the improvement, construction, reconstruction, resurfacing and maintenance by the Commonwealth of certain defined widths of said streets; imposing duties on such cities; and on public utility companies using such streets; providing that no assessment shall be made upon the Commonwealth in the elimination of any grade crossing thereon; authorizing cities, persons, associations or corporations to enter into agreements with the Commonwealth to bear a portion of the cost of construction or maintenance; providing for the assessment of certain portions of the cost of street improvements on abutting property owners; regulating the replacement of certain facilities of public utility companies; prohibiting the opening of said streets after improvement without a permit and providing penalty therefor; regulating the maintenance of detours; authorizing the increase of city indebtedness in certain cases; and appropriating money in the Motor License Fund for the purposes of this act," by establishing additional routes in the City of Wilkes-Barre, Luzerne County.

Referred to the Committee on Highways.

By Mr. ECKELS.

HOUSE BILL No. 986.

An Act to further amend section one thousand three hundred and thirteen of the act, approved the fourth day of May, one thousand nine hundred and twenty-seven (P. L. 519), entitled "An act concerning boroughs, and revising, amending, and consolidating the law relating to boroughs," by providing for the collection of taxes from employers of taxpayers.

Referred to the Committee on Boroughs.

By Mr. FLEMING.

HOUSE BILL No. 987.

An Act to amend sections one, two, three, six, seven and eight of the act, approved the twenty-ninth day of

September, one thousand nine hundred and thirty-eight (P. L. 53), entitled "An act relating to institutions of counties, cities and institution districts for the care, maintenance and treatment of mental patients; providing for the transfer of such institutions to the Commonwealth; providing for the management and operation or closing and abandonment thereof, and the maintenance of mental patients therein, including the collection of maintenance in certain cases; providing for the re-transfer of certain property to institution districts under certain circumstances; conferring and imposing upon the Governor, the Department of Welfare, the courts of common pleas and counties, cities and institution districts certain powers and duties; prohibiting cities, counties and institution districts from maintaining and operating institutions, in whole or in part, for the care and treatment of mental patients; and repealing inconsistent laws," by restricting the lands to be taken over in connection with such institutions, postponing the time of such taking; and providing for the reversion of certain institutions to county, city and institution districts; the transfer of patients and the cost of repairs to and insurance on such institutions until taken over by the Commonwealth.

Referred to the Committee on Welfare.

By Mr. GILLETTE. HOUSE BILL No. 988.

An Act to amend the act, approved the twenty-second day of June, one thousand nine hundred and thirty-one (P. L. 594), entitled "An act establishing certain township roads as State highways; authorizing their construction, maintenance, and improvement under certain conditions and restrictions; limiting the obligation of the Commonwealth in the construction of certain structures located on such highways; conferring certain powers upon the Department of Highways and local authorities, persons, associations and corporations for sharing the cost of the maintenance and construction of such highways; and making an appropriation to carry out the provisions of said act," as amended, by changing certain routes and adding certain new routes.

Referred to the Committee on Highways.

By Mr. KANE. HOUSE BILL No. 989.

An Act to provide revenue by imposing a State tax upon the privilege to attend or engage in amusements, including every form of entertainment, diversion, sport, recreation, and pastime; requiring persons, partnerships, associations, or corporations conducting places of amusement to secure permits; imposing duties, and conferring powers upon the Department of Revenue; prescribing the method and manner of collecting the tax, and the use of the proceeds thereof, so as to assure equality of educational opportunity for all children wherever situated; and to further assist State-aided hospitals; permitting refunds of the tax in certain instances; providing certain exemptions; and providing penalties.

Referred to the Committee on Ways and Means.

By Messrs. WEBSTER and SOLLENBERGER.
HOUSE BILL No. 990.

A Joint Resolution proposing an amendment to section eight, article four, and to add an additional section to article ten of the Constitution of Pennsylvania.

Referred to the Committee on Constitutional Amendments.

By Messrs. WEBSTER and RHODES.
HOUSE BILL No. 991.

An Act making an appropriation to the Trustees of the College of Lincoln University, Chester County.

Referred to the Committee on Appropriations.

By Mr. KANE.

HOUSE BILL No. 992.

An Act increasing the amount below which judgments of justices of the peace and aldermen in civil cases, shall be final.

Referred to the Committee on Judiciary General.

By Mr. DENMAN.

HOUSE BILL No. 993.

An Act relating to sheriff sales of real estate heretofore or hereafter made; changing the rule of evidence that the price at which a plaintiff on the list bids in real estate at sheriff sale is conclusive; providing a procedure by which the actual value of real estate so purchased by the plaintiff on the list may be established and credited against the judgment or debt, to collect which the sheriff sale was had; and providing a limitation of time within which such procedure may be invoked.

Referred to the Committee on Judiciary General.

By Mr. KANE.

HOUSE BILL No. 994.

An Act fixing additional qualifications and restrictions on members of the boards of school directors to be hereafter elected or appointed.

Referred to the Committee on Education.

By Mr. KANE.

HOUSE BILL No. 995.

An Act for the regulation and control of any outdoor advertising; creating a committee on regulations; and providing for the administration thereof, by the Secretary of Highways; and providing for the annual licensing of persons, partnerships, associations, and corporations engaged in the business of outdoor advertising by means of billboards, signs, and other structures or devices; and the issuing of permits for the erection, use and maintenance thereof; levying excise taxes for the use of the Commonwealth; prescribing regulations as to the locations of such billboards, signs and structures used for advertising purposes; and providing penalties.

Referred to the Committee on Ways and Means.

By Mr. BARDES.

HOUSE BILL No. 996.

An Act to amend section three hundred eight, and section seven hundred two, as amended, of the act, approved the fifth day of May, one thousand nine hundred thirty-three (P. L. 289), entitled "An act relating to nonprofit corporations; defining and providing for the organization, merger, consolidation, and dissolution of such corporations; conferring certain rights, powers, duties, and immunities upon them and their officers and members; prescribing the conditions on which such corporations may exercise their powers; providing for the inclusion of certain existing corporations of the first class within the provisions of this act; prescribing the terms and conditions upon which foreign nonprofit corporations may be admitted or may continue to do business within the Commonwealth; conferring powers and imposing duties on the courts of common pleas, prothonotaries of such courts, recorders of deeds, and certain State departments, commissions, and officers; authorizing certain local public officers and State departments, to collect fees for services required to be rendered by this act; imposing penalties and repealing certain acts and parts of acts relating to corporations," by facilitating the procedure to borrow money and to acquire or dispose of real estate; and to facilitate the approval of amendments by members.

Referred to the Committee on Corporations and Industry.

By Mr. HARKINS.

HOUSE BILL No. 997.

An Act prohibiting the holding of more than one elective office at the same time, and providing penalties.

Referred to the Committee on Elections.

By Mr. KANE.

HOUSE BILL No. 998.

An Act providing that the Commonwealth through the Department of Property and Supplies, shall insure the lives of officers and members of the Pennsylvania Motor Police; and pay the premiums on such insurance; providing for the beneficiaries under such policies of insurance; and defining the rights of the insured after leaving service.

Referred to the Committee on State Government.

By Messrs. KANE and HAINES. HOUSE BILL No. 999.

An Act making an appropriation to the Department of Highways of the Commonwealth of Pennsylvania for the purpose of making investigations and surveys for the construction of a mountain ridge road or skyway, a distance of approximately one hundred and fifty-five miles, from a point near Altoona to a point near Muncy, to the outskirts of Wilkes-Barre, and designating the same the Abraham Lincoln Skyway, authorizing the building thereof, and setting up authority and methods therefor.

Referred to the Committee on Appropriations.

By Mr. KANE.

HOUSE BILL No. 1000.

An Act to promote the welfare of the people of the Commonwealth, creating the Pennsylvania Anthracite Reconstruction Corporation as a public body corporate with power to refine, transport, except by railroad or canal, sell and to store and market wholesale anthracite coal, authorizing and regulating the issuance of bonds and stock by said corporation and providing for the payment of such bonds and the rights of the holders of said bonds and stock, granting the right of eminent domain, granting certain powers and imposing certain duties on the Governor, the Auditor General, and the Board of Directors and Officers of said Pennsylvania Anthracite Reconstruction Corporation, and providing a method of raising revenue.

Referred to the Committee on Mines and Mining.

By Mr. KANE.

HOUSE BILL No. 1001.

An Act to promote the general welfare and prevent economic waste of anthracite coal produced in this Commonwealth by controlling and regulating the production of anthracite coal providing for the licensing of mines, the revocation, suspension and transfer of licenses, the regulation and control of producers of such coal, and the fixing of production and quotas therefor, regulating corporations and others engaged in the production of anthracite coal, creating a seven member board to be known as the Pennsylvania Anthracite Production Control Board, conferring certain powers and imposing certain duties upon the Pennsylvania Anthracite Production Control Board, authorizing the fixing of minimum quality and sizes of such coal at the mines in the Commonwealth, establishing a procedure for carrying out the provisions of this act, providing for appeals from the actions of the Pennsylvania Anthracite Production Control Board, and fixing penalties for violations of the act and for bribery.

Referred to the Committee on Mines and Mining.

By Messrs. McLANE and KANE.

HOUSE BILL No. 1002.

An Act to provide for the licensing of Anthracite coal mines and the issuance revocation or suspension of the same prescribing fees and penalties, and making all Anthracite coal mines now legally operating eligible for such licenses, and setting up a class of legally operated

mines by implied lease and prescribing the royalties payable under such implied leases and the method of collection and payment.

Referred to the Committee on Mines and Mining.

By Messrs. KANE and KENEHAN.

HOUSE BILL No. 1003.

An Act to license all breakers or preparation plants preparing cleaning, sizing or storing anthracite coal, setting up a method therefor and prescribing penalties, and requiring the said breakers to process the coal of others and the owners of said breakers at a fixed charge during such time as the breaker is not occupied in processing coal belonging to the owner or operator thereof and providing for the revocation and suspension of licenses and appeals therefrom.

Referred to the Committee on Mines and Mining.

By Messrs. KANE and McGARRITY.

HOUSE BILL No. 1004.

An Act requiring state inspectors at all breakers or other plants for preparation of anthracite coal requiring certificates of legal origin of anthracite coal from breakers describing the same setting up a method of issuance of said licenses defining prepared coal and forbidding the possession delivery transportation and sale of prepared anthracite coal unless accompanied by such legally issued certificate of origin and prescribing penalties and placing the cost of prosecution upon the Commonwealth and not the counties in which the prosecution is brought to prevent the sale in this Commonwealth and to enable purchasers outside this Commonwealth to avoid the purchase of illegally obtained or unclean or improperly prepared or misnamed anthracite coal originating in this Commonwealth and providing for inspectors and their qualifications and method of appointment conferring rights and duties on the Secretary of Mines and on such inspectors creating said inspectors deputy sheriffs of their respective counties forbidding the ownership transportation of prepared anthracite coal without such certificates showing size quality and origin and forbidding forgery imitation and alteration of such certificates of origin and prescribing penalties.

Referred to the Committee on Mines and Mining.

By Messrs. KOWALSKI and SETH W. BROWN.

HOUSE BILL No. 1005.

An Act to authorize and direct the Attorney General to take such steps as are in his opinion necessary to oppose increases and to secure reductions in the freight rates and transportation charges on anthracite coal produced in Pennsylvania from such places of production to such markets as are now or were heretofore served with anthracite coal from Pennsylvania or which may appear to be logical future markets for said coal and making an appropriation of one hundred thousand dollars or so much thereof as may be necessary from the general fund to the Attorney General for such purpose and authorizing the expenditure of said money over a period of four years and directing the Public Utility Commission or any other departments branches commissions agents or officers of this Commonwealth to aid and assist the Attorney General in such ways as the Governor or the Attorney General may request in furthering such efforts.

Referred to the Committee on Mines and Mining.

By Mr. KANE.

HOUSE BILL No. 1006.

An Act to prohibit the use of smoke producing fuels for domestic use and in power producing furnaces and boilers, locomotives in an area of Pennsylvania primarily served with smokeless fuels and in which such smokeless fuels can be obtained at very economical prices and which re-

gion or area is becoming and is highly suitable for a resort and recreation area.

Referred to the Committee on Mines and Mining.

By Messrs. HEWITT and KANE.

HOUSE BILL No. 1007.

An Act to authorize and direct the Attorney General to take such steps as are in his opinion necessary to oppose increases and to secure reductions in the freight rates and transportation charges on bituminous coal produced in Pennsylvania from such places of production to such markets as are now or were heretofore served with bituminous coal from Pennsylvania or which may appear to be logical future markets for said coal and making an appropriation of one hundred thousand dollars or so much thereof as may be necessary from the general fund to the Attorney General for such purpose and authorizing the expenditure of said money over a period of four years and directing the Public Utility Commission or any other departments branches commissions agents or officers of this Commonwealth to aid and assist the Attorney General in such ways as the Governor or the Attorney General may request in furthering such efforts.

Referred to the Committee on Mines and Mining.

By Messrs. HERFERD M. WOOD and KANE.

HOUSE BILL No. 1008.

An Act to provide for the licensing of Bituminous coal mines and the issuance, revocation or suspension of the same prescribing fees and penalties, and making all Bituminous coal mines now legally operating eligible for such licenses, and the method of collection and payment.

Referred to the Committee on Mines and Mining.

By Mr. KANE.

HOUSE BILL No. 1009.

An Act declaring natural gas resources of the Commonwealth to be of a migratory character easily subject to waste and dissipation declaring the production thereof to be mining of mineral resources establishing a system for regulating the reasonable removal thereof and placing the supervision thereof in the Department of Internal Affairs providing a method of collecting and defraying the expense thereof.

Referred to the Committee on Mines and Mining.

By Mr. KANE.

HOUSE BILL No. 1010.

An Act providing for the exclusion from the court room and the segregation of certain witnesses in civil and criminal cases; imposing restrictions on such witnesses; providing for their maintenance at the expense of the county or party making application therefor; and prescribing penalties.

Referred to the Committee on Judiciary Special.

By Mr. KANE.

HOUSE BILL No. 1011.

An Act to further amend section two hundred nine of the act, approved the ninth day of April, one thousand nine hundred and twenty-nine (P. L. 177) entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments, boards, commissions, and officers thereof, including the boards of trustees of State Normal Schools, or Teachers Colleges; abolishing, creating, reorganizing or authorizing the reorganization of certain administrative departments, boards, and commissions; defining the powers and duties of the Governor and other executive and administrative officers, and of the several administrative departments, boards, commissions, and officers; fixing the salaries of the Governor, Lieutenant Governor, and certain other executive and administrative officers; providing

for the appointment of certain administrative officers, and of all deputies and other assistants and employes in certain departments, boards, and commissions; and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments, boards and commissions shall be determined," by increasing the salary of the Governor.

Referred to the Committee on State Government.

By Mr. KANE.

HOUSE BILL No. 1012.

An Act regulating the dismissal of employes of the Commonwealth.

Referred to the Committee on State Government.

By Mr. LEE.

HOUSE BILL No. 1013.

An Act to repeal the act approved the fourth day of June, one thousand nine hundred and thirty-seven, (P. L. 1595), entitled, "An act relating to peace officers; providing for the qualifications and appointments of deputy sheriffs; regulating the manner of their selection and compensation; regulating the source of compensation for other peace officers; declaring void certain contracts inconsistent with the provisions hereof; providing penalties; and repealing inconsistent acts."

Referred to the Committee on Counties.

By Mr. MONTGOMERY.

HOUSE BILL No. 1014.

An Act to amend the act approved May 1, 1929 (Pamphlet Laws 905) entitled "An act for the protection of the public safety; regulating the use of highways and the operation of vehicles, tractors, street cars, trackless trolley omnibuses, bicycles, pedestrians, and the riding of animals upon the highways of this Commonwealth; providing for the titling, including liens, encumbrances and legal claims, registration of certain vehicles and licensing the operators thereof, upon payment of prescribed fees; prescribing and limiting the powers of local authorities to deal with the subject matter of this act; conferring powers and imposing duties upon the Department of Revenue, the Department of Highways, peace officers, mayors, burgesses, magistrates, aldermen, justices of the peace, the courts and the clerks thereof, owners of vehicles, and garage keepers; providing that records are admissible as evidence; imposing upon owners, counties, cities, boroughs, incorporated towns, townships, within the Commonwealth, liability for damages caused by the negligent operation of their motor vehicles; imposing penalties; imposing certain costs upon counties; providing for the disposition of fines, forfeitures, fees, and miscellaneous receipts; making an appropriation and providing for refunds" by providing for and requiring certain operators to secure a commercial operator's license, prescribing the qualifications and fees therefor, providing for the suspension and revocation of such licenses and fixing penalties.

Referred to the Committee on Motor Vehicles.

By Mr. TIEMANN.

HOUSE BILL No. 1015.

An Act to regulate the hours of employment of the employees in the Mental Institutions of the Commonwealth of Pennsylvania.

Referred to the Committee on State Government.

By Mr. BALLIET.

HOUSE BILL No. 1016.

An Act to amend the act approved the seventeenth day of May one thousand nine hundred and twenty-one (P. L. 682), entitled "An act relating to insurance amending revising and consolidating the law providing for the incorporation of insurance companies and the regulation, supervision and protection of home and foreign insurance companies, Lloyds associations, reciprocal and inter-insurance exchanges and fire insurance rating bureaus, and the regulation and supervision of insurance carried by

such companies, associations and exchanges including insurance carried by the State Workmen's Insurance Fund; providing penalties and repealing existing laws," prohibiting discrimination against physically handicapped persons desiring motor vehicle liability insurance.

Referred to the Committee on Insurance.

By Mr. GILLETTE. HOUSE BILL No. 1017.

An Act to amend section two of the act, approved the twenty-second day of June, one thousand nine hundred and thirty-one (P. L. 720), entitled "An act providing for the taking over by the Commonwealth, under certain terms, conditions and limitations, of certain streets in cities of the second class, second class A, and third class as State highways, and for the improvement, construction, reconstruction, resurfacing and maintenance by the Commonwealth of certain defined widths of said streets; imposing duties on such cities and on public utility companies using such streets; providing that no assessment shall be made upon the Commonwealth in the elimination of any grade crossing thereon; authorizing cities, persons, associations, or corporations to enter into agreements with the Commonwealth to bear a portion of the cost of construction or maintenance; providing for the assessment of certain portions of the cost of street improvements on abutting property owners; regulating the replacement of certain facilities of public utility companies; prohibiting the opening of said streets after improvement without a permit, and providing penalty therefor; regulating the maintenance of detours; authorizing the increase of city indebtedness in certain cases; and appropriating money in the Motor License Fund for the purposes of this act," as amended, by changing certain routes and adding certain new routes.

Referred to the Committee on Highways.

By Mr. TIEMANN. HOUSE BILL No. 1018.

An Act to regulate the wages paid to employes in Mental Institutions of this Commonwealth.

Referred to the Committee on State Government.

By Mr. SETH W. BROWN. HOUSE BILL No. 1019.

An Act authorizing cities of the third class to abate certain interest charges and penalties added to municipal claims imposed or assessed for certain improvements; prohibiting the sale of real property for the nonpayment of such claims for a certain period; preserving the liens of such claims; and providing for the extension thereof.

Referred to the Committee on Municipal Corporations.

By Messrs. ALLEN and VAN BELLE.
HOUSE BILL No. 1020

An Act prohibiting any motion picture house, theatre, or other place of amusement, from charging a larger admission fee on a Saturday, Sunday, or Holiday than is charged by such amusement place during the week, and providing penalties.

Referred to the Committee on Corporations and Industry.

By Mr. KOWALSKI. HOUSE BILL No. 1021.

An Act to further amend section four hundred and one of the act approved the twenty-fourth day of June, one thousand nine hundred and thirty-one (P. L. 1206), entitled "An act concerning townships of the first class; amending, revising, consolidating and changing the law relating thereto," further regulating the creation and abolition of wards.

Referred to the Committee on Townships.

By Mr. LLOYD H. WOOD. HOUSE BILL No. 1022.

An Act to amend further section five of an act approved the twenty-second day of June, one thousand nine hundred and thirty-one (P. L. 720) entitled "An act providing for the taking over by the Commonwealth, under certain terms, conditions and limitations, of certain streets in cities of the second class, second class A, and third class as State highways, and for the improvement, construction, reconstruction, resurfacing and maintenance by the Commonwealth of certain defined widths of said streets; imposing duties on such cities and on public utility companies using such streets; providing that no assessment shall be made upon the Commonwealth in the elimination of any grade crossing thereon; authorizing cities, persons, associations, or corporations to enter into agreements with the Commonwealth to bear a portion of the cost of construction or maintenance; providing for the assessment of certain portions of the cost of street improvements on abutting property owners; regulating the replacement of certain facilities of public utility companies; prohibiting the opening of said streets after improvement without a permit, and providing penalty therefor; regulating the maintenance of detours; authorizing the increase of city indebtedness in certain cases; and appropriating money in the Motor License Fund for the purposes of this act" by providing that the Department of Highways may, in the discretion of the Secretary of Highways, construct, reconstruct, resurface or maintain additional width.

Referred to the Committee on Highways.

By Mr. BOORSE. HOUSE BILL No. 1023.

An Act to amend section four of the act, approved the twenty-fourth day of July, one thousand nine hundred and thirteen (P. L. 1013) entitled "An act regulating the issuance of licenses to marry; prohibiting the issuance of such licenses to certain persons; regulating the time during which licenses shall be valid, and the time when returns shall be made of marriages solemnized to the clerk of the orphans' court and prescribing the duties of the clerk of the orphans' court," requiring the issuances of licenses where the right thereto appears; and prescribing a penalty.

Referred to the Committee on Judiciary General.

By Mr. BRONSON. HOUSE BILL No. 1024.

An Act making an appropriation to the Liberty Steam Fire Engine Company of Spring City, for the protection of State property.

Referred to the Committee on Appropriations.

By Mr. POWERS. HOUSE BILL No. 1025.

An Act creating licensing zones for the sale of liquor malt and brewed beverages regulating the hours thereof and providing penalties.

Referred to the Committee on Liquor Control.

By Mr. LLOYD H. WOOD. HOUSE BILL No. 1026.

An Act to provide that, under certain conditions, roads, highways, bridges, and other highway structures may be constructed to such width as may be determined by the authorities responsible for such highways, and providing for condemnation of land and payment of damages therefor.

Referred to the Committee on Highways.

By Mr. BOYD. HOUSE BILL No. 1027.

An Act to further amend section fifteen of the act approved the twenty-seventh day of April, one thousand nine hundred and twenty-seven, (P. L. 465), entitled "An act

to provide for the safety of persons employed, housed, or assembled in certain buildings and structures not in cities of the first class, second class, and second class A, by requiring certain construction and ways of egress, equipment, and maintenance; providing for the licensing of projectionists; requiring the submission of plans for examination and approval; providing for the promulgation of rules and regulations for the enforcement of this act; providing for the enforcement of this act by the Department of Labor and Industry and, in certain cases, by the chiefs of fire departments in cities of the third class; providing penalties for violations of the provisions of this act; and repealing certain acts," prescribing qualifications of inspectors of motion picture projection rooms and stages.

Referred to the Committee on Cities—First Class.

By Mr. CLEARWATER. HOUSE BILL No. 1028.

An Act providing for the adoption and use by registered architects of registered architects' seals; requiring all plans and specifications filed with departments and agencies of the State and local governments to bear the imprint of the seal of a registered architect; prescribing penalties; and requiring fees and fines to be paid into the State Treasury.

Referred to the Committee on Professional Licensure.

By Mr. McKINNEY. HOUSE BILL No. 1029.

An Act providing for the commencement of actions against fraternal and beneficial societies and associations incorporated under the laws of this Commonwealth in any county where they have a local lodge or unit, and authorizing the service of process in such cases upon any officer of such local lodge or unit.

Referred to the Committee on Judiciary General.

By Mr. WILSON. HOUSE BILL No. 1030.

An Act to further reenact and amend the act, approved the second day of June, one thousand nine hundred and fifteen (P. L. 736), entitled as amended "An act defining the liability of an employer to pay damages for injuries received by an employee in the course of employment; establishing an elective schedule of compensation; providing procedure for the determination of liability and compensation thereunder; and prescribing penalties," changing maximum and minimum rates, periods, total amounts and aggregate of compensation; changing the system of computation of wages for compensation purposes; changing practice and rules of evidence; defining earning power after accident; authorizing the board to terminate compensation in certain cases; changing the classes of dependents entitled to compensation in case of death; increasing powers and duties of the board; and imposing additional penalties, and generally amending, clarifying and changing the provisions of said act.

Referred to the Committee on Workmen's Compensation.

By Mr. WILSON. HOUSE BILL No. 1031.

An Act to repeal the act, approved the second day of July, one thousand nine hundred thirty-seven (P. L. 2714), entitled "A supplement to the act, approved the second day of June, one thousand nine hundred fifteen (Pamphlet Laws, seven hundred thirty-six), entitled, as amended 'An act defining the liability of an employer to pay damages for injuries received by an employee in the course of employment; establishing a system and schedule of compensation; providing procedure for the determination of liability and compensation thereunder; and prescribing penalties,' as amended and re-enacted, providing for the inclusion of occupational diseases within the scope thereof, and providing definitions, provisions, and procedure related to such diseases; and making an appropriation."

Referred to the Committee on Workmen's Compensation.

By Messrs. ROSENFELD and OMINSKY.

HOUSE BILL No. 1032.

An Act providing that contributory negligence shall not be a bar to recovery of damages in actions brought for personal injuries, death or property damage.

Referred to the Committee on Judiciary General.

By Mr. SWEENEY. HOUSE BILL No. 1033.

An Act to amend section three of the act, approved the fifteenth day of June, one thousand nine hundred and thirty-seven (P. L. 1743), entitled "An act relating to magistrates and magistrates' courts in the city of Philadelphia; imposing certain duties upon, and prohibiting certain practices by, magistrates; imposing certain duties on the city controller in regard thereto; authorizing the employment by him of additional clerks and fixing their compensation; regulating the practice in magistrates' courts, the entering of bail, and the issuance of discharges in criminal cases in the county of Philadelphia; conferring certain powers over magistrates and magistrates' courts, and imposing certain duties in connection therewith upon the judges of the courts of common pleas of the county of Philadelphia; providing for the appointment and employment of stenographers to report proceedings in certain cases heard by magistrates; fixing salaries of persons employed by authority of this act; providing penalties for violations of the provisions thereof; and repealing certain prior acts," by changing provisions fixing the qualifications of magistrates.

Referred to the Committee on Cities—First Class.

By Mr. BOYD. HOUSE BILL No. 1034.

An Act to amend section seven of the act approved the twenty-seventh day of April, one thousand nine hundred and twenty-seven (P. L. 465), entitled "An act to provide for the safety of persons employed, housed, or assembled in certain buildings and structures not in cities of the first class, second class, and second class A, by requiring certain construction and ways of egress, equipment, and maintenance; providing for the licensing of projectionists; requiring the submission of plans for examination and approval; providing for the promulgation of rules and regulations for the enforcement of this act; providing for the enforcement of this act by the Department of Labor and Industry and, in certain cases, by the chiefs of fire departments in cities of the third class; providing penalties for violations of the provisions of this act; and repealing certain acts," as amended, requiring as many licensed projectionists to be employed in a projecting room as there are projecting machines therein.

Referred to the Committee on Cities—First Class.

By Mr. SWEENEY. HOUSE BILL No. 1035.

An Act to amend the title and sections three and four of the act, approved the twenty-fifth day of June, one thousand nine hundred and thirty-seven (P. L. 2326), entitled "An act creating in counties of the first class the position of bail approval commissioner; prescribing the powers and duties thereof; limiting jurisdiction to cases in which real property is offered as bail; and conferring and imposing such powers and duties upon the controllers of counties of the first class; providing for the appointment by such bail approval commissioner certain necessary clerks and employees, and prescribing the duties and compensation thereof; imposing duties on judges or officers of any of the courts of counties of the first class, and upon magistrates in counties of the first class; and requiring all departments of counties and cities of the first class to supply certain information; prescribing offenses; and providing penalties therefor," by conferring such powers and duties upon the clerk of the court of oyer and terminer, general jail delivery and quarter sessions of the peace in counties of the first class.

Referred to the Committee on Cities—First Class.

By Mr. EWING.

HOUSE BILL No. 1036.

An Act to regulate and restrain the sale, purchase, exchange, pledge, and dealing in distillery bonded warehouse certificates for whiskey or any other potable distilled spirits, except ethyl alcohol; conferring powers and imposing duties upon the Pennsylvania Liquor Control Board; authorizing the granting of permits and registration of agents to deal in such certificates, and the suspension and revocation of such permits and registration of agents; providing for hearings and appeals to the court of common pleas; forbidding transactions in such certificates in this state except as herein provided; prescribing and imposing penalties; and providing for the disposition of filing, registration and permit fees.

Referred to the Committee on Liquor Control.

By Mr. McNALLY.

HOUSE BILL No. 1037.

An Act to further amend sections two and twelve of the act, approved the second day of May, one thousand nine hundred and twenty-nine (P. L. 1518), entitled as amended, "An act regulating the construction, equipment, maintenance, operation and inspection of elevators; granting certain authority to and imposing certain duties upon the Department of Labor and Industry; providing fees for inspection of elevators, certificates of operation, and approval of plans; providing penalties for violations of this act; and repealing all acts or parts of acts inconsistent with this act," by making said act inapplicable to elevators located in cities of the first class, and prescribing the time for the registration of elevators.

Referred to the Committee on Cities—First Class.

By Mr. McKINNEY.

HOUSE BILL No. 1038.

An Act to regulate the practice of chiropody in the Commonwealth of Pennsylvania; to provide for the establishment of a State Board of Chiropody Examiners in the Department of Public Instruction; to define the duties and powers of said board; to provide for examining and registering of chiropodists in this State; and to provide penalties for the violation of this act.

Referred to the Committee on State Government.

By Messrs. HARKINS and EWING.

HOUSE BILL No. 1039.

An Act establishing certain public roads and streets as State highways, and providing for their construction, reconstruction and maintenance by the Department of Highways, subject to certain terms and conditions.

Referred to the Committee on Highways.

By Messrs. ROSENFELD and ROONEY.

HOUSE BILL No. 1040.

An Act making voidable releases of claims for personal injuries or death given within thirty days, and providing for the avoidance of the same.

Referred to the Committee on Judiciary General.

By Mr. McCLESTER.

HOUSE BILL No. 1041.

An Act to amend sections 101, 406, 503, 601, 602, 603, 609, clauses (a) and (c) of section 703, sections 719, 1101, clause (j) of section 1401, and to repeal clause (b) of section 501 and section 608, of the act, approved the third day of June, one thousand nine hundred and thirty-seven (P. L. 1225), entitled "An act concerning game and other wild birds and wild animals; and amending, revising, consolidating, and changing the law relating thereto," by adding the raccoon and red fox to the list of fur-bearing animals; removing the authority of the commission to remove animals from the list of fur bearers; to restrict the use of a non-resident fur dealer's permit to one person; and removing trapping restrictions therefrom;

changing the season for taking fur-bearing animals; clarifying the purchase of skins unlawfully taken restricting the setting of certain traps during the closed season; permitting the use of snare without spring pole; permitting the setting of traps for fur bearers in dens or holes; changing methods of control of skunk in cities and boroughs; changing training season for dogs; changing the bounty system to include fur bearers; and to restrict the time for payment of said bounties; and to eliminate the payment of prizes or awards for killing of predators.

Referred to the Committee on Game.

By Mr. HAMILTON.

HOUSE BILL No. 1042.

An Act making an appropriation to the Department of Public Instruction for the relief of financially distressed school districts of the first class.

Referred to the Committee on Appropriations.

By Messrs. DONOHUE and O'BRIEN.

HOUSE BILL No. 1043.

An Act denying recognition as a political party for all purposes to any group of persons advocating the overthrow of the government.

Referred to the Committee on Elections.

By Mr. BOYD.

HOUSE BILL No. 1044.

An Act to provide for the safety of persons employed, housed or assembled in certain buildings and structures used for the exhibition of motion pictures, by requiring an asbestos or steel curtain and a main control lighting switchboard; by requiring the attendance of a licensed attendant during the performance; providing for the licensing of such attendant; providing for the enforcement of this act by the Department of Labor and Industry, and in certain cases by the chiefs of fire departments in cities of the first, second and second A classes; and providing penalties.

Referred to the Committee on Corporations and Industry.

By Mr. IRWIN.

HOUSE BILL No. 1045.

An Act making an appropriation to the Philadelphia Committee for Prevention of Blindness Incorporated at Philadelphia.

Referred to the Committee on Appropriations.

By Mr. FURMAN.

HOUSE BILL No. 1046.

An Act authorizing banks, bank and trust companies, private banks, and trust companies, to loan money on the security of chattel mortgages.

Referred to the Committee on Banking.

By Mr. FURMAN.

HOUSE BILL No. 1047.

An Act to further amend section one of the act approved the second day of March, one thousand nine hundred and thirty-three, (P. L. 6), entitled "An act to enable persons, associations, partnerships and corporations engaged in farming, and raising, breeding, fattening and marketing livestock, to borrow money and secure the repayment thereof by the execution and recordation of chattel mortgages on livestock, farm machinery, farm equipment, and crops; and designating the operation and effect of the lien of such mortgages," adding agencies from which borrowings may be made.

Referred to the Committee on Banking.

By Mr. LICHTENWALTER. HOUSE BILL No. 1048.

An Act to further amend clause (a) of section four hundred and seven of the act, approved the twenty-ninth day of November, one thousand nine hundred and thirty-three (P. L. 15, 1933-34), entitled as amended "An act to regulate and restrain the sale, manufacture, possession, transportation, importation, traffic in, and use of alcohol, and alcoholic and malt or brewed beverages; conferring powers and imposing duties upon the Pennsylvania Liquor Control Board and its agents, the Department of Public Instruction, other officers of the State Government, courts, and district attorneys; authorizing the establishment and operation of State stores for the sale of such beverages not for consumption on the premises, and the granting of licenses, to local option, to sell such beverages for consumption on and off the premises; forbidding importation or bringing of such beverages into the State except as herein provided; prohibiting certain sales or practices in, connection with, and transactions in such beverages by licensees and others; providing for the forfeiture of certain property; making disposition of the receipts from State stores and of fees; and imposing penalties," changing the fees for hotel and restaurant liquor licenses in certain cases.

Referred to the Committee on Liquor Control.

By Mr. ROYER. HOUSE BILL No. 1049.

An Act making an appropriation to the Department of Property and Supplies for the purchase, erection and construction of new armories and other buildings under the supervision of the Department of Military Affairs.

Referred to the Committee on Appropriations.

By Messrs. DONOHUE and O'BRIEN.
HOUSE BILL No. 1050.

An Act making it unlawful to appropriate or use public funds for the support of certain educational institutions which do not dismiss officers or teachers, or expel students, guilty of advocating or disseminating communistic principles or propaganda.

Referred to the Committee on Education.

By Messrs. DONOHUE and O'BRIEN.
HOUSE BILL No. 1051.

An Act requiring teachers and administrative officers or employees of educational systems of the Commonwealth, or any political subdivision thereof, to subscribe to a specified oath or affirmation.

Referred to the Committee on Education.

By Mr. VOORHEES. HOUSE BILL No. 1052.

An Act to regulate motor vehicle junk yard business; to provide for the issuance of licenses for each motor vehicle junk yard; prescribing the method and manner of obtaining such licenses and prescribing the fees therefor; prohibiting motor vehicle junk yards within sight of a state highway; and prescribing penalties.

Referred to the Committee on Motor Vehicles.

By Mr. GILLETTE. HOUSE BILL No. 1053.

An Act to amend section two of the act, approved the first day of June, one thousand nine hundred and thirty-three (P. L. 1172), entitled "An act establishing certain streets in boroughs and incorporated towns as State highways, and providing for their construction and maintenance at the expense of the Commonwealth," as amended, by changing certain routes and adding certain new routes.

Referred to the Committee on Highways.

By Mr. EWING. HOUSE BILL No. 1054.

An Act providing a method of annexation of parts of townships of the first class, to contiguous cities of the second class, boroughs or other contiguous townships of the first class, and regulating the proceedings pertaining thereto.

Referred to the Committee on Cities—Second Class.

By Messrs. ROSENFELD and OMINSKY.
HOUSE BILL No. 1055.

An Act providing that the failure of a person operating a motor vehicle to see or avoid a defect in any highway, shall not be deemed negligence as a matter of law.

Referred to the Committee on Judiciary General.

By Messrs. ROSENFELD and OMINSKY.
HOUSE BILL No. 1056.

An Act providing that when new trial is granted upon grounds that damages are inadequate or excessive, the new trial shall be confined to that question and not to liability.

Referred to the Committee on Judiciary General.

By Mr. LICHTENWALTER. HOUSE BILL No. 1057.

An Act to repeal the act approved the second day of July, one thousand nine hundred and thirty-seven, (P. L. 2688), entitled "An act to provide for the conservation, protection, improvement, and profitable use of agricultural land resources in the State of Pennsylvania, and for co-operation with the governments and agencies of other states and of the United States pursuant to the provisions of section seven of an act of the Congress of the United States known as the Soil Conservation and Domestic Allotment Act; to assent to and accept the provisions of said act; to constitute and establish the Pennsylvania Agricultural Conservation and Adjustment Committee, and in conformity with the provisions of said act, to designate and authorize said committee, as the State agency of this State, in conformity with such provisions, to formulate, submit to the Secretary of Agriculture of the United States, and administer State plans to carry out the provisions of this act; to define the powers and duties of said committee as such State agency; to provide for the selection of its members, and otherwise to provide for the administration of this act; and making an appropriation."

Referred to the Committee on Agriculture.

By Mr. ROTHENBERGER. HOUSE BILL No. 1058.

An Act to further amend section two of the act, approved the twenty-second day of June, one thousand nine hundred and thirty-one (P. L. 682), entitled "An act relating to domestic animals, and providing for their appraisalment when about to be slaughtered to prevent the spread of disease; and regulating payments by the Commonwealth in such cases, and the payment of salvage by butchers," by increasing amount of compensation for non-registered bovine animals.

Referred to the Committee on Agriculture.

By Mr. AUKER. HOUSE BILL No. 1059.

A Joint Resolution proposing an amendment to article nine, section eight of the Constitution of the Commonwealth of Pennsylvania.

Referred to the Committee on Constitutional Amendments.

By Mr. SWEENEY.

HOUSE BILL No. 1060.

An Act defining the liability of persons signing instruments in writing in a fiduciary capacity, regulating actions on such instruments and execution on judgments obtained in such actions, and excepting certain actions from the provisions of said act.

Referred to the Committee on Judiciary General.

By Mr. HAINES.

HOUSE BILL No. 1061.

An Act to establish as State highways, certain sections of public roads in the counties of Clinton, Lycoming, Franklin, Adams, Cumberland, Fulton, Mifflin, Huntingdon, Centre, Cameron, Sullivan, Potter, Westmoreland and Somerset; and providing for their construction and maintenance at the expense of the Commonwealth.

Referred to the Committee on Highways.

By Mr. WATKINS.

HOUSE BILL No. 1062.

An Act relating to the acquisition of rights to divert water from rivers, streams, natural lakes and ponds, or other surface waters within the Commonwealth or partly within and partly without the Commonwealth by: defining various words and phrases; vesting in the Water and Power Resources Board certain powers and authorities for the conservation, control and equitable use of the waters within the Commonwealth in the interests of the people of the Commonwealth; making available for public water supply purposes water rights heretofore or hereafter acquired but not used; providing for hearings by the Water and Power Resources Board and for appeals from its decisions; fixing fees; granting to all public water supply agencies heretofore or hereafter created the right of eminent domain as to waters; repealing all acts or parts of acts inconsistent herewith including Act No. 109, P. L. 152, approved April 13, 1905, Act No. 307, P. L. 455, approved June 7, 1907, Act No. 64, P. L. 258, approved April 8, 1937.

Referred to the Committee on Forestry.

By Mr. McNALLY.

HOUSE BILL No. 1063.

An Act to add section six hundred twenty-one and one-tenth to and to further amend section six hundred twenty-nine of the act approved the seventeenth day of May one thousand nine hundred and twenty-one (P. L. 682) entitled "An act relating to insurance amending revising and consolidating the law providing for the incorporation of insurance companies and the regulation supervision and protection of home and foreign insurance companies Lloyds associations reciprocal and inter-insurance exchanges and fire insurance rating bureaus and the regulation and supervision of insurance carried by such companies associations and exchanges including insurance carried by the State Workmen's Insurance Fund providing penalties and repealing existing laws" defining and regulating group accident and health insurance and extending the exclusion of certain standard policy provisions to ticket policies sold to passengers by common carriers.

Referred to the Committee on Insurance.

By Mr. JAMES.

HOUSE BILL No. 1064.

An Act to repeal section eight of the act, approved the twelfth day of July, one thousand nine hundred and nineteen (P. L. 941), entitled "An act providing for the preparation, contents, style, printing and binding of the Legislative Journal and its delivery and distribution; providing for the preparation, printing and binding of the Journals of the Senate and House of Representatives; authorizing the appointment of official reporters, expert typewriters, clerks and other employes, and providing for their compensation and mileage; providing for the making of an

appendix and index, the printing of wrappers or envelopes for mailing the Legislative Journal; and repealing all acts or parts of acts inconsistent herewith" in so far as it related to the preparation, printing, binding and distribution of the Separate Journal of the House of Representatives.

Referred to the Committee on Printing.

By Mr. TAYLOR.

HOUSE BILL No. 1065.

A Supplement to the act, approved the second day of July, one thousand nine hundred thirty-seven (Appropriation Acts, page seventy-four), entitled "An act to provide for the ordinary expenses of the Executive, Legislative, and Judicial Departments of the Commonwealth, interest on the public debt, and the support of the public schools for two years beginning June first, one thousand nine hundred and thirty-seven; and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending May thirty-first, one thousand nine hundred and thirty-seven," making a deficiency appropriation to the Treasury Department for the use of the Board of Finance and Revenue.

Referred to the Committee on Appropriations.

By Mr. HOCHE. (By request). HOUSE BILL No. 1066.

An Act to amend sections five hundred one, five hundred two, five hundred three, and five hundred four, of the act, approved the third day of June, one thousand nine hundred and thirty-seven (P. L. 1333), entitled "An act concerning elections, including general municipal, special and primary elections, the nomination of candidates, primary and election expenses and election contests; creating and defining membership of county boards of elections; imposing duties upon the Secretary of the Commonwealth, courts, county boards of elections, county commissioners; imposing penalties for violation of the act, and codifying revising and consolidating the laws relating thereto; and repealing certain acts and parts of acts relating to elections;" providing for and limiting the creation of election districts in this Commonwealth; providing for a complete redistricting of election districts in the Commonwealth in the year one thousand nine hundred and thirty-nine, and the procedure therefor; and conferring powers and imposing duties on county boards of elections, registration commissions and courts of quarter sessions.

Referred to the Committee on Elections.

By Mr. ROBERTSON.

HOUSE BILL No. 1067.

An Act for the relief of owners and operators of motor vehicles from liability for injuries, death and loss suffered by guests, except in certain cases.

Referred to the Committee on Judiciary General.

By Mr. JAMES.

HOUSE BILL No. 1068.

An Act to further amend section five hundred thirty of the act, approved the twenty-fourth day of June, one thousand nine hundred and thirty-one (P. L. 1206), entitled "An act concerning townships of the first class; amending, revising, consolidating, and changing the law relating thereto," by changing the method of filling vacancies in boards of commissioners.

Referred to the Committee on Townships.

By Mr. BALLIET.

HOUSE BILL No. 1069.

An Act providing for and regulating the licensing of automatic vending machines as defined in this act; prescribing operator's permit and machine license fees; requiring operators as herein defined to give bond; limiting the number of such machines which may be licensed and providing penalties.

Referred to the Committee on Ways and Means.

By Mr. HERFERD M. WOOD. HOUSE BILL No. 1070.

An Act to establish as State highways certain sections of public road in the county of Elk; and providing for their construction and maintenance at the expense of the Commonwealth.

Referred to the Committee on Highways.

By Mr. HABBYSYSHAW. HOUSE BILL No. 1071.

An Act to amend sections one thousand two hundred four, and two thousand five, and to repeal section two thousand six of the act, approved the ninth day of April, one thousand nine hundred twenty-nine (P. L. 177), entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments, boards commissions, and officers thereof, including the boards of trustees of State Normal Schools, or Teachers Colleges; abolishing, creating, reorganizing or authorizing the reorganization of certain administrative departments, boards and commissions; defining the powers and duties of the Governor and other executive and administrative officers, and of the several administrative departments, boards, commissions, and officers; fixing the salaries of the Governor, Lieutenant Governor, and certain other executive and administrative officers, providing for the appointment of certain administrative officers, and of all deputies and other assistants and employes in certain departments, boards, and commissions; and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments, boards and commissions shall be determined," transferring certain functions of the Department of Highways to the Department of Internal Affairs.

Referred to the Committee on State Government.

By Mr. HENRY. HOUSE BILL No. 1072.

An Act to amend clause (III) of section seven hundred two of the act, approved the first day of May, one thousand nine hundred and thirty-three (P. L. 103), entitled "An act concerning townships of the second class; and amending, revising, consolidating, and changing the law relating thereto;" further regulating contracts and tax levies for fire purposes.

Referred to the Committee on Townships.

By Mr. LEYDIC. HOUSE BILL No. 1073.

An Act to amend route number three hundred eighty-eight of an act approved the eighth day of April, one thousand nine hundred and twenty-five (Pamphlet Laws one hundred ninety-one), entitled "An act establishing certain public roads as state highways, and providing for their construction and maintenance at the expense of the Commonwealth.

Referred to the Committee on Highways.

By Mr. HABBYSYSHAW. HOUSE BILL No. 1074.

An Act to amend sections one and two of the act approved the first day of July, one thousand nine hundred and thirty-seven (P. L. 2460), entitled "An act creating a joint legislative commission, to be known as the Joint State Government Commission; providing for the appointment of its members; and defining its powers and duties," changing the number and term of members; further defining their powers and duties; and terminating the terms of members now in office.

Referred to the Committee on State Government.

By Mr. HABBYSYSHAW. HOUSE BILL No. 1075.

An Act to repeal the act, approved the fourteenth day of April, one thousand nine hundred and thirty-seven (P. L.

297), entitled "An act to provide for the leasing of land within the beds of streams, lakes, and other bodies of water, wholly or partly within, or forming part of, the boundary of this Commonwealth, when such land is owned by the Commonwealth; conferring powers and imposing duties upon the Water and Power Resources Board; requiring lessees to establish an amortization fund for improvements placed or erected upon such land; granting certain preference and exemption rights to municipalities of the Commonwealth; and prescribing penalties," saving existing leases until terminated or revoked in accordance with their terms.

Referred to the Committee on State Government.

By Mr. PEALE. HOUSE BILL No. 1076.

An Act to amend the act approved the first day of June, one thousand nine hundred and thirty-seven, (P. L. 1168), entitled "An act to protect the right of employes to organize and bargain collectively; creating the Pennsylvania Labor Relations Board; conferring powers and imposing duties upon the Pennsylvania Labor Relations Board, officers of the State government, and courts; providing for the right of employes to organize and bargain collectively; declaring certain labor practices by employers to be unfair; further providing that representatives of a majority of the employes be the exclusive representatives of all the employes; authorizing the board to conduct hearings and elections, and certify as to representatives of employes for purposes of collective bargaining; empowering the board to prevent any person from engaging in any unfair labor practice, and providing a procedure for such cases, including the issuance of a complaint, the conducting of a hearing, and the making of an order; empowering the board to petition a court of common pleas for the enforcement of its order, and providing a procedure for such cases; providing for the review of an order of the board by a court of common pleas on petition of any person aggrieved by such order, and establishing a procedure for such cases; providing for an appeal from the common pleas court to the Supreme Court, providing the board with investigatory powers, including the power to issue subpoenas and the compelling of obedience to them through application to the proper court; providing for service of papers and process of the board; prescribing certain penalties," broadening the definition of "labor dispute," further defining the rights of employes; further defining and limiting unfair labor practices; making further provision for designation and selection of representatives for the purposes of collective bargaining; changing the practice before the Pennsylvania Labor Relations Board and limiting its powers in certain cases; and requiring investigations of labor disputes and issuance of subpoenas on the application of either party to a controversy.

Referred to the Committee on Labor.

By Mr. HABBYSYSHAW. HOUSE BILL No. 1077.

An Act to further amend the act approved the second day of May, one thousand nine hundred and twenty-nine, (P. L. 1513), entitled "An act regulating the construction, equipment, maintenance, operation and inspection of boilers; granting certain authority to and imposing certain duties upon the Department of Labor and Industry; providing penalties for violations of this act; and repealing all act or parts of acts inconsistent with this act," excepting therefrom unfired pressure vessels and certain boilers heretofore exempt therefrom; and revising the regulation of the construction and maintenance of boilers.

Referred to the Committee on State Government.

By Mr. WINNER. (By request) HOUSE BILL No. 1078.

An Act to further amend section twenty-four of the act, approved the first day of June, one thousand eight hundred eighty-nine (Pamphlet Laws, four hundred twenty), entitled "A further supplement to an act entitled 'An act to provide revenue by taxation,' approved the seventh day of June, Anno Domini one thousand eight hundred and seventy-nine," by redefining deductions in case of reinsurance.

Referred to the Committee on Ways and Means.

By Mr. HABBYSKAW.

HOUSE BILL No. 1079.

An Act to repeal the act, approved the eighth day of April, one thousand nine hundred and thirty-seven (P. L. 258), entitled "An act providing for the appropriation of certain waters of the Commonwealth for the Commonwealth for the benefit of the people thereof; declaring void certain condemnations and appropriations of waters by municipalities, corporations, copartnerships or persons providing for ascertainment of the validity and the filing of the records of certain condemnations and appropriations of water by municipalities, corporations, copartnerships or persons, and appeals therefrom, conferring jurisdiction on the court of common pleas of Dauphin County in relation thereto; providing for future condemnations and appropriations of waters by and allocation of waters to municipalities, corporations, copartnerships or persons, and for compensation for waters hereafter to be taken for public water supply purposes; and conferring powers and imposing duties upon the Water and Power Resources Board."

Referred to the Committee on Forestry.

By Mr. BOORSE.

HOUSE BILL No. 1080.

An Act to amend the act approved the third day of May one thousand nine hundred and thirty-three (Pamphlet Laws 252) entitled as amended "An act to regulate and restrain the traffic in malt and brewed beverages as herein defined providing for the licensing of the manufacture transportation sale and distribution of such beverages imposing license and permit fees and providing for collection and distribution thereof restricting ownership and interest in licensed places permitting municipalities and townships by vote of the electors to prevent the licensing therein of places where such beverages may be sold for consumption on the premises and regulating elections for this purpose imposing duties upon the Pennsylvania Liquor Control Board quarter session courts district attorneys the Department of Justice proper authorities of political subdivisions of the State and election officers providing penalties and repealing existing acts" as re-enacted and amended by providing for the elimination of importing distributors licenses.

Referred to the Committee on Liquor Control.

By Mr. RHODES.

HOUSE BILL No. 1081.

An Act to amend section one of the act, approved the twenty-second day of July, one thousand nine hundred and nineteen (P. L. 1089), entitled "An act regulating the advertising of the sales of real estate by the sheriffs in the several counties of this Commonwealth; and repealing all acts and parts of acts general and inconsistent therewith," by changing the provisions thereof as to advertising sheriffs' sales.

Referred to the Committee on Counties.

By Mr. RHODES.

HOUSE BILL No. 1082.

An Act making an appropriation to the Pennsylvania Museum and School of Industrial Art, Philadelphia, Pennsylvania.

Referred to the Committee on Appropriations.

By Mr. VOORHEES.

HOUSE BILL No. 1083.

An Act making an appropriation to the Board of Trustees of the Philadelphia Museums.

Referred to the Committee on Appropriations.

By Mr. VOORHEES.

HOUSE BILL No. 1084.

An Act making an appropriation to the Trustees of the Hahnemann Medical College and Hospital, of Philadelphia, Pennsylvania.

Referred to the Committee on Appropriations.

By Messrs. WALSH and MATTHEW J. WELSH.

HOUSE BILL No. 1085.

An Act making an appropriation to the Trustees of Temple University at Philadelphia, Pennsylvania.

Referred to the Committee on Appropriations.

By Mr. HAUDENSHIELD.

HOUSE BILL No. 1086.

An Act to amend the act approved the fifth day of May, one thousand nine hundred and thirty-three (Pamphlet Laws four hundred fifty-seven) entitled "An act relating to the business of building and loan associations providing for the organization and voluntary dissolution of such associations, defining the rights, powers, duties, liabilities and immunities of such associations and of their officers, directors, shareholders, solicitors and other employees, prohibiting the transaction of business in this Commonwealth by foreign building and loan associations, conferring powers and imposing duties upon the courts, recorders of deeds, and certain State departments, commissions and officers, establishing limitations of actions, imposing penalties and repealing certain acts and parts of acts," as amended by further defining the rights, powers, duties, liabilities and immunities of building and loan associations, and by further regulating the merger and consolidation of building and loan associations, and the creation of building and loan associations by merger, consolidation or conversion, and the conversion of building and loan associations into Federal savings and loan associations.

Referred to the Committee on Building and Loan Associations.

By Mr. HAUDENSHIELD.

HOUSE BILL No. 1087.

An Act to amend the title and Section 1 of the act, approved the second day of June one thousand nine hundred thirty-seven (Pamphlet Laws one thousand one hundred eighty-three) entitled "An act providing that investment in shares of Federal Savings and Loan Associations or shares of other institutions insured under the Federal Savings and Loan Insurance Corporation, shall be legal investments for certain corporations and certain funds," extending the investments for certain corporations and certain funds to obligations issued pursuant to the provisions of the Federal Home Loan Bank Act.

Referred to the Committee on Banking.

By Mr. HAUDENSHIELD.

HOUSE BILL No. 1088.

An Act to amend the act approved the fifteenth day of May one thousand one hundred thirty-three (Pamphlet Laws five hundred sixty-five) entitled "An act relating to the powers and duties of the Department of Banking and the Secretary of Banking in exercising supervision over, and taking possession of and conducting or liquidating the business and property of, corporations, associations, and persons receiving deposits or otherwise transacting a banking business, corporations acting as fiduciaries, and building and loan associations; providing for the payment of the expenses of the Department of Banking by supervised corporations, associations, or persons, and appropriating the Banking Department Fund; authorizing the Department of Banking, under certain circumstances, to examine corporations, associations, or persons affiliated, or having business transactions with supervised corporations, associations or persons; authorizing appeals to the Supreme Court, and prescribing and limiting the powers and duties of certain other courts and their prothonotaries, registers of wills, records of deeds, and certain State departments, commissions, and officers; authorizing certain local public officers and State departments to collect fees for services rendered under this act; providing penalties; and repealing certain acts and parts of acts," by further regulating the powers and duties of the Department of Banking and the Secretary of Banking in exercising supervision over and taking possession of

and conducting or liquidating the business or property of Building and Loan Associations.

Referred to the Committee on Banking.

By Mr. COOPER.

HOUSE BILL No. 1089.

A Supplement to the act, approved the twenty-second day of June, one thousand nine hundred and thirty-one (P. L. 594), entitled "An act establishing certain township roads as State highways; authorizing their construction, maintenance and improvement under certain conditions and restrictions; limiting the obligation of the Commonwealth in the construction of certain structures located on such highways; conferring certain powers upon the Department of Highways and local authorities, persons, associations and corporations for sharing the cost of the maintenance and construction of such highways and making an appropriation to carry out the provisions of said act," establishing an additional route in the County of Venango.

Referred to the Committee on Highways.

By Mr. LONG. (By Request). HOUSE BILL No. 1090.

An Act to amend sections five, seventeen, twenty, twenty-two, twenty-three, twenty-eight, twenty-nine, thirty, thirty-one, thirty-four, thirty-five, thirty-eight, and forty-six, of the act approved the thirtieth day of March, one thousand nine hundred thirty-seven (Pamphlet Laws, one hundred fifteen), entitled "An act to provide for the permanent personal registration of electors in cities of the first class as a condition of their right to vote at elections and primaries, and their enrollment as members of political parties as a further condition of their right to vote at primaries; prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors; and prescribing the powers and duties of citizens, parties, bodies of electors, registration commissions, commissioners, registrars, inspectors of registration and other appointees of registration commission, election officers, municipal officers, departments and bureaus, police officers, courts, judges, prothonotaries, sheriffs, county commissioners, peace officers, county treasurers, county controllers, registrars of vital statistics, real estate brokers, rental agents, certain public service companies, persons, firms, and corporations operating vehicles for moving furniture and household goods, and boards of school directors; and imposing penalties," so as to advance the date upon which the books of the registration commission shall be closed prior to certain elections, to change the periods within which registration days shall be fixed, to limit the period for filing changes in party enrollment, to eliminate certain provisions for challenging party enrollment, to change the periods within which removal notices must be filed in order to be effective in certain elections, to require additional data for registration applications in certain cases, to require the production of naturalization papers in connection with certain applications for registration, to require certain reports from the Mayor or other officer of cities of the first class as to persons residing in hotels, lodging houses, etc., to require the registration commission to retain on file certain records as to changes in residence and to send certain notices to persons affected thereby, to eliminate the provisions for the printing of street lists and certain provisions of doubtful constitutionality, and to clarify and coordinate the provisions of said act so amended.

Referred to the Committee on Elections.

By Messrs. HARKINS and CHRISTLER.

HOUSE BILL No. 1091.

An Act creating a legislative commission to make a study of first class school districts of the Commonwealth, and making an appropriation.

Referred to the Committee on Appropriations.

By Messrs. TRONZO and HARKINS.

HOUSE BILL No. 1092.

An Act creating a youth administrator and the Pennsylvania Youth Commission; defining its powers and duties; and making an appropriation for the administration thereof.

Referred to the Committee on Appropriations.

By Mr. HEWITT.

HOUSE BILL No. 1093.

An Act to further amend section one of the act, approved the tenth day of May, one thousand nine hundred twenty-seven (P. L. 879) entitled "An act regulating the sale in bulk of fifty-one per centum or more of the stock of goods, wares or merchandise of any kind, fixtures, machinery, equipment or real estate, by every corporation, joint-stock association, limited partnership or company; providing certain requirements therefor and imposing certain duties upon the seller and buyer; and fixing penalties" by requiring certain matters to be filed with or obtained from, the Department of Revenue instead of the Auditor General, in order to conform said act to existing law.

Referred to the Committee on State Government.

By Mr. WATKINS.

HOUSE BILL No. 1094.

An Act authorizing the acceptance by the Commonwealth of a gift of land contiguous to lands now owned by the Commonwealth at the Ashland State Hospital.

Referred to the Committee on State Government.

By Messrs. LONG and WALSH. HOUSE BILL No. 1095.

An Act to further amend the act, approved the third day of May, one thousand nine hundred and thirty-three (P. L. 242) entitled "An act to promote the public health and safety by providing for examination and registration of those who desire to engage in the occupation of beauty culture; defining beauty culture, and regulating beauty culture shops, schools, students, apprentices, teachers, managers and operators; conferring powers and duties upon the Department of Public Instruction; providing for appeals to certain courts by applicants and licensees; and providing penalties," by further defining beauty culture; making certain changes regarding examination and registration of those who desire to engage in the occupation of beauty culture; modifying and increasing the regulations and requirements to be met and complied with by beauty culture schools, shops, students, apprentices, teachers, managers, interim-operators, operators and manicurists; prescribing certain qualifications for examiners, inspectors, investigators and supervisors; and making certain changes in the powers and duties of the Department of Public Instruction and in the procedure to be followed in the enforcement of the act.

Referred to the Committee on Professional Licensure.

By Mr. LONG.

HOUSE BILL No. 1096.

An Act to amend the act, approved the third day of June, one thousand nine hundred and thirty-seven (Pamphlet Laws, one thousand three hundred and thirty-three) entitled "An act concerning elections, including general, municipal, special and primary elections, the nomination of candidates, primary and election expenses and election contests; creating and defining membership of county boards of elections; imposing duties upon the Secretary of the Commonwealth, courts, county boards of elections, county commissioners; imposing penalties for violation of the act, and codifying, revising and consolidating the laws relating thereto; and repealing certain acts and parts of acts relating to elections" by imposing further duties on county boards of elections and their employes; providing for the appointment of examiners of elections and pre-

scribing their duties; providing for reports of rooms and buildings used or proposed to be used as polling places; prescribing a procedure whereby elected party officers may be removed from office; providing for challenge of persons disqualified for violation of this act; changing the method by which district election officers shall make returns of votes cast and the method by which the returns shall be computed by county boards of elections, providing additional penalties; and further clarifying and coordinating certain provisions of said act.

Referred to the Committee on Elections.

By Messrs. HABBYSHAW and WOODSIDE

HOUSE BILL No. 1097.

An Act to further amend the act, approved the eighteenth day of May one thousand nine hundred and eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith," by defining probationary professional employee, substitute employee, and temporary employee; providing for a probationary period for professional employees and further regulating the employment, dismissal, suspension, demotion and retirement of such employees, and providing for appeal to the court of common pleas.

Referred to the Committee on Education.

By Messrs. BOIES and McGARRITY.

HOUSE BILL No. 1098.

An Act providing for the regulation and supervision of nonprofit healing arts service corporations, organized to provide healing arts services to subscribers, by the Department of Health and the Insurance Department and defining the functions of such departments with respect thereto; authorizing certain departments, commissions, officers, and other agencies of the State and its political subdivisions to subscribe under certain circumstances to the healing arts service plan of such corporations on behalf of persons; prescribing legal investments for the funds of such corporations, and the rights of persons practicing any of the healing arts in the fields of medicine, osteopathy, dentistry, nursing, and pharmacy to register with such corporations; conferring authority on the Department of Health and on the Insurance Commissioner, each within its own sphere of lawful activity, to regulate and supervise such corporations; conferring certain rights, powers, duties, and immunities upon such corporations and their officers and members; prescribing the conditions on which such corporations may exercise their powers; exempting such corporations from taxation; prohibiting any person, copartnership, association, common Law Trust or corporation, except a nonprofit healing arts service corporation, from providing such healing arts services on a nonprofit plan in return for prepayment, periodic or lump sum payments; providing penalties for the violation of, and mandatory and injunctive relief for the enforcement of, the provisions of this act.

Referred to the Committee on State Government.

By Mr. SLOAN.

HOUSE BILL No. 1099.

An Act to amend section four of the act, approved the first day of June, one thousand nine hundred thirty-seven (P. L., one thousand one hundred sixty-eight), entitled "An act to protect the right of employees to organize and bargain collectively; creating the Pennsylvania Labor Relations Board; conferring powers and imposing duties upon the Pennsylvania Labor Relations Board, officers of the State government, and courts; providing for the right of employees to organize and bargain collectively; declar-

ing certain labor practices by employers to be unfair; further providing that representatives of a majority of the employees be the exclusive representatives of all the employees; authorizing the board to conduct the hearings and elections, and certify as to representatives of employees for purposes of collective bargaining; empowering the board to prevent any person from engaging in any unfair labor practice, and providing a procedure for such cases, including the issuance of a complaint, the conducting of a hearing, and the making of an order; empowering the board to petition a court of common pleas for the enforcement of its order, and providing a procedure for such cases; providing for the review of an order of the board by a court of common pleas on petition of any person aggrieved by such order, and establishing a procedure for such cases; providing for an appeal from the common pleas court to the Supreme Court; providing the board with investigatory powers, including the power to issue subpoenas and the compelling of obedience to them through application to the proper court; providing for service of papers and process of the board; prescribing certain penalties," by reducing the salaries of the members of the board, and making rules and regulations of the board subject to the approval of the Secretary of Labor and Industry.

Referred to the Committee on Labor.

By Mr. WAGNER.

HOUSE BILL No. 1100.

An Act to repeal certain acts or parts of acts relating to compensation by the counties of Philadelphia, Allegheny or Northampton for property destroyed by mobs or in consequence of any riot, and authorizing suits by said counties against peace officers or justices of the peace for alleged neglect of duty or failure to protect such property, and making such neglect or refusal to take all legal means to protect any property attacked or threatened a misdemeanor in office, without impairing the right of the owner of property injured by any mobs or riot from proceeding against any person participating therein for damages occasioned thereby.

Referred to the Committee on Judiciary General.

By Messrs. KILROY and HAMILTON.

HOUSE BILL No. 1101.

An Act making an appropriation to the Women's Medical College of Pennsylvania, located at East Falls, Philadelphia, Pennsylvania.

Referred to the Committee on Appropriations.

By Mr. JONES.

HOUSE BILL No. 1102.

An Act to repeal the act, approved the second day of July, one thousand nine hundred and thirty-seven (P. L. 2797), entitled "An act requiring collectors of city, county, borough, town, township, school and poor district taxes, to file certain reports with the quarter sessions court and the Department of Internal Affairs; directing such department to prepare and furnish forms for such reports, making such reports available for public inspection; requiring all payments to such collectors, for compensation and expenses, to be by warrant or order; prohibiting such collectors from deducting their compensation and expenses from public funds in their possession; and making violation of the act a misdemeanor."

Referred to the Committee on Municipal Corporations.

By Mr. JACOB L. MOSER.

HOUSE BILL No. 1103.

An Act authorizing the Secretary of Highways to pay portions of judgments heretofore recovered against employees of the department for personal injuries or property damage or both where the insurance provided by the Commonwealth was insufficient to pay such judgments in full; and making an appropriation out of the Motor License Fund.

Referred to the Committee on Appropriations.

By Mr. SHEARER.

HOUSE BILL No. 1104.

An Act to create and provide for the Fund of the Board of Nurse Examiners, involving moneys paid by nurses, licensed attendants or others and collected under the laws administered by the State Board of Examiners for Registration of Nurses, and regulating the handling and disposition thereof.

Referred to the Committee on Public Health and Sanitation.

By Mr. SHEARER.

HOUSE BILL No. 1105.

An Act providing for and regulating the State licensing of nurses of several classes, the biennial recording of licenses, regulating the profession of nursing, imposing penalties, and repealing certain existing laws.

Referred to the Committee on Public Health and Sanitation.

By Mr. SHEARER.

HOUSE BILL No. 1106.

An Act to amend the act approved the ninth day of April, one thousand nine hundred twenty-nine (Pamphlet Laws one hundred seventy-seven) entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments, boards, commissions, and officers thereof, including the boards of trustees of State Normal Schools, or Teachers Colleges; abolishing, creating, reorganizing or authorizing the reorganization of certain administrative departments, boards, and commissions; defining the powers and duties of the Governor and other executive and administrative officers, and of the several administrative departments, boards, commissions, and officers; fixing the salaries of the Governor, Lieutenant Governor, and certain other executive and administrative officers; providing for the appointment of certain administrative officers, and of all deputies and other assistants and employes in certain departments, boards, and commissions; and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments, boards, and commissions shall be determined" as amended by making certain changes in the powers and duties of the Board and providing for the election of a Director of Nursing Education who shall also be Secretary and Executive Officer of the Board, and an Assistant Director of Nursing Education who shall also be Assistant Secretary and Assistant Executive Officer of the Board.

Referred to the Committee on Public Health and Sanitation.

By Messrs. MORAN and MATTHEW J. WELSH.

HOUSE BILL No. 1107.

An Act to promote the safety of travelers and employes upon railroads by prohibiting carriers by railroad hauling trains excessive in length; providing penalties for enforcement by the Public Utility Commission or any other agency empowered to enforce the law.

Referred to the Committee on Railroads and Railways.

By Mr. SHEARER.

HOUSE BILL No. 1108.

An Act to further amend the Act approved the ninth day of April, one thousand nine hundred and twenty-nine (Pamphlet Laws, three hundred forty-three), entitled "An Act relating to the finances of the State government; providing for the settlement, assessment, collection, and lien of taxes, bonus, and all other accounts due the Commonwealth, the collection and recovery of fees and other money or property due or belonging to the Commonwealth, or any agency thereof, including es-

cheated property and the proceeds of its sale, the custody and disbursement or other disposition of funds and securities belonging to or in the possession of the Commonwealth, and the settlement of claims against the Commonwealth, the resettlement of accounts and appeals to the courts, refunds of moneys erroneously paid to the Commonwealth, auditing the accounts of the Commonwealth and all agencies thereof, of all public officers collecting moneys payable to the Commonwealth, or any agency thereof, and all receipts of appropriations from the Commonwealth and imposing penalties; affecting every department, board, commission, and officer of the State government, every political subdivision of the State, and certain officers of such subdivisions, every person, association, and corporation required to pay, assess, or collect taxes, or to make returns or reports under the laws imposing taxes for State purposes, or to pay license fees or other moneys to the Commonwealth, or any agency thereof, every State depository and every debtor or creditor of the Commonwealth," as amended, establishing a Fund of the Board of Nurse Examiners by adding clause twenty-one to section three hundred two of said act.

Referred to the Committee on Public Health and Sanitation.

By Mr. LOVETT.

HOUSE BILL No. 1109.

An Act relating to and regulating the employment of persons on state highways by the Department of Highways; establishing a regular highway maintenance force and fixing qualifications of personnel; establishing a merit system with seniority rights for such employes, and regulating hours of service and a procedure to enforce the same; providing a method for the determination of a minimum wage; establishing procedure in cases of furlough, dismissal, suspension or reduction of such employes, including appeals; imposing certain duties upon the Governor, and requiring said department to negotiate with representatives of such employes.

Referred to the Committee on Highways.

By Mr. LONG.

HOUSE BILL No. 1110.

An Act to prohibit assessments and the demand, request or solicitation from certain persons of contributions for political purposes and providing a penalty.

Referred to the Committee on Elections.

By Mr. WATKINS.

HOUSE BILL No. 1111.

An Act to amend section one of the act, approved the thirtieth day of April, one thousand nine hundred and twenty-nine (P. L. 874), entitled "An act relating to judicial sales and sales upon writs of execution or otherwise; and preserving the lien of mortgages on real estate other than upon unseated lands," by providing that the sale of seated and unseated lands for taxes shall discharge the lien of mortgages.

Referred to the Committee on Municipal Corporations.

By Messrs. KENEHAN and KNOBLE.

HOUSE BILL No. 1112.

An Act authorizing the council of cities of the second class A, to fix the salaries of members of the fire department; and establishing minimum salaries.

Referred to the Committee on Cities—Second Class.

By Messrs. FISS and GILLETTE.

HOUSE BILL No. 1113.

An Act authorizing the appointment of a joint committee to make an investigation and survey of the construction and maintenance of public roads, streets, highways and bridges within the Commonwealth, and the laws

relating thereto; to study and report to the Legislature its findings based upon such survey; giving it authority to sit after the adjournment of the Legislature and compel the attendance of witnesses and the production of books and papers; and to employ and fix the compensation of necessary employees; and making an appropriation from the Motor License Fund to meet the expenses of said joint committee.

Referred to the Committee on Highways.

By Mr. SARGE.

HOUSE BILL No. 1114.

An Act to amend the act, approved the ninth day of April, one thousand nine hundred twenty-nine (Pamphlet Laws, three hundred forty-three), entitled "An act relating to the finances of the State government; providing for the settlement, assessment, collection and lien of taxes, bonus, and all other accounts due the Commonwealth, the collection and recovery of fees and other money or property due or belonging to the Commonwealth, or any agency thereof, including escheated property and the proceeds of its sale, the custody and disbursement or other disposition of funds and securities belonging to or in the possession of the Commonwealth, and the settlement of claims against the Commonwealth, the resettlement of accounts and appeals to the courts, refunds of moneys erroneously paid to the Commonwealth, auditing the accounts of the Commonwealth and all agencies thereof, of all public officers collecting moneys payable to the Commonwealth, or any agency thereof, and all receipts of appropriations from the Commonwealth and imposing penalties; affecting every department, board, commission, and officer of the State government, every political subdivision of the State, and certain officers of such subdivisions, every person, association, and corporation required to pay, assess, or collect taxes, or to make returns or reports under the laws imposing taxes for State purposes, or to pay license fees or other moneys to the Commonwealth, or any agency thereof, every State depository and every debtor or creditor of the Commonwealth," as amended, by providing a special procedure for the payment of appropriations for public assistance; extending the time limit within which petitions for review of resettlements may be filed; making certain information pertaining to taxes and bonus confidential except for official purposes; modifying certain provisions relating to the remission of penalties imposed for failure to file tax and bonus reports; and further defining or regulating State depositories, the deposits of State moneys and the security required for such deposits.

Referred to the Committee on Ways and Means.

By Mr. SWEENEY.

HOUSE BILL No. 1115.

An Act making an appropriation to the Trustees of Temple University, at Philadelphia, Pennsylvania.

Referred to the Committee on Appropriations.

By Mr. TAYLOR.

HOUSE BILL No. 1116.

An Act to amend sections two thousand five hundred and eighty-five and two thousand five hundred and eighty-six of the act, approved the twenty-third day of June, one thousand nine hundred and thirty-one (P. L. 932), entitled "An act relating to cities of the third class; and amending, revising, and consolidating the law relating thereto," authorizing the inclusion of more than one property in a treasurer's tax deed to the city; fixing prothonotary's fees in such cases; and providing for redemption of properties included in such deeds.

Referred to the Committee on Cities—Third Class.

By Mr. HAUDENSHIELD.

HOUSE BILL No. 1117.

An Act to further amend section three hundred twenty-one of the act, approved the seventeenth day of May, one thousand nine hundred twenty-one (Pamphlet Laws, six

hundred eighty-two), entitled "An act relating to insurance; amending, revising, and consolidating the law providing for the incorporation of insurance companies, and the regulation, supervision, and protection of home and foreign insurance companies, Lloyds associations, reciprocal and inter-insurance exchanges, and fire insurance rating bureaus, and the regulation and supervision of insurance carried by such companies, associations, and exchanges; including insurance carried by the State Workmen's Insurance Fund; providing penalties; and repealing existing laws," by redefining deductions in case of re-insurance.

Referred to the Committee on Insurance.

By Mr. HAUDENSHIELD.

HOUSE BILL No. 1118.

An Act authorizing Federal Savings and Loan Associations to issue share accounts in the name of certain minors and in the joint names of two or more persons, and validating the acquittances of such minors and validating the acquittances of either person in a joint account, under certain conditions, and outlining the procedure for the payment of share accounts issued in the name of a trustee following the death of the trustee.

Referred to the Committee on Building and Loan Associations.

By Mr. HAUDENSHIELD.

HOUSE BILL No. 1119.

An Act to amend the act approved the fifth day of May one thousand nine hundred and thirty-three (Pamphlet Laws four hundred fifty-seven) entitled "An act relating to the business of building and loan associations providing for the organization and voluntary dissolution of such associations defining the rights powers duties liabilities and immunities of such associations and of their officers directors shareholders solicitors and other employees prohibiting the transaction of business in this Commonwealth by foreign building and loan associations conferring powers and imposing duties upon the courts recorders of deeds and certain State departments commissions and officers establishing limitations of actions imposing penalties and repealing certain acts and parts of acts," by further defining the rights powers duties liabilities and immunities of building and loan associations.

Referred to the Committee on Building and Loan Association.

By Mr. CORTESE.

HOUSE BILL No. 1120.

An Act making an appropriation to the Trustees of the University of Pennsylvania.

Referred to the Committee on Appropriations.

By Mr. FURMAN.

HOUSE BILL No. 1121.

A Supplement to the act approved the twenty-second day of May, one thousand nine hundred and thirty-three (P. L. 853), entitled "An act relating to taxation; designating the subjects, property and persons subject to and exempt from taxation for all local purposes; providing for and regulating the assessment and valuation of persons, property and subjects of taxation for county purposes, and for the use of those municipal and quasi-municipal corporations which levy their taxes on County assessments and valuations; amending, revising and consolidating the law relating thereto; and repealing existing laws," providing for the postponement of triennial assessments.

Referred to the Committee on Counties.

By Mr. WILKINSON.

HOUSE BILL No. 1122.

An Act providing for the credit of moneys to various funds in the State Treasury held for the payment of out-

standing checks; providing for the escheat of moneys where checks are not presented within seven years; and making appropriations out of various funds to pay replacement checks issued in lieu of outstanding checks, when presented; and to correct errors.

Referred to the Committee on Appropriations.

By Mr. FLEMING.

HOUSE BILL No. 1123.

An Act to further amend section one hundred thirty-six of the act, approved the second day of May, one thousand nine hundred and twenty-nine (P. L. 1278), entitled "An act relating to counties of the second, third, fourth, fifth, sixth, seventh and eighth classes; and revising, amending and consolidating the laws relating thereto," changing the procedure to create the office of county controller.

Referred to the Committee on Counties.

By Messrs. STOCKHAM and ALSPACH.

HOUSE BILL No. 1124.

An Act to amend the act, approved the twenty-eighth day of May, one thousand nine hundred thirty-seven (Pamphlet Laws, one thousand fifty-three), entitled "An act relating to the regulation of public utilities; defining as public utilities certain corporations, companies, associations, and persons; providing for the regulation of public utilities, including, to a limited extent, municipalities engaging in public utility business, by prescribing, defining, and limiting their duties, powers, and liabilities, and regulating the exercise, surrender or abandonment of their powers, privileges, and franchises; defining and regulating contract carriers by motor vehicle and brokers in order to regulate effectively common carriers by motor vehicle; conferring upon the Pennsylvania Public Utility Commission the power and duty of supervising and regulating persons, associations, companies, and corporations, including, to a limited extent, municipal corporations subject to this act, and administering the provisions of this act; authorizing the commission to fix temporary rates; placing the burden of proof on public utilities to sustain their rates and certain other matters; authorizing a permissive or mandatory sliding scale method of regulating rates; providing for the supervision of financial and contractual relations between public utilities and affiliated interests, and supervision and regulation of accounts and securities or obligations issued, assumed, or kept by persons, associations, companies, corporations or municipal corporations subject to this act; conferring upon the commission power to vary, reform, or revise certain contracts; conferring upon the commission the exclusive power to regulate or order the construction, alteration, relocation, protection, or abolition of crossings of facilities of public utilities, and of such facilities by or over public highways, to appropriate property for the construction or improvement of such crossings, and to award or apportion resultant costs and damages; authorizing owners of such property to sue the Commonwealth for such damages; providing for ejectment proceedings in connection with the appropriation of property for crossings; conferring upon the commission power to control and regulate budgets of public utilities; imposing upon persons, associations, companies, and corporations (except municipal corporations) subject to regulation, the cost of administering this act; prescribing and regulating practice and procedure before the commission and procedure for review by the courts of commission action; giving the court of common pleas of Dauphin County exclusive original jurisdiction over certain proceedings; prescribing penalties, fines, and imprisonment for violations of the provisions of this act and regulations and orders of the commission, and the procedure for enforcing such fines and penalties; and repealing legislation supplied and superseded by or inconsistent with this act," as amended, by revising and changing certain provisions of said act relating to the jurisdiction and power of the commission with respect to the

transfer and acquisition of property, the issuance of securities and the prescription of temporary rates; providing for the collection of certain fees; further defining the jurisdiction of the commission with respect to the furnishing or rendering of public utility service by the operating agency of any municipal corporation; further defining and clarifying certain penalties; repealing provisions of the act relating to the filing with, and approval by, the commission of budgets of public utilities and contracts between public utilities and municipalities; and otherwise clarifying and revising the provisions of said act.

Referred to the Committee on Public Utilities.

By Messrs. CURRAN and ROYER.

HOUSE BILL No. 1125.

An Act to further amend Sections 2, 202, 203, 305, 403, 404, 407, 408, 409, 410, 411, paragraph (14) of Section 602, paragraph (e) of Section 609, Sections 610 and 701 of the act, approved the twenty-ninth day of November, one thousand nine hundred and thirty-three (P. L. 15, 1933-34), entitled as amended "An act to regulate and restrain the sale, manufacture, possession, transportation, importation, traffic in, and use of alcohol, and alcoholic and malt or brewed beverages; conferring powers and imposing duties upon the Pennsylvania Liquor Control Board and its agents, the Department of Public Instruction, other officers of the State government, courts, and district attorneys; authorizing the establishment and operation of State stores for the sale of such beverages not for consumption on the premises, and the granting of licenses, subject to local option, to sell such beverages for consumption on and off the premises; prohibiting importation or bringing of such beverages into the State except as herein provided; prohibiting certain sales or practices in, connection with, and transactions in, such beverages by licensees and others; providing for the forfeiture of certain property; making disposition of the receipts from State stores and of fees; and imposing penalties," by defining "district"; establishing the force of regulations of the board; creating district boards, regulating the appointment of members thereof, and defining their duties and powers; requiring the further advertising applications for licenses, the issuance thereof and appeal from the decisions of the board; providing for hearings before the district boards; increasing fees for licenses, further regulating the revocation and suspension of licenses, and providing for the disposition thereof; providing for the giving of a bond in order to make any appeal a supersedeas; changing the hours during which clubs may sell liquor or malt and brewed beverages; regulating licensees' interlocking business and the issuance of permits for entertainments; prescribing additional penalties for sales to minors; and imposing duties upon municipalities.

Referred to the Committee on Liquor Control.

By Messrs. HAINES and ACHTERMAN.

HOUSE BILL No. 1126.

An Act to amend the act, approved the third day of June, one thousand nine hundred and thirty-seven (P. L. 1225), entitled "An act concerning game and other wild birds and wild animals; and amending, revising, consolidating and changing the law relating thereto," providing that members of the Pennsylvania Game Commission shall be appointed from certain defined districts; fixing a maximum salary for the executive director of the commission; further revising the provisions of said act relating to license tags, the hunting privileges of certain minors, the hours and seasons open for, and lawful methods of hunting and trapping, the possession and transportation of game, fur-bearing animals and firearms, hunting big game by groups, and certain regulatory powers of the commission; authorizing the establishment of wild life refuge projects by sportsmen's organizations; and changing penalties

Referred to the Committee on Game.

By Mr. TAYLOR.

HOUSE BILL No. 1127.

An Act making an appropriation to the Department of Military Affairs for the maintenance and education of children of soldiers, sailors, marines, female field clerks, yeomen (female), and nurses who were killed in action or died during the World War; and conferring certain duties upon the State Veterans' Commission.

Referred to the Committee on Appropriations.

By Mr. PEACOCK. (By request) HOUSE BILL No. 1128.

An Act to facilitate the entry and satisfaction of municipal and tax claims and liens in the office of the prothonotary; authorizing and requiring the prothonotary to liquidate and accept payment of and satisfy said claims and liens, and requiring certain political subdivisions to certify to the prothonotary, sheriff, and county treasurer, the names of their solicitors, and providing penalties for their failure so to do.

Referred to the Committee on Municipal Corporations.

By Mr. ROYER.

HOUSE BILL No. 1129.

An Act authorizing the Department of Property and Supplies to acquire by purchase, or gift, or lease on behalf of the Commonwealth of Pennsylvania the real estate and personal property of the Seventh Day Baptists of Ephrata in whole or in part; to provide for the control, management and supervision of the property when acquired by the Pennsylvania Historical Commission; authorizing the Commission to make and enforce rules and regulations for its preservation and visitation and to charge a fee for admission thereto and exhibition thereof.

Referred to the Committee on Appropriations.

By Mr. BRUNNER. (By request). HOUSE BILL No. 1130.

An Act to amend section two of an act approved the twenty-fourth day of May one thousand nine hundred and thirty-three (Pamphlet Laws nine hundred eighty-one) entitled "An act prohibiting the publication printing or radio broadcasting of advertisements or notices of insurance companies associations exchanges or persons not authorized to do business in this Commonwealth requiring certificates from the Insurance Department before accepting insurance advertisements or broadcasting the same by radio and fixing penalties" by permitting the use of copies of certificates.

Referred to the Committee on Insurance.

By Messrs. TROT and KILROY.

HOUSE BILL No. 1131.

An Act to amend the act, approved the twentieth day of May, one thousand nine hundred and thirty-seven, (Pamphlet Laws 728), entitled "An act providing for the creation of a Board of Arbitration of Claims arising from contracts with the Commonwealth; providing for and regulating the procedure in prosecuting claims before such board; defining the powers of the board; and fixing the compensation of members and employees thereof; providing that the awards of such board shall be final; providing for the payment of awards; and authorizing an appropriation" by constituting said board a departmental administrative board in the Department of the Auditor General, by increasing the compensation of the members of said board, by making further provision with regard to the procedure of said board and the disposition by it, and payment, of costs of proceedings before it.

Referred to the Committee on State Government.

By Mr. ALSPACH.

HOUSE BILL No. 1132.

An Act creating an Administrative Law Commission to study and report on rules of procedure for administrative tribunals; and making an appropriation.

Referred to the Committee on Appropriations.

By Mr. HERFRED M. WOOD. HOUSE BILL No. 1133.

An Act to establish as State highways certain sections of public road in the county of Elk; and providing for their construction and maintenance at the expense of the Commonwealth.

Referred to the Committee on Highways.

By Mr. LEISEY.

HOUSE BILL No. 1134.

An Act making an appropriation to the Downingtown Industrial and Agricultural School, Downingtown, Pennsylvania.

Referred to the Committee on Appropriations.

By Mr. TROUT.

HOUSE BILL No. 1135.

An Act prohibiting the use of certain canes, except by blind persons, providing protection against accidents to such persons, and providing penalties for violation hereof.

Referred to the Committee on Welfare.

By Messrs. HEWITT and STEWART.

HOUSE BILL No. 1136.

An Act making an appropriation to the Indiana Volunteer Fire Company for the protection of State property.

Referred to the Committee on Appropriations.

By Mr. STOCKHAM.

HOUSE BILL No. 1137.

An Act empowering corporate authorities of political subdivisions of the Commonwealth to exonerate in whole or in part tax collectors from the collection of taxes on certain real estate and improvements for certain purposes.

Referred to the Committee on Municipal Corporations.

By Mr. LEE.

HOUSE BILL No. 1138.

An Act requiring weighers and samplers of cargo of ships at ports in cities of the first class to be residents of such cities and to be licensed; and providing penalties.

Referred to the Committee on Cities—First Class.

By Mr. SCHROCK.

HOUSE BILL No. 1139.

An Act to amend clause (a) and (b) of section three, of the act approved the first day of July, one thousand nine hundred and thirty-seven (P. L. 2461), entitled "An act providing for the qualifications, examination, appointment, term of office, and removal of Anthracite Mine Inspectors; conferring powers and imposing duties in connection therewith upon the Governor, the Anthracite Mine Inspectors' Examining Board, the Department of Mines, and the courts; and imposing penalties," by changing the qualifications for anthracite mine inspectors.

Referred to the Committee on Mines and Mining.

By Mr. GILLAN.

HOUSE BILL No. 1140.

An Act to amend section nine of the act, approved the second day of June, one thousand nine hundred and thirty-seven (P. L. 1198), entitled "An act relating to employees and organizations thereof; defining labor disputes; prescribing the procedure by which and the conditions under which injunctions may be granted in such disputes, and the scope thereof; declaring certain undertakings and promises between employers and employees contrary to public policy and void; prescribing the nature of proof necessary in actions arising out of labor disputes against persons or associations; prescribing the terms and conditions for bonds to be furnished prior to the issuance of injunctions; prescribing the procedure in case of appeal from granting injunctions; limiting the duration of temporary and permanent injunctions in case of labor

disputes; and providing for the payment of costs; and repealing all acts or parts of acts inconsistent herewith," providing additional cases where restraining orders and temporary and permanent injunctions may be granted.

Referred to the Committee on Judiciary General.

By Mr. GILLAN. HOUSE BILL No. 1141.

An Act making an appropriation to the Trustees of the Pennsylvania State College for repairs to the physical plant at the Mont Alto State Forest School.

Referred to the Committee on Appropriations.

By Messrs. GILLETTE and FISS.

HOUSE BILL No. 1142.

An Act to further amend section five of the act, approved the thirteenth day of June, one thousand eight hundred and thirty-six (P. L. 551), entitled "An act relating to roads, highways and bridges," increasing the maximum width of public roads.

Referred to the Committee on Highways.

By Mr. TARR. HOUSE BILL No. 1143.

An Act to amend section eight of the act, approved the twenty-ninth day of May, one thousand nine hundred and thirty-one (P. L. 280), entitled "An act relating to delinquent taxes on seated lands, and prescribing interest charges on nonpayment thereof; requiring the receivers and collectors of county, city, borough, town, township, school district and poor district taxes to make return to the county commissioners of such unpaid taxes, and providing for the lien thereof; authorizing the county treasurers to collect such taxes, and to sell seated lands at public sale for taxes heretofore or hereafter returned as unpaid; and authorizing the county commissioners to purchase such lands and resell the same under certain circumstances," as amended; providing that the commission deducted by the county treasurer from the purchase money and taxes received or collected by him shall belong to the county and not to him personally.

Referred to the Committee on Municipal Corporations.

By Mr. DAVID P. REESE. HOUSE BILL No. 1144.

An Act to amend the title and Section 3 of the Act approved the 12th day of May 1897 (P. L. 63) entitled: "To prevent and punish the loan, gift, sale or distribution of indecent and immoral writings, printings, pictures, photographs, or representations of all matters of an indecent or immoral character, and of all articles, drugs, recipes, et cetera, to prevent conception, or to produce unlawful abortion, or intended or purporting to be used for such purposes, or either of them, and also to prevent the advertisement, exhibition or publication of the same, and to authorize the seizure and destruction of all such matter," by extending provisions thereof to include the sale, loan, gift, and distribution of printed matter extolling crimes and deeds of violence, and imposing certain duties upon the District Attorneys.

Referred to the Committee on Judiciary Special.

By Mr. HARBESON. (By request)

HOUSE BILL No. 1145.

An Act directing the Governor to proclaim certain days each year as Arbor and Bird Days; providing for a Conservation Week; directing suitable observance of Arbor and Bird Day in the public schools; and imposing certain duties upon superintendents and teachers.

Referred to the Committee on Elections.

By Mr. DAVID P. REESE. HOUSE BILL No. 1146.

An Act to further amend section three hundred six of the act, approved the second day of June, one thousand nine hundred and fifteen (P. L. 736), entitled as amended "An act defining the liability of an employer to pay damages for injuries received by an employee in the course of employment; establishing an elective schedule of compensation; providing procedure for the determination of liability and compensation thereunder; and prescribing penalties," by adding thereto subsection (h) relating to hernias.

Referred to the Committee on Workmens' Compensation.

By Mr. ALSPACH. HOUSE BILL No. 1147.

An Act to amend Section fifteen hundred and nine of the Act approved the eighteenth day of May, one thousand nine hundred and eleven, (Pamphlet Laws 309) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith," by providing that the board of directors of any school district may appropriate funds to pay for medical examinations for tuberculosis for pupils, teachers, janitors or other employees.

Referred to the Committee on Education.

By Mr. THISTLE. HOUSE BILL No. 1148.

An Act making an appropriation to the Department of Revenue, to defray the expenses of investigation and litigation in the estate of Henrietta E. Garrett, deceased.

Referred to the Committee on Appropriations.

By Mr. MUIR. HOUSE BILL No. 1149.

An Act to further amend section seventeen of the act, approved the twenty-seventh day of June, one thousand nine hundred and twenty-three (P. L. 858), entitled "An act establishing a State employees' retirement system, and creating a retirement board for the administration thereof; establishing certain funds from contributions by the Commonwealth and contributing State employees, defining the uses and purposes thereof and the manner of payments therefrom, and providing for the guaranty by the Commonwealth of certain of said funds; imposing powers and duties upon the heads of departments in which State employees serve; excepting annuities, allowances, returns, benefits, and rights from taxation and judicial process; and providing penalties," authorizing payment by the board to a credit union where rights have been assigned, and the note is unpaid; and empowering the board to make additional deductions from member's salary for the repayment of such amounts into the member's savings account.

Referred to the Committee on Banking.

By Mr. SETH W. BROWN. HOUSE BILL No. 1150.

An Act to amend paragraph (b) of section three, and section four of the act, approved the first day of July, one thousand nine hundred and thirty-seven (P. L. 2461), entitled "An act providing for the qualifications, examination, appointment, term of office, and removal of Anthracite Mine Inspectors; conferring powers and imposing duties in connection therewith upon the Governor, the Anthracite Mine Inspectors' Examining Board, the Department of Mines, and the courts; and imposing penalties," by changing qualifications of applicants for examination as inspectors and the average to be attained in examinations to be deemed successful.

Referred to the Committee on Mines and Mining.

By Mr. WILSON.

HOUSE BILL No. 1151.

An Act to further amend sections seven, eleven and sixteen of the act, approved the seventh day of August, one thousand nine hundred thirty-six (P. L. 106), entitled "An act relating to flood control; prescribing the powers and duties of the Water and Power Resources Board of the Department of Forests and Waters in relation to the creation of flood control districts, adoption of plans for flood control works and improvements, carrying into effect of such plans, assistance, aid and cooperation with public and private agencies and the Federal Government in Federal flood control works and improvements, and entering into compacts and agreements with other states for flood control works and improvements; conferring the power of eminent domain; imposing certain charges upon the Commonwealth; providing for appeals; and conferring certain powers on municipalities, counties, and townships, the Department of Highways and the Department of Property and Supplies," limiting the powers of the Water and Power Resources Board as they affect property rights and public and private business.

Referred to the Committee on Forestry.

By Mr. CURRAN.

HOUSE BILL No. 1152.

An Act to repeal section 1033 (a) (b) (c) (d) and penalty as provided in section sixteen, Act number four hundred forty-seven, approved June 29, A. D. 1937, which act is entitled "An act to amend the act, approved the first day of May, one thousand nine hundred twenty-nine, (Pamphlet Laws nine hundred five), entitled 'An act for the protection of the public safety; regulating the use of highways; and the operation of vehicles, tractors, street cars, trackless trolley omnibuses, bicycles, pedestrians, and the riding of animals upon the highways of this Commonwealth; providing for the titling, including liens, encumbrances and legal claims; registration of certain vehicles and licensing the operators thereof, upon payment of prescribed fees; prescribing and limiting the powers of local authorities to deal with the subject matter of this act; conferring powers and imposing duties upon the Department of Revenue, the Department of Highways, peace officers, mayors, burgesses, magistrates, aldermen, justices of the peace, the courts and the clerks thereof, owners of vehicles, and garage keepers; providing that records are admissible as evidence; imposing upon owners, counties, cities, boroughs, incorporated towns, townships, within the Commonwealth, liability for damages caused by the negligent operation of their motor vehicles; imposing penalties; imposing certain costs upon counties; providing for the disposition of fines, forfeitures, fees, and miscellaneous receipts; making an appropriation and providing for refunds,' as amended, by adding new sections further regulating the use of highways and the operation of and the equipment used in connection with vehicles, including trailers and semi-trailers, street cars, trackless trolley omnibuses, school buses, and commercial motorcycles, upon the highways of this Commonwealth; providing exemptions; extending certain provisions of the act to trailers and semi-trailers; providing for the renewal and automatic satisfaction of encumbrances and liens, and further amending the procedure relating thereto; providing for the further registration including additional requirements, reciprocity agreements, and additional reasons for suspension and revocation; conferring additional powers and imposing additional duties upon the Department of Revenue and the Department of Highways; further imposing upon municipalities within the Commonwealth liability for damages caused by the negligent operation of fire department equipment; changing the procedure, disposition of fines, and penalties for certain violations of the act, and making the fines thereunder mandatory; and extending existing penalties, and providing additional penalties.

Referred to the Committee on Motor Vehicles.

By Mr. WOODSIDE.

HOUSE BILL No. 1153.

An Act to further amend section six hundred and fourteen B, of the Act approved the fifteenth day of May one thousand nine hundred and thirty-three (Pamphlet Laws 624), entitled "An act relating to the business of banking and to the exercise of fiduciary powers by corporations providing for the organization of corporations with fiduciary powers and of banking corporations with or without fiduciary powers including the conversion of National banks into State banks and for the licensing of private bankers defining the rights, powers, duties, liabilities and immunities of such corporations of existent corporations authorized to engage in a banking business with or without fiduciary powers of private bankers and of the officers, directors, trustees, shareholders, attorneys, and other employes of all such corporations or private bankers or of affiliated corporations associations or persons restricting the exercise of banking powers by any other corporation, association, or person and of fiduciary powers by any other corporation conferring powers and imposing duties upon the courts, prothonotaries, recorders of deeds, and certain State departments, commissions and officers imposing penalties and repealing certain acts and parts of acts," by changing the liability of common shareholders of banks.

Referred to the Committee on Banking.

By Mr. LEE.

HOUSE BILL No. 1154.

An Act to repeal the act, approved the eighth day of April, one thousand nine hundred and thirty-seven (P. L. 255), entitled "An act relating to counties of the first class, and the duties of the recorders of deeds thereof in connection with the collection of certain fees and taxes payable to the Commonwealth, and making provision for the disposition of the compensation therefor heretofore received by such recorders of deeds."

Referred to the Committee on Cities—First Class.

By Mr. LEE.

HOUSE BILL No. 1155.

An Act to repeal the act approved the eighth day of April, one thousand nine hundred and thirty-seven, (P. L. 284), entitled "An act requiring county officers and persons formerly occupying county offices in counties of the first class to pay over to the county treasurer for safekeeping certain unclaimed moneys, and providing for the payment of such moneys out of the county treasury to claimants, and for the escheat of unclaimed moneys."

Referred to the Committee on Cities—First Class.

By Mr. GILLAN.

HOUSE BILL No. 1156.

An Act relating to the grading and sale of certain farm products; providing penalties for violations; and imposing duties upon the Department of Agriculture.

Referred to the Committee on Agriculture.

By Mr. LEE.

HOUSE BILL No. 1157.

An Act to repeal the act approved the eighth day of April, one thousand nine hundred and thirty-seven, (P. L. 256), entitled "An act relating to counties of the first class, and the duties of the treasurers thereof in connection with the collection of certain taxes, fees, license taxes, and license fees payable to the Commonwealth, and making provision for the disposition of the compensation therefor heretofore received by such treasurers."

Referred to the Committee on Cities—First Class.

By Mr. PEALE.

HOUSE BILL No. 1158.

An Act to repeal section five and to amend section six of the act, approved the fourteenth day of April, one thousand nine hundred and thirty-seven, (P. L. 297), entitled

"An act to provide for the leasing of land within the beds of streams, lakes and other bodies of water, wholly or partly within, or forming part of, the boundary of this Commonwealth, when such land is owned by the Commonwealth; conferring powers and imposing duties upon the Water and Power Resources Board; requiring lessees to establish an amortization fund for improvements placed or erected upon such land; granting certain preference and exemption rights to municipalities of the Commonwealth; and prescribing penalties," removing the provisions of said act requiring lessees to establish an amortization fund, and granting preference to former lessees upon the expiration of their lease, and further regulating the making of new leases.

Referred to the Committee on State Government.

By Mr. PEALE.

HOUSE BILL No. 1159.

An Act to further amend clause eight of section one thousand two hundred and ten of the act approved the eighteenth day of May, one thousand nine hundred and eleven, (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof that are or may be inconsistent therewith," by changing the minimum salary of county superintendents.

Referred to the Committee on Education.

By Mr. FLEMING.

HOUSE BILL No. 1160.

An Act to amend sections four hundred and eight and four hundred and twenty of the act approved the third day of June, one thousand nine hundred and thirty-three, (P. L. 1449), entitled "An act establishing a court of record in the county of Allegheny for control, care, guidance, treatment, trial, placement and commitment of delinquent, neglected and dependent children under sixteen years of age and of persons over sixteen years of age contributing to or encouraging delinquency, neglect or dependency of children; defining the jurisdiction and powers of the court, and regulating procedure therein; providing for the transfer thereto of certain powers, functions and duties from other courts, providing for the election of judges thereof, the appointment of probation officers, other necessary staff officials and assistants; providing for housing of same, and providing for detention facilities; making the contributing to or encouraging of the delinquency, neglect or dependency of children a misdemeanor; and providing penalties," by authorizing the court in certain cases to impose costs upon certain institution districts.

Referred to the Committee on Judiciary Special.

By Mr. FLEMING.

HOUSE BILL No. 1161.

An Act establishing in each borough, township and ward of counties of the second class, a separate justice of the peace or alderman district; providing for the election of such justices of the peace and aldermen; prescribing their powers and duties; imposing upon such counties the cost of establishment and maintenance of justices of the peace and aldermen's courts, including the payment of all salaries; fixing salaries and restricting justices of the peace and aldermen to duties of office and repealing inconsistent acts.

Referred to the Committee on Cities—Second Class.

By Mr. FLEMING.

HOUSE BILL No. 1162.

An Act to amend section forty-nine by adding thereto clause (g), and to further amend clause (k) of section fifty-nine of the act, approved the seventh day of June,

one thousand nine hundred and seventeen, (P. L. 447), entitled as amended "An act relating to the administration and distribution of the estates of decedents and of minors, and of trust estates; including the appointment, bonds, rights, powers, duties, liabilities, accounts, discharge and removal of executors, administrators, guardians, and trustees herein designated as fiduciaries; the administration and distribution of the estates of presumed decedents; widow's and children's exemptions; debts of decedents, rents of real estate as assets for payment thereof, the lien thereof, sales and mortgages of real estate for the payment thereof, judgments and executions therefor and the discharge of real estate from the lien thereof; contracts of decedents for the sale or purchase of real estate; legacies, including legacies charged on land; the discharge of residuary estates and of real estate from the lien of legacies and other charges; the appraisal of real estate devised at a valuation; the ascertainment of the curtilage of dwelling houses or other buildings devised; the abatement and survival of actions, and the substitution of executors and administrators therein; the survival of causes of action and suits thereupon by or against fiduciaries; investments by fiduciaries; the organization of corporations to carry on the business of decedents; the audit and review of accounts of fiduciaries; refunding bonds; transcripts to the court of common pleas of balances due by fiduciaries; the rights, powers, and liabilities of nonresident and foreign fiduciaries; the appointment, bonds, rights, powers, duties and liabilities of trustees durante absentia; the recording and registration of decrees, reports and other proceedings, and the fees therefor; appeals in certain cases; and, also, generally dealing with the jurisdiction, powers, and procedure of the orphans' court in all matters relating to fiduciaries concerned with the estates of decedents," by providing for the appointment of substitute fiduciaries to execute decrees of distribution in certain cases and by altering the procedure and requirements for the appointment of guardians ad litem.

Referred to the Committee on Judiciary General.

By Mr. FULLERTON.

HOUSE BILL No. 1163.

An Act to further amend section one thousand thirty-five of the act, approved the fourth day of May, one thousand nine hundred twenty-seven (P. L. 519), entitled "An act concerning boroughs, and revising, amending, and consolidating the law relating to boroughs," by changing contents of auditors' statement.

Referred to the Committee on Boroughs.

By Mr. FLEMING.

HOUSE BILL No. 1164.

An Act to amend clause (b) two of section eight of the act, approved the seventh day of June, one thousand nine hundred and seventeen (P. L. 363), entitled "An act relating to the organization, jurisdiction, and procedure of the orphans' courts; the powers and duties of the judges thereof; and appeals therefrom," by authorizing the omission of certain parts of accounts and auditors' reports from the dockets of such courts.

Referred to the Committee on Judiciary General.

By Messrs. SEIF and SHAW.

HOUSE BILL No. 1165.

An Act to further amend section four of the act approved the twenty-eighth day of May, one thousand nine hundred and fifteen (Pamphlet Laws, five hundred ninety-six), entitled "An act requiring cities of the second class to establish a pension fund for employes of said cities, and regulation the administration and the payment of such pensions," allowing pensions to certain persons heretofore or hereafter dismissed.

Referred to the Committee on Cities—Second Class.

By Mr. G. R. THOMPSON. HOUSE BILL No. 1166.

An Act to amend section four hundred and twelve of the act approved the third day of June, one thousand nine hundred and thirty-seven (P. L. 1333), entitled "An act concerning elections, including general, municipal, special and primary elections, the nomination of candidates, primary and election expenses and election contests; creating and defining membership of county boards of elections; imposing duties upon the Secretary of the Commonwealth, courts, county boards of elections, county commissioners; imposing penalties for violation of the act, and codifying, revising and consolidating the laws relating thereto; and repealing certain acts and parts of acts relating to elections," by vesting power in the commissioners of certain counties to fix the compensation of judges of election, clerks and inspectors conducting primaries and elections.

Referred to the Committee on Elections.

By Mr. WOODSIDE. HOUSE BILL No. 1167.

An Act relating to the superannuated members of the State Employees' Retirement System and preserving retirement rights in case of sudden and unexpected death.

Referred to the Committee on State Government.

By Mr. WOODSIDE. HOUSE BILL No. 1168.

An Act making an appropriation to the Joint State Government Commission.

Referred to the Committee on Appropriations.

By Mr. WOODSIDE. HOUSE BILL No. 1169.

An Act to amend section 1104 and sections 1105, 1121, 1127 and 1134 as amended of the act approved the eighteenth day of May, one thousand nine hundred eleven (Pamphlet Laws 309) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith;" providing for and regulating the tenure of office and salaries of county and assistant county superintendents and district and assistant district superintendents.

Referred to the Committee on Education.

By Mr. WOODSIDE. HOUSE BILL No. 1170.

An Act providing for practical arts and vocational agriculture, home economics, industrial and commercial schools and classes, through public school districts and in cooperation with employment offices for the training, retraining, instruction, and adjustment of out-of-school, unadjusted individuals in order to enable them to enter, re-enter, or continue employment under changing conditions; conferring powers and imposing duties upon the Superintendent of Public Instruction, and making an appropriation.

Referred to the Committee on Education.

By Messrs. MUIR and WOODSIDE.
HOUSE BILL No. 1171.

An Act to amend Section 1109-1, as added, and section one thousand one hundred and eleven of the act, approved the fifteenth day of May, one thousand nine hundred and thirty-three (P. L. 624), entitled "An act relating to the business of banking, and to the exercise of fiduciary powers by corporations; providing for the organization of corporations with fiduciary powers, and of banking corporations, with or without fiduciary powers, including the conversion of National banks into State

banks, and for the licensing of private bankers; defining the rights, powers, duties, liabilities, and immunities of such corporations, of existent corporations authorized to engage in a banking business, with or without fiduciary powers, of private bankers, and of the officers, directors, trustees shareholders, attorneys, and other employees of all such corporations or private bankers, or of affiliated corporations, associations, or persons; restricting the exercise of banking powers by any other corporation, association, or person, and of fiduciary powers of any other corporation; conferring powers and imposing duties upon the courts, prothonotaries, recorders of deeds, and certain State departments, commissions, and officers; imposing penalties; and repealing certain acts and parts of acts," further providing for the powers and limitations upon powers of corporations with fiduciary powers.

Referred to the Committee on Judiciary General.

By Mr. KNOBLE. HOUSE BILL No. 1172.

An Act making an appropriation from the State Stores Fund to the State Employees' Retirement Board to meet the obligations of the Commonwealth to the State Employees' Retirement System with respect to State employees receiving compensation from the State Stores Fund.

Referred to the Committee on Appropriations.

By Mr. KNOBLE. HOUSE BILL No. 1173.

An Act making an appropriation from the Game Fund to the State Employees' Retirement Board to meet the obligations of the Commonwealth to the State Employees' Retirement System with respect to State employees receiving compensation from the Game Fund.

Referred to the Committee on Appropriations.

By Mr. KNOBLE. HOUSE BILL No. 1174.

An Act making an appropriation from the Motor License Fund to the State Employees' Retirement Board to meet the obligations of the Commonwealth to the State Employees' Retirement System with respect to State employees receiving compensation from the Motor License Fund.

Referred to the Committee on Appropriations.

By Mr. KNOBLE. HOUSE BILL No. 1175.

An Act making an appropriation from the State Workmen's Insurance Fund to the State Employees' Retirement Board to meet the obligations of the Commonwealth to the State Employees' Retirement System with respect to State employees receiving compensation from the State Workmen's Insurance Fund.

Referred to the Committee on Appropriations.

By Mr. KNOBLE. HOUSE BILL No. 1176.

An Act making an appropriation from the Banking Department Fund to the State Employees' Retirement Board to meet the obligations of the Commonwealth to the State Employees' Retirement System with respect to State employees receiving compensation from the Banking Department Fund.

Referred to the Committee on Appropriations.

By Mr. KNOBLE. HOUSE BILL No. 1177.

An Act making an appropriation from the Fish Fund to the State Employees' Retirement Board to meet the obligations of the Commonwealth to the State Employees' Retirement System with respect to State employees receiving compensation from the Fish Fund.

Referred to the Committee on Appropriations.

By Mr. KNOBLE.

HOUSE BILL No. 1178.

An Act making an appropriation from the Manufacturing Fund to the State Employees' Retirement Board to meet the obligations of the Commonwealth to the State Employees' Retirement System with respect to State employees receiving compensation from the Manufacturing Fund.

Referred to the Committee on Appropriations.

By Messrs. BRUNNER and ATKINS.

HOUSE BILL No. 1179.

An Act to consolidate, revise and amend the laws relating to penal proceedings and pleadings.

Referred to the Committee on Judiciary Special.

By Messrs. MATTHEWS and KANE.

HOUSE BILL No. 1180.

An Act to further amend sections five hundred one and five hundred two of, and to add section five hundred four to, Article five, of the act approved the twenty-ninth day of November, one thousand nine hundred and thirty-three, (P. L. 15), entitled as amended, "An act to regulate and restrain the sale, manufacture, possession, transportation, importation, traffic in, and use of alcohol, and alcoholic and malt or brewed beverages; conferring powers and imposing duties upon the Pennsylvania Liquor Control Board and its agents, the Department of Public Instruction, other officers of the State government, courts, and district attorneys; authorizing the establishment and operation of State stores for the sale of such beverages not for consumption on the premises, and the granting of licenses, subject to local option, to sell such beverages for consumption on and off the premises; forbidding importation or bringing of such beverages into the State except as herein provided; prohibiting certain sales or practices in, connection with, and transactions in such beverages by licensees and others; providing for the forfeiture of certain property; making disposition of the receipts from State stores and fees; and imposing penalties," extending local option to counties and residence districts; defining residence district; and fixing the number of petitioners required to submit local option to voters.

Referred to the Committee on Liquor Control.

By Mr. MATTHEWS.

HOUSE BILL No. 1181.

An Act to further amend section thirty-one as renumbered section thirty-two of the act, approved the third day of May, one thousand nine hundred and thirty-three (P. L. 252), entitled, as amended, "An act to regulate and restrain the traffic in malt and brewed beverages, as herein defined; providing for the licensing of the manufacture, transportation, sale and distribution of such beverages; imposing license and permit fees, and providing for collection and distribution thereof; restricting ownership and interest in licensed places; permitting municipalities and townships, by vote of the electors, to prevent the licensing therein of places where such beverages may be sold for consumption on the premises, and regulating elections for this purpose; imposing duties upon the Pennsylvania Liquor Control Board, quarter sessions courts, district attorneys, the Department of Justice, proper authorities of political subdivisions of the State, and election officers; providing penalties; and repealing existing acts," extending local option to counties and residence districts; defining residence districts; and fixing the number of petitioners required to submit local option to voters.

Referred to the Committee on Liquor Control.

SENATE MESSAGES

SENATE BILL FOR CONCURRENCE

The Clerk of the Senate being introduced, presented for concurrence bill numbered and entitled as follows:

SENATE BILL No. 83. (HOUSE BILL No. 1182).

An Act to amend section one of the act, approved the twenty-fifth day of April, one thousand nine hundred twenty-nine (P. L. 694), entitled "An act providing for the payment monthly by the counties to the Department of Revenue of the expenses of keeping convicts in State penitentiaries," by imposing upon the State the keeping of certain convicts.

Referred to the Committee on State Government.

RESOLUTION FOR CONCURRENCE

The Clerk of the Senate being introduced presented an extract from the Journal of the Senate, which was read as follows:

In the Senate, April 3, 1939.

Whereas, in the borough of Aliquippa in this Commonwealth, a Mario Izzo an Italian immigrant who, forced on relief by lack of employment, voluntarily swept the streets of his neighborhood as a return for the relief granted him by this Commonwealth; and

Whereas, this conduct on the part of Mario Izzo was highly exemplary of the gratitude that ought to prevail in the hearts of all men for the blessings conferred by American Citizenships; and

Whereas, the borough of Aliquippa is raising funds to erect a monument to the memory of the said Mario Izzo who was recently struck by death:

Therefore Be It Resolved (if the House of Representatives concurs), That it is the wish of this General Assembly that the Department of Public Assistance, the Department of Property and Supplies, the Department of Highways and the Department of Public Instructions do render their cooperation to the borough of Aliquippa with material and advisory assistance to the end that a modest and fitting monument may be erected to the memory of the said Mario Izzo; and

Be It Further Resolved (if the House of Representatives concur), That copies of this resolution be sent to the Secretaries of the Departments therein mentioned and also to the borough council of Aliquippa and the family of the said Mario Izzo.

Ordered, That the Clerk present the same to the House of Representatives for its concurrence.

The SPEAKER. The resolution is referred to the Committee on Rules.

RESOLUTIONS INTRODUCED AND REFERRED

By Mr. LOVETT.

RESOLUTION No. 63.

House of Representatives, April 3, 1939.

Whereas, on Monday evening, March 27, Senator Joseph F. Guffey and Senator James J. Davis addressed the General Assembly of this Commonwealth in compliance with Resolution No. 14, and

Whereas, the addresses were of great interest to the citizens of this Commonwealth and should be made available for distribution; and therefore be it

Resolved, that the addresses of Senators Joseph F. Guffey and James J. Davis delivered on the evening of March 28, 1939, before this General Assembly, be printed in the Legislative Journal; and be it further

Resolved, that the Clerk of this House shall send a copy of the Legislative Journal containing the two said addresses, to the President of the United States and to the President of the Senate, and the Speaker of the House of Representatives of the Congress of the United States.

Referred to the Committee on Rules.

By Mr. HOYT.

Concurrent RESOLUTION No. 64.

In the House of Representatives, March 31, 1939.

Whereas, The Commonwealth of Pennsylvania through the Department of Education, requires the teaching of Physical Education, including athletic contests, in our public schools; and

Whereas, The purpose of such teaching is to enhance the physical development and health of our boys and girls; and

Whereas, An independent agency, the Pennsylvania Interscholastic Athletic Association has been set up to supervise and regulate such inter-school contests; and

Whereas, One of the declared planks in the by-laws of the said Pennsylvania Interscholastic Athletic Association is the preservation of the health of the athletes participating in these contests; and

Whereas, The trend of the Pennsylvania Interscholastic Athletic Association as at present administered, is away from this laudable purpose and noticeably toward commercialism, for the gain and profit of the said Pennsylvania Interscholastic Athletic Association; and

Whereas, The Secretary of the Pennsylvania Interscholastic Athletic Association has shown gross arrogance and a disposition to punish any school system that dares to protest or oppose his high-handed and arbitrary decrees; therefore be it

Resolved (if the Senate concur), That this General Assembly authorizes the appointment of a joint legislative committee, composed of three representatives, to be appointed by the Speaker of the House, and two senators to be appointed by the President Pro Tempore of the Senate, to make an investigation of the Pennsylvania Interscholastic Athletic Association set-up and report back on the advisability of placing the duties and responsibilities thereof, under the jurisdiction of the State Department of Education.

Referred to the Committee on Rules.

By Mr. EDWIN F. THOMPSON. RESOLUTION No. 65.

In the House of Representatives, March 31, 1939.

Whereas, For sometime the citizens of Pennsylvania have been endeavoring to obtain a colored battalion of infantry in the Commonwealth of Pennsylvania; and

Whereas, The General Assembly has passed acts on several occasions requesting the authorization from Congress for the Adjutant General of this Commonwealth to organize and equip a colored battalion of infantry in this Commonwealth; therefore be it

Resolved, That the House of Representatives of the Commonwealth of Pennsylvania hereby memorializes the Congress of the United States to authorize and empower the Adjutant General of the Commonwealth of Pennsylvania to organize and equip a colored battalion of infantry in the Commonwealth of Pennsylvania; and be it further

Resolved, That a copy of this resolution be transmitted to the President of the Senate and the Speaker of the House of Representatives of the Congress of the United States by the Chief Clerk of this House.

Referred to the Committee on Federal Relations.

By Messrs. LOVETT and BROAD.

Concurrent RESOLUTION No. 66.

In the House of Representatives, April 3, 1939.

Whereas, Demand for Old Age Pensions is one of the foremost social security issues of the day, and

Whereas, In the past, the cost of caring for the aged has been borne almost entirely by relatives and friends of the aged persons in need. Because of the great number of aged persons included in the lists of the unemployed this burden has exhausted the savings of the working people and has depressed their living standards and is rapidly demoralizing their social standards, and

Whereas, Because of these reasons and many others, a great deal of pressure is put upon the Representatives of the people to pass legislation designed to relieve the situation, and

Whereas, There are thousands of worthy Pennsylvania Citizens who have given their full support to candidates for office who have promised them that action would be taken on such pension systems as are presented in Congress and in our State Legislature, particularly, one system known to all as the Townsend Plan of Old Age Pensions, and

Whereas, There has been introduced in the Congress of the United States House Bill No. 2, embodying the features of the Townsend Plan, and

Whereas, Many persons have petitioned their Representatives that action be taken on House Bill No. 2, and

Whereas, This issue is vital and all important if recovery is to become a reality in our Commonwealth and Nation and aside from political beliefs and affiliations this subject is deserving of immediate and sincere consideration from all persons who represent the people of this State and Nation, and

Therefore Be It Resolved, and It Is Resolved, (if the House of Representatives concur), That this General Assembly does hereby memorialize the Representatives in Congress to vote for immediate consideration of House Bill No. 2, known as the Townsend Plan, and

Be It Further Resolved, That copies of this resolution be sent, the Speaker of the House of Representatives of Washington, the Chairman of the House Ways and Means Committee and the President Pro Tempore of the United States Senate and a copy be forwarded to the President of the United States.

Referred to the Committee on Federal Relations.

BILLS ON FIRST READING

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 423, entitled:

An Act to amend section five (a) as added to and section nine as amended of the act approved the seventeenth day of May one thousand nine hundred and seventeen (P. L. 224) entitled "An act preventing the manufacture sale or transportation within the Commonwealth of adulterated or misbranded paris green lead arsenates lime-sulphur compounds and other insecticides and fungicides and regulating traffic therein providing for inspection of such materials and imposing penalties" by providing for the registration of insecticides and fungicides by manufacturers outside of the Commonwealth and changing penalties.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 664, entitled:

An Act suspending the taking effect of certain laws with respect to transportation reimbursement to school districts of the Commonwealth for tuition transportation vocational education and employment of certain employees.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

THE SPEAKER (Ellwood J. Turner) IN THE CHAIR.

The SPEAKER. The Chair thanks the gentleman from Tioga, Mr. Snyder, for presiding.

BILL ON SECOND READING

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 337, entitled:

An Act to authorize cities boroughs incorporated towns townships and school districts to file suggestions of non-

payment and averments of default or to sue out writs of scire facias on certain tax or municipal claims and to revive judgments where the lien of such claims or the judgments thereon have been lost and providing for the reinstatement of the liens of such claims and judgments

The first section was read as follows:

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Whenever any city borough incorporated town township or school district has heretofore filed in the office of the prothonotary of the proper county any tax or municipal claim and the city borough incorporated town or township or school district has not within the period of five years after the date on which any such claim was filed sued out a writ of scire facias to reduce the same to judgment or in the case of a tax claim has not within said period of five years filed a suggestion of non-payment and an averment of default or whenever any writ of scire facias has been issued to reduce any such claim to judgment and by reason of defense or any other court proceedings judgment has not been entered within the period of five years after the date on which such writ was issued or whenever any such tax or municipal claim has been reduced to judgment and the city borough incorporated town township or school district has not within the period of five years after the date on which such judgment was entered or within five years after the date on which such judgment was last revived filed a suggestion of non-payment and an averment of default or sued out a writ of scire facias to revive the same then in any such case any such city borough incorporated town township or school district may within six months after the passage and approval of this act issue its praecipe for a writ of scire facias on any such tax or municipal claim and proceed to judgment in the manner provided by law to obtain judgments upon tax or municipal claims or in case a writ of scire facias has been issued but the same has not been reduced to judgment within five years from the date of issuance issue its praecipe for an alias writ of scire facias on any such tax or municipal claim and proceed to judgment in the manner provided by law to obtain judgments upon tax or municipal claims or in the case of a tax claim where no judgment has been entered file a suggestion of non-payment and an averment of default or in the case judgment has been entered on a tax or municipal claim either file a suggestion of non-payment and an averment of default or issue its praecipe for a writ of scire facias on any such judgment and proceed to judgment in the manner provided by law to obtain judgments of revival and such claim or judgment so entered or revived shall be a valid claim or judgment and be a lien upon the real estate upon which it was a lien at the time the claim was filed or the judgment was entered and said claim or judgment may be revived or further revived and collected as other claims or judgments upon tax or municipal claims are revived and collected Provided however That the lien of any such claim or judgment shall not re-attach against any real estate transferred to any purchaser during the time when the lien of any such tax or municipal claim or judgment was lost nor shall the lien of any such claim or judgment impair or affect the priority of the lien of any mortgage or other lien which gained priority because of the failure of the city borough incorporated town township or school district to sue out the writ of scire facias or file a suggestion of non-payment and an averment of default within the five year period or was entered of record during the time the lien of such tax or municipal claim or judgment was lost

On the question,

Will the House agree to the section?

BILL RECOMMITTED

Mr. EWING. Mr. Speaker, I move that this bill be re-

committed to the Committee on Judiciary General for the purpose of further study.

The motion was agreed to.

BILL ON SECOND READING

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 10, entitled:

An Act providing for the conducting of and legalizing lotteries by the State creating a State Lottery Commission and making appropriations

The first section was read as follows:

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 An independent administrative commission to be known as the "State Lottery Commission" is hereby created. The Commission shall consist of the Secretary of Revenue who shall be chairman thereof the Secretary of Welfare the Auditor General and two members to be appointed by the Governor by and with the advice and consent of two-thirds of all the members of the Senate. The appointed members shall be appointed for terms of four years from the date of their appointment and until successors shall have been appointed and qualified. The members of the commission shall serve without compensation

Except as otherwise expressly provided by law the commission shall be subject to all the provisions of the Administrative Code of 1929 and its amendments which apply generally to independent administrative boards and commissions

On the question,

Will the House agree to the section?

BILL RECOMMITTED

Mr. WOODSIDE. Mr. Speaker, I move that this bill be recommitted to the Committee on Appropriations.

On the question,

Will the House agree to the motion?

Mr. FALKENSTEIN. Mr. Speaker I would like to interrogate the gentleman from Dauphin, Mr. Woodside.

The SPEAKER. Will the gentleman from Dauphin permit himself to be interrogated?

Mr. WOODSIDE. I shall, Mr. Speaker.

Mr. FALKENSTEIN. Mr. Speaker, will the gentleman from Dauphin, Mr. Woodside, be kind enough to tell the members of this House whether he made this motion as a personal motion or as the majority floor leader?

Mr. WOODSIDE. Mr. Speaker, it is pretty hard at times to distinguish between an individual motion and a motion made by the majority floor leader, but I am making this motion knowing that it is the will of the majority of the Republican members of the House that the motion be made.

Mr. FALKENSTEIN. Mr. Speaker, will the gentleman from Dauphin please tell me why the bill is being referred to the Committee on Appropriations?

Mr. WOODSIDE. Mr. Speaker, this bill is being referred to the Committee on Appropriations because the act in the first place contains an appropriation, and in the second place the act in order to be put into operation would require some funds, which, of course, would have to be paid out of the General Fund, and therefore would necessitate an appropriation out of the General Fund to at least get it started, in addition to the appropriation which is now set up out of the money realized from the sale of lotteries.

Mr. FALKENSTEIN. Mr. Speaker and members of the House, I ask the members of the House to vote this motion down. The Committee on Law and Order considered this bill since the first day this session has been opened. That Committee considered the bill, they revised it to suit themselves; it had the sympathy of the Committee; it had the Chairman behind it. This bill has caused comment all over the Commonwealth of Pennsylvania. I have received numerous communications both in favor of and against the bill. Various newspapers in Philadelphia have run a forum on it, which indicates that the people are strongly in favor of it. Another newspaper ran a street corner poll, which shows a sentiment strongly in favor of the bill. I feel that after the length of time this bill has been in Committee it is unfair to send it back to the Committee now that it is on second reading. I think we should allow this bill to come up on third reading, when we can thrash out the whole situation. I might say to the membership of the House that this is the only revenue raising measure that has been introduced in this House at this session that will reduce taxes, and I ask the members who want so much for so many things to vote this motion down and allow this bill to remain on the calendar.

Mr. HUNTLEY. Mr. Speaker and members of the House, this bill is one of the many proposals that have been made to raise revenue for the state. It has been reported out of Committee and it seems to me the proper thing to do would be to vote on it. If there are votes enough to send it to the pickling vat there ought to be votes enough to defeat it on the floor of this House. If there are votes enough to keep it from going to the pickling vat, then there should be votes enough to send it to the Senate. It seems to me we are getting no place with this bill. The thing to do is to bring it out on the floor of the House if the members of the House want it, vote for it and then send it to the Senate; if the members of the House do not want it then kill it and get it out of the road.

On the question recurring,

Will the House agree to the motion?

The yeas and nays required by Mr. Falkenstein and Mr. Scanlon and were as follows:

YEAS—128

Achterman,	Dix,	Kowalski,	Shaw,
Ackermann,	Donahue,	Krise,	Shearer,
Allen,	Eckels,	Lee,	Simons,
Alspach,	Ely,	Lelsey,	Sloan,
Auker,	Ewing,	Leydic,	Snyder,
Balliet,	Fisher,	Lichtenwalter,	Stambaugh,
Balthaser,	Fiss,	Madden,	Stockham,
Bardes,	Fleming,	Marr,	Sweeney,
Bennett,	Floor,	Matthews,	Taylor,
Boorse,	Fullerton,	McClester,	Thistle,
Boose,	Gates,	McGarrity,	Thompson, G. R.,
Bower,	Gillan,	McKinney,	Tiemann,
Boyd,	Gillette,	McNally,	Tronzo,
Bretherick,	Goll,	Moser, J. L.,	Trout,
Bronson,	Habbyshaw,	Muir,	VanAllsburg,
Brown, S. W.,	Haines,	O'Dare,	Van Belle,
Brunner,	Hall,	Peacock,	Voorhees,
Burtis,	Hamilton,	Peale,	Wagner,
Cadwalader,	Harbeson,	Preston,	Watkins,
Calvin,	Haudenschild,	Readinger,	Webster,
Carpenter,	Henry,	Reese, D. P.,	Weiss,
Christler,	Hess,	Rhodes,	Wilkinson,
Clark,	Hewitt,	Riley,	Wilson,
Clearwater,	Hindman,	Rose,	Winnier,
Cook,	Hocke,	Roseberry,	Wood, H. M.,
Cooper,	Hoffman, J. N.,	Rothenberger,	Wood, L. H.,
Cordier,	Hoyt,	Royer,	Wood, N.,
Cortese,	James,	Sarge,	Woodside,
Curran,	Johnston,	Schrock,	Yeakel,
Dalrymple,	Jones,	Seif,	Turner,

Denman,
Dick

Kline,
Knoble,

Serrill,

Speaker,

NAYS—48

Andrews,	Fauset,	Melchiorre,	Sarraf,
Baker,	Finnerty,	Mihm,	Scanlon,
Boles,	Harkins,	Mooney,	Schwab,
Boney,	Holland,	Moran,	Skale,
Brancato,	Huntley,	Munley,	Stank,
Brown, H. S.,	Jirolanio,	Powers,	Tarr,
Check,	Keenan,	Reese, R. E.,	Thompson, E. F.,
Chervenak,	Kenehan,	Regan,	Walsh,
Cohen, H. B.,	Levy,	Reynolds,	Welsh, E. B.,
Corrigan,	Lovett,	Rider,	Welsh, M. J.,
Downey,	Malloy,	Rooney,	Westrick,
Falkenstein,	McLane,	Rosenfeld,	Williams,

So the question was determined in the affirmative and the motion was agreed to.

BILL ON SECOND READING

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 514, entitled:

An Act abolishing the office of deputy constable prohibiting the appointment of deputy constables and terminating the terms of those now serving

The first section was read as follows:

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The office of deputy constable in any ward borough or township is hereby abolished On and after the effective date of this act no appointments as deputy constables shall be made except for election purposes or in case of an emergency when recognized as such by the court to which application for such appointment is made All deputy constables appointed for such purposes shall be paid by the county treasurer out of county funds On the thirty-first day of December one thousand nine hundred and thirty-nine the terms of all deputy constables then in office are hereby terminated

On the question,

Will the House agree to the section?

BILL RECOMMITTED

Mr. ACKERMANN. Mr. Speaker, I move that this bill be recommitted to the Committee on Judiciary Special for the purpose of further study.

On the question,

Will the House agree to the motion?

Mr. FLEMING. Mr. Speaker and members of the House, I ask that you vote against this motion. The bill has been thoroughly considered in Committee and in the sub-committee. I feel it has been amended all that is necessary and I see no reason for sending the bill back to be pickled. For that reason I ask each and every member of the House to vote against Mr. Ackermann's motion.

Mr. JACOB L. MOSER. Mr. Speaker and members of the House, this bill does not provide for the compensation of a deputy constable. The bill provides: "All deputy constables appointed for such purposes shall be paid by the county treasurer out of county funds." It does not specify the amount that they are to receive. At the present time county treasurers do not pay deputy constables; they are paid by the elected constables.

On the question recurring,

Will the House agree to the motion?

The yeas and nays were required by Mr. O'Keefe and Mr. Shaw were as follows:

YEAS—76

Ackermann,	Harbeson,	O'Dare,	Stockham,
Alspach,	Hess,	Peacock,	Sweeney,
Balliet,	Hoffman, J. N.,	Peale,	Tahl,
Bennett,	Holland,	Readinger,	Taylor,
Boorse,	Huntley,	Reagan,	Thistle,
Boose,	James,	Robertson,	Thompson, G. R.,
Bretherick,	Johnston,	Rose,	Van Belle,
Brown, S. W.,	Kline,	Roseberry,	Voorhees,
Brunner,	Knoble,	Rothenberger,	Wagner,
Cadwalader,	Kowalski,	Sarge,	Watkins,
Calvin,	Lee,	Sarra,	Weiss,
Carpenter,	Lelsey,	Schrock,	Wilkinson,
Check,	Matthews,	Shearer,	Wilson,
Dalrymple,	McClester,	Simons,	Winner,
Denman,	McGarrity,	Sloan,	Wood, L. H.,
Donahue,	McKinney,	Snyder,	Wood, N.,
Fiss,	Mooney,	Sollenberger,	Woodside,
Habbyslaw,	Moser, F. S.,	Stambaugh,	Yeakel,
Hamilton,	Moser, J. L.,	Stank,	Turner,

Speaker.

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Achterman,	Ewing,	Leydic,	Rosenfeld,
Allen,	Falkenstein,	Lovett,	Schrope,
Andrews,	Finnerty,	Malloy,	Schwab,
Baker,	Fleming,	Marr,	Seif,
Bardes,	Gates,	Moran,	Shaw,
Boles,	Gorski,	O'Brien,	Skale,
Boney,	Haines,	O'Keefe,	Tarr,
Boyd,	Harkins,	Powers,	Thompson, E. F.,
Bronson,	Haudenschild,	Preston,	Tiemann,
Burris,	Hewitt,	Reese, D. P.,	Tronzo,
Cohen, H. B.,	Hindman,	Reese, R. E.,	Walsh,
Cooper,	Hoffman, S. K.,	Regan,	Watkins,
Corrigan,	Jirolanio,	Reynolds,	Welsh, E. B.,
Dick,	Jones,	Rhodes,	Welsh, M. J.,
Dix,	Keenan,	Rider,	Westrick,
Donohoe,	Kenehan,	Rooney,	Williams,

So the question was determined in the affirmative and the motion was agreed to.

BILLS ON SECOND READING

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 598, entitled:

An Act authorizing the compromise of delinquent taxes on real property and the penalties interest and costs due thereon before a tax sale of such real property and providing the procedure in such case

The first section was read as follows:

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Whenever taxes levied by any political subdivision upon real property are now delinquent and such delinquent taxes and the penalties interest and costs due thereon exceed in the opinion of the tax levying authorities the net amount which could be realized at a tax sale of such real property upon which the taxes have been levied it shall be lawful for the tax levying authorities or any of them if the court of common pleas of the county in which such real property is situated shall first have consented thereto to accept in compromise of such delinquent taxes, penalties interest and costs any sum less than the whole amount due and to enter satisfaction of all such taxes on the record.

On the question,

Will the House agree to the section?

Mr. WAGNER. Mr. Speaker, I desire to offer the following amendment.

The SPEAKER. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend Section 1, page 1, line 2, by inserting after the word "property" and before the word "are" the following: "except in counties of the first, second, and third class."

On the question,

Will the House agree to the amendment?

It was agreed to.

On the question,

Will the House agree to the section as amended?

It was agreed to.

The second section was read as follows:

Section 2 Upon the presentation of the petition of any tax levying authority to the court of common pleas of the county setting forth a description of the real property on which such taxes are delinquent the amount of delinquent taxes penalties interest and costs due segregated by years showing also the total amount due to each taxing district the amount offered in compromise thereof the division of the compromise settlement between the taxing districts interested and such other information as may be deemed necessary to the court the court shall fix a day not more than ten days thereafter for a hearing thereon. At least five days' notice of such hearing shall be given to each taxing authority having an interest in such delinquent taxes.

On the question,

Will the House agree to the section?

Mr. WAGNER. Mr. Speaker, I desire to offer the following amendments.

The SPEAKER. The amendments will be read by the Clerk.

The amendments were read by the Clerk as follows:

Amend Section 2, on page 2, by striking out of line 13, after the word "than" the word "ten" and inserting in lieu thereof, the word "twenty"

Amend Section 2, on page 2, by striking out of line 14, after the word "least," the word "five" and inserting in lieu thereof, the word "fifteen"

Amend Section 2, on page 2, by inserting in line 15, after the word "given," the following: "by mail"

Amend Section 2, on page 2, by inserting in line 16, at the end thereof, the following: "and shall also be given by publication three times in a newspaper of general circulation in the city borough town or township in which such real property is situate and in the legal journal if any of the appropriate county."

On the question,

Will the House agree to the amendments?

They were agreed to.

On the question,

Will the House agree to the section as amended?

It was agreed to.

The third, fourth and fifth sections were separately read and agreed to as follows:

Section 3 If after such hearing the court is satisfied that the proposed compromise is proper and to the advantage of the taxing authorities interested or any of them it shall enter a decree approving such compromise settlement with such petitioning tax authority and any other tax authority desiring to join in such settlement or such other settlement as the court may find proper and just The proceeds of such compromise shall be distributed to the respective taxing authorities in proportion to their claims

Section 4 All acts and parts of acts inconsistent with this act are hereby repealed

Section 5 This act shall become effective immediately upon its final enactment.

The title was read as follows:

An Act authorizing the compromise of delinquent taxes on real property and the penalties interest and costs due thereon before a tax sale of such real property and providing the procedure in such case

On the question,

Will the House agree to the title?

Mr. WAGNER. Mr. Speaker, I desire to offer the following amendment.

The SPEAKER. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend title page 1, line 3, by inserting after the word "thereon" and before the word "before" the following: "except in counties of the first, second, and third class."

On the question,

Will the House agree to the amendment?

It was agreed to.

On the question,

Will the House agree to the title as amended?

It was agreed to.

And said bill having been read at length the second time and agreed to as amended.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 276, as follows:

An Act to further amend sections four and twenty-two of the act approved the twenty-seventh day of June one thousand nine hundred twenty-three (Pamphlet Laws eight hundred fifty-eight) entitled "An act establishing a State employees' retirement system and creating a retirement board for the administration thereof establishing certain funds from contributions by the Commonwealth and contributing State employees defining the uses and purposes thereof and the manner of payments therefrom and providing for the guaranty by the Commonwealth of certain of said funds imposing powers and duties upon the heads of departments in which State employees serve excepting annuities allowances returns benefits and rights from taxation and judicial process and providing penalties" by transferring the State Employees' Retirement Board from the Treasury Department to the Department of State and transferring certain appropriations

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section 4 of the act approved the twenty-seventh day of June one thousand nine hundred twenty-three (Pamphlet Laws eight hundred fifty-eight) entitled "An act establishing a State employees' retirement system and creating a retirement board for the administration thereof establishing certain funds from contributions by the Commonwealth and contributing State employees defining the uses and purposes thereof and the manner of payments therefrom and providing for the guaranty by the Commonwealth of certain of said funds imposing powers and duties upon the heads of departments in which State employees serve excepting annuities allowances returns benefits and rights from taxation and judicial process and providing penalties" as last amended by the act approved the eighteenth day of May one thousand nine hundred thirty-seven (Pamphlet Laws six hundred eighty-three) is hereby further amended to read as follows

Section 4 (1) [On the first day of June one thousand nine hundred thirty-seven] Upon the effective date of this act the "State Employees' Retirement Board" shall be transferred from the Treasury Department to the Department of State [to the Treasury Department] and shall consist of the following

(a) The Secretary of the Commonwealth who shall be chairman thereof

(b) The State Treasurer [who shall be chairman thereof]

(c) One member who shall be appointed by the Gov-

ernor of the Commonwealth of Pennsylvania who shall serve until his successor is appointed

(d) Two members of the retirement association elected from among their number in a manner to be approved by those persons named in paragraphs (a) (b) and (c) of this section one to serve for one year one for two years and whose successors shall be elected for a term of three years from among the members of the retirement association in a manner to be approved by the retirement board

A vacancy occurring during a term shall be filled for the unexpired term by the appointment of a successor in the same manner as his or her predecessor Until the establishment of the retirement association and the election of two representatives therefrom the persons named in paragraphs (a) (b) and (c) of this section are empowered to perform the duties of the retirement board

(2) The expenses of the administration of this act by the retirement board exclusive of the payment of retirement allowances and of the other benefits provided for in this act shall be paid by the Commonwealth by biennial appropriations from the general fund made on the basis of estimates submitted by the retirement board The members of the retirement board shall serve without compensation but shall be reimbursed from the aforesaid appropriations for any necessary expenditures and no contributor shall suffer loss of salary or wages through serving on the retirement board

(3) The [State Treasurer] Secretary of the Commonwealth shall with the approval of the Governor appoint a secretary an actuary and such medical clerical and other employes as may be necessary

(4) The compensation of all persons so appointed shall be fixed by the [State Treasurer] Secretary of the Commonwealth with the approval of the Governor and in conformity with the standards established by the Executive Board of this Commonwealth

(5) Subject to the limitations of this act and of law the retirement board shall from time to time establish rules and regulations for the administration of the fund and ledger accounts created by this act and for the transaction of its business

(6) The retirement board shall keep in convenient form such data as shall be necessary for actuarial valuation of the various accounts created by this act

(7) In the years nineteen hundred twenty-seven and nineteen hundred thirty and in every fifth year thereafter the actuary of the retirement board shall make an actuarial investigation into the mortality and service experience of the contributors and beneficiaries as defined in this act and shall make a valuation of the various accounts created by this act and on the basis of such investigation and valuation the retirement board shall

(a) Adopt for the retirement system one or more mortality tables and such other tables as shall be deemed necessary

(b) Certify the rates of deduction from salary necessary to pay the annuities authorized under the provisions of this act and

(c) Certify biennially the amount of appropriation which shall be made by the Commonwealth and other agencies to the State Employees' Retirement Fund which amounts shall be based on estimates furnished by the actuary and shall be credited to the proper accounts created by this act

The General Fund of the Commonwealth shall not be held liable to appropriate the moneys required to build up the reserves necessary for the payment of the State annuities of contributors whose salary or compensation is payable from special operating funds or agreed to be paid by other agencies from moneys not in the State Treasury but the appropriations or payments necessary for such purposes shall be paid into the retirement fund only from moneys in such special operating funds or by such agencies In case any such special fund or agency shall fail to provide the moneys necessary for such purpose then for such period as moneys are not so provided the credits on which the State annuity of such contributors is based shall not be increased but the rights of such contributors

in the retirement system shall nevertheless be continued and payroll deductions shall continue in the case of such contributors to be credited to their member's annuity savings accounts

(8) Immediately after the passage of this act the actuary of the retirement board shall make such investigation of the mortality service and salary experience of the State employees as he shall recommend and the retirement board shall authorize for the purpose of determining upon the proper tables to be prepared and submitted to the retirement board for adoption. On the basis of such investigation and recommendation the retirement board shall adopt such tables and certify such rates as are required in subsections (a) (b) and (c) of paragraph seven immediately preceding. On the basis of such tables the actuary of the retirement board shall immediately after the first day of January nineteen hundred twenty-four make a valuation of the various accounts created by this act

(9) The retirement board shall prepare and have published annually a financial statement showing the condition of the fund and the various accounts created by this act and setting forth such other facts recommendations and data as may be of use in the advancement of knowledge concerning State employees' pensions and annuities and said retirement board shall submit said financial statement to the Governor of the Commonwealth of Pennsylvania and shall file copies in the offices of the Secretary of the Commonwealth of the State Insurance Department and of the head of each department for use of the State employees and the public

(10) Each member of the retirement board shall take an oath of office that he or she will so far as it develops upon him diligently and honestly administer the affairs of said retirement board and that he or she will not knowingly violate or wilfully permit to be violated any of the provisions of law applicable to this act. Such oath shall be subscribed by the member making it and certified by the officer before whom it is taken and shall be immediately filed in the office of the Secretary of the Commonwealth

(11) The retirement board shall keep a record of all its proceedings which shall be open to inspection by the public

(12) The retirement board shall perform such other functions as are required for the execution of the provisions of this act

Section 2 Section twenty-two of the said act as amended by the act approved the eighteenth day of May one thousand nine hundred thirty-seven (Pamphlet Laws six hundred eighty-three) is hereby further amended to read as follows

Section 22 The retirement board created by this act and transferred [from] to the Department of State [to] from the Treasury Department shall be and be deemed a departmental administrative board within the [said department] Department of State and shall be subject in all [respect] respects to the laws of this Commonwealth limiting the powers of departmental administrative boards with regard to the expenditure of money and prescribing the duties of departmental administrative boards with reference to the making of financial reports the furnishing of financial and budgetary information to the department with which it is connected and the making of biennial reports

Section 3 The members officers and employees of the State Employees' Retirement Board which is transferred by this Act from the Treasury Department to the Department of State shall continue to be the members officers and employees of such board and to perform their usual duties upon the same terms and conditions as heretofore until removed or appointed to other positions. Provided however That on and after the effective date of this act the Secretary of the Commonwealth shall be the chairman of the board in lieu of the State Treasurer

Section 4 The unexpended balances existing on the effective date of this act in any appropriations whatsoever made to the Treasury Department for salaries wages or other compensation of the secretary and other employees

and for the general expenses of the State Employees' Retirement Board or for the payment of any moneys into the State Employees' Retirement Fund are hereby transferred and appropriated to the Department of State for the same purposes as expressed in any acts making such appropriations and any such unexpended balances in such appropriations also are hereby appropriated to the Department of State for the payment of any bills or encumbrances incurred by the Treasury Department or the State Employees' Retirement Board prior to and remaining unpaid on the effective date of this act

Section 5 Any acts or parts of acts inconsistent herewith are hereby repealed

Section 6 This act shall become effective immediately upon its final enactment

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 304, as follows:

An Act to amend the act approved the second day of May one thousand nine hundred and twenty-nine (Pamphlet Laws 1278) entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto" by adding thereto section fifty-seven and one-tenth requiring county officers in counties of the sixth class to keep separate from their personal accounts all fees costs and other moneys paid into their office and to turn such moneys not paid to parties entitled thereto over to their successor

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The act approved the second day of May one thousand nine hundred and twenty-nine (Pamphlet Laws 1278) entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto" is hereby amended by adding thereto after section fifty-seven a new section to read as follows

Section 57.1 Moneys Received by Officers in Counties of the Sixth Class to be Kept Separate from Personal Account and Paid Over to Successor All fees costs and other moneys collected by any county officer in counties of the sixth class or paid into his office during his term for any purpose whatsoever or which was received by him from his predecessor or predecessors in office to which he personally is not lawfully entitled as compensation for services rendered and which has not been paid out to parties entitled thereto shall at all times be kept separate and apart from such officer's personal bank account and shall be designated as the account of such county officer. All such fees costs and other moneys together with such books records and accounts which show for what purpose and for whom such moneys were paid into said office shall be turned over to his successor in office within thirty days after such successor takes office

Any person violating any of the provisions of this section shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding one thousand dollars or to imprisonment for a term not exceeding two years or both

Section 2 All acts and parts of acts inconsistent herewith are hereby repealed

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 684, as follows:

An Act to further amend section ten of the act approved the twenty-seventh day of June one thousand nine hundred and twenty-three (Pamphlet Laws 858) entitled "An act establishing a State employees' retirement system and creating a retirement board for the administration thereof establishing certain funds from contributions by the Commonwealth and contributing State employees defining the uses and purposes thereof and the manner of payments therefrom and providing for the guaranty by the Commonwealth of certain of said funds imposing powers and duties upon the heads of departments in which State employees serve excepting annuities allowances returns benefits and rights from taxation and judicial process and providing penalties" by making further provision for credits on account of services rendered prior to the thirty-first day of December one thousand nine hundred and twenty-three. The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section ten of the act approved the twenty-seventh day of June one thousand nine hundred and twenty-three (Pamphlet Laws 858) entitled "An act establishing a State employees' retirement system and creating a retirement board for the administration thereof establishing certain funds from contributions by the Commonwealth and contributing State employees defining the uses and purposes thereof and the manner of payments therefrom and providing for the guaranty by the Commonwealth of certain of said funds imposing powers and duties upon the heads of departments in which State employees serve excepting annuities allowances returns benefits and rights from taxation and judicial process and providing penalties" as amended by section five of the act approved the eighteenth day of May one thousand nine hundred and thirty-seven (Pamphlet Laws 683) is hereby further amended to read as follows

Service Allowance

Section 10 In computing the length of service of a contributor for retirement purposes under the provisions of this act full credit shall be given to each original member by the retirement board for each year of prior service as a State employe as defined in section one paragraphs six and thirteen of this act Original members who served as student foresters nurses or in similar capacities at a State school or institution operated and maintained wholly at the expense of the Commonwealth and who received board lodging laundry tuition and other considerations in lieu of compensation shall be credited with the time they served as students or otherwise in such State schools or institutions As soon as practicable after each original member shall have joined the retirement association the retirement board shall issue to him or her a certificate certifying to the aggregate length of his or her prior service Such certificate shall be final and conclusive as to his or her prior service unless thereafter modified by the retirement board either upon application by the member or upon its own initiative The time during which a State employe is absent without pay shall not be counted in computing the service or the average salary of a contributor

Section 2 This act shall become effective immediately upon final enactment

And said bill having been read at length second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 300, as follows:

An Act to amend clause nineteen of section one thousand five hundred two of the act approved the twenty-fourth day of June one thousand nine hundred and thirty-one (Pamphlet Laws 1206) entitled "An act concerning townships of the first class amending revising consolidating and changing the law relating thereto" by mak-

ing provision for adoption of standard building codes and dispensing with the publishing of such codes in full. The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Clause nineteen of section one thousand five hundred two of the act approved the twenty-fourth day of June one thousand nine hundred and thirty-one (Pamphlet Laws 1206) entitled "An act concerning townships of the first class amending revising consolidating and changing the law relating thereto" is hereby amended to read as follows

Section 1502 The corporate power of a township of the first class shall be vested in the board of township commissioners. The board shall have power—

* * * * *

XIX Building Sanitation Regulations In addition to other remedies provided by law and in order to promote the public health safety morals and the general welfare to enact and enforce suitable ordinances to govern and regulate the construction alteration repairs occupation maintenance sanitation lighting ventilation water supply toilet facilities drainage use and inspection of all buildings or parts of buildings constructed erected altered designed or used in whole or in part for human habitation and of the sanitation and inspection of land appurtenant thereto In case any building or structure is constructed reconstructed altered repaired converted or maintained or any building or land is used in violation of any ordinance enacted under authority conferred hereby the corporate authorities of the township in addition to penalties provided by ordinances enacted herewith may institute appropriate actions or proceedings at law or in equity to prevent and restrain such unlawful construction reconstruction alteration repairs conversion maintenance or use and to restrain correct or abate such violation and to prevent the occupancy of said building or structure. The ordinances enacted pursuant to this clause shall not be inconsistent with the provisions of any statute governing the same matter but all regulations prescribed by such ordinances which are additional or supplementary to the statute law and not inconsistent therewith or enacted for the purpose of carrying into effect the provisions of the statute law shall be valid and binding. Such ordinances may adopt any standard building code published and printed in book form covering any or all of the above items without incorporating such building code in the ordinance or any township may enact such building code as its ordinance authorized under the provisions of this clause. In either event such building code shall not be published or advertised in full as provided by this section in the case of the adoption of ordinances. Provided That notice of the adoption of such standard building code as the building ordinance of the township together with a brief summary thereof setting forth the principal provisions of said ordinance in such reasonable detail as will give adequate notice of its contents pursuant to a uniform form which shall be prepared or approved by the Department of Internal Affairs and a reference to the place or places within the township where copies of the building code adopted are deposited and may be examined shall be published in the manner provided by this section for the publication of ordinances. Not less than three such copies shall be made available to public inspection and use during business hours for a period of not less than three months after the adoption of such building code

Section 2 The provisions of this act shall become effective immediately upon its final enactment

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 353, as follows:

A Joint Resolution proposing an amendment to article one of the Constitution of the Commonwealth of Pennsylvania by adding thereto section six A

The General Assembly of the Commonwealth of Pennsylvania hereby resolves as follows

Section 1 The following amendment to the Constitution of the Commonwealth of Pennsylvania be and the same is hereby proposed in accordance with the provisions of the eighteenth article thereof

That article one of the Constitution is hereby amended by adding thereto the following section

Section 6 A The Legislature may authorize verdicts in civil cases to be found by the vote of not less than five-sixths of the whole number of jurors

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 498, as follows:

An Act to amend sections two and five of the act approved the first day of July one thousand nine hundred nineteen (Pamphlet Laws 717) entitled "An act fixing the number compensation mileage and duties of the officers and employes of the General Assembly and providing for their election or appointment term of office and manner of filling vacancies" further regulating the term of office of such officers and employes

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Sections two and five of the act approved the first day of July one thousand nine hundred and nineteen (Pamphlet Laws 717) entitled "An Act fixing the number compensation mileage and duties of the officers and employes of the General Assembly and providing for their election or appointment term of office and manner of filling vacancies" is hereby amended to read as follows

Section 2 All officers and employes of the General Assembly shall be elected or appointed in the odd-numbered years at the opening of each regular biennial session and shall serve until ten days after the opening of the next General Assembly or until their successors are selected and have qualified unless sooner removed by the appointing authority during any regular biennial special or extraordinary session of the Legislature [Provided That all of the present officers and employes of the General Assembly shall be continued in such positions until their successors are elected or appointed at the next regular session of the Legislature]

Section 5 All the officers and employes provided for in this act shall return as such to the next regular biennial session of the Legislature following that for which they were elected or appointed unless sooner removed by the appointing authority during a regular biennial special or extraordinary session of the Legislature and those who shall not be reelected or reappointed or elected or appointed to some other office in the Legislature shall be allowed their regular per diem compensation except the assistant clerk, the journal clerks assistant journal clerks reading clerks assistant reading clerk executive clerk desk clerks and message clerks who unless sooner removed as above specified shall each receive ten dollars per diem for ten days or until their successors are duly elected or appointed and have qualified

Section 2 This act shall become effective immediately upon final enactment

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 470, as follows:

An Act to amend sections twenty-seven and twenty-eight of the act approved the twenty-fifth day of May one thousand nine hundred and thirty-seven (Pamphlet Laws 849) entitled "An act to provide for the permanent personal registration of electors in cities of the third class as a condition of their right to vote at elections and primaries and their enrollment as members of political parties as a further condition of their right to vote at primaries prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors and prescribing the powers and duties of citizens parties political bodies registration commissions commissioners registrars inspectors of registration and other appointees of registration commissions county election boards election officers municipal officers departments and bureaus police officers courts judges prothonotaries sheriffs county commissioners peace officers county treasurers county controllers registrars of vital statistics certain public utility corporations real estate brokers rental agents and boards of school directors imposing penalties and repealing existing legislation" by providing for the transfer of the registration of electors without personal appearance upon change of residence from borough town or township to a city of the third class in the same county and authorizing the registration commission to amend the registers for such boroughs towns townships and cities accordingly

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Sections twenty-seven and twenty-eight of the act approved the twenty-fifth day of May one thousand nine hundred and thirty-seven (Pamphlet Laws 849) entitled "An act to provide for the permanent personal registration of electors in cities of the third class as a condition of their right to vote at elections and primaries and their enrollment as members of political parties as a further condition of their right to vote at primaries prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors and prescribing the powers and duties of citizens parties political bodies registration commissions commissioners registrars inspectors of registration and other appointees of registration commissions county elections boards election officers municipal officers departments and bureaus police officers courts judges prothonotaries sheriffs county commissioners peace officers county treasurers county controllers registrars of vital statistics certain public utility corporations real estate brokers rental agents and boards of school directors imposing penalties and repealing existing legislation" are hereby amended to read as follows

Section 27 Removal Notices (a) The commission shall provide removal notices which it shall cause to be made available for the convenient use of [registered] electors who are registered either in the city or in any borough town or township within the county These notices shall be printed upon cards suitable for mailing addressed to the office of the registration commission and shall contain spaces wherein the elector shall write (1) the street and number of his present residence and the specific location thereof including the number of the room or rooms apartment flat or floor if his residence is a portion only of a house (2) the street and number of the address or the borough town or township and the election district therein from which he was last registered (3) the date of his removal to his present residence and (4) space wherein the elector shall sign his name The removal notice shall contain a statement that the elector may by filling out properly and signing a removal notice and returning it to the office of the commission secure the transfer of his registration to the election district in which he resides effective as to elections and primaries occurring at least two months after the date of his removal into the new district Each removal notice shall contain a warning to the elector that the notice will not be accepted as an application for transfer of the elector's registration unless the signature thereon can be identified by the commission as the elector's signature in the general and district register for such city or for the borough town or township of his previous residence each removal notice to be effective must be received at the office of the commission at least thirty days prior to any primary or election which warning shall also be contained on the removal notice

(b) Any elector who removes his residence from one place to another within the same election district must notify the commission by filing a removal notice with the commission not later than ten days next preceding the primary or election

[Section 28 Transfer of Registration (a) Upon receipt not later than the thirtieth day next preceding any primary or election of a signed removal notice properly filled out or a signed request containing the required information and setting forth a removal of residence to another location in the same city the commission shall cause the signature thereon to be compared with the signature on the registration card of the elector from whom the removal notice purports to come and if the signature shall appear authentic shall enter the change of residence in the general and district registers and if the removal shall have been from one election district to another in the same city shall transfer the registration card of the elector from the district register of the election district of his previous residence to the district register of the election district of his new residence. In any case the commission shall advise the elector in writing of its action

(b) When a request for transfer believed authentic by the commission is received at the office of the commission and shows thereon a removal within the period of two months next preceding an election or primary and the removal shall have been from one election district to another the commission shall transfer the registration card of the elector from the district register of the election district of his previous residence but shall not include it in the register of the district of his new residence until after the election or primary. In any such case the commission shall advise the elector promptly in writing of its action

(c) Upon receipt not later than the thirtieth day next preceding any primary or election of a signed removal notice properly filled out or a signed request containing the required information and setting forth a removal of residence to a location in the city from an election district in a borough town or township within the county the commission shall cause the signature thereon to be compared with the signature on the registration card of the elector from whom the removal notice purports to come as filed in the general and district registers of the election district of his previous residence and if the signature shall appear authentic shall enter the change of residence on his registration cards and if the removal shall have been made two months or more next preceding an election or primary shall transfer the registration card of the elector from the general register of the county to the general register of the said city and the registration card from the district register of the election district of his previous residence in the borough town or township to the district register of the election district of his new residence in the city. If such request for transfer shows a removal within the period of two months next preceding an election or primary the commission shall transfer the registration card of the elector from the general and district registers of his previous residence but shall not include them in the general and district registers of his new residence in the city until after the election or primary. In any such case the commission shall advise the elector promptly in writing of its action

Whenever a transfer of registration is made under this clause from an election district in a borough town or township to an election district in any such city the commission shall upon removing the registration card of such elector from the general register of his previous residence replace such card with a blank card upon which shall be noted the elector's name and previous address and the fact that his registration has been transferred to the city of and the date of such transfer. This memorandum card shall be in all ways considered a canceled registration card

[(c)] (d) If the commission shall doubt that the request for transfer is authentic it shall without transferring the registration of the elector promptly notify the elector that it will be necessary for him to apply in person at the office of the commission for the transfer of his registration

[(d)] (e) No elector who is unable to write his name shall be permitted to apply for transfer of registration by use of a written removal notice but each such elector must apply in person at the office of the commission or before a

registrar in any registration place designated by the commission and establish his identity and state under oath or affirmation to which he shall affix his mark in the presence of a registrar a commissioner or clerk who shall affix his own signature thereto as a witness the information required of registered electors in a removal notice

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 533, as follows:

An Act authorizing political subdivisions of counties of the seventh class to defray the costs of the premiums upon bonds to be filed by tax collectors

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The county commissioners school directors township supervisors or borough authorities in counties of the seventh class are hereby authorized to defray the costs of the premiums upon bonds required to be filed by tax collectors collecting taxes within their respective jurisdictions

Whenever the same tax collector shall collect taxes for more than one political subdivision the costs of the premiums on such bonds may be divided between or among them in such proportion as the parties thereto may agree

Section 2 The provisions of this act shall apply to all premiums on bonds which shall become payable after the effective date of this act.

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 254, as follows:

An Act to amend section one thousand two hundred seven of the act approved the third day of June one thousand nine hundred and thirty-seven (Pamphlet Laws 1333) entitled "An act concerning elections including general municipal special and primary elections the nomination of candidates primary and election expenses and election contests creating and defining membership of county boards of elections imposing duties upon the Secretary of the Commonwealth courts county boards of elections county commissioners imposing penalties for violation of the act and codifying revising and consolidating the laws relating thereto and repealing certain acts and parts of acts relating to elections" by providing for compensation for services rendered by constables and their deputies

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section one thousand two hundred seven of the act approved the third day of June one thousand nine hundred and thirty-seven (Pamphlet Laws 1333) entitled "An act concerning elections including general municipal special and primary elections the nomination of candidates primary and election expenses and election contests creating and defining membership of county boards of elections imposing duties upon the Secretary of the Commonwealth courts county boards of elections county commissioners imposing penalties for violation of the act and codifying revising and consolidating the laws relating thereto and repealing certain acts and parts of acts relating to elections" is hereby amended to read as follows

Section 1207 Peace Officers No Police Officer To Be Within One Hundred Feet of Polling Place Exceptions Presence of Soldiers Prohibited The constable of each borough township or ward or his deputy shall be present at the polling place in each election district of such

borough township or ward at each primary and election during the continuance thereof and while the votes are being counted for the purpose of preserving the peace and shall serve at all elections [without compensation] for which services he shall receive five (\$5.00) dollars which sum shall include pay for serving notices in writing to persons elected at such election. The election officers or any three qualified electors of any election district may call upon any mayor chief burgess sheriff deputy sheriff constable deputy constable or police officer to clear an avenue to the door of any polling place which is obstructed in such a way as to prevent electors from approaching or to maintain order and quell any disturbance if such arises. No police officer in commission whether in uniform or in citizen's clothes shall be within one hundred feet of a polling place during the conduct of any primary or election unless in the exercise of his privilege of voting or for the purpose of serving warrants or unless called upon to preserve the peace as provided by this act. No body of troops in the Army of the United States or of this Commonwealth shall be present either armed or unarmed at any place of election within this Commonwealth during the time of any primary or election. Provided however That no officer or soldier shall be prevented from exercising the right of suffrage in the election district in which he resides if otherwise qualified.

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 256, as follows:

An Act to amend clause four of subsection (b) of section nine hundred thirteen of the act approved the third day of June one thousand nine hundred and thirty-seven (Pamphlet Laws 1333) entitled "An act concerning elections including general municipal special and primary elections the nomination of candidates primary and election expenses and election contests creating and defining membership of county boards of elections imposing duties upon the Secretary of the Commonwealth courts county boards of elections county commissioners imposing penalties for violation of the act and codifying revising and consolidating the laws relating thereto and repealing certain acts and parts of acts relating to elections" by changing the filing fee for certain nomination petitions.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Clause four of subsection (b) of section nine hundred thirteen of the act approved the third day of June one thousand nine hundred and thirty-seven (Pamphlet Laws 1333) entitled "An act concerning elections including general municipal special and primary elections the nomination of candidates primary and election expenses and election contests creating and defining membership of county boards of elections imposing duties upon the Secretary of the Commonwealth courts county boards of elections county commissioners imposing penalties for violation of the act and codifying revising and consolidating the laws relating thereto and repealing certain acts and parts of acts relating to elections" is hereby amended to read as follows

4 If for the office of associate judge or for any borough town township school district or poor district office not otherwise provided for the sum of [twenty dollars (\$20.00)] two dollars (\$2.00)

Provided however that no filing fee shall be paid for a nomination petition for any public office for which no compensation is provided by law

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 632, as follows:

An Act to amend section ten of the act approved the thirteenth day of May one thousand nine hundred and twenty-seven (Pamphlet Laws 1011) entitled "A supplement to an act entitled 'An act for the government of cities of the second class' approved the seventh day of March Anno Domini one thousand nine hundred and one creating a department of city planning providing for its organization and powers regulating the platting of ground prohibiting the recording of plans and sales of lots therein before their approval under penalties making it a misdemeanor for the recorder of deeds to record an unapproved plan restricting accepting laying out opening and improving private streets prohibiting the erection of buildings on land not abutting on public streets or streets not shown on the official master plan or an approved plat transferring to the department of city planning powers conferred by other statutes over plats or subdivisions of land the reservation of locations of mapped streets for future use and authorizing the assessment of damages for same the preparation and compilation of an official street map providing penalties for the violation of this act and repealing certain statutes" further defining the powers of the planning commission in cities of the second class. The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section ten of the act approved the thirteenth day of May one thousand nine hundred and twenty-seven (Pamphlet Laws 1011) entitled "A supplement to an act entitled 'An act for the government of cities of the second class' approved the seventh day of March Anno Domini one thousand nine hundred and one creating a department of city planning providing for its organization and powers regulating the platting of ground prohibiting the recording of plans and sales of lots therein before their approval under penalties making it a misdemeanor for the recorder of deeds to record an unapproved plan restricting accepting laying out opening and improving private streets prohibiting the erection of buildings on land not abutting on public streets or streets not shown on the official master plan or an approved plat transferring to the department of city planning powers conferred by other statutes over plats or subdivisions of land the reservation of locations of mapped streets for future use and authorizing the assessment of damages for same the preparation and compilation of an official street map providing penalties for the violation of this act and repealing certain statutes" is hereby amended to read as follows

Section 10 Platting Regulations Before exercising the powers referred to in section nine the planning commission shall adopt general regulations governing the subdivision of land within its jurisdiction. Such regulations may provide for the proper arrangement of streets in relation to other existing or planned streets and to the master plan for adequate and convenient open spaces for traffic utilities access of fire-fighting apparatus recreation light and air and for the avoidance of congestion of population including minimum width and area of building lots.

Such regulations may include provisions as to the extent to which streets and other public ways shall be graded and improved and to which water and sewer and other utilities mains piping or other facilities shall be installed as a condition precedent to the approval of the plat. The regulations or practice of the commission may provide for a tentative approval of the plat previous to such installation but any such tentative approval shall be revocable and shall not be entered on the plat. In lieu of the completion of such improvements and utilities prior to the final approval of the plat the commission may accept a bond with surety to secure to the city the actual construction and installation of such improvements or utilities at a time and according to specifications fixed by or in accordance with the regulations of the commission. The city is hereby granted the power to enforce such bond by all appropriate legal and equitable remedies.

All such regulations shall be published and be available for distribution upon request.

In exercising its said powers the planning commission shall take into consideration the local conditions of the particular district affected by the proposed subdivision of land the existing buildings or improvements on adjoining

or adjacent land and the building line established or observed thereon the extent of the use of any streets or highways upon which the proposed subdivision abuts by motor or other vehicles and pedestrians and the effect of the proposed subdivision upon the public welfare with particular reference to the district of which the proposed subdivision is a part and irrespective of the minimum requirements of any zoning regulations shall disapprove any subdivision which would be detrimental to such public welfare

Section 2 This act shall become effective immediately upon final enactment

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 624, as follows:

An Act to amend section nine of the act approved the first day of July one thousand nine hundred and nineteen (Pamphlet Laws 717) entitled "An act fixing the number compensation mileage and duties of the officers and employes of the General Assembly and providing for their election or appointment term of office and manner of filling vacancies" by providing that compensation payable under this act shall be paid semi-monthly

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section nine of the act approved the first day of July one thousand nine hundred and nineteen (Pamphlet Laws 717) entitled "An act fixing the number compensation mileage and duties of the officers and employes of the General Assembly and providing for their election or appointment term of office and manner of filling vacancies" is hereby amended to read as follows

Section 9 The per diem pay of each of said officers and employes shall commence from the day said officer or employe was sworn and actually entered upon the duties of his employment All compensation payable to officers and employes of the General Assembly under the provisions of this act shall be payable semi-monthly on the fifteenth day and the last day of each month

Section 2 This act shall become effective immediately upon final enactment

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 394, as follows:

An Act to further amend section one of the act approved the seventh day of June one thousand nine hundred and one (Pamphlet Laws 493) entitled "An act providing for the examination licensure and registration of persons firms or corporations engaged or engaging in the business or work of plumbing or house drainage and prescribing certain rules regulations and requirements for the construction of plumbing house drainage and cesspools in cities of the second class A

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section one of the act approved the seventh day of June one thousand nine hundred and one (Pamphlet Laws 493) entitled "An act providing for the examination licensure and registration of persons firms or corporations engaged or engaging in the business or work of plumbing or house drainage and prescribing certain rules regulations and requirements for the construction of plumbing house drainage and cesspools in cities of the

second class and imposing fines penalties and forfeitures for violation thereof" as last amended by the act approved the thirty-first day of March one thousand nine hundred and thirty-seven (Pamphlet Laws 168) is hereby further amended to read as follows

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That from and after the passage of this act it shall not be lawful for any persons to carry on or work at the business of plumbing or house or building drainage in cities of the second second class A and third class in boroughs incorporated towns and townships of the first class of this Commonwealth until a certificate or license to engage in or work at said business shall have been granted said persons by the director of the department of public safety or department or board or bureau of health of such cities nor until they have registered as such in the office of the department or board or bureau of health of said cities as hereinafter provided

The word "borough" as used in this section and in this act shall be construed to mean only such boroughs as have a population of three thousand five hundred (3,500) or more

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 436, entitled:

An Act relating to and providing for the promotion and development of business industry and commerce in the Commonwealth conferring powers and duties upon the Department of Commerce and other agencies of the Commonwealth abolishing the Pennsylvania State Publicity Commission terminating the terms of its members and conferring its powers upon and transferring and appropriating the balance of its current appropriation to the Department of Commerce and repealing certain laws

The first to the seventh sections inclusive were separately read and agreed to as follows:

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 This act shall be known and may be cited as the "Commerce Law"

Section 2 For several years an acute economic emergency has existed in this Commonwealth threatening the health public safety welfare and future prosperity of the people Thousands of our citizens are without employment through no fault of their own and appropriations required for their assistance are a heavy burden on the Commonwealth and her people Such economic conditions demand the adoption of a public policy and an administrative program to alleviate these conditions and prevent their recurrence which can be remedied only as business industry and commerce are encouraged rehabilitated developed and expanded Since no department of the State government is now devoted to the solution of these conditions it is necessary that a department be empowered to effectuate such a program Accordingly the powers and duties hereinafter enumerated in this act are vested in the Department of Commerce

Section 3 The Department of Commerce shall have the power and its duty shall be

(1) To investigate study and undertake ways and means of promoting and encouraging the prosperous development and protecting the legitimate interests and welfare of Pennsylvania business industry and commerce within and without the Commonwealth

(2) To investigate study and undertake ways and means of expanding markets and promoting and developing new markets for Pennsylvania products

(3) To promote and encourage the location and development of new business industries and commerce within the Commonwealth

(4) To investigate and study conditions affecting Pennsylvania business industry and commerce and to collect and disseminate information and engage in technical studies scientific investigations and statistical research and educational activities necessary or useful for the proper execution of its duties in promoting and developing Pennsylvania business industry and commerce within and without the Commonwealth

(5) To cooperate with and assist persons firms associations corporations cooperative associations and other organizations and the political subdivisions of the Commonwealth in the execution of its duties and functions under this act

(6) To make to the General Assembly from time to time recommendations for the remedy or improvement of any conditions and the elimination of any restrictions and burdens imposed by law or otherwise existing which adversely affect or retard the development and expansion of business industry or commerce

(7) To initiate promote and conduct or cause to be conducted research designed to further new and more extensive uses and consumption of natural and other resources and their by-products and for such purposes to enter into contracts and agreements with research laboratories maintained by educational or endowed institutions in this Commonwealth and to expend appropriations made to the department for such purposes

(8) To investigate and study conditions of unemployment and to recommend specific remedies for the alleviation of such conditions and aid in restoring employment in communities affected thereby in order that the burden of public relief may be lessened

(9) To aid and promote the elimination of unfair competition and trade practices tending to impair price stability and which are harmful to the financial soundness of business industry and commerce and to the wages and working conditions of employees

(10) To encourage and develop commerce with other states and foreign countries and to devise ways and means of removing trade barriers hampering the free flow of commerce between this and other states

(11) To cooperate with interstate commissions engaged in formulating and promoting the adoption of interstate compacts and agreements helpful to business industry and commerce

Section 4 The Department of Commerce in order to promote and develop business industry and commerce in the Commonwealth shall have the power and its duty shall be to plan and conduct a program of information advertising and publicity relating to the business industrial commercial agricultural educational recreational scenic historic highway and residential facilities advantages and attractions of the Commonwealth including any political subdivisions thereof which may include newspaper magazine outdoor and radio advertising both within and without the limits of the Commonwealth The department shall encourage and so far as it is practicable to do so coordinate the activities of persons firms associations corporations and other organizations engaged in publicizing and promoting such facilities advantages and attractions of the Commonwealth or any political subdivision thereof

Section 5 The Department of Commerce in order to promote and develop business industry and commerce shall have the power either acting alone or in cooperation with other administrative departments boards and commissions of the Commonwealth to advertise the facilities advantages and attractions of the Commonwealth referred to in the preceding section at fairs expositions and other celebrations within and without the Commonwealth and for such purposes shall have power to obtain space land or buildings by lease or otherwise including the erection and construction of booths exhibits and buildings through the Department of Property and Supplies

Section 6 Except as otherwise provided in this act the provisions of this act shall not be deemed to repeal or impair any law now in effect and shall not curtail the powers and functions of any administrative department board or commission of the Commonwealth The several administrative departments boards and commissions in

conjunction with the Department of Commerce shall devise a practical and working basis for cooperation and coordination of their powers and duties to the extent that such powers and duties have any bearing on the powers and duties of the Department of Commerce in order that there will be no duplicating and overlapping of such powers and duties It shall be the duty of every administrative department board or commission to cooperate with the Department of Commerce to the extent that the work of the Department of Commerce may require such cooperation

Section 7 (a) The Pennsylvania State Publicity Commission is hereby abolished as of the effective date of this act and the terms of the members of such commission now holding office and the employment of all officers and employees of the commission shall expire and terminate upon that date

(b) All books papers maps charts plans literature and other records and all equipment in the possession of the Pennsylvania State Publicity Commission upon the effective date of this act or of any member of the commission or any officer or employee of the commission shall be delivered or turned over to the Department of Commerce

(c) All existing contracts and obligations of the Pennsylvania State Publicity Commission shall remain in full force and effect and shall be performed by the Department of Commerce

(d) The unexpended balance existing on the effective date of this act in any appropriation made to the Pennsylvania State Publicity Commission is hereby transferred and appropriated to the Department of Commerce for the biennial period ending the thirty-first day of May one thousand nine hundred thirty-nine for the purpose of carrying out the powers and duties of the Pennsylvania State Publicity Commission transferred to the Department of Commerce by this act and for the payment of any bills or encumbrances incurred by the Pennsylvania State Publicity Commission prior to and remaining unpaid on the effective date of this act

Mr. STOCKHAM. Mr. Speaker, I desire to offer the following amendments to the bill at the request of the gentleman from Lancaster, Mr. Trout.

The SPEAKER. The amendments will be read by the Clerk.

The amendments were read by the Clerk as follows:

Amend bill, page 6, by inserting after line 28, the following sections:

"Section 8. The Secretary of the Department of Commerce shall appoint a Travel Publicity Advisory Board, consisting of four members, whose duty it shall be to suggest ways and means of effectively continuing the work hitherto done by the Pennsylvania State Publicity Commission. Members of the advisory board shall be chosen on the basis of their familiarity with the ways and means of attracting, servicing and promoting tourist trade. Members of the advisory board shall serve without compensation, but shall be entitled to receive traveling expenses incurred in connection with regular meetings, to be called monthly by the Secretary of the Department of Commerce as ex-officio chairman.

Section 9. Appropriations for the administration and general expenses of the Department of Commerce shall be made from time to time from the General Fund by the General Assembly: Provided, That supplementary appropriations may be made from the Motor License Fund for the exclusive use in conducting programs of information, advertising and publicity relating to the recreational, scenic, historic and highway advantages and attractions of the Commonwealth and its political subdivisions, including newspaper, magazine and radio advertising, both within and without the limits of the Commonwealth: And provided further, That all moneys appropriated from the Motor License Fund for such purposes, shall be segregated from any appropriations made from other funds for purposes not specified in this section."

On the question,

Will the House agree to the amendments?

Mr. WOODSIDE. Mr. Speaker and members of the House, the amendments which have been presented have been carefully considered and it is felt that they will complicate to a very large extent the administration of this fund and for that reason I ask that the members of this House vote no on the adoption of these amendments.

On the question recurring,

Will the House agree to the amendments?

They were not agreed to.

Mr. STOCKHAM. Mr. Speaker, permit me to withdraw the other amendments offered by me.

The SPEAKER. If there be no objection the other amendments may be withdrawn. The Chair hears none and the amendments were withdrawn.

The eighth and ninth sections and title were separately read and agreed to as follows:

Section 8 The act approved the nineteenth day of July one thousand nine hundred thirty-five (Pamphlet Laws one thousand nine hundred forty-eight) entitled "An act creating a commission to compile edit publish and distribute pamphlets descriptive of scenic and historic interest and making an appropriation" and the act amendatory thereto approved the twentieth day of May one thousand nine hundred thirty-seven (Pamphlet Laws seven hundred thirty-seven) are hereby repealed

Section 9 This act shall become effective immediately upon its final enactment

An Act relating to and providing for the promotion and development of business industry and commerce in the Commonwealth conferring powers and duties upon the Department of Commerce and other agencies of the Commonwealth abolishing the Pennsylvania State Publicity Commission terminating the terms of its members and conferring its powers upon and transferring and appropriating the balance of its current appropriation to the Department of Commerce and repealing certain laws

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 273, as follows:

An Act to repeal the act approved the twenty-fifth day of June one thousand nine hundred and thirty-seven (Pamphlet Laws 2116) entitled "An act declaring certain rights grants and privileges in the beds of navigable waters within and on the boundaires of this Commonwealth void vesting power in the Department of Forests and Waters the Water and Power Resources Board and the Pennsylvania State Park and Harbor Commission to revoke and declare void such rights grants and privileges and providing the procedure in such cases"

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The act approved the twenty-fifth day of June one thousand nine hundred and thirty-seven (Pamphlet Laws 2116) entitled "An act declaring certain rights grants and privileges in the beds of navigable waters within and on the boundaries of this Commonwealth void vesting power in the Department of Forests and Waters the Water and Power Resources Board and the Pennsylvania State Park and Harbor Commission to revoke and declare void such rights grants and privileges and providing the procedure in such cases" is hereby repealed absolutely

Section 2 This act shall become effective immediately upon final enactment

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 573, as follows:

An Act to amend section four hundred and forty-six of the act approved the ninth day of April one thousand nine hundred and twenty-nine (Pamphlet Laws 177) entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments boards commissions and officers thereof including the boards of trustees of State Normal Schools or Teachers Colleges abolishing creating reorganizing or authorizing the reorganization of certain administrative departments boards and commissions defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments boards commissions and officers fixing the salaries of the Governor Lieutenant Governor and certain other executive and administrative officers providing for the appointment of certain administrative officers and of all deputies and other assistants and employes in certain departments boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments boards and commissions shall be determined" authorizing the members of the Board of Commissioners of Public Grounds and Buildings to act on said board through deputies

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section four hundred and forty-six of the act approved the ninth day of April one thousand nine hundred and twenty-nine (Pamphlet Laws 177) entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments boards commissions and officers thereof including the boards of trustees of State Normal Schools or Teachers Colleges abolishing creating reorganizing or authorizing the reorganization of certain administrative departments boards and commissions defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments boards commissions and officers fixing the salaries of the Governor Lieutenant Governor and certain other executive and administrative officers providing for the appointment of certain administrative officers and of all deputies and other assistants and employes in certain departments boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments boards and commissions shall be determined" is hereby amended to read as follows

Section 446 Board of Commissioners of Public Grounds and Buildings The Board of Commissioners of Public Grounds and Buildings shall consist of the Governor the Auditor General and the State Treasurer The Governor may authorize the Secretary to the Governor or some other employe of the Governor's office to serve in his stead on said board The Auditor General and the State Treasurer may authorize a named deputy of their respective departments to serve in their stead on said board

Section 2 This act shall become effective immediately upon final enactment

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 681, entitled:

An Act providing for the licensing and regulation of tourist camps both privately and municipally owned by

the Department of Health and prescribing its powers and duties fixing fees for such licenses giving the owners of such camps liens in certain cases upon the property of his guests and providing penalties

The first to fourteenth sections inclusive were separately read and agreed to as follows:

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The words "tourist camp" as used in this act shall be construed to mean any plot of land used maintained or held out to the public as a place for use for camping purposes by transient guests whether equipped with tents tent-houses huts or cottages or not so equipped and by whatever name the same may be called and whether any fee is charged for the use thereof or not

The word "department" as used in this act shall mean the Department of Health of the Commonwealth of Pennsylvania

Section 2 No person or political subdivision shall establish or maintain any tourist camp in this State without first obtaining a license therefor from the Department of Health and the said department shall have the power to revoke any license issued upon the failure of the holder thereof to comply with the provisions of this act or any other law or any of the rules and regulations made and promulgated by the department under authority of this act Any person the members of any firm and the officers of any corporation private or municipal who shall maintain or operate a tourist camp without first obtaining such license or who shall operate the same after the revocation of such license shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of one hundred dollars (\$100) or imprisonment in the county jail not exceeding thirty days or both such fine and imprisonment

Section 3 Application for such license shall be made in writing to the Department of Health The application shall state the location of the camp type of camp the approximate number of guests for which facilities are to be furnished the probable duration of use the proposed water supply for such camp the proposed method of sewage and garbage disposal and such other information as may be required by the department Forms for such applications shall be prepared by the department and distributed upon request

Section 4 As soon as possible after the receipt of such application the department shall cause an inspection of said premises to be made and if satisfied from such application and inspection that the existing or proposed tourist camp will not be a source of danger to the health of the guests of such camp or the general public it shall notify the applicant of its approval of such camp and of the fees for a license therefor Fees shall be charged and collected upon the basis of the number of beds available for use by guests for hire whether in tents tent-houses huts cottages or in a single building or several buildings For tourist camp grounds offering no beds the fee shall be five dollars (\$5.00) to be paid at the time the application for license is made for any tourist camp having beds for the use of their guests the fee shall be one dollar (\$1.00) for each single bed for each quarterly inspection and one dollar and fifty cents (\$1.50) for each double bed for each quarterly inspection The fee for the first quarterly inspection shall be paid at the time the application for a license is made the fees for the other quarterly inspections shall be paid to the inspector at the time of each such inspection A fee of five dollars (\$5.00) shall be charged and collected for a license to operate any tourist camp which makes no charge to guests for any of the facilities offered by such tourist camp Provided however That no license fee shall be charged for any tourist camp owned and operated by a political subdivision Upon receipt of the required fee and upon the approval of the application the department shall issue a license in writing to the person of political subdivision named in the application upon a form to be prescribed by the department Such license shall be for a term of one year from January

first to December thirty-first and shall be renewable upon the same basis as the same was issued in the first instance Such licenses shall be transferable only with the consent of the department which may upon application take up and cancel a license issued for the operation of any tourist camp and issue a new license to the transferee for the balance of the year The proceeds of all such fees shall be paid by the said department into the State Treasury through the Department of Revenue

Section 5 The department shall have general supervision of the health and sanitary condition of all tourist camps in this Commonwealth and shall have the power to make promulgate and enforce such rules and regulations as may be necessary or desirable for the preservation of the same The department and any and all inspectors designated by it shall have full and free right of access to the premises of each and every tourist camp and each and every part thereof at such times as may be proper and reasonable for the inspection of said premises and each such camp shall be so inspected at least four times each year

Section 6 Suitable garbage containers of a kind to be approved by the department shall be provided at a convenient point or points in each tourist camp for the disposal of garbage and refuse shall be deposited therein Any person who shall throw and leave garbage or refuse of any kind upon the ground in any such tourist camp shall be guilty of an offense under this act

Section 7 It shall be the duty of every guest of any such tourist camp immediately to report to the person in charge of such camp or the local or state health authorities every case of sickness in his or her tent tent-house hut cottage or sleeping room Any person who shall fail to make a report of such sickness as aforesaid shall be guilty of an offense under this act

Section 8 Any person or persons who shall obtain quarters or accommodations at any tourist camp with intent to defraud the owner or keeper thereof shall be guilty of an offense under this act

Section 9 Any person guilty of an offense under sections six seven or eight of this act shall upon summary conviction thereof be punished by a fine not to exceed twenty-five dollars (\$25.00) and costs of prosecution or imprisonment not to exceed thirty days or both

Section 10 The owner or keeper of any tourist camp shall have an innkeeper's or hotel keeper's lien upon the property of his guest in the same manner for the same purposes and subject to the same restrictions as are or may be set forth in the law with reference to innkeeper's or hotel keeper's liens

Section 11 The owner or keeper of any tourist camp may eject any person from the premises for non-payment of charges or fees for accommodations for violation of law or disorderly conduct for violation of any regulations of the department or for violation of any rule of the camp which is publicly posted within the camp

Section 12 The owner or keeper of any tourist camp shall post a notice at any conspicuous place near the entrance to such camp in letters of sufficient size to be clearly visible to the occupants of automobiles entering such camp which notice shall set forth a schedule of the fees charged by such tourist camp for accommodations

Section 13 The owner or keeper of any tourist camp shall post in one or more conspicuous places in such camp a notice of the provisions of this act with reference to sanitation and health and of any and all rules and regulations with reference thereto promulgated by the department At least two copies of such notice shall be furnished to each tourist camp by the department

Section 14 All acts and parts of acts inconsistent herewith are hereby repealed

Mr. JAMES. Mr. Speaker, I desire to offer the following amendment to the bill.

The SPEAKER. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend bill, page 6, by adding at the end thereof, the following section: "Section 15. This act shall become effective immediately upon final enactment."

On the question,

Will the House agree to the amendment?

It was agreed to.

On the question,

Will the House agree to the section as amended?

It was agreed to.

The title was read and agreed to as follows:

An Act providing for the licensing and regulation of tourist camps both privately and municipally owned by the Department of Health and prescribing its powers and duties fixing fees for such licenses giving the owners of such camps liens in certain cases upon the property of his guests and providing penalties

And said bill having been read at length the second time and agreed to as amended.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 268, entitled:

An Act to add section six hundred and two and one-tenth to article six of the act approved the eighteenth day of May one thousand nine hundred and eleven (Pamphlet Laws 309) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" further regulating the sale of unused and unnecessary land and buildings by boards of school directors

The first section was read as follows:

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Article six of the act approved the eighteenth day of May one thousand nine hundred and eleven (Pamphlet Laws 309) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" is hereby amended by adding thereto after section six hundred and two a new section to read as follows

Section 602.1 The board of school directors of any district is hereby vested with the necessary power and authority to sell unused and unnecessary lands and buildings by any of the following methods and subject to the following provisions

(a) By public auction conducted by a licensed auctioneer either on the premises to be sold or at places selected by the school boards after due notice by publication in one or more newspapers of general circulation published within the county or the school district and in the legal newspaper in said county if any once a week for three successive weeks before the date fixed for said sales and by hand bills one or more of which must be posted on the property proposed to be sold and at least five of which must be posted at conspicuous places within the vicinity of said real estate terms and conditions of said sale to be fixed by the board in the motion or resolution authorizing said sales

(b) Upon sealed bids requested by the school board notice of the request for sealed bids to be given as in (a) terms and conditions of said sale to be fixed by the board in the motion or resolution authorizing the request for sealed bids

(c) At private sale subject to the approval of the Court

of Common Pleas of the county in which the school district is located said authority to be secured from said court upon petition of the board of school directors which petition shall be executed by the proper officers of the board and which petition shall contain a full and complete description of the land proposed to be sold a brief description and character of the building or buildings erected thereon if any the name of the prospective purchaser the amount offered for said property and it shall have attached thereto an affidavit of at least two persons who are familiar with the values of real estate in the locality in which the land and buildings proposed to be sold are located to the effect that they have examined said property that the price offered therefor is a fair and reasonable one and in their opinion a better price than could be obtained at public sale and that they are not interested either directly or indirectly in the purchase or sale thereof that before the court may act upon said petition it shall fix a time for the hearing of said petition and direct that public notice thereof be given as provided in clause (a) Also a return of sale be made to said court after the sale has been consummated and the deed executed and delivered

(d) The board of school directors may at their discretion when selling property as authorized in (a) (b) and (c) sell and convey said properties to the purchasers for the accepted consideration payable partly in cash and partly in the form of a purchase money mortgage (and bond) to be paid in not less than five years from the date thereof and bearing interest at the rate of not less than five per centum said mortgage and bond to contain the customary provisions having to do with fire insurance and the payment of taxes water rents and assessments by the mortgagor and obligor

(e) The board of school directors may engage the services of licensed real estate brokers to secure prospective purchasers and pay them the customary real estate agents' commission charged within the various school districts but only in the event the sales be actually consummated

(f) The moneys derived from said sales shall be paid into the general fund of the said school districts for general school purposes and not exclusively for debt service payments should the school districts have bonded indebtedness

On the question,

Will the House agree to the section?

Mr. TAYLOR. Mr. Speaker, I desire to offer the following amendments.

The SPEAKER. The amendments will be read by the Clerk.

The amendments were read by the Clerk as follows:

Amend Sec. 1 (Sec. 602.1), page 4, line 14, by striking out the word: "less" and inserting in lieu thereof: "more"

Amend Sec. 1 (Sec. 602.1), page 4, line 20, by inserting after the word "directors" the following: "when selling property at private sale as authorized in (c)"

Amend Sec. 1 (Sec. 602.1), page 4, line 25, by inserting after the part-word "summed" the following: "by said brokers"

On the question,

Will the House agree to the amendments?

They were agreed to.

On the question,

Will the House agree to the section as amended?

It was agreed to.

The second section and title were separately read and agreed to as follows:

Section 2 This Act shall become effective immediately upon final enactment

An Act to add section six hundred and two and one-tenth to article six of the act approved the eighteenth day of May one thousand nine hundred and eleven (Pamphlet Laws 309) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and

prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" further regulating the sale of unused and unnecessary land and buildings by boards of school directors

And said bill having been read at length the second time and agreed to as amended.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 668, (Senate Bill No. 13), entitled:

An Act regulating the issuance of marriage licenses prohibiting the issuance thereof to persons infected with syphilis in certain stages requiring each applicant to produce certain evidence of freedom from such disease imposing duties upon the Department of Health and the clerk of the orphans' court of the various counties and imposing penalties

The first section was read as follows:

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 No license to marry shall be issued until there shall be in the possession of the clerk of the orphans' court a statement or statements signed by a duly licensed physician of the Commonwealth of Pennsylvania that each applicant within thirty days of the issuance of the marriage license has submitted to an examination to determine the existence or non-existence of syphilis which examination has included a standard serological test or tests for syphilis and that in the opinion of the examining physician the applicant is not infected with syphilis or if so infected is not in a stage of that disease which is likely to become communicable. The physician's statement shall be accompanied by a statement from the person in charge of the laboratory making the test or from some other person authorized to make such statement setting forth the name of the test the date it was made the name and address of the physician to whom a report was sent and the exact name and address of the person whose blood was tested but not setting forth the result of the test

On the question.

Will the House agree to the section?

BILL POSTPONED

Mr. HERBERT B. COHEN. Mr. Speaker, I move that this bill be placed upon the postponed calendar.

On the question.

Will the House agree to the motion?

Mr. MARR. Mr. Speaker, I desire to interrogate the gentleman from York, Mr. Cohen.

The SPEAKER. Will the gentleman from York permit himself to be interrogated

Mr. HERBERT B. COHEN. I will, Mr. Speaker.

Mr. MARR. Mr. Speaker, for what purposes does the gentleman from York, Mr. Cohen, wish to have this bill placed on the second reading postponed calendar?

Mr. HERBERT B. COHEN. Mr. Speaker and members of the House, I particularly desire to see some type of regulation imposed upon individuals who attempt to enter into marriage contracts. However, only within the last month the American Medical Association, in an article written by the professor in charge of venereal diseases at the University of Pennsylvania, questioned the wisdom of such enactment due to the fact that the Wasserman test when made but one time is not an accurate deter-

mination of the presence of venereal disease in the subject. I personally feel that to deprive individuals of their right to enter into a marriage contract, which we all know is possibly the highest type of contract that one can enter into, due to a positive Wasserman test which might not accurately indicate a venereal condition in the individual, is imposing a tremendous hardship, and my thought would be to put the bill on the second reading postponed calendar so that suitable amendments to the bill might be drawn that would meet the situation without having it contain any defects. I cannot see why the opportunity to study an enactment such as this should be denied the membership of the House.

Mr. MARR. Mr. Speaker and members of the House, this bill has passed the Senate; it has been given every consideration by the Committee of the House; it has the endorsement of the State Department of Health, the Pennsylvania Medical Society, the United States Surgeon General, and the Pennsylvania Federation of Women's Clubs. I feel that the bill has had every consideration due it and I would ask that it be not put on the postponed calendar on second reading.

Mr. HERBERT B. COHEN. Mr. Speaker and members of the House, I would give this type of legislation my own unqualified endorsement, in fact I feel that the situation which the bill seeks to cure is very necessary, but that does not mean that the enactments as they are presented are perfect enactments.

My experience with the medical profession clearly indicates to me that this particular type of enactment and these particular bills are particularly dangerous. The same type of enactment as worked out in the state of New York has caused tremendous confusion. Now, I cannot see why we should not benefit by the experience of New York State in order to provide a better enactment to cover the situation. I heartily endorse the purpose, and it is only because I heartily endorse the purpose, that I say these particular bills should stay on the postponed calendar until a more scientific writing of them can be had in order to meet the situation.

Mr. MARR. Mr. Speaker, I will consent to having the bill placed on the postponed calendar.

On the question recurring.

Will the House agree to the motion?

It was agreed to.

BILL ON SECOND READING

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 667, (Senate Bill No. 12), entitled:

An Act for the prevention of congenital syphilis providing for and regulating the taking of serological tests of women pregnant with child and requiring notation thereof on the birth and stillbirth certificates of their children imposing duties upon the Department of Health and upon physicians and other persons attending women pregnant with child.

The first section was read as follows:

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1 Every physician who attends any women pregnant with child for conditions relating to pregnancy during the period of gestation or at delivery shall take

or cause to be taken a sample of blood of such woman at the time of first examination or within fifteen (15) days thereof and shall submit such sample to an approved laboratory as hereinafter defined for a standard serological test for syphilis. All other persons permitted by law to attend women pregnant with child but not permitted by law to take blood samples shall cause a sample of the blood of every such pregnant woman attended by them to be taken by a duly licensed physician of the Commonwealth of Pennsylvania and submit it to an approved laboratory for a standard serological test for syphilis.

On the question,

Will the House agree to the section?

BILL POSTPONED

Mr. HERBERT B. COHEN. Mr. Speaker and members of the House, this being more or less a companion bill to Senate Bill No. 13, I ask the favorable consideration of the House in having these bills remain in the same position on the calendar.

I therefore move that this bill be placed on the second reading postponed calendar.

On the question,

Will the House agree to the motion?

Mr. DENMAN. Mr. Speaker, I desire to interrogate the gentleman from York, Mr. Cohen.

The SPEAKER. Will the gentleman from York permit himself to be interrogated?

Mr. HERBERT B. COHEN. I will, Mr. Speaker.

Mr. DENMAN. Mr. Speaker, I desire to know the purpose of the motion to place this bill on the second reading postponed calendar.

Mr. HERBERT B. COHEN. Mr. Speaker, I have the same reason to present on this bill as I presented on Senate Bill No. 13.

At the outset I wish to say that I heartily agree with the purposes of Senate Bill No. 13 and Senate Bill No. 12. I feel sure that if Mr. Denman or the membership of this House had the opportunity to read the article that was just published in the last issue of the American Medical Society Journal by the head of the Department of Pathology of the University of Pennsylvania, an outstanding authority on the subject, who analyzed this type of legislation in various states of the Union, that he would agree with me that until we are absolutely sure that these particular bills meet the problems sought to be cured, without any of the defects that have become evident in other states, that we should not pass these bills at this time. My only request for placing them upon the postponed calendar is that an opportunity for further study might be given to individuals who have scientific knowledge of the disease so that the bills might be scientifically drawn to accurately cover the subject.

Mr. DENMAN. Mr. Speaker and members of the House, I fail to see how the placing of this bill on the postponed calendar would provide sufficient time to go into a detailed study as suggested by the gentleman from York.

I feel that we all, as persons who have studied this legislation, are sufficiently familiar with this type of legislation and the purpose of it. I believe that we are all interested in seeing that children are well-born when they are born, and that they are not mentally defective or physically crippled as the result of careless treatment by the mother previous to birth. Certainly there is not a father in this House who is not interested in having

children born just as well in body and mind as his own, yet I fail to see why we should put this bill on the postponed calendar. I ask the membership of this House to vote no on this proposal.

Mr. HERBERT B. COHEN. Mr. Speaker and members of the House, in speaking in favor of my motion, it seems ludicrous to indulge in any extensive argument, yet I feel sure that the membership of this House need do no other thing than to read the effective date of the act:

"This act shall become effective one year after final enactment."

Now there is not a tremendous emergency. The state of the Nation is not such that it would fall and the foundations crumble if this enactment were not passed at this time. I am asking that this bill be placed on the second reading postponed calendar so that it might be given further study in line with the latest medical and scientific knowledge. Nevertheless that action is opposed even though the bill does not become effective until one year after final enactment.

I might state that the few days or the week that might be lost by having the bill on the second reading calendar, can easily be overcome by having a new effective date inserted which would say that the bill should become effective fifty-one weeks after final enactment. In that way we can make up the seven days that we have lost. I see no reason why this House should not desire this bill to be given the intensive study that such an act requires.

Mr. SWEENEY. Mr. Speaker and members of the House, I just want to take a moment of your time. I am very much in favor of this bill but I don't think it goes far enough. I agree with Mr. Cohen. I think it should be recommitted or postponed to have amendments inserted. In reading over the act I note it only requires a physician to report the condition of a woman who is pregnant, it does not require a woman who is suffering from the disease of syphilis to receive any treatment. If it can be done there should be an amendment inserted which would not only require that the physician report, but that a woman suffering from syphilis should receive treatment for that condition.

Mr. KANE. Mr. Speaker and members of the House, in view of the fact that this bill is a companion bill to another one which has already been postponed until tomorrow, I would like to ask the gentleman from Westmoreland, Mr. Denman, if he will not consent to have it postponed and be in the same position as the companion bill?

Mr. DENMAN. I will, Mr. Speaker.

On the question,

Will the House agree to the motion?

It was agreed to.

ADDRESS BY MR. KANE

Mr. KANE asked and obtained unanimous consent to address the House.

Mr. Speaker and members of the House, I would like to say in view of the fact that this bill has been in the Senate, through the Senate Committee and passed by the Senate, reported out of the House Committee, is now on second reading in the House and will again be on second reading in the House tomorrow so that amendments may be offered on the floor, and in view of the fact that a great many people have waited patiently for this enact-

ment, which is similar to the uniform acts passed by other states, I would like to request the members of the House, who are interested in this matter to try to get the amendments that they have in mind in shape for tomorrow when it will be amendable on second reading.

BILL ON SECOND READING

Agreeably to order,

The House proceeded to the second reading and consideration of House bill No. 437, entitled:

An Act to amend the act approved the ninth day of April one thousand nine hundred twenty-nine (Pamphlet Laws one hundred seventy-seven) entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments boards commissions and officers thereof including the boards of trustees of State Normal Schools or Teachers Colleges abolishing creating reorganizing or authorizing the reorganization of certain administrative departments boards and commissions defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments boards commissions and officers fixing the salaries of the Governor Lieutenant Governor and certain other executive and administrative officers providing for the appointment of certain administrative officers and of all deputies and other assistants and employees in certain departments boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employees of certain departments boards and commissions shall be determined" as amended by establishing a Department of Commerce and defining its powers and duties placing the State Planning Board within the department as a departmental administrative board making certain changes in its membership and defining its powers and duties making available to the department for the use of the board the current appropriation to the board and repealing inconsistent acts or parts of acts

The first section was read and agreed to as follows:

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section two hundred one of the act approved the ninth day of April one thousand nine hundred twenty-nine (Pamphlet Laws one hundred seventy-seven) entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments boards commissions and officers thereof including the boards of trustees of State Normal Schools or Teachers Colleges abolishing creating reorganizing or authorizing the reorganization of certain administrative departments boards and commissions defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments boards commissions and officers fixing the salaries of the Governor Lieutenant Governor and certain other executive and administrative officers providing for the appointment of certain administrative officers and of all deputies and other assistants and employees in certain departments boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employees of certain departments boards and commissions shall be determined" as last amended by the act approved the twenty-first day of June one thousand nine hundred thirty-seven (Pamphlet Laws one thousand eight hundred sixty-five) the act approved the twenty-fourth day of June one thousand nine hundred thirty-seven (Pamphlet Laws two thousand three) and the act approved the twenty-ninth day of June one thousand nine hundred thirty-seven (Pamphlet Laws two thousand four hundred thirty-six) is hereby further amended to read as follows

Section 201 Executive Officers Administrative Departments and Independent Administrative Boards and Commissions The executive and administrative work of this Commonwealth shall be performed by the Executive Department consisting of the Governor Lieutenant Governor Secretary of the Commonwealth Attorney General Auditor General State Treasurer Secretary of Internal Affairs and Superintendent of Public Instruction by the Executive Board and the Pennsylvania Motor Police by the following administrative departments Department of State Department of Justice Department of the Auditor General Treasury Department Department of Internal Affairs Department of Public Instruction Department of Military Affairs Insurance Department Department of Banking Department of Agriculture Department of Forests and Waters Department of Mines Department of Highways Department of Health Department of Labor and Industry Department of Welfare Department of Property and Supplies, Department of Revenue [and] Department of Public Assistance and Department of Commerce and by the following independent administrative boards and commissions Pennsylvania Game Commission Board of Fish Commissioners and the Pennsylvania Public Utility Commission

All of the provisions of this act which apply generally to administrative departments or generally except to the Department of the Auditor General and the Treasury Department shall apply to the Executive Board and to the Pennsylvania Motor Police

The second section was read as follows:

Section 2 Section two hundred two of the said act as last amended by the act approved the twenty-ninth day of November one thousand nine hundred thirty-eight (Pamphlet Laws ninety-two) is hereby further amended to read as follows

Section 202 Departmental Administrative Boards Commissions and Offices The following boards commissions and offices are hereby placed and made departmental administrative boards commissions or offices as the case may be in the respective administrative departments mentioned in the preceding section as follows

In the Department of Justice

Board of Pardons

Board of Commissioners on Uniform State Laws

In the Treasury Department

Board of Finance and Revenue

State Employees' Retirement Board

In the Department of Internal Affairs

Board of Property

In the Department of Public Instruction

State Council of Education

Pennsylvania State Board of Censors

Public School Employees' Retirement Board

Pennsylvania Historical Commission

Board of Trustees of Thaddeus Stevens Industrial School

Board of Trustees of Pennsylvania State Oral School for the Deaf

Board of Trustees of Pennsylvania Soldiers' Orphans School

Board of Trustees of West Chester State Teachers' College

Board of Trustees of Millersville State Teachers' College

Board of Trustees of Kutztown State Teachers' College

Board of Trustees of East Stroudsburg State Teachers' College

Board of Trustees of Mansfield State Teachers' College

Board of Trustees of Bloomsburg State Teachers' College

Board of Trustees of Shippensburg State Teachers' College

Board of Trustees of Lock Haven State Teachers' College

Board of Trustees of Indiana State Teachers' College

Board of Trustees of California State Teachers' College

Board of Trustees of Slippery Rock State Teachers' College

Board of Trustees of Edinboro State Teachers' College
 Board of Trustees of Clarion State Teachers' College
 Board of Trustees of Cheyney Training School for Teachers
 State Board of Medical Education and Licensure
 State Board of Pharmacy
 State Dental Council and Examining Board
 State Board of Optometrical Examiners
 State Board of Osteopathic Examiners
 Osteopathic Surgeons' Examining Board
 State Board of Examiners for the Registration of Nurses
 State Board of Veterinary Medical Examiners
 State Board for the Examination of Public Accountant
 State Board of Examiners of Architects
 Anthracite Mine Inspectors' Examining Board
 Mine Inspectors' Examining Board for the Bituminous Coal Mines of Pennsylvania
 State Registration Board for Professional Engineers
 In the Department of Military Affairs
 Armory Board of the State of Pennsylvania
 Board of Trustees of Pennsylvania Soldiers' and Sailors Home
 In the Department of Banking
 Board to License Private Bankers
 Pennsylvania Securities Commission
 In the Department of Agriculture
 State Farm Products Show Commission
 In the Department of Forests and Waters
 Water and Power Resources Board
 Geographic Board
 Lake Erie and Ohio River Canal Board
 Pennsylvania State Park and Harbor Commission of Erie
 Washington Crossing Park Commission
 Valley Forge Park Commission
 Fort Washington Park Commission
 In the Department of Mines
 Anthracite Mine Inspectors
 Bituminous Mine Inspectors
 In the Department of Highways
 State Bridge Commission
 In the Department of Health
 Sanitary Water Board
 State Board of Undertakers
 In the Department of Labor and Industry
 Workmen's Compensation Board
 Workmen's Compensation Referees
 State Workmen's Insurance Board
 The Industrial Board
 In the Department of Welfare
 State Council for the Blind
 Board of Trustees of Eastern State Penitentiary
 Board of Trustees of Western State Penitentiary
 Board of Trustees of Pennsylvania Industrial School which upon the completion of the present Pennsylvania Industrial School at Huntingdon for the reception care maintenance detention employment and training of defective delinquents shall thereafter be known as the Board of Trustees of Pennsylvania Institution for Defective Delinquents
 Board of Trustees of State Industrial Home for Women
 Board of Trustees of Pennsylvania Training School
 Board of Trustees of Allentown State Hospital
 Board of Trustees of Danville State Hospital
 Board of Trustees of Farview State Hospital
 Board of Trustees of Harrisburg State Hospital
 Board of Trustees of Norristown State Hospital
 Board of Trustees of Warren State Hospital
 Board of Trustees of Wernersville State Hospital
 Board of Trustees of Torrance State Hospital
 Board of Trustees of Ashland State Hospital
 Board of Trustees of Blossburg State Hospital
 Board of Trustees of Coaldale State Hospital
 Board of Trustees of Connellsville State Hospital
 Board of Trustees of Hazleton State Hospital
 Board of Trustees of Locust Mountain State Hospital
 Board of Trustees of Nanticoke State Hospital
 Board of Trustees of Philipsburg State Hospital
 Board of Trustees of Scranton State Hospital

Board of Trustees of Shamokin State Hospital
 Board of Trustees of Laurelton State Village
 Board of Trustees of Pennhurst State School
 Board of Trustees of Polk State School
 Board of Trustees of Selinsgrove State Colony for Epileptics

In addition to the foregoing there are hereby created as departmental administrative boards in the Department of Welfare boards of trustees for the respective institutions which are acquired by the Commonwealth from counties cities or institution districts for actual use as State mental hospitals under the provisions of act number twenty-one approved the twenty-ninth day of September one thousand nine hundred thirty-eight Each respective board of trustees shall be known as the Board of Trustees of the (descriptive name of political subdivision in which institution is located)

..... State hospital
 In the Department of Property and Supplies
 Board of Commissioners of Public Grounds and Buildings
 State Art Commission
 In the Department of Revenue
 State Athletic Commission
 In the Department of Public Assistance
 State Board of Public Assistance
 In the Department of Commerce
 State Planning Board

All of the foregoing departmental administrative boards and commissions shall be organized or reorganized as provided in this act

On the question,
 Will the House agree to the section?

Mr. ACKERMANN. Mr. Speaker, I desire to offer the following amendments.

The SPEAKER. The amendments will be read by the Clerk.

The amendments were read by the Clerk as follows:

Amend Sec. 2 (Sec. 202), page 6, line 20, by striking out: "Examining" and inserting in lieu thereof: "Examining"

Amend Sec. 2 (Sec. 202), page 6, lines 24 and 25, by striking out the word: "Accountant" and inserting in lieu thereof: "Accountants"

On the question,
 Will the House agree to the amendments?
 They were agreed to.
 On the question,
 Will the House agree to the section as amended?
 It was agreed to.

The third and fourth sections were separately read and agreed to as follows:

Section 3 Section two hundred six of the said act as amended by the act approved the twenty-fourth day of June one thousand nine hundred thirty-seven (Pamphlet Laws two thousand three) is hereby further amended to read as follows

Section 206 Department Heads Each administrative department shall have as its head an officer who shall either personally be deputy or by the duly authorized agent or employee of the department and subject at all times to the provisions of this act exercise the powers and perform the duties by law vested in and imposed upon the department

(a) The following officers shall be the heads of the administrative departments following their respective titles
 Secretary of the Commonwealth of the Department of State
 Attorney General of the Department of Justice
 Auditor General of the Department of the Auditor General
 State Treasurer of the Treasury Department
 Secretary of Internal Affairs of the Department of Internal Affairs
 Superintendent of Public Instruction of the Department of Public Instruction

Adjutant General of the Department of Military Affairs
Insurance Commissioner of the Insurance Department
Secretary of Banking of the Department of Banking
Secretary of Agriculture of the Department of Agriculture

Secretary of Forests and Waters of the Department of Forests and Waters

Secretary of Mines of the Department of Mines

Secretary of Highways of the Department of Highways

Secretary of Health of the Department of Health

Secretary of Labor and Industry of the Department of Labor and Industry

Secretary of Welfare of the Department of Welfare

Secretary of Property and Supplies of the Department of Property and Supplies

Secretary of Revenue of the Department of Revenue

Secretary of Public Assistance of the Department of Public Assistance

Secretary of Commerce of the Department of Commerce

Section 4 Section two hundred seven of the said act as last amended by the act approved the twenty-fourth day of June one thousand nine hundred thirty-seven (Pamphlet Laws two thousand three) and the act approved the twenty-ninth day of June one thousand nine hundred thirty-seven (Pamphlet Laws two thousand four hundred thirty-six) is hereby further amended to read as follows

Section 207 Appointment The Governor shall nominate and by and with the advice and consent of two-thirds of all the members of the Senate appoint

(a) The Secretary of the Commonwealth the Attorney General the Superintendent of Public Instruction the Adjutant General the Insurance Commissioner the Secretary of Banking the Secretary of Agriculture the Secretary of Forests and Waters the Secretary of Mines the Secretary of Highways the Secretary of Health the Commissioner of the Pennsylvania Motor Police the Secretary of Labor and Industry the Secretary of Welfare the Secretary of Property and Supplies the Secretary of Revenue and Secretary of Public Assistance the Secretary of Commerce and the members of all independent administrative boards and commissions

The Adjutant General shall have the rank of Brigadier General of the Adjutant Generals' Department in the Pennsylvania National Guard No Adjutant General shall be appointed who shall not have served at least ten years as a commissioned officer in the Pennsylvania National Guard or equivalent length of service in the United States Army at least five years of which service shall have been as a commissioned officer In ascertaining the service herein required the time a person served in the army of the United States during any war in which the United States was engaged shall be computed double

(b) Except as in this act otherwise provided the members of all departmental administrative bodies boards and commissions and the officers who shall fill the departmental administrative offices mentioned in this article

(c) Except as in this act otherwise provided the members of all advisory boards and commissions

The fifth section was read as follows:

Section 5 Section two hundred nine of the said act as amended by the act approved the twenty-fourth day of June one thousand nine hundred thirty-seven (Pamphlet Laws two thousand three) is hereby further amended to read as follows

Section 209 Compensation of the Governor Lieutenant Governor and the Heads of Departments Annual salaries shall be payable in equal semi-monthly installments as follows

To the Governor eighteen thousand dollars
To the Lieutenant Governor eight thousand dollars
To the Secretary of the Commonwealth ten thousand dollars

To the Attorney General twelve thousand dollars
To the Auditor General twelve thousand dollars
To the State Treasurer twelve thousand dollars
To the Secretary of Internal Affairs ten thousand dollars
To the Superintendent of Public Instruction twelve thousand dollars

To the Adjutant General ten thousand dollars
To the Insurance Commissioner ten thousand dollars
To the Secretary of Banking ten thousand dollars
To the Secretary of Agriculture ten thousand dollars
To the Secretary of Forests and Waters ten thousand dollars

To the Secretary of Mines ten thousand dollars

To the Secretary of Highways twelve thousand dollars

To the Secretary of Health ten thousand dollars

To the Secretary of Labor and Industry ten thousand dollars

To the Secretary of Welfare ten thousand dollars

To the Secretary of Property and Supplies ten thousand dollars

To the Secretary of Revenue twelve thousand dollars

To the Secretary of Public Assistance ten thousand dollars

To the Secretary of Commerce ten thousand dollars

Neither the Governor Lieutenant Governor nor the heads of any administrative department shall receive any additional compensation for any services rendered to the Commonwealth in any capacity

On the question,

Will the House agree to the section?

Mr. ACKERMANN. Mr. Speaker, I desire to offer the following amendment.

The SPEAKER. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend Sec. 5 (Sec. 209), page 14, line 2, by striking out "Secretary" and inserting in lieu thereof: "Secretary"

On the question,

Will the House agree to the amendment?

It was agreed to.

On the question,

Will the House agree to the section as amended?

It was agreed to.

The sixth to the tenth sections inclusive and title were separately read and agreed to as follows:

Section 6 At the end of article four of the said act the following new section is hereby added

Section 451 State Planning Board The State Planning Board shall consist of nine members and the Secretary of Commerce ex officio who shall be chairman of the board Four of the nine members shall be appointed from among the heads of the chief executive officers of the administrative departments and the remaining five members shall be appointed from among the citizens of the State who during their terms shall hold no other State office to which any salary is attached

The term of office of members of the board shall be five years and until their successors are appointed and qualified Provided however That members who also are heads or chief executive officers of administrative departments shall not serve as members of the board beyond their term of office in such other State service Of the members of the board first appointed three shall be appointed for a term of one year three for a term of three years and three for a term of five years Thereafter all appointments shall be made for a term of five years In case of a vacancy the Governor shall make an appointment for the unexpired term

Six members of the board shall constitute a quorum

The members of the board shall serve without compensation but shall be entitled to receive traveling expenses incurred in the discharge of their duties

The board may with the approval of the Secretary of Commerce appoint and fix the compensation of a Secretary who shall act as executive director of the board and who shall conduct the work of the board under its supervision The secretary shall hold no other position in the service of the Commonwealth or any political subdivision thereof and shall be technically qualified for the duties of his office

Section 7 After article twenty-five-A of the said act the following new article is hereby added

Article XXV-B

Powers and Duties of the Department of Commerce and Its Departmental Administrative Board

Section 2501-B Powers and Duties of the Department of Commerce The Department of Commerce shall have the power and its duty shall be

(a) To administer and carry out the provisions of the Commerce Law

(b) To take any other action authorized or required by this or any other law

Section 2502-B Powers and Duties of the State Planning Board The State Planning Board shall have the power and its duty shall be

(a) Subject to the provisions of this act to continue to administer and carry out the provisions of the State Planning Board Law

Section 8 (a) The members of the State Planning Board in office on the effective date of this act shall continue in office until the term for which they were respectively appointed shall expire or until they shall die resign or be removed from office

(b) All employees of the State Planning Board on the effective date of this act shall become employees of the Department of Commerce and shall continue to perform their usual duties upon the same terms and conditions as theretofore until removed or appointed to other positions by the Secretary of Commerce Persons who upon the effective date of this act are employees of the State Planning Board shall retain all retirement rights that shall have accrued or would thereafter accrue to them and their services shall be deemed to be continuous as if the State Planning Board had not been created as a departmental administrative board in the Department of Commerce

(c) The unexpended balance existing on the effective date of this act in any appropriation made to the State Planning Board is hereby transferred and appropriated to the Department of Commerce for the use of the State Planning Board in the performance of its work

Section 9 Sections two and three of the act approved the thirtieth day of July one thousand nine hundred thirty-six (Pamphlet Laws eighty-one) entitled "An act to create a State Planning Board prescribing its powers and duties imposing certain duties upon political subdivisions and making an appropriation" are hereby repealed

All other acts or parts of acts inconsistent with this act are hereby repealed

Section 10 This act shall become effective immediately upon its final enactment

An Act to amend the act approved the ninth day of April one thousand nine hundred twenty-nine (Pamphlet Laws one hundred seventy-seven) entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments boards commissions and officers thereof including the boards of trustees of State Normal Schools or Teachers Colleges abolishing creating reorganizing or authorizing the reorganization of certain administrative departments boards and commissions defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments boards commissions and officers fixing the salaries of the Governor Lieutenant Governor and certain other executive and administrative officers providing for the appointment of certain administrative officers and of all deputies and other assistants and employes in certain departments boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments boards and commissions shall be determined" as amended by establishing a Department of Commerce and defining its powers and duties placing the State Planning Board within the department as a departmental

administrative board making certain changes in its membership and defining its powers and duties making available to the department for the use of the board the current appropriation to the board and repealing inconsistent acts or parts of acts

And said bill having been read at length the second time and agreed to as amended.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 217, entitled:

An Act to amend section five hundred and twelve of the act approved the first day of May one thousand nine hundred and thirty-three (Pamphlet Laws 103) entitled "An act concerning townships of the second class and amending revising consolidating and changing the laws relating thereto" by providing that township supervisors shall meet upon the call of the chairman

The first section was read as follows:

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section five hundred and twelve of the act approved the first day of May one thousand nine hundred and thirty-three (Pamphlet Laws 103) entitled "An act concerning townships of the second class and amending revising consolidating and changing the law relating thereto" is hereby amended to read as follows

Section 512 Monthly Meetings Quorum Rent and Expenses The township supervisors shall meet for the transaction of business [at least once each month] upon the call of the chairman or on written request of two (2) members of the board at a time and place to be fixed by [the board] the chairman or the petitioners but they shall not be paid for more than sixteen meetings in any one year Two members shall constitute a quorum Necessary expenses incurred in such meetings including office rent stationery light and fuel shall be paid out of the township road funds

On the question,

Will the House agree to the section?

BILL RECOMMENDED

Mr. STAMBAUGH. Mr. Speaker, I move that this bill be recommitted to the Committee on Townships.

The motion was agreed to.

COMMITTEE MEETINGS

There will be meetings of the Committees on:

Cities—Third Class, Wednesday, April 5, 1939, at 10:30 a. m. in Room 546.

Elections, Wednesday, April 5, 1939 at 12 noon in Room 546.

Federal Relations, immediately after today's session in Room 333.

Labor, Wednesday, April 5, 1939 at 11 a. m. in Room 541.

Public Health and Sanitation, Wednesday, April 5, 1939 at 11 a. m. in Room 323.

The Pitt Alumni members of the House of Representatives at the close of session today are requested to see Mr. Denman.

There will be a meeting of the Pitt Alumni members of the House of Representatives this evening at Jackson's Restaurant, 206 Walnut Street at 6 p. m.

There will be an important meeting of the Sub-Committee in charge of the Criminal Code on Wednesday, April 5, 1939 at 10 a. m. in Room 147.

COMMITTEE APPOINTED

The SPEAKER. In accordance with the provisions of Resolution No. 24, Printer's No. 43, the Chair appoints as a committee on the part of the House, Messrs. Cordier, Denman, Knoble and Jirolanio.

RECESS

The SPEAKER. If there are no objections the Chair is about to declare a recess until 4:30 p. m. Are there objections? The Chair hears none and declares a recess until 4:30 p. m.

AFTER RECESS

The House reconvened at 4:30 p. m.

The SPEAKER (Ellwood J. Turner) in the Chair.

COMMUNICATIONS

The SPEAKER laid before the House the following communication which was read by the Clerk.

RELIEF

Resolution from the American Progressive League Incorporated opposing the passage of House Bill No. 867, a resolution urging the State Highway Department to provide projects for the relief of the unemployed.

Referred to the Committee on Welfare.

REPORTS FROM COMMITTEES

Mr. CURRAN from the Committee on Counties reported as amended, House Bill No. 430, entitled:

An Act to amend section one of the act, approved the seventeenth day of March, one thousand nine hundred and twenty-one (P. L. 32), entitled "An act fixing the salaries of court criers and tipstaves in counties of the third class," by increasing the salary of court criers and tipstaves.

Mr. DICK from the Committee on Municipal Corporations reported as committed, House Bill No. 859, entitled:

An Act validating, reviving and extending for a certain period of time, all liens of taxes which have expired or become lost.

Mr. DICK from the Committee on Municipal Corporations reported as committed, House Bill No. 861, entitled:

An Act to authorize political subdivisions to sue out writs of scire facias on certain municipal claims, or to revive judgments on such claims, where more than five years have elapsed since said claims were filed or such judgments were entered or revived, and to reduce such claims to judgment, or to revive such judgment; and providing for the revival and collection of such judgments.

Mr. FISS from the Committee on Counties reported as committed, House Bill No. 864, entitled:

An Act to amend clause (b) of section six hundred and two of the act, approved the twenty-fourth day of June, one thousand nine hundred and thirty-seven (P. L. 2017), entitled "An act creating in each county (except of the first class) as a separate corporation, and in each city of the first and second class as a part of the city government, an institution district for the care and maintenance of certain indigent persons and children; prescribing the powers and duties of county commissioners, county treasurers, city departments of public welfare, the State Department of Welfare and the State Department of Public Assistance in respect thereto; abolishing certain poor

districts and terminating the terms of directors, overseers, guardians and managers of the poor and poor district auditors, and providing for the temporary employment of certain of them; providing for the transfer, vesting, sale and disposition of the property of poor districts and the payment of their obligations; imposing certain existing obligations on institution districts and on the Commonwealth; regulating the affairs of poor districts until abolished; revising, amending, changing, and consolidating the law relating to the care of the poor; and repealing existing laws," authorizing county commissioners as poor directors of independent poor districts to issue and negotiate bonds of such districts to pay obligations and refund bonds thereof, and to levy taxes to pay interest and sinking fund charges on bonds of such districts.

Mr. TAYLOR from the Committee on Municipal Corporations reported as committed, House Bill No. 902, entitled:

An Act to amend and re-enact section 801 of the act of June twenty-fourth, one thousand nine hundred thirty-one, (Pamphlet Laws 1206) entitled, "An act concerning townships of the first class; amending, revising, consolidating and changing the law relating thereto," as amended, specifying and changing the conditions of the bond of the treasurer as treasurer and as tax collector for the township, county, school district, poor and institution district.

Mr. FRANK S. MOSER from the Committee on Counties reported as committed, House Bill No. 892, entitled:

An Act to amend section one hundred thirty-six as amended, and section one hundred thirty-seven, of the act, approved the second day of May, one thousand nine hundred and twenty-nine (P. L. 1278), entitled "An act relating to counties of the second, third, fourth, fifth, sixth, seventh and eighth classes; and revising, amending and consolidating the laws relating thereto;" providing for the establishment of the office of controller in certain counties and for the abolition of the office of county auditor; and for the audit of accounts of the county and its officers for the preceding year in certain cases.

Mr. FRANK S. MOSER from the Committee on Counties reported as committed, House Bill No. 893, entitled:

An Act fixing the salary of the controller in counties of the seventh and eighth classes; and providing for a salary board to fix the number and salary or compensation of any deputies and clerks to assist the controller.

Mr. CORDIER from the Committee on Appropriations reported as committed, House Bill No. 885, entitled:

An Act transferring money from the Motor License Fund to the General Fund and providing for the subsequent return from the General Fund of the Transferred money.

Mr. O'NEILL from the Committee on Appropriations reported as committed, House Bill No. 886, entitled:

An Act making a deficiency appropriation to the Department of Public Assistance for the purpose of carrying out the Public Assistance Law, for the two fiscal years ending May thirty-first, one thousand nine hundred thirty-nine.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 549, entitled:

An Act to amend section nine of the act, approved the seventeenth day of May, one thousand nine hundred and twenty-one (P. L. 869), entitled "An act providing for the organization, government, discipline, maintenance, and

regulation of the armed land forces of this Commonwealth," as amended, by increasing clothing allowances and requiring a report by commanding officers.

And said bill having been read at length the third time. considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—200

Ackermann.	Ely,	Lichtenwalter,	Sarraf.
Allen.	Ewing,	Long,	Scanlon,
Alspach,	Falkenstein,	Lovett,	Schrock,
Andrews,	Fauset,	Lyons,	Schrope,
Atkins,	Finnerty,	Madden,	Schwab,
Auker,	Fisher,	Malloy,	Seif,
Baker,	Fiss,	Malone,	Serrill,
Baillet,	Fleming,	Marr,	Shaw,
Balthaser,	Foor,	Matthews,	Shearer,
Bardes,	Freed,	McClester,	Simons,
Bennett,	Fullerton,	McGarrity,	Skale,
Bohn,	Furman,	McKinney,	Sloan,
Boles,	Gates,	McLane,	Snyder,
Boney,	Gillan,	McNally,	Sollenberger,
Boorse,	Gillette,	McVay,	Stambaugh,
Boose,	Goll,	Melchiorre,	Stank,
Bower,	Gorski,	Mihm,	Stewart,
Boyd,	Habbyshaw,	Montgomery,	Stockham,
Brancato,	Haines,	Mooney,	Sweeney,
Bretherick,	Hall,	Moran,	Tahl,
Broad,	Hamilton,	Moser, F. S.,	Tarr,
Bronson,	Harbeson,	Moser, J. L.,	Taylor,
Brown, H. S.,	Harkins,	Muir,	Terry,
Brown, S. W.,	Haudenschild,	Munley,	Thistle,
Brunner,	Henry,	O'Brien,	Thompson, E. F.,
Burns,	Hess,	O'Dare,	Thompson, G. R.,
Burris,	Hewitt,	O'Keefe,	Tiemann,
Cadwalader,	Hindman,	O'Neill,	Trout,
Calvin,	Hocke,	Peacock,	VanAillsburg,
Carpenter,	Hoffman, J. N.,	Peale,	Van Belle,
Check,	Hoffman, S. K.,	Powers,	Voorhees,
Chervenak,	Holland,	Preston,	Wagner,
Christler,	Hoyt,	Readinger,	Walsh,
Clark,	Huntley,	Reagan,	Watkins,
Clearwater,	James,	Reese, D. P.,	Webster,
Cohen, H. B.,	Jirolanio,	Reese, R. E.,	Weiss,
Cook,	Johnston,	Regan,	Welsh, E. B.,
Cooper,	Jones,	Reynolds,	Welsh, M. J.,
Cordier,	Kane,	Rhodes,	Westrick,
Corrigan,	Keenan,	Rider,	Wilkinson,
Cortese,	Kenehan,	Riley,	Williams,
Curran,	Kilroy,	Robertson,	Wilson,
Dalrymple,	Kline,	Rooney,	Winner,
Denman,	Knoble,	Rose,	Wood, H. M.,
DeNote,	Kowalski,	Roseberry,	Wood, L. H.,
Dick,	Krise,	Rosenfeld,	Wood, N.,
Dix,	Lee,	Rothenberger,	Woodside,
Donahue,	Lelsey,	Royer,	Yeakel,
Downey,	Levy,	Sarge,	Turner,
Eckels,	Leydic,		Speaker.

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 375, entitled:

An Act to amend paragraph (c) of section fifty-eight of the act, approved the seventh day of June, one thousand nine hundred seventeen (P. L. 447), entitled as amended "An act relating to the administration and distribution of the estates of decedents and of minors, and of trust estates; including the appointment, bonds, rights, powers, duties, liabilities, accounts, discharge and removal of executors, administrators, guardians, and trustees, herein designated as fiduciaries; the administration

and distribution of the estates of presumed decedents; widow's and children's exemptions; debts of decedents, rents of real estate as assets for payment thereof, the lien thereof, sales and mortgages of real estate for the payment thereof, judgments and executions therefor, and the discharge of real estate from the lien thereof; contracts of decedents for the sale or purchase of real estate; legacies, including legacies charged on land; the discharge of residuary estates and of real estate from the lien of legacies and other charges; the appraisement of real estate devised at a valuation; the ascertainment of the curtilage of dwelling houses or other buildings devised; the abatement and survival of actions and the substitution of executors and administrators therein; the survival of causes of action and suits thereupon by or against fiduciaries; investments by fiduciaries; the organization of corporations to carry on the business of decedents; the audit and review of accounts of fiduciaries; refunding bonds; transcripts to the court of common pleas of balances due by fiduciaries; the rights, powers, and liabilities of nonresident and foreign fiduciaries; the appointment, bonds, rights, powers, duties and liabilities of trustees durante absentia; the recording and registration of decrees, reports and other proceedings, and the fees therefor; appeals in certain cases; and, also, generally dealing with the jurisdiction, powers, and procedure of the orphans' court in all matters relating to fiduciaries concerned with the estates of decedents," as amended by permitting foreign fiduciaries representing the estates of decedents, minor and legal incompetents, to foreclose on mortgage, to enter judgment on mortgage bonds, to sell the property bound thereby, to take title to property so sold, and to resell such property.

And said bill having been read at length the third time. considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as folows, viz:

YEAS—200

Achterman,	Downey,	Leydic,	Sarraf,
Ackermann,	Eckels,	Lichtenwalter,	Scanlon,
Allen,	Ely,	Long,	Schrock,
Alspach,	Ewing,	Lovett,	Schrope,
Andrews,	Falkenstein,	Lyons,	Schwab,
Atkins,	Fauset,	Madden,	Seif,
Auker,	Finnerty,	Malloy,	Serrill,
Baker,	Fisher,	Malone,	Shaw,
Baillet,	Fiss,	Marr,	Shearer,
Balthaser,	Fleming,	Matthews,	Simons,
Bardes,	Foor,	McClester,	Skale,
Bennett,	Freed,	McGarrity,	Sloan,
Bohn,	Fullerton,	McKinney,	Snyder,
Boles,	Furman,	McLane,	Sollenberger,
Boney,	Gates,	McNally,	Stambaugh,
Boorse,	Gillan,	McVay,	Stank,
Boose,	Gillette,	Melchiorre,	Stewart,
Bower,	Goll,	Mihm,	Stockham,
Boyd,	Gorski,	Montgomery,	Sweeney,
Brancato,	Habbyshaw,	Mooney,	Tahl,
Bretherick,	Haines,	Moran,	Tarr,
Broad,	Hall,	Moser, F. S.,	Taylor,
Bronson,	Hamilton,	Moser, J. L.,	Terry,
Brown, H. S.,	Harbeson,	Muir,	Thistle,
Brown, S. W.,	Harkins,	Munley,	Thompson, E. F.,
Brunner,	Haudenschild,	O'Brien,	Thompson, G. R.,
Burns,	Henry,	O'Dare,	Tiemann,
Burris,	Hess,	O'Keefe,	Trout,
Cadwalader,	Hewitt,	O'Neill,	VanAillsburg,
Calvin,	Hindman,	Peacock,	Van Belle,
Carpenter,	Hocke,	Peale,	Voorhees,
Check,	Hoffman, J. N.,	Powers,	Wagner,
Chervenak,	Hoffman, S. K.,	Preston,	Walsh,
Christler,	Holland,	Readinger,	Watkins,
Clark,	Hoyt,	Reagan,	Webster,
Clearwater,	Irvin,	Reese, D. P.,	Weiss,
Cohen, H. B.,	James,	Reese, R. E.,	Welsh, E. B.,
Cook,	Jirolanio,	Regan,	Welsh, M. J.,
Cooper,	Johnston,	Reynolds,	Westrick,
Cordier,	Jones,	Rhodes,	Wilkinson,
Corrigan,	Kane,	Rider,	Williams,
Cortese,	Keenan,	Riley,	Wilson,

Curran,	Kenehan,	Robertson,	Winner.
Dalrymple,	Kline,	Rooney,	Wood, H. M.
Denman,	Knoble,	Rose,	Wood, L. H.
DeNote,	Kowalski,	Roseberry,	Wood, N.
Dick,	Krise,	Rosenfeld,	Woodside,
Dix,	Lee,	Rothenberger,	Yeakel,
Donahue,	Lelsey,	Royer,	Turner.
Donohoe,	Levy,	Sarge,	Speaker.

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 250, entitled:

An Act to amend clause one of section three of the act, approved the eighteenth day of July, one thousand nine hundred and seventeen (P. L. 1043), entitled "An act establishing a public school employees' retirement system, and creating a retirement board for the administration thereof; establishing certain funds from contributions by the Commonwealth and contributing employees, defining the uses and purposes thereof and the manner of payments therefrom, and providing for the guaranty by the Commonwealth of certain of said funds; imposing powers and duties upon boards having the employment of public school employees; exempting annuities, allowances, returns, benefits, and rights from taxation and judicial process; and providing penalties," as amended, by further extending the time for present employees as defined in the act, to elect to be covered by the retirement system.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—200

Achterman,	Eckels,	Lichtenwalter,	Scanlon,
Ackermann,	Ely,	Long,	Schrock,
Allen,	Ewing,	Lovett,	Schrope,
Alspach,	Falkenstein,	Lyons,	Schwab,
Andrews,	Fauset,	Madden,	Self,
Atkins,	Finnerty,	Malloy,	Serrill,
Auker,	Fisher,	Malone,	Shaw,
Baker,	Fiss,	Marr,	Shearer,
Ballet,	Fleming,	Matthews,	Simons,
Balthaser,	Foor,	McClester,	Sloan,
Bardes,	Freed,	McGarrity,	Snyder,
Bennett,	Fullerton,	McKinney,	Sollenberger,
Bohn,	Furman,	McLane,	Stambaugh,
Boles,	Gates,	McNally,	Stank,
Boney,	Gillan,	McVay,	Stewart,
Boorse,	Gillette,	Melchiorre,	Stockham,
Boose,	Goll,	Mihm,	Sweeney,
Bower,	Gorski,	Montgomery,	Tahl,
Boyd,	Habbyshaw,	Mooney,	Tarr,
Brancato,	Haines,	Moran,	Taylor,
Bretherick,	Hall,	Moser, F. S.,	Terry,
Broad,	Hamilton,	Moser, J. L.,	Thistle,
Bronson,	Harbeson,	Muir,	Thompson, E. F.,
Brown, H. S.,	Harkins,	Munley,	Thompson, G. R.,
Brown, S. W.,	Haudenshield,	O'Brien,	Tiemann,
Brunner,	Henry,	O'Dare,	Trout,
Burns,	Hess,	O'Keefe,	VanAllsburg,
Burris,	Hewitt,	O'Neill,	Van Belle,
Cadwalader,	Hindman,	Peacock,	Voorhees,
Calvin,	Hocke,	Peale,	Wagner,
Carpenter,	Hoffman, J. N.,	Powers,	Walsh,
Check,	Hoffman, S. K.,	Preston,	Watkins,
Chervenak,	Holland,	Readinger,	
Christler,	Hoyt,	Reagan,	
Clark,	Huntley,	Reese, D. P.,	
Clearwater,	James,	Reeze, R. E.,	
Cohen, H. B.,			

Cook,	Jirolanio,	Regan,	Welsh, M. J.,
Cooper,	Johnston,	Reynolds,	Westrick,
Cordier,	Jones,	Rhodes,	Wilkinson,
Corrigan,	Keenan,	Rider,	Williams,
Cortese,	Kenehan,	Riley,	Wilson,
Curran,	Kilroy,	Robertson,	Winner,
Dalrymple,	Kline,	Rooney,	Wood, H. M.,
Denman,	Knoble,	Rose,	Wood, L. H.,
DeNote,	Kowalski,	Roseberry,	Wood, N.,
Dick,	Krise,	Rosenfeld,	Woodside,
Dix,	Lee,	Rothenberger,	Yeakel,
Donahue,	Lelsey,	Royer,	Turner.
Donohoe,	Levy,	Sarge,	Speaker.
Downey,	Leydic,	Sarra,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 386, entitled:

An Act to amend section four hundred and ten of the act, approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local or any parts thereof, that are or may be inconsistent therewith," as amended, providing that boards of school directors may become members of the State School Directors Association, and bear a proportionate part of the expenses of such association.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—200

Achterman,	Ely,	Lichtenwalter,	Scanlon,
Ackermann,	Ewing,	Long,	Schrock,
Allen,	Falkenstein,	Lovett,	Schrope,
Alspach,	Fauset,	Lyons,	Schwab,
Andrews,	Finnerty,	Madden,	Self,
Atkins,	Fisher,	Malloy,	Serrill,
Auker,	Fiss,	Malone,	Shaw,
Baker,	Fleming,	Marr,	Shearer,
Ballet,	Foor,	Matthews,	Simons,
Balthaser,	Freed,	McClester,	Skale,
Bardes,	Fullerton,	McGarrity,	Sloan,
Bennett,	Furman,	McKinney,	Snyder,
Bohn,	Gates,	McLane,	Sollenberger,
Boles,	Gillan,	McNally,	Stambaugh,
Boney,	Gillette,	McVay,	Stank,
Boorse,	Goll,	Melchiorre,	Stewart,
Boose,	Gorski,	Mihm,	Stockham,
Bower,	Habbyshaw,	Montgomery,	Sweeney,
Boyd,	Haines,	Mooney,	Tahl,
Brancato,	Hall,	Moran,	Tarr,
Bretherick,	Hamilton,	Moser, F. S.,	Taylor,
Broad,	Harbeson,	Moser, J. L.,	Terry,
Bronson,	Harkins,	Muir,	Thistle,
Brown, H. S.,	Haudenshield,	Munley,	Thompson, E. F.,
Brown, S. W.,	Henry,	O'Brien,	Thompson, G. R.,
Brunner,	Hess,	O'Dare,	Tiemann,
Burns,	Hewitt,	O'Keefe,	Trout,
Burris,	Hindman,	O'Neill,	VanAllsburg,
Cadwalader,	Hocke,	Peacock,	Van Belle,
Calvin,	Hoffman, J. N.,	Peale,	Voorhees,
Carpenter,	Hoffman, S. K.,	Powers,	Wagner,
Check,	Holland,	Preston,	Walsh,
Chervenak,	Hoyt,	Readinger,	Watkins,
Christler,			

Clark,	Huntley,	Reagan,	Webster,
Clearwater,	James,	Reese, D. P.,	Weiss,
Cohen, H. B.,	Jirolanio,	Reese, R. E.	Welsh, E. B.,
Cook,	Johnston,	Regan,	Welsh, M. J.,
Cooper,	Jones,	Reynolds,	Westrick,
Cordier,	Kane,	Rhodes,	Wilkinson,
Corrigan,	Keenan,	Rider,	Williams,
Cortese,	Keneshan,	Riley,	Wilson,
Curran,	Kilroy,	Robertson,	Winner,
Dalrymple,	Kline,	Rooney,	Wood, H. M.,
Denman,	Knoble,	Rose,	Wood, L. H.,
DeNote,	Kowalski,	Roseberry,	Wood, N.,
Dick,	Krise,	Rosenfeld,	Woodside,
Dix,	Lee,	Rothenberger,	Yeakel,
Donahue,	Lelsey,	Royer,	Turner,
Downey,	Levy,	Sarge,	Speaker.
Eckels,	Leydic,	Sarra,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence

RESOLUTION

THANKS EXTENDED

Mr. ROYER offered a resolution which was twice read, considered and unanimously adopted as follows:

In the House of Representatives, Monday, April 4, 1939. Whereas, The Rev. Walter Evans Deibler, pastor of the Church of the United Brethren in Christ, of Highspire, Pa., who retires as Chaplain of the House of Representatives, has served this body in that capacity in a manner that has earned for him the respect and admiration of the members as a faithful public servant of outstanding Americanism and sterling Christian character; now, therefore, be it

Resolved, That the House of Representatives does hereby extend to the Rev. Walter Evans Deibler, upon his retirement, its hearty thanks for a public service well performed and extends its best wishes for future happiness and success in the high calling to which he has dedicated his life, and be it further

Resolved, That a copy of this resolution be spread upon the Journal of the House and a copy transmitted by the Speaker to the retiring Chaplain.

BILL ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 856, entitled:

An Act making a deficiency and emergency appropriation to aid certain school districts

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

Mr. SCHROPE. Mr. Speaker, I desire to interrogate the majority floor leader.

The SPEAKER. Will the gentleman from Dauphin permit himself to be interrogated?

Mr. WOODSIDE. I shall, Mr. Speaker.

Mr. SCHROPE. Mr. Speaker, I would like to ask the gentleman from Dauphin, Mr. Woodside, as a point of information, if he knows whether or not there is any money due second and third class school districts from the regular school appropriation at this time?

Mr. WOODSIDE. Mr. Speaker, does the gentleman mean whether there is any money due any of these dis-

tricts which has not been paid, and which should have been paid according to the amounts set forth in the law for payment up to this time?

Mr. SCHROPE. Mr. Speaker, that is correct, except that possibly they will not receive one hundred per cent of what they should have received. However, they have not received their regular appropriation. This relates to second and third class school districts.

Mr. WOODSIDE. Mr. Speaker, that may be true as to second and third class school districts. I believe the fourth class school districts were paid in full some time ago, according to information which I have. I would like to be helpful, but I am depending on my recollection—approximately ninety-three per cent was paid to certain of the districts not of the fourth class, and I assume that would include second and third class districts.

Mr. SCHROPE. Mr. Speaker, that is correct, money is due second and third class districts, but can the gentleman inform the members of the House as to why this money at this time has not been paid to these districts, many of which are in dire distress?

Mr. WOODSIDE. Mr. Speaker, as far as I know, the reason that the money was not paid was because of insufficient appropriation made in the 1937 session to meet the amounts which the law provided should be paid. In other words there were not sufficient moneys appropriated by the 1937 session to meet the requirements of the law.

As I understand the situation, to amplify that a little further, the law provides certain methods by which payments shall be made to school districts of the various classes under the general appropriation bill and there is a certain amount appropriated each biennium to meet this requirement of the law. If the appropriation bill is not sufficient, of course the state cannot pay in full the amount required by law, until money has been appropriated for that purpose. Therefore the answer to the gentleman from Schuylkill is simply this: The 1937 session of the Legislature which was bound to appropriate sufficient money to meet the requirements of the law did not do so, which left a deficiency to be met at this time.

Mr. SCHROPE. Mr. Speaker and members of the House, the answers made by the gentleman from Dauphin, Mr. Woodside, are partly correct and in my opinion partly incorrect. At the present time the second and third class districts in the state have five and one-half million dollars of their appropriation yet to receive. The reason that they have not received this money—I beg to differ with the gentleman from Dauphin—is not because of failure to appropriate, because if that is so, the various departmental heads have misinformed me. From the information which I have received, there are eleven million dollars available for the regular appropriations, part of which as I stated, or five and one-half million dollars, is owing to these second and third class school districts, and by the way, Schuylkill County has thirteen or fourteen third class districts, many of which are in dire distress. If they were to receive their regular appropriation it would be a tremendous aid, but in February of this year, the Governor's office through the budget secretary, instructed the Department of Public Instruction to make no requisitions on the Auditor General for any further money until they were notified, and the Department of Public Instruction is helpless to make any requisitions until the Governor's budget officer says, "Go ahead and do it."

I can't understand why the Governor's office should take this stand except for this reason that possibly the funds for relief will not be sufficient for this biennium, but I feel it is unreasonable to have these school teachers suffer, when the State Treasurer's office informs me that that money is available for that specific purpose at this time. The whole sum and substance of the matter is that while the regular appropriation will not be sufficient, sooner or later Governor James will have to agree to a new tax, and it seems to me that it is just like extracting a tooth, you might as well do it now and have it over with.

While I am one hundred per cent for this one million dollar appropriation bill, I feel it is the duty of this Legislature to contact the Governor's office and ascertain whether this money can now be released, which will mean the payment of five and one-half million dollars to the second and third class districts.

Mr. ANDREWS. Mr. Speaker, I would like to interrogate the gentleman from Schuylkill, Mr. Schrope.

The SPEAKER. Will the gentleman from Schuylkill permit himself to be interrogated?

Mr. SCHROPE. I will, Mr. Speaker.

Mr. ANDREWS. Mr. Speaker, did I understand the gentleman from Schuylkill to say that the State Treasurer informed him that there are five million dollars available for distribution to the schools if the proper directions were given for the release of the money?

Mr. SCHROPE. Mr. Speaker, for the regular second and third class school appropriations, possibly not for relief of fourth class school districts, but for the regular second and third class school district appropriations.

Mr. ANDREWS. Mr. Speaker, I would like to interrogate the gentleman from Dauphin, the majority floor leader.

The SPEAKER. Will the gentleman from Dauphin permit himself to be interrogated?

Mr. WOODSIDE. I shall, Mr. Speaker.

Mr. ANDREWS. Mr. Speaker, does the statement made by the gentleman from Schuylkill agree with the information in possession of the majority floor leader?

Mr. WOODSIDE. Mr. Speaker, I did not hear all of the statement of the gentleman from Schuylkill, therefore I do not know and I do not want to commit myself to say that everything he stated is correct.

Mr. ANDREWS. Mr. Speaker, the gentleman from Schuylkill, as I understood him, stated that there was owing to various classes of school districts, five million dollars, which is now in the possession of the State Treasurer and is available for distribution to the districts to which that money is owing.

Mr. WOODSIDE. Mr. Speaker, my information is that that is not correct from this standpoint: There is now in the Treasury a balance in excess of five million dollars, and there is now due the school districts approximately five million dollars, but if that money were not held available to meet tax anticipation notes for which it has been actually set aside, then the credit of the Commonwealth would be very seriously interfered with and the possibility of floating tax anticipation notes at a reasonable rate of interest in the next biennium would be practically nil. For that reason it is necessary to keep at the present time a sufficient cash balance to make certain that the tax anticipation notes will be met. I am advised by the

Budget Office that the probabilities are that the amount which is due the school districts, the five million dollars which the gentleman from Schuylkill has referred to, will be paid to them within a week or two, or at least shortly after April 15. It is possible that the full amount may not be paid at that time because sufficient money will not be available after the payment of the tax anticipation note installments, and for that reason the money is being held at this time. I think that will explain the situation. It is a matter of interpretation, as to whether the money is or is not available.

Mr. SCHROPE. Mr. Speaker and members of the House, I do not know, but I would like to know, where you can get correct information. I went to the State Treasurer's Office today because I did not know where else to go. There they told me there was approximately eleven million dollars available, from which the five and one-half million dollars could be drawn. I do not know where else to go. If they did not give me the correct figures, then let us, instead of setting up a Department of Commerce, set up some other department of information where you can get information. That is where I got my information. If they misinformed me, you will have to accept it.

The SPEAKER. The Chair out of sympathy for the gentleman, in one respect, would remind him that he has been here long enough and has heard many, many debates on the subject of estimates and information as to where money was and how much was available.

Mr. WOODSIDE. Mr. Speaker, I was going to suggest to the gentleman that he is fortunate in having the State Treasury to go to, but he might also have gone to the budget office where I am sure he would have received courteous treatment. They would have furnished him the same information that has been furnished to me. They would explain the situation to him as they see it. I might, in order to clear up the situation, add this: We have been talking about a five million dollar appropriation which is due and for which an appropriation has been made. The matter to which I referred is also involved in this situation, and that is that there is \$1,925,000 that under the law should have been appropriated to the school districts in the 1937 session, and there has been passed by this House a deficiency appropriation bill to meet that sum, so that eventually the school districts will get the full amount to which they are entitled under the law.

Mr. HERBERT B. COHEN. Mr. Speaker and members of the House, there apparently is some misinformation or confusion. I think that both the gentleman from Schuylkill and the gentleman from Dauphin are correct as I see the situation. There are funds available in the State Treasury. However, prior to the payment of those funds, authorization must come from the Secretary of the Budget to met the specific appropriation liability of the 1937 session. I understand that the Budget Office, acting upon the advice of the Governor and whatever other financial advisors he might call upon to aid him in his very apparent dilemma, has requested the cessation of payments for subsidies so that moneys might be conserved in line with the Supreme Court's decision in the Talbot Act cases, to meet the so-called ordinary expenses of government. As a result of that policy, the hospitals have not received their moneys, the state-aided homes have not received

their moneys, the educational institutions have not been paid their quarterly payments, in an effort on the part of the administration to conserve assets for the payment of the so-called ordinary expenses of government. The Supreme Court was very kind, particularly to the membership of this House, because they included our salaries in the category of ordinary expenses of government. Nevertheless, I feel sure that the exigencies outside of ordinary expenses of government are so great that payment should forthwith be made to our hospitals, our state-aided institutions, our state-aided educational institutions, as well as the second and third class school districts who are looking to the Commonwealth to help meet their own ordinary expenses of government.

Mr. KANE. Mr. Speaker and members of the House, the debates here today brought out only one thing and that is that the schools, like the hospitals, sanitariums, and a great many other State institutions, are in need of money. The Governor and the other officials are doing their best to spread it around as best they can.

I sympathize with the gentleman from Schuylkill in the fact that it does seem to be very difficult to find out where some of this money is, how it is to be spent. I want to call to the attention once more of the gentleman on the other side the fact that House Bill No. 989 which I introduced, following my speech on this subject the other day, not only provides the method for raising money for distressed school districts but also for hospitals, sanitariums, and so forth which are badly in need of funds. If they want to really do something on this subject they should get back of the tax bill to raise money and not quibble any further out of which fund it shall come.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—194

Achterman,	Eckels,	Leydic,	Sarraff,
Ackermann,	Ely,	Lichtenwalter,	Scanlon,
Allen,	Ewing,	Long,	Schrock,
Alspach,	Falkenstein,	Lovett,	Schrope,
Andrews,	Fauset,	Lyons,	Schwab,
Atkins,	Finnerty,	Madden,	Seif,
Auker,	Fisher,	Malloy,	Serrill,
Baker,	Fliss,	Marr,	Shaw,
Balliet,	Fleming,	Matthews,	Shearer,
Balthaser,	Foor,	McClester,	Sirons,
Bardes,	Freed,	McGarrity,	Sloan,
Bennett,	Fullerton,	McKinney,	Snyder,
Bohn,	Furman,	McLane,	Sollenberger
Boles,	Gates,	McNally,	Stambaugh,
Boney,	Gillan,	McVay,	Stank,
Boorse,	Gillette,	Melchiorre,	Stewart,
Boose,	Goll,	Mihm,	Stockham,
Bower,	Gorski,	Montgomery,	Sweeney,
Boyd,	Habbyshaw,	Mooney,	Tahl,
Brancato,	Haines,	Moran,	Tarr,
Bretherick,	Hall,	Moser, F. S.,	Taylor,
Broad,	Hamilton,	Moser, J. L.,	Thistle,
Bronson,	Harbeson,	Mulr,	Thompson, E. F.,
Brown, H. S.,	Harkins,	Munley,	Thompson, G. R.,
Brown, S. W.,	Haudenshield,	O'Brien,	Tiemann,
Brunner,	Henry,	O'Dare,	Trout,
Burns,	Hess,	O'Keefe,	VanAllsburg,
Cadwalader,	Hewitt,	O'Neill,	Van Belle,
Calvin,	Hindman,	Peacock,	Voorhees,
Carpenter,	Hocke,	Peale,	Wagner,
Check,	Hoffman, J. N.,	Powers,	Walsh,
Chervenak,	Hoffman, S. K.,	Preston,	Watkins,
Christler,	Holland,	Readinger,	Webster,
Clark,	Hoyt,	Reagan,	Weiss,
Clearwater,	Huntley,	Reese, D. P.,	Welsh, E. B.,
Cohen, H. B.,	James,	Reese, R. E.,	Welsh, M. J.,
Cook,	Jirolanio,	Rezan,	Westrick,

Cooper,	Johnston,	Reynolds,	Wilkinson,
Cordier,	Jones,	Rhodes,	Williams,
Cortese,	Kane,	Rider,	Wilson,
Curran,	Keenan,	Riley,	Winnor,
Dalrymple,	Kenehan,	Robertson,	Wood, H. M.,
Danman,	Kline,	Rooney,	Wood, L. H.,
DeNote,	Knoble,	Rose,	Wood, N.,
Dick,	Kowalski,	Roseberry,	Woodside,
Dix,	Krise,	Rosenfeld,	Yeakel,
Donahue,	Lee,	Rothenberger,	Turner,
Donohoe,	Lelsey,	Royer,	Speaker,
Downey,	Levy,	Sarge,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

BILL ON SECOND READING

Mr. WOODSIDE asked and obtained unanimous consent to call up out of order House Bill No. 477, Senate Bill No. 34, Printers No. 10, on Page 10 of today's calendar, bill on second reading.

Agreeably to order,

The House resumed the consideration on second reading of House Bill No. 477, (Senate Bill No. 34), entitled:

An Act to further amend section five hundred eight of the act approved the eighteenth day of May one thousand nine hundred and eleven (P. L. 309) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" by further regulating the incurring of temporary indebtedness and the repayment thereof in school districts other than school districts of the first class

The first section was read as follows:

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section five hundred eight of the act approved the eighteenth day of May one thousand nine hundred and eleven (Pamphlet Laws 309) entitled "An Act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" as last amended by section three of the act approved the second day of July one thousand nine hundred and thirty-seven (Pamphlet Laws 2860) is hereby further amended to read as follows

Section 508 Any school district having no indebtedness or whose indebtedness incurred or created without the assent of the electors thereof is less than two (2) per centum of the total valuation of the taxable property for school purposes therein may at any time for the purpose of providing funds in any fiscal year for current expenses and debt service for permanent improvements or in anticipation of proceeds from a bond issue already officially authorized and approved by the Department of Internal Affairs with such limitations and for such length of term as hereinafter provided by or through its board of school directors incur in addition to any bonds therein authorized a temporary debt or borrow money and issue an obligation or obligations therefor under the seal of the district if any properly attested by the president and secretary thereof and bearing interest not exceeding the legal rate but no such obligation shall be sold for less

than par Provided That the incurring of any such temporary debt or borrowing money upon such obligation shall receive the affirmative vote of not less than two-thirds of the members of the board of school directors therein

The total amount of temporary indebtedness incurred for current expenses and debt service in school districts other than school districts of the first class shall at no time exceed an amount equal to the State appropriations not received but payable during the fiscal year and the tax levied upon taxable property within such school district for school purposes and remaining uncollected for the current fiscal year Provided That any temporary indebtedness incurred for current expenses and debt service at any time during a period of five years from the effective date of these amendments shall at no time exceed an amount equal to the State appropriations not received but payable during the fiscal year and the tax levied upon taxable property within such school district for school purposes and remaining uncollected and unpledged All such loans shall be paid out of the receipts available or pledged for the repayment thereof when and as the said funds are received Provided That the total amount of the temporary indebtedness for such purpose remaining unpaid at the close of the fiscal year shall become an obligation upon the following year's budget and be included therein

The total amount of temporary indebtedness incurred in any school district for the purpose of permanent improvements shall at no time in school districts of the first and second class exceed one-half of one (1) per centum of the last assessed valuation of taxable property for school purposes therein and in school districts of the third and fourth class two (2) per centum of such assessed valuation Provided That at or before the time of incurring such indebtedness for such purpose provision shall be made for the collection of an annual tax sufficient to pay the interest and also the principal thereof within the term of such indebtedness as hereinafter provided Provided That the total indebtedness in any school district of the first class including all bonded indebtedness and temporary indebtedness shall never exceed two (2) per centum of the last assessed valuation of taxable property for school purposes therein and in school districts of the second third and fourth class shall not exceed seven (7) per centum of such assessed valuation

The total amount of temporary indebtedness incurred in anticipation of proceeds from a bond issue already officially authorized and approved by the Department of Internal Affairs as hereinbefore provided shall not exceed seventy-five (75) per centum of the full amount of bonds authorized by such bond issue

All money borrowed for the purpose of current expenses and debt service as hereinbefore provided and remaining unpaid at the close of any fiscal year shall be paid out of the receipts of the following fiscal year for school districts as heretofore provided but in all events not later than the first day of July of such following year in school districts of the first class and not later than the first day of November in school districts of the second third and fourth class Provided That all temporary indebtedness for such purpose existing prior to the first day of July one thousand nine hundred [thirty-seven] thirty-nine shall be payable at any time not to exceed three years thereafter.

All money borrowed for permanent improvements for which no bond issue has been provided and for which an obligation or obligations other than bonds have been issued shall be paid within three years from date of issue of such obligation together with interest and at least one-third of the total principal of the original loan shall be paid annually Such obligation or obligations may be paid in full or in part each year when the taxes are received and reborrowed again the latter part of the fiscal year Provided That the amount reborrowed is less than the amount borrowed the preceding year by at least one-third of the total amount of the original loan Provided further That each time the money is reborrowed the date and purpose for which it was originally borrowed shall be re-stated Provided further That the amount of the original loan shall be paid in full within a maximum term of three years from the date of the original loan for such purpose

All obligations other than bonds issued by any school

district in anticipation of proceeds from a bond issue already officially authorized and approved by the Department of Internal Affairs shall be paid in full together with interest out of the proceeds of such bond issue within one year six months from the date of authorization of such bond issue

In case of an emergency any school district in this Commonwealth in any fiscal year after incurring temporary indebtedness for current expenses and debt service to the full extent of the provisions hereinbefore provided and finding the receipts from said temporary loans together with all other receipts to be inadequate to meet the expenditures of the official fiscal year's budget may appeal to the State Department of Public Instruction for permission to increase the temporary indebtedness of such school district beyond the amount hereinbefore provided and shall present to the State Superintendent of Public Instruction or his agent such financial statements or reports as he may require to give him adequate facts relative to the necessity of such increase in indebtedness The State Superintendent of Public Instruction is hereby authorized after due examination of the need of such school district either to refuse or grant permission to such school district to borrow additional funds beyond the provisions hereinbefore provided and in case of approval he shall set a maximum limit of the total amount of additional temporary indebtedness that such school district may incur during the fiscal year in addition to all temporary indebtedness outstanding at the time of such approval Provided That such additional amount of temporary indebtedness together with all other temporary indebtedness at any time for the purpose of payments on current expenses and debt service in school districts of the first [and second] class shall not exceed four-tenths of one (1) per centum and in school districts of the second class shall not exceed three-fourths of one (1) per centum and in school districts of the third and fourth class shall not exceed one (1) per centum of the total amount of taxable property in such district and the total indebtedness for such purposes together with all other indebtedness incurred without authorization by vote of the electors of the district shall at no time exceed two (2) per centum of the last total assessed valuation of the taxable property therein All temporary indebtedness remaining unpaid at the end of the fiscal year shall be paid in the same manner as hereinbefore provided

On the question,

Will the House agree to the section?

Mr. WOODSIDE. Mr. Speaker, I desire to offer the following amendment.

The SPEAKER. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend Sec. 1 (Sec. 508), page 6, line 19, by striking out the word: "Department" and inserting in lieu thereof "Superintendent".

On the question,

Will the House agree to the amendment?

It was agreed to.

On the question recurring,

Will the House agree to the section?

Mr. AUKER. Mr. Speaker, I desire to offer the following amendments.

The SPEAKER. The amendments will be read by the Clerk.

The amendments were read by the Clerk as follows:

Amend Section 1, page 3, line 14, by striking out after the words "debt service" the following: "SC in school dis—"

Amend Section 1, page 3, line 15, by striking out the following: "tricts S other than school districts of the first class"

On the question,

Will the House agree to the amendments?

They were agreed to.

On the question,

Will the House agree to the section as amended?

It was agreed to.

Mr. AUKER. Mr. Speaker, I desire to offer the following amendment to the bill.

The SPEAKER. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend page 7, after line 22 by adding the following: "Section 2, This act shall become effective immediately upon its approval by the Governor."

On the question,

Will the House agree to the amendment?

It was agreed to.

The title was read as follows:

An Act to further amend section five hundred eight of the act approved the eighteenth day of May one thousand nine hundred and eleven (Pamphlet Laws 309) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" by further regulating the incurring of temporary indebtedness and the repayment thereof in school districts other than school districts of the first class

On the question,

Will the House agree to the title?

Mr. AUKER. Mr. Speaker, I desire to offer the following amendment.

The SPEAKER. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend Title, page 2, lines one and two by striking out after the word "thereof" the following: "SC in school districts other than school districts of the first class"

On the question,

Will the House agree to the amendment?

It was agreed to.

On the question,

Will the House agree to the title as amended?

It was agreed to.

And said bill having been read at length the second time and agreed to as amended.

Ordered, To be transcribed for a third reading.

SENATE MESSAGE

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 142.

An Act to further amend section five of the act, approved the twenty-sixth day of April, one thousand nine hundred thirty-five (P. L. 90), entitled "An act to promote uniformity in the assessment and taxation of properties and persons within the territorial limits of cities of the second class A, by providing that city and school taxes within such territorial limits shall be assessed, levied, and collected upon the basis of the assessments for taxation for county purposes; and requiring the furnishing of tax duplicates by the county taxing author-

ities to such cities and to school districts coterminous therewith; abolishing the department of assessors in cities of the second class A; consolidating tax statements covering city, school, county, and poor taxes therein, and making uniform the time for levy and collection of said taxes respectively, and regulating the discounts therefrom and penalties thereon," by changing the date of certain tax payments and further regulating the penalties and interest imposed on unpaid taxes.

With the information that the Senate has passed the same with amendments, in which the concurrence of the House of Representatives is requested.

The SPEAKER. The Clerk will read the amendments.

The Clerk read the amendments as follows:

Amend section 1, page 3, line 28 by striking out after the word "installment" the words "the entire unpaid balance"; also on page 4, line 3, by striking out at the beginning of said line the word "balance".

On the question,

Will the House concur in the amendments made by the Senate?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—198

Achterman.	Downey.	Leydic.	Scanlon.
Ackermann.	Eckels.	Lichtenwalter.	Schrock.
Allen.	Ely.	Long.	Schrope.
Alspach.	Ewing.	Lovett.	Schwab.
Andrews.	Falkenstein.	Lyons.	Self.
Atkins.	Fauset.	Madden.	Serrill.
Auker.	Finnerty.	Malone.	Shaw.
Baker.	Fisher.	Marr.	Shearer.
Balliet.	Fiss.	Matthews.	Simons.
Balthaser.	Fleming.	McClester.	Sloan.
Bardes.	Foor.	McGarrity.	Snyder.
Bennett.	Freed.	McKinney.	Sollenberger.
Bohn.	Fullerton.	McLane.	Stambaugh.
Boles.	Furman.	McNally.	Stank.
Boney.	Gates.	McVay.	Stewart.
Boorse.	Gillan.	Melchiorre.	Stockham.
Boose.	Gillette.	Mihm.	Sweeney.
Bower.	Goll.	Montgomery.	Tahl.
Boyd.	Gorski.	Mooney.	Tarr.
Brancato.	Habyshaw.	Moran.	Taylor.
Bretherick.	Haines.	Moser, F. S.	Terry.
Broad.	Hall.	Moser, J. L.	Thistle.
Bronson.	Hamilton.	Muir.	Thompson, E. F.
Brown, H. S.	Harbeson.	Munley.	Thompson, G. R.
Brown, S. W.	Harkins.	O'Brien.	Tiemann.
Brunner.	Handenshield.	O'Dare.	Tronzo.
Burns.	Henry.	O'Keefe.	Trout.
Burris.	Hess.	O'Neill.	VanAllsburg.
Cadwalader.	Hewitt.	Peacock.	Van Belle.
Calvin.	Hindman.	Peale.	Voorhees.
Carpenter.	Hocke.	Powers.	Wagner.
Check.	Hoffman, J. N.	Preston.	Walsh.
Chervenak.	Hoffman, S. K.	Readinger.	Watkins.
Christler.	Holland.	Reagan.	Webster.
Clark.	Hoyt.	Reese, D. P.	Welsh.
Clearwater.	Huntley.	Reese, R. E.	Welsh, E. B.
Cohen, H. B.	James.	Regan.	Welsh, M. J.
Cook.	Jirolanio.	Reynolds.	Westrick.
Cooper.	Johnston.	Rhodes.	Wilkinson.
Cordier.	Jones.	Rider.	Williams.
Corrigan.	Kane.	Riley.	Wilson.
Cortese.	Keenan.	Robertson.	Winnor.
Curran.	Kenehan.	Rooney.	Wood, H. M.
Dalrymple.	Kline.	Rose.	Wood, L. H.
Denman.	Knoble.	Roseberry.	Wood, N.
DeNote.	Kowalski.	Rosenfeld.	Woodside.
Dick.	Krise.	Rothenberger.	Yeakel.
Dix.	Lee.	Royer.	Turner.
Donahue.	Lelsey.	Sarge.	Speaker.
Donohoe.	Levy.	Sarraff.	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendments were concurred in.

Ordered, That the Clerk inform the Senate accordingly.

SENATE MESSAGES

HOUSE BILLS CONCURRED IN BY SENATE

The Clerk of the Senate being introduced, returned bills from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 211.

* An Act to amend section one of the act approved the twelfth day of June one thousand nine hundred nineteen (Pamphlet Laws 450) entitled "An act permitting counties of the Commonwealth of Pennsylvania to appropriate and expend moneys and to incur indebtedness and issue bonds and other obligations for the improvement and maintenance of State highways and State-aid highways or any public highway in any county of the Commonwealth and providing the method of applying for said moneys and for the approval thereof by the State Highway Department in certain cases" as amended by extending the provisions thereof to include the improvement and maintenance of public highways in towns

HOUSE BILL No. 400.

An Act to amend the title and the act approved the nineteenth day of May one thousand eight hundred and eighty-seven (Pamphlet Laws 132) entitled "An act to give preference of appointment or employment to honorably discharged soldiers sailors and marines who fought for the Union cause in the late war of the rebellion" by extending the same preference to veterans and nurses of any war in which the United States has engaged

With the information that the Senate has passed the same without amendment.

AMENDED SENATE RESOLUTION CONCURRED IN BY SENATE

The Clerk of the Senate being introduced informed that the Senate has concurred in the amendments made by the House of Representatives to Senate Resolution as follows:

In the Senate, February 7, 1939.

Whereas, Milk Control has been the subject of much controversy, and

Whereas, The production and distribution of milk is a subject of such vital importance to the citizens of the Commonwealth; therefore be it

Resolved (if the House of Representatives concur), That the President Pro Tempore shall appoint three members of the Senate, one of whom shall be designated as Chairman, and the Speaker of the House of Representatives shall appoint four members of the House, who together shall constitute a joint legislative committee and whose duty it shall be to investigate and study, (a) all regulations, records and activities of the several departments and boards engaged in any manner in the administration of laws regulating the production and distribution of milk and to take the testimony of such witnesses as may be deemed necessary to ascertain full facts which will be useful and helpful in formulating future remedial and regulatory legislation

Resolved, That said committee shall have power to issue subpoenas under the hand and seal of its Chairman, requiring and commanding any person to appear before it and answer such questions touching matters properly being inquired into by the committee, and to produce such books, papers, records and documents as the committee may deem necessary. Such subpoenas may be served upon any person and shall have the same force and effect as subpoenas issued out of the courts of this Commonwealth. Each member of the committee shall have power to administer oaths and affirmations to witnesses appearing before it. Any person who shall wilfully neglect or refuse to appear and testify for said committee, or to produce any books, papers, records and documents,

shall be subject to the penalties provided by the laws of this Commonwealth in such cases.

BILLS SIGNED BY SPEAKER

Bills numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the titles were publicly read as follows:

HOUSE BILL No. 142.

An Act to further amend section five of the act approved the twenty-sixth day of April one thousand nine hundred thirty-five (Pamphlet Laws 90) entitled "An act to promote uniformity in the assessment and taxation of properties and persons within the territorial limits of cities of the second class A by providing that city and school taxes within such territorial limits shall be assessed levied and collected upon the basis of the assessments for taxation for county purposes and requiring the furnishing of tax duplicates by the county taxing authorities to such cities and to school districts coterminous therewith abolishing the department of assessors in cities of the second class A consolidating tax statements covering city school county and poor taxes therein and making uniform the time for levy and collection of said taxes respectively and regulating the discounts therefrom and penalties thereon" by changing the date of certain tax payments and further regulating the penalties and interest imposed on unpaid taxes

HOUSE BILL No. 211.

An Act to amend section one of the act approved the twelfth day of June one thousand nine hundred nineteen (Pamphlet Laws 450) entitled "An act permitting counties of the Commonwealth of Pennsylvania to appropriate and expend moneys and to incur indebtedness and issue bonds and other obligations for the improvement and maintenance of State highways and State-aid highways or any public highway in any county of the Commonwealth and providing the method for applying for said moneys and for the approval thereof by the State Highway Department in certain cases" as amended by extending the provisions thereof to include the improvement and maintenance of public highways in towns

HOUSE BILL No. 400.

An Act to amend the title and the act approved the nineteenth day of May one thousand eight hundred and eighty-seven (Pamphlet Laws 132) entitled "An act to give preference of appointment or employment to honorably discharged soldiers sailors and marines who fought for the Union cause in the late war of the rebellion" by extending the same preference to veterans and nurses of any war in which the United States has engaged

Whereupon,

The SPEAKER, in the presence of the House, signed the same.

CORRECTION

Mr. READINGER. Mr. Speaker, I wish to call to the attention of the Chair to the fact that House Bill No. 404, Printer's No. 141, page 13 of today's calendar appears incorrectly under "Bills on Final Passage Postponed." It should be on the third reading postponed calendar.

The SPEAKER. If this be an error, it will be corrected on tomorrow's calendar. The Chair thanks the gentleman for calling our attention to the error.

ADDRESS BY MR. KANE

Mr. KANE asked and obtained unanimous consent to address the House.

Mr. Speaker, I presume we are now at the end of today's business and if there is any one who does not

care to hear this statement I will not be offended if he has to go elsewhere. However, I wish to have in the Journal for the benefit of those who are interested in the coal problem a brief statement of the contents and purposes of a series of bills which I introduced last night dealing with the coal problem in the Commonwealth and which are numbered from 1000 to 1008 consecutively. This is for the guidance of the members and I would like to have it in the Journal so they can use it.

In presenting a series of bills aimed to endeavor to help solve the coal problem of Pennsylvania, which is so vital a part of Pennsylvania's unemployment problem, it is not the wish of the sponsors of the bills nor the Mines and Mining Committee to lay claim to having solved the problems of that distressed industry.

It is the feeling of the Chairman that we owe a public duty to endeavor to reconstruct this vast industry or to provide a means whereby it may reconstruct itself.

House Bill 1000 sets up the Pennsylvania Anthracite Reconstruction Corporation, with all that the name implies. It can do many things to facilitate the anthracite industry. It cannot engage in the mining business, the railroad business, nor the retail selling business. We farmers are willing to regulate and rebuild and reemploy in anthracite and we do not want the State to go mining, railroading or competing with the retail dealers, nor can it speculate in stocks and bonds.

House Bill 1001 sets up a Pennsylvania Anthracite Control Board, which can standardize quality and sizes and control production of anthracite coal. It sets up the machinery to do by a legally constituted board what has thus far been done with difficulty by obtaining temporary agreements among the operators. Temporary arrangements continue to make the dealers, the buyers, the laborers and the investors uncertain and they lie back for lack of confidence in an industry so chaotic. It gives the miners a break too by requiring that where mines are controlled on a basis of so many days' production, those days must run consecutively or else control shall be by weeks or months, so the men have some idea whether they have work or don't have work and can use their idle time to some advantage.

House Bill 1002 requires a license from the Secretary of Mines for any anthracite mine and requires evidence of ownership of the coal, a plan of operation and a bond to assure compliance with the mining laws. The fees are very low.

House Bill 1003 provides a licensing system for anthracite breakers or preparation plants. This is the choke at which this industry can most easily be controlled. There are hundreds of mines, thousands of dealers, but only a few over a hundred breakers.

House Bill 1004 requires that all coal shipped or delivered from any anthracite breaker shall be accompanied by a state-created and state-issued certificate of origin without which certificate the possession or transportation of prepared coal by any method on a conveyance shall be severely punishable.

I might add at this point that attempted forgeries or duplications of certificates of origin will be punishable under this bill by an imprisonment of five years in the penitentiary.

House Bill 1005 provides an appropriation of \$100,000 to the Attorney General to conduct a fight for lower carrying charges on anthracite coal and authorizes and directs that

he shall conduct such fight wherever and whenever needed during the next four years. It settles the question of his right to do so by directing that he shall and shall be the superior in charge thereof, to any other department or commission of the State, in conducting such fight. It does not direct the Attorney General to fight railroads, but only to secure lower transportation charges. He may use the fund to help the railroads help themselves. He may join the railroads of Pennsylvania to fight for a change in the system of freight rates so as to enable them to regain their lost business. It is a surprising thing to me that the railroads alone of all the utilities either will not or perhaps cannot legally grant better rates to those who use their services in volume over those who use them very little. Who pays the same price for a hundred pair of shoes or a hundred kilowatts of electricity as for one? And what trucker will not give you a better rate on a truckload of coal a day than on a truckload a year?

House Bill 1007 does the same with reference to soft coal transportation charges. The problem is as vital and the sum appropriated the same—\$100,000.

House Bill 1006 is a bill to prevent the use of smoke-producing fuels in a region in the northeastern section of the State, which is primarily served by smokeless fuels at present, and which has great possibilities as a resort region. We have city ordinances to abate smoke nuisances and when a person next door to your house uses a great deal of smoky fuel and you do not it causes you a great expense by making you paint your house oftener, wash your curtains oftener and all that sort of thing. I do not see any reason why we should not prevent the use of smoke-producing fuels in the Pocono Mountain and northeastern Pennsylvania resort region, when smokeless fuels are actually cheaper to obtain there. There will be no hardship on the consumer, but a great benefit.

Furthermore, there is strong evidence to indicate that the railroads which haul out the anthracite coal out of our already distressed anthracite region, in many cases, use soft coal in the engines which haul it. Those statistics seem to prove that the railroads could have saved money by using the anthracite they haul. If this bill does not do anything more than make people think about this problem and go into the statistics on the question, it will have served a useful purpose. It seems to me like kicking a man when he is down to run a train into an anthracite coal mine facing bankruptcy and use soft coal in the engine to haul out what little coal he is able to ship on the railroad. It also seems to me that the power plants of the region which serve those anthracite people might all use their product. I understand this is entirely practical and that the biggest power company in the region, the Pennsylvania Power and Light Company, does use anthracite coal, very successfully.

House Bill 1008 does the same thing for soft mines as House Bill 1002 does for anthracite. It will prevent illegal mines commenting in the soft coal fields by requiring licenses etc. The fees are very low.

These bills are not in final form. There will, doubtless, be public hearings thereon. We welcome suggestion from operators, laborers, transporters and dealers. We are not for price fixing on the general public and have rejected all such proposals. We represent the coal people, but we also represent the consuming public. We are interested and concerned because of the danger to the great coal resources

of the Commonwealth and the tremendous cost to all of us of the widespread unemployment in this industry.

In my opinion this presents a complete and comprehensive program. However, it is susceptible of improvement by members of the House who have amendments to offer which will go a long way to solve this very vital unemployment and industrial problem.

I wish to thank the members of the House for their courtesy and I wish to thank you, Mr. Speaker, for giving me this opportunity.

ADDRESS BY MR. DENMAN

Mr. DENMAN asked and obtained unanimous consent to address the House.

Mr. Speaker and members of the House, yesterday Dr. Hindman took up the matter of tuberculosis and the Butler Tuberculosis Hospital. This morning I received a copy of a resolution passed at Butler in regard to the Butler Sanatorium which I desire to read to the House. The resolution reads as follows:

"At a special meeting of the Butler Chamber of Commerce, March 27, 1939, the following resolution was unanimously adopted:

"Whereas, Pennsylvania is in need today of approximately 3,800 additional hospital beds for tuberculosis sufferers in order to reach the standard of two beds per death, and

"Whereas, The new Sanatorium in Butler County was planned for 550 beds, and new accommodations at Mont Alto and Hamburg are to provide 738 additional sanatorium beds, or a total of 1,288 beds, which represents only one-third of the 3,800 additional beds Pennsylvania needs, and

"Whereas, There are approximately 44,000 cases of tuberculosis in Pennsylvania at the present time, and at a conservative estimate, at least 12,000 of these are in need of hospital treatment, and

"Whereas, There is a dire need for provision for additional hospital beds for tuberculosis victims, and

"Whereas, The Western Pennsylvania Tuberculosis Sanatorium at Butler, costing taxpayers of this Commonwealth in excess of \$2,500,000, is now nearing completion, and

"Whereas, The Governor recently recommended to the Legislature in his budget message that the Sanatorium be not opened for two years,

"Therefore, be it hereby resolved that this organization respectfully petition Governor Arthur H. James and his

Secretary of Health to reconsider the needs of the state's tuberculosis victims and that a sufficient amount be included in the budget for the opening and operation of the Western Pennsylvania Sanatorium, the only institution of its kind in this section of the Commonwealth,

"And be it further resolved that copies of this resolution be sent the Governor, the Secretary of Health of the Commonwealth of Pennsylvania and to members of the State Legislature from the Butler District and to State and County Tuberculosis Associations of Pennsylvania.

"ARTHUR O. BLACK,
President.
"GEO. N. BURCKHALTER,
Secretary."

Mr. Speaker, I read this for the purpose of getting into the Legislative Journal information for the benefit of the people of the state who are interested in the plight of tuberculosis victims.

The SPEAKER. The Chair feels that if the members are going to read all of the petitions they receive into the Journal we might as well forget everything about Legislation.

The Chair receives very many resolutions daily which are referred to the Clerk.

Resolutions received, if they are to be filed, should be filed in the proper way and sent to the proper Committee. The Chair directs that this resolution be filed with the Clerk in accordance with the Rules.

COMMITTEE MEETINGS

There will be meetings of the Committees on:

Constitutional Amendments, Wednesday, April 5, 1939, at 10:30 a. m. in Room 333.

Public Health and Sanitation, Wednesday, April 5, 1939, at 11 a. m. in Room 323.

There will be an important meeting of the Sub-Committee in charge of the Criminal Code on Wednesday, April 5, 1939, at 10 a. m. in Room 147.

ADJOURNMENT

Mr. SETH W. BROWN. Mr. Speaker, I move that this House do now adjourn until tomorrow at 12 noon.

The motion was agreed to, and (at 5:41 p. m.) the House adjourned until Wednesday, April 5, 1939, at 12 noon.

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